

Appendix 4

4.0 Examples of State and Local Governments Statutes Dealing with Land Use Encroachment and Military Installations

Note: The following state, county and city statute, codes and ordinances are presented in electronic and printed form, as available. They represent examples of what have been enacted to regulate encroachment of the civilian population and incompatible land use activity in the vicinity of military installations. The reader is encouraged to find the most recent version of the state statute or local code or ordinance by going on-line at the sites indicated below, if available.

4.1 California Airport Land Use Commission

Public Utilities Code, Division 9 – Aviation, Part 1 – State Aeronautics Act, Chapter 4 – Airports and Air Navigation Facilities, Article 3.5; *available at:* http://www.monocounty.ca.gov/cdd%20site/aluc_home.htm ; *and at:* http://www.ocair.com/aboutJWA/ALUC/text_version/AELUP_text_version.htm *and at:* <http://www.sbcounty.gov/landuseservices/ACLUPs/Chino%20ACLUP%20Appendices.pdf>

(CA Codes: **PUBLIC UTILITIES CODE SECTION 21670-21679.5**)

Also available at: <http://www.eltoroairport.org/issues/CCR-noise.html>

4.2 Santa Rosa County, Florida – Land Development Code, Ordinance No. 91-24 (1991)

a. **Santa Rosa County -- ARTICLE ELEVEN AIRPORT ENVIRONS** *available at:* <http://www.santarosa.fl.gov/zoning/lcd/ldcart11.pdf>

b. **Summary of Land Development Code Revisions based on Adopted Joint Land Use Study Adopted and submitted to the Santa Rosa Board of County Commissioners,** Sept. 2003. *Also available at:* <http://www.santarosa.fl.gov/zoning/jlus/jlussummaryrecommendations.html>

c. **Summary of Proposed Comprehensive Plan Development Policies related to long-term viability of military and public airfields.** *Also Available at:* <http://www.santarosa.fl.gov/zoning/jlus/compplanpolicies.html>

Appendix 4.1

California Airport Land Use Commission

Public Utilities Code
Division 9 – Aviation
Part 1 – State Aeronautics Act
Chapter 4 – Airports and Air Navigation Facilities
Article 3.5

CA Codes (puc:21670-21679.5) PUBLIC UTILITIES CODE, SECTION 21670-21679.5

21670. (a) The Legislature hereby finds and declares that: (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, «commission» means an airport land use commission. Each commission shall consist of seven members to be selected as follows: (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed there from. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one. (2) Two representing the county, appointed by the board of supervisors. (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county. (4) One representing the general public, appointed by the other six members of the commission. (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office. (d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated

in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an «expertise in aviation» means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport. (f) It is the intent of the Legislature to clarify that, for the purposes of this article, special districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county. (b) A body designated pursuant to subdivision (a) which does not include among its membership at least two members having an expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988. (c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county. (2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following: (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public. (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans. (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans. (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans. (E) Designate the agency that shall be responsible of the preparation, adoption, and amendment of each airport land use compatibility plan. (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following: (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time. (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to,

Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations. (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies. (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission. (d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Title 21 (commencing with Section 4050) of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans: (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract. (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city. (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article. (e) (1) A commission need not be formed in a county if all of the following conditions are met: (A) The county has only one public use airport that is owned by a city. (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city. (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal. (b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675. (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3. (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that

county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing comprehensive land use plan adopted pursuant to Section 21675, adopt a comprehensive land use plan.

(b) Any comprehensive land use plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

21670.4. (a) As used in this section, «intercounty airport» means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675. (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties. (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following: (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows: (A) One representing the cities in each of the counties, appointed by that county's city selection committee. (B) One representing each of the counties, appointed by the board of supervisors of each county. (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county. (D) One representing the general public, appointed by the other six members of the commission. (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21671. In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration

date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof. (b) Compensation, if any, shall be determined by the board of supervisors. (c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge. (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors. (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership. (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan. (g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefore to the satisfaction of the board of supervisors.

21674. The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676: (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses. (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare. (c) To prepare and adopt an airport land

use compatibility plan pursuant to Section 21675. (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676. (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport. (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities. (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following: (1) The establishment of a process for the development and adoption of airport land use compatibility plans. (2) The development of criteria for determining airport land use planning boundaries. (3) The identification of essential elements that should be included in the airport land use compatibility plans. (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use. (5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development. (c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways: (1) By offering formal courses or training programs. (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events. (3) By producing and making available written information. (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

21675. (a) Each commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. The comprehensive land use plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year. (b) The commission shall include, within its plan formulated pursuant to subdivision

(a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport. (c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies. (d) The commission shall submit to the Division of Aeronautics of the department one copy of the plan and each amendment to the plan. (e) If a comprehensive land use plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992. (b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, “vicinity” means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated a study area for the airport land use compatibility plan, then “vicinity” means land within two miles of the boundary of a public airport. (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following: (1) The commission is making substantial progress toward the completion of the airport land use compatibility plan. (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission. (3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan. (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670. (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan. (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city’s or county’s decision to proceed with the action, regulation, or permit. (g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and

regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991. (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character. (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose. (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits. (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. (b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of his article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Notwithstanding Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body.

21678. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.

21679. (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county. (b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit,

or regulation until the governing body of the local agency that took the action does one of the following: (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670. (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670. (3) Rescinds the action. (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable. (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675. (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer. (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation. (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan. (b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991, date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction. (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action. (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

Appendix 4.2

– Santa Rosa County, Florida

a. Santa Rosa County -- ARTICLE ELEVEN AIRPORT ENVIRONS

11.00.00 FINDINGS: The Board of County Commissioners of Santa Rosa County has considered, among other things, the character of the operations conducted and proposed to be conducted at the various airports in the applicable areas of Santa Rosa County, the nature of the terrain and the character of the area within the airport hazard area; the current uses of property and the uses for which it is applicable, and the Board finds as follows:

- A. There exist airports within Santa Rosa County and in proximity to Santa Rosa County whose operations are potentially inimical to the health, safety and general welfare of the citizens of Santa Rosa County;
- B. Airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity;
- C. Airports produce noise which is not compatible with residential uses and certain commercial and industrial uses;
- D. Obstructions reduce the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein;
- E. The creation or establishment of an airport hazard injures the community served by the airport in question; and
- F. In the interest of the public health, safety and general welfare, it is necessary that the creation or establishment of airport hazards be prevented.

11.01.00 APPLICABILITY: The regulations on land use set forth herein are applicable to all lands within the delineated zones set forth on Maps 1 (Airport Environs Zones) and 2 (Height Limitations), which are incorporated herein by reference and which are available for review and inspection in the Office of the Santa Rosa County Planning Director. The delineated zones shall be an overlay district onto the adopted zoning maps.

11.02.00 CONFLICTING REGULATIONS: In the event of conflict between any regulations in this article and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

11.03.00 HEIGHT LIMITATIONS: In order to carry out the provisions of this article, there are hereby created and established certain airport zones and surfaces. These zones are shown and recorded as Airport Environs Zones and may be found in Official Record Book 807, Pages 62 - 86. The Zone Maps may also be found in Ordinance Book 2, Pages 122 - 146. These zones and maps are incorporated herein by reference and made a part hereof.

A. Any property or area located in more than one of the zones or surfaces described in this article shall be considered to be only in the zone or surface with the more restrictive height limitation.

B. Except as otherwise provided, no structure shall be constructed or maintained, or tree permitted to grow within any zone or surface created herein in excess of the height limitations established herein. In addition, no structure or obstruction will be permitted within Santa Rosa County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

11.03.01 Public Civil Airports: The various zones and surface height limitations are hereby established for public civil airports:

- A. Primary Surface: An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway, with a width determined by the operational characteristics of each runway. No structure or obstruction will be permitted within the primary surface that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway center line.
- B. Runway Clear Zone: A trapezoidal area at ground level, under the control of the airport authorities, for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people. The runway clear zone is the same width as the primary surface and begins at the end of the primary surface and is centered upon the extended runway centerline. The length and width are determined by the operational characteristics of each runway (FAA Circular 1500/5300-4B).
- C. Horizontal Surface: The area around each civil airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent area by lines tangent to those arcs.
- D. Conical Surface: The area extending outward from the periphery of the horizontal surface for a distance of 4,000 feet. Height limitations for structures in the conical surface are 150 feet above airport height at the inner boundary and increases one foot vertically for every 20 feet horizontally to a height of 350 feet above airport height at the outer boundary.
- E. Approach Surface: An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach surface is designated for each runway based upon the type of approach available or planned for at the runway end. The inner edge of the approach surface is the same width as the primary surface and expands uniformly to a width for each runway as set out hereinafter for each airport.
- F. Transitional Surface: The area extending from the side of the primary surface and approach surfaces and connecting them to the horizontal surface. Height limits within the transitional surface are the same as the primary surface or

approach surface at the boundary line where it adjoins and increases at a rate of one foot vertically for every 7 feet horizontally with the horizontal distance measured at right angles to the runway centerline and the extended centerline, until the height matches the height of the horizontal surface or conical surface. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

11.03.02 Military Airports: The various zones and surface height limitations are hereby established for military airports:

- A. Primary Surface: An area longitudinally centered on each runway and extending 200 feet beyond the runway end. The width of the primary surface varies for the type of aircraft accommodated as follows:
 1. Jets and large turbo-prop aircraft - 1,500 feet.
 2. Prop and small turbo-prop aircraft - 1,000 feet.
- B. Clear Zone: The area adjacent to the landing threshold extending outward for 3,000 feet. The width varies as follows:
 1. Jets and large turbo-prop aircraft - fan-shaped, the inner boundary is the same width as the primary surface and commencing 200 feet out from the threshold expands at an angle of 7 degrees 58 minutes and 11 seconds to a width of 2,284 feet.
 2. Prop and small turbo-prop aircraft - 1,000 feet.
- C. Inner-Horizontal Surface: The area encompassing the runway, primary surface and clear zone with an outer perimeter formed by swinging arcs from the end of each runway centerline and connecting adjacent arcs by lines tangent to these arcs. The radius of the arcs are 7,500 feet. No structure or obstruction will be permitted in the inner-horizontal surface of a greater height than 150 feet above airport elevation.
- D. Conical Surface: A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20:1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield clearance.
- E. Outer-Horizontal Surface: The area extending outward from the outer periphery of the conical surface is 500 feet above airport elevation.
- F. Approach Surface: The area longitudinally centered on each runway centerline, with an inner boundary 200 feet from the end of the runway and the same width as the primary surface then extending outward for a distance of 50,000 feet expanding uniformly in width to 16,000 feet at the outer boundary.

Height limits within the approach surface commence at the height of the runway end and increases at the rate of one foot vertically for every 50 feet horizontally for a distance of 25,000 feet at which point it remains level at 500 feet above airport elevation to the outer boundary.

- G. Transitional Surface: The area with an inner boundary formed by the side of the primary surface and the approach surface then extending outward at a right angle to the runway centerline and extended centerline until the height matches the adjoining inner horizontal surface, conical surface and outer horizontal surface height limit. The height limit at the inner boundary is the same as the height limit of the adjoining surface and increases at the rate of one foot vertically for every seven feet horizontally to the outer boundary of the transitional surface, where it again matches the height of the adjoining surface.

11.03.03 Naval Helicopter Outlying Fields: The various zone and surface height limitations are hereby established for Naval helicopter outlying fields:

- A. Primary Surface: An area horizontally centered on the helipad at the established elevation of landing, 150 feet wide and 150 feet in length.
- B. Takeoff Safety Zone: The takeoff safety zone shall be used as the clear zone. It is an area which underlies the first 400 feet of the approach-departure surface [refer to 3].
- C. Approach-Departure Surface: An inclined plane which flares upward and outward from the helipads longitudinally extended centerline which starts at the end of the primary surface with the same width as the primary surface and expands to a width of 500 feet, 4,000 feet from the primary surface. The slope ratio is 1 foot vertically for every 10 feet horizontally.
- D. Transitional Surface: The area which extends outward and upward from the lateral boundaries of the primary surface and from the approach surface at a slope of 2 to 1 for a distance of 250 feet from the centerline of the landing area.
- E. Helicopter Traffic Pattern Airspace: No structure shall exceed 200 feet above ground level in the traffic pattern airspace. The area protected around each helicopter OLF is determined by the capacity limit of the OLF.

11.04.00 Use Restrictions: Notwithstanding any provision of Article 6 of this ordinance, the permitted land use for any property within the Airport Environs Area shall be modified as set forth in Table 11-1.

11.04.01 Key to Table 11-1

- A. Accident Potential Zones (APZ's) are divided into three types along primary flight paths. The Clear Zone is an area which possesses a high potential for accidents. APZ 1 is the area normally beyond the Clear Zone which possesses a significant potential for accidents. APZ 2 is and are normally beyond APZ 1 which has a measurable potential for accidents.

B. Airport Noise Zones are hereby established as follows:

<u>Airport Noise Zone</u>	<u>Ldn Values</u>
1	Less than 65
2	65 to 75
3	Greater than 75

C. Airport Environs Zones are hereby established as follows:

<u>Area</u>	<u>Characteristics</u>
A	Clear Zone
B3	Accident Potential Zone 1 & Noise Zone 3
B2	Accident Potential Zone 1 & Noise Zone 2
B1	Accident Potential Zone 1 & Noise Zone 1
C3	Accident Potential Zone 2 & Noise Zone 3
C2	Accident Potential Zone 2 & Noise Zone 2
C1	Accident Potential Zone 2 & Noise Zone 1
3	Noise Zone 3
2	Noise Zone 2

D. Development

1. Acceptable Development: The provisions of Article Six are appropriate without modification.
2. Conditional Development: The land uses set forth in Article Six are appropriate; however, certain conditions or safeguards need to be imposed to protect the public interest.
3. Unacceptable Development: The land uses permitted by Article Six are incompatible with and prohibited by the airport environs zone in which the property is located.

11.04.02 Conditions for Development: This section is intended to be used with Table 11-1. For the purposes of this section, NLR means Noise Level Reduction.

- A. No passenger terminals are permitted.
- B. No structures (except airfield lighting), buildings or above ground utility communications lines shall be located in the Clear Zone.
- C. Permitted only within height constraints.
- D. Hunting and Fishing is permitted only for wildlife control.
- E. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA, A-weighted (dBA) reception, office, retail and employee lounge areas.
- F. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA throughout the facility.
- G. Chapels are not permitted.
- H. Development is subject to the condition that spectator stands are not built as part of this land use operation.
- I. Development is subject to the condition that clubhouses are not built as part of this land use operation.
- J. Development is subject to the condition that concentrated rings with classes larger than 25 are not built as part of this land use operation.
- K. Residential structures are not permitted.
- L. Compatible development is conditioned on design and construction providing for an NLR of 25 dBA in reception, office, retail and employee lounge areas.
- M. Compatible development is conditioned on design and construction providing for an NLR of 25 dBA throughout the facility.
- N. Compatible development is conditioned on design and construction providing for an NLR of 35 dBA throughout the facility.
- O. Development is subject to the condition that concentrated rings with classes larger than 50 are not built as part of this land use operation.
- P. Development is subject to the condition that maximum density not to exceed 2 dwelling units per acre.

- Q. Compatible development is conditioned on dwelling design and construction providing for an NLR of 30 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.
- R. Development is subject to the condition that meeting places, auditoriums and the like for gatherings of more than 25 people are not built as part of this land use operation.
- S. Development is subject to the condition that the park is oriented toward forest trails and similar activities which do not concentrate groups of people greater than 50 within the park. Playgrounds are not permitted.
- T. Development is subject to the condition that meeting places, auditoriums and the like for a gathering of more than 50 people are not built as part of this land use operation.
- U. Compatible development is conditioned on residential unit design and construction providing for an NLR of 35 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.
- V. Compatible development is conditioned on design and construction providing for an NLR of 30 dBA in the club house.
- W. Compatible development is conditioned on design construction providing for an NLR of 35 dBA in permanent residential units and 30 dBA in other permanent structures.
- X. Development is subject to the condition that maximum density not exceed 1 dwelling unit per five acres.

Table 11-1
Land Use Objectives

Land Use Category Environmental Areas	Airport Environmental Areas								
	A	B3	B2	B1	C3	C2	C1	3	2
Residential									
Single Family Dwellings	No	No	*24,14	*24	No	*16,17	*16	No	*17
Two Family Dwellings; Multi-Family Dwellings; Mobile Home Parks or Courts	No	No	No	No	No	No	No	No	*17
Group Quarters; Residential Hotels; Transient Lodgings	No	No	No	No	No	No	No	*21	*17
Industrial/Manufacturing									
Food and Kindred Products; Textile Mill Products	No	No	No	No	*5	*12	Yes	*5	*12
Apparel; Chemical & Allied Products Activities; Petrol Refining & Related Rubber & Misc. Plastic Products	No	No	No	No	No	No	No	*5	*12
Lumber & Wood Products; Furniture & Fixtures; Paper and Allied Products; Printing & Publishing; Stone, Clay & Glass Products; Primary Metal Industries; Fabricated Metal Products; Product Assembly; Motor Freight; Warehousing	No	*5	*12	Yes	*5	*12	Yes	*5	*12
Professional, Scientific & Control Instruments	No	No	No	No	No	*12	No	*5	*12
Transportation, Communication and Utilities									
Railroad; Rapid Transit (on grade)	*1/3	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Highway & Street Right-of-Way	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Automobile Parking	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Communications Utilities (except above ground transmission lines)	*3	*5	*12	Yes	*5	*12	Yes	*5	*12
	*2	*5	*12	Yes	*5	*12	Yes	*5	*12
Above ground transmission lines)	No	No	No	No	Yes	Yes	Yes	Yes	Yes
<p>Yes = Acceptable Development * = Conditional Development Permitted by Section 11.04.02 No = Unacceptable Development and Prohibited</p>									

Table 11-1
Land Use Objectives (Continued)

Land Use Category Environmental Areas	Airport Environmental Areas								
	A	B3	B2	B1	C3	C2	C1	3	2
Commercial/Retail Trade									
Wholesale Trade; Building Material; Hardware; Farm Equipment (Retail); Auto, Marine, Aviation (Retail)	No	*5	*12	Yes	*5	*12	Yes	*5	*12
General Merchandise (Retail); Food Retail; Apparel and Accessories (Retail)	No	No	No	No	*6	*13	Yes	*6	*13
Furniture; Home Furnishings (Retail)	No	No	No	No	*6	*12	Yes	*6	*13
Eating and Drinking Establishments	No	No	No	No	No	No	No	*14	*6
Personal & Business Services									
Finance; Real Estate; Insurance; Personal Services; Business Services; Professional Services; Indoor Recreational Services	No	No	No	No	*14	*6	Yes	*14	*6
Repair Services; Contract Construction Services	No	*6	*13	Yes	*6	*13	Yes	*6	*13
Automobile Service Stations	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public & Quasi-Public Services									
Government Services	No	No	No	No	No	*13,18	*20	*6	*13
Educational Services; Cultural Activities; Non-Profit Organizations	No	No	No	No	No	No	No	No	*14
Medical & Other Health Services	No	No	No	No	No	No	No	*6	*14
Cemeteries	No	*7	*7	*7	*7	*7	*7	Yes	Yes
Outdoor Recreation									
Playground; Neighborhood Parks	No	No	No	No	No	*19	*19	No	Yes
Community & Regional Parks	No	*8	*8	*8	*8	*8	*8	Yes	Yes
Nature Exhibits	No	*6	*13	Yes	No	*13	Yes	*6	Yes
<p>Yes = Acceptable Development * = Conditional Development Permitted by Section 11.04.02 No = Unacceptable Development and Prohibited</p>									

Table 11-1
Land Use Objectives (Continued)

Land Use Category Environmental Areas	Airport Environmental Areas								
	A	B3	B2	B1	C3	C2	C1	3	2
Outdoor Recreation (Continued)									
Spectator Sports Including Arenas	No	No	No	No	No	No	No	No	Yes
Golf Courses; Riding Stables	No	*9,10	*9,10	*9,10	*9,15	*9,15	*9,15	*22	Yes
Water Based Recreation Areas	No	*9	*9	*9	*9	*9	*9	*22	Yes
Resorts and Group Camps	No	No	No	No	No	No	No	*23	Yes
Entertainment Assembly; Amphitheater; Music Shell	No	No	No	No	No	No	No	No	No
Resource Production, Extraction & Open Land									
Agriculture Including Livestock Grazing	*2	*11	*24,17	*24	*11	*17	Yes	*21	*17
Livestock Farms; Animal Breeding	No	No	*24,17	*24	No	*17	Yes	No	*17
Agriculture Related Activities	No	*11	*24,17	*24	*11	*17	Yes	No	*17
Forestry Activities	*3	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fishing Activities	*4	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mining Activities	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Undeveloped Areas; Unused Land Areas; Permanent Open Space; Water Areas	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes = Acceptable Development
***** = Conditional Development Permitted by Section 11.04.02
No = Unacceptable Development and Prohibited

11.05.00 USES INTERFERING WITH AIRCRAFT: It is unlawful to establish, maintain or continue any use within the airport hazard area in such a manner as to interfere with the operations of aircraft. The following requirements shall apply to all lawfully established uses within the airport hazard area:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from an airport or in a vicinity thereof as determined by the airport operator.
- B. No operations of any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway or a designated airport.

- C. No operations or any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.
- D. No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the vicinity of an airport.
- E. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
 - 1. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.
 - 2. Landfills located within 5,000 feet of any runway used only by piston type aircraft.
 - 3. Landfills outside the above perimeters but within the conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
 - 4. Any landfill located that places the runways and/or approach and departure patterns of an airport between bird feeding, water or roosting areas.

11.06.00 LIGHTING: Notwithstanding the provisions of any other article, section or ordinance, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Advisory Circular 70-7460-1 Series and Amendments thereto on that structure. In addition, the owner shall construct high intensity white obstruction lights on a high structure which exceeds 749 feet above mean sea level.

11.06.01 Hazard Marking and Lighting: In granting any permit or variance under this article, the Building Inspection Department or the Board of Adjustment may, if it deems such action advisable to effectuate the purposes of this ordinance and reasonable under the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit Santa Rosa County or the United States Government, at its own expense, to install, operate and maintain thereon, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

11.07.00 NONCONFORMING USES: No provision of this article shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to these regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as set forth herein.

11.07.01 No nonconforming structure or tree shall be increased, permitted to grow taller or otherwise become a greater hazard to air navigation than it was when it became nonconforming.

11.07.02 In the event that a nonconforming use or nonconforming structure has been abandoned for a period of one year or is more than eighty percent torn down, destroyed, deteriorated, or decayed, the structure or use shall not be resumed, repaired or reconstructed except in conformance with all applicable regulations.

11.07.03 Within zones A, B1 and C1 for OLF Holley, single family dwellings, up to a density of four units per acre, may be placed or constructed on any existing or future lot despite the fact that it does not conform with the minimum lot requirements set forth in paragraphs (B), (P) and (X) of Section 11.04.02.

11.08.00 PERMITS

11.08.01 No new structure or use may be constructed or established or any existing use or structure substantially changed or altered or repaired within the airport hazard area unless a permit has been granted by the Building Inspection Department. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit a determination as to whether the resulting use, structure or growth would conform to the regulations herein prescribed. If the determination is affirmative, the permit shall be granted. No permit shall be granted that would allow the creation of an airport hazard.

11.08.02 No nonconforming structure or tree may be replaced, substantially altered or repaired rebuilt, allowed to grow higher or replanted within the airport hazard area unless a permit has been granted by the Building Inspection Department. No permit shall be granted that would permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or when the application for a permit is made.

11.08.03 Whenever the Building Inspection Department determines that a nonconforming use or nonconforming structure or tree has been abandoned for more than one year or is more than eighty percent torn down, destroyed or deteriorated, or decayed, no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from applicable regulations.

11.08.04 Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this article and the regulations adopted and in force hereunder.

11.09.00 DISCLOSURE STATEMENT: No person shall sell, lease, nor offer for sale or lease any property within the airport hazards area unless the prospective buyer or lessee has been given the following notice:

To: _____

The property at _____ (address) _____ is located within the airport environs of _____ (airport) _____. Santa Rosa County has determined that this is an area of airport operations. The County has placed certain restrictions on the development and use of property within airport environs zones in addition to the restrictions in Article Six of the Land Development Code (the zoning code). Before purchasing or leasing the above property, you should consult Article Eleven of the Santa Rosa County Land Development Code to determine the restrictions which have been placed on the subject property.

Certification

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser/lessee, that the subject property is located in an Airport Environs Zone.

Dated this _____ day of _____, 19____.

Witness

Owner

As a prospective purchaser/lessee of the subject property, I hereby certify that I have been informed that the subject property is in an Airport Environs Zone and I have consulted Article Eleven of the Santa Rosa County Land Development Code to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, 19____.

Witness

Purchaser/Lessee

11.10.00 APPEALS

- A. Any person aggrieved, or taxpayer affected, by any decision of an administrative official or agency made in its administration of the regulations adopted under this article, or any governing body of a political subdivision, which is of the opinion that a decision of such an administrative official or agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the Board of Adjustment the decisions of such administrative official or agency. Appeals shall be made and heard pursuant to Section 2.03.00 et. seq. of this ordinance.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the agency or official from which the appeal is taken, certifies to the Board of Adjustment (BOA), after the notice of appeal has been filed with it, that by reasons of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order of the BOA on notice to the agency from which the appeal is taken and on due cause shown.

11.10.01 Special Exception - Private Airports and Helicopter Landing Sites: In addition to the special exceptions which may be considered by the BOA pursuant to Section 2.04.000 of this ordinance, the Board may grant a special exception for a private airport or helicopter landing site if it finds the following:

- A. That the applicant has obtained all necessary permits from state and federal agencies for the operation of the facility;
- B. That the proposed use is consistent with the highest order of safety;
- C. That the operation of the facility is compatible with surrounding land uses;
- D. That the proposed use will not adversely affect the public interest.

The Board may prescribe appropriate conditions and safeguards to effectuate the purposes of this article.

11.10.02 Variances: In addition to the regulations, standards and procedures described in Section 2.04.00 et. seq. of this ordinance, the Board of Adjustment may consider variances to this article as follows:

- A. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of the regulations set forth herein may apply to the Board of Adjustment for a variance from the regulations in question.
- B. Any person desiring to erect, alter or modify any structure, the result of which would exceed the federal obstruction standards as contained in 14 C.F.R. Sec.

77 specifically 14 C.F.R. Sections 77.21 (scope), 71.23 (standards), 77.25 (civil airports), 77.28 (military airports), 77.29 (helicopters), FAA Handbook 7400.2C (Procedures for Handling Airspace Matters), and FAA circular 1500/5300-4B (zoning and grants) may apply to the Board of Adjustment for a variance from the regulations in question.

- C. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this article. Provided, that any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this ordinance.

11.11.00 ADMINISTRATION AND ENFORCEMENT: It shall be the duty of the Building Inspector or his duly appointed designee to implement and enforce the regulations prescribed herein within the territorial limits over which Santa Rosa County has jurisdiction. In the event that the Building Inspector finds any violation of the regulations contained herein, the Building Inspector shall give written notice to the person responsible for such violation. The Building Inspector shall order the discontinuance of any work being done or take such action which is necessary to correct violations and obtain compliance with the article.

11.11.01 Remedies

- A. Whether an application is made for a permit or not, the Building Inspection Department may, by appropriate action, compel the owners of the nonconforming structure or tree that has been abandoned or is more than eighty percent torn down, destroyed, deteriorated or decayed, at the owner's expense, to lower, remove, reconstruct or equip such object as may be necessary to conform to the regulation.
- B. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten days after notice thereof, the Planning Board (LPA) may report the violation to the Board of County Commissioners which may proceed to have the object so lowered, removed, reconstructed or equipped an assess the cost and expense thereof upon the object of land whereon it is or was located.
- C. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner or his agent, the sum shall be a lien on said land and shall bear interest hereafter at the rate of six (6) percent per annum until paid and shall be collected in the same manner as taxes on real property are collected, or, at the County's option, said lien may be enforced in the manner provided for the enforcement of liens by Chapter 85, F.S.

b. JLUS Implementation: Summary of Land Development Code Recommendations As of 8/11/2004

Article 11 Recommendations

Public Airports:

- Establishes Public Airport Zones (PAZ) and Public Airport Influence Areas (PAIA) and defines airport surfaces
- Establishes height limits for each zone
- Establishes a Public Airport Overlay District encompassing the PAZ and PAIA and identifies specific use restrictions within the overlay district
- Recommends applying the overlay district to new public or private airports

Military Airfields:

- Establishes Military Airport Zones (MAZ) and Military Airport Influence Areas (MAIA) and defines military airport zones including noise contours, clear zones, and accident potential zones.
- Establishes height limits for each zone
- Establishes a Military Airport Overlay District encompassing the MAZ and MAIA and identifies specific use restrictions within the overlay district
- Establishes setbacks for structures from clear zones and airfield boundaries.

Disclosure:

- Requires the following disclosure methods:
 - Disclosure with Sale or Lease Contract within 1 mile for fixed wing airfields, and ½ mile for helicopter fields. Copies of signed disclosure statements to be forwarded to Whiting Field.
 - Realty Sales Offices and Marketing, and
 - Codes, Covenants, and Restrictions with residential plats.

Subdivision Recommendations

- Navy will have opportunity to comment on preliminary plat in MAZ
- APZ, clear zones, runway protection zone, etc. to be shown on plat
- Large parcel subdivision exemption (20 acres) does not apply to APZ or Clear Zone
- Notification Requirements: Subdivision development required to have Covenants that address notification
- Subdivision Design Standards:

Table A4-36

JLUS Implementation Summary of Recommendations

Area	Cluster Requirement	Exemption/Other
Whiting Field MAZ	Cluster Required - 50% AG or Cons easement - Density clustering - Cluster outside MAZ boundary if possible	-Minimum 5 acre lot size
Harold or Pace MAZ	Cluster Required - 50% AG or Cons easement - Density clustering - Cluster outside MAZ boundary if possible	-Minimum 5 acre lot size
Santa Rosa MAZ	Cluster Required - 50% AG or Cons easement - Density clustering - Cluster outside MAZ boundary if possible	-Minimum 4 acre lot size
Choctaw MAZ	If in SW MAZ, Clustering Required - 50% AG or Cons easement - Density clustering - Cluster outside MAZ boundary if possible	-Minimum 5 acre lot size for SW MAZ
Peter Prince PAZ	Cluster Required - 50% AG or Cons easement - Density clustering - Cluster outside MAZ boundary if possible	-Minimum 4 acre lot size
ALL		1 dwelling unit allowed per lot of record
Holley and Spencer		No New Requirements

Summary of Lighting Recommendations

- Prohibits some light sources county-wide except through special event permit (fireworks, light shows, beacons, high intensity promotional lights, etc.)
- Prohibits certain lighting within MAZ or PAZ (patterns common to aviation, neon on bldg exterior or roof, flood lights above horizontal plane, internally lit awnings, etc.)
- Establishes lighting standards within MAZ or PAZ
 - Limited to minimum necessary for safety and security
 - No lighting of outdoor recreation facilities
 - Parking lot lights not to exceed 24'
 - Low-pressure sodium lighting only
 - Limited decorative lighting
 - Shielding required
- Limits reflected solar glare
- Limits advertising sign lighting
- Provides for exemptions and temporary permits

c. PROPOSED (JLUS) COMPREHENSIVE PLAN POLICIES FOR SANTA ROSA COUNTY, FL

Goal 3.3: To protect the current and long-term viability of military and public airfields for purposes of promoting a diverse local economy that supports rewarding jobs and quality of life for County residents, and support effective and safe training environments for the Nation's military forces while protecting the health and safety of the County's citizens.

Objective 3.3.A: The County will ensure that future development within adopted Military Airport Zones (MAZs) and Public Airport Zones (PAZs) will not negatively impact current and long-term viable use of the airfield, will promote health and welfare by limiting incompatible land uses, and allow compatible land uses within such areas.

Policy 3.3.A.1: The County hereby establishes military airport zones (MAZ) and public airport zones (PAZ) that will serve as overlay districts, within which growth management policies and regulatory techniques shall guide land use activities and construction in a manner compatible with the long-term viability of airports and military installations and the protection of public health and safety.

For Naval Air Station Whiting Field North and South, and for Naval Outlying Landing Fields Spencer, Harold, Santa Rosa, Holley, and Pace, the MAZ boundaries extend approximately one half mile from the perimeter of each airfield and encompass all Air Installation Compatible Use Zones (AICUZ) and noise zones. For NOLF Choctaw, MAZ boundaries encompass that area west of State Road 87, north and east of East Bay, and south of the Yellow River.

For Peter Prince Airport, the PAZ boundaries extend one half mile from the runway.

MAZ and PAZ boundaries appear on Map ### of the Future Land Use Map Series and are consistent with the study area boundaries of the Santa Rosa County Joint Land Use Study (September 2003).

Policy 3.3.A.2: Future Land Use Map amendments and rezonings within the MAZs that would allow for increased gross residential densities are prohibited.

Policy 3.3.A.3: Conservation and agriculture uses adjacent to military airfields provide a buffer between the airfield and incompatible development; therefore, the County will, whenever feasible, support efforts to purchase conservation lands, conservation easements or agriculture easements, and will encourage the establishment of conservation or agriculture easements as part of development plans.

Policy 3.3.A.4: The County shall encourage the location of compatible commercial and industrial uses adjacent to or within MAZ and PAZ boundaries at locations where roads, water, and sewer are available and such uses will not adversely impact existing established residential neighborhoods.

Policy 3.3.A.5: The County shall review Comprehensive Plan amendments for compatibility with the Whiting Field Air Installation Compatible Use Zone program. The Santa Rosa County Board of County Commissioners may deny a petition for a Comprehensive Plan amendment if determined that such amendment is incompatible with the AICUZ program.

Objective 3.3.B: Continue to foster meaningful intergovernmental coordination between the County, the military, and the Federal Aviation Administration to ensure that land use decisions are not in conflict with military operations or federal aviation standards, and that such decisions promote the health and safety of the County's public.

Policy 3.3.B.1: The County shall further protect the current and long-term viability of military installations and airports through effective coordination and communication with NAS Whiting Field and the U.S. Department of Defense.

Policy 3.3.B.2: The Local Planning Board will include, as ex-officio members, appropriate local Department of Defense representatives to advise on land use issues with the potential to impact military facilities or operations.

Policy 3.3.B.3: All applications for site plan or subdivision review, variances, conditional uses and special exceptions located within an MAZ shall be referred to the appropriate local Department of Defense officials for review and comment.

Policy 3.3.B.4: The location of a telecommunications tower will require written evidence that the tower meets the approval of the appropriate local Department of Defense officials.

Policy 3.3.B.5: The County shall require applicants of development within the Peter Prince PAZ or other areas of the County to obtain necessary approvals from the Federal Aviation Administration (FAA) for development encroaching jurisdictional airspace controlled by the FAA.

Policy 3.3.B.6: The County will continue to coordinate with NAS Whiting Field representatives regarding the County's economic development program. Such coordination will occur primarily through TEAM Santa Rosa and may include such things as ex-officio membership on the TEAM Santa Rosa Board of Directors and joint use of military facilities for commercial, industrial, or community activities when appropriate.

Objective 3.3.C: Inform prospective residents and property owners within a MAZ or PAZ of the impacts inherent to military installations and airports, including but not limited to noise and other similar nuisances and accident potential risks.

Policy 3.3.C.1: Within MAZs and PAZs, the proximity of property to an airfield must be disclosed by the seller at the earliest possible stage of any land sales activity.

Policy 3.3.C.2: The County will facilitate the provision of information to the public regarding the location of military and public airfields and impacts typically associated with these facilities through such means as posting maps on the County’s website, installing signage near airfields where appropriate, and requiring MAZ and PAZ, accident potential zone, and noise zone information on site plans and subdivision plats.

Zoning Districts

Article 8

*Appendix 4.3 City of Aurora Airport Zoning Overlay Districts***Article 8 Overlay Districts****DIVISION 1, AIRPORT DISTRICTS, IN GENERAL****Sec. 800 Airport Districts.**

There are certain areas within the city that are subject to high aviation noise levels and possible crash hazards generated by aviation activities that endanger the lives and property of occupants of land in the vicinity of four airports:

- Buckley Air Force Base – military airport
 - Centennial Airport – general aviation airport
 - Front Range Airport – general aviation airport
 - Denver International Airport – commercial airport

Airport districts are created in and around these airports for the following purposes:

1. To minimize exposure of residential and other land uses to aircraft noise;
2. To minimize risks to public safety from potential aircraft accidents;
3. To protect property values;
4. To promote sound land use planning and zoning practices in areas encompassed by airport influence districts;
5. To restrict incompatible land use within the airport influence districts; and
6. To promote and protect the public health, safety, and welfare.

The city council finds and determines that there are certain areas within the city that are subject to high aviation noise levels and possible crash hazards generated by aviation activities which endanger the lives and property of occupants of land in the vicinity of airports. The city council intends to maintain an open process of negotiation and interpretation of airport influence districts and to inform citizens of potential impacts of airport influence districts on them and their properties. The council recognizes that a number of factors must be evaluated in determining whether proposed uses in affected areas are acceptable.

Aurora City Code Chapter 146 – Zoning
Zoning Districts

Article 8

Figure A4-8.1
Airport Influence Districts

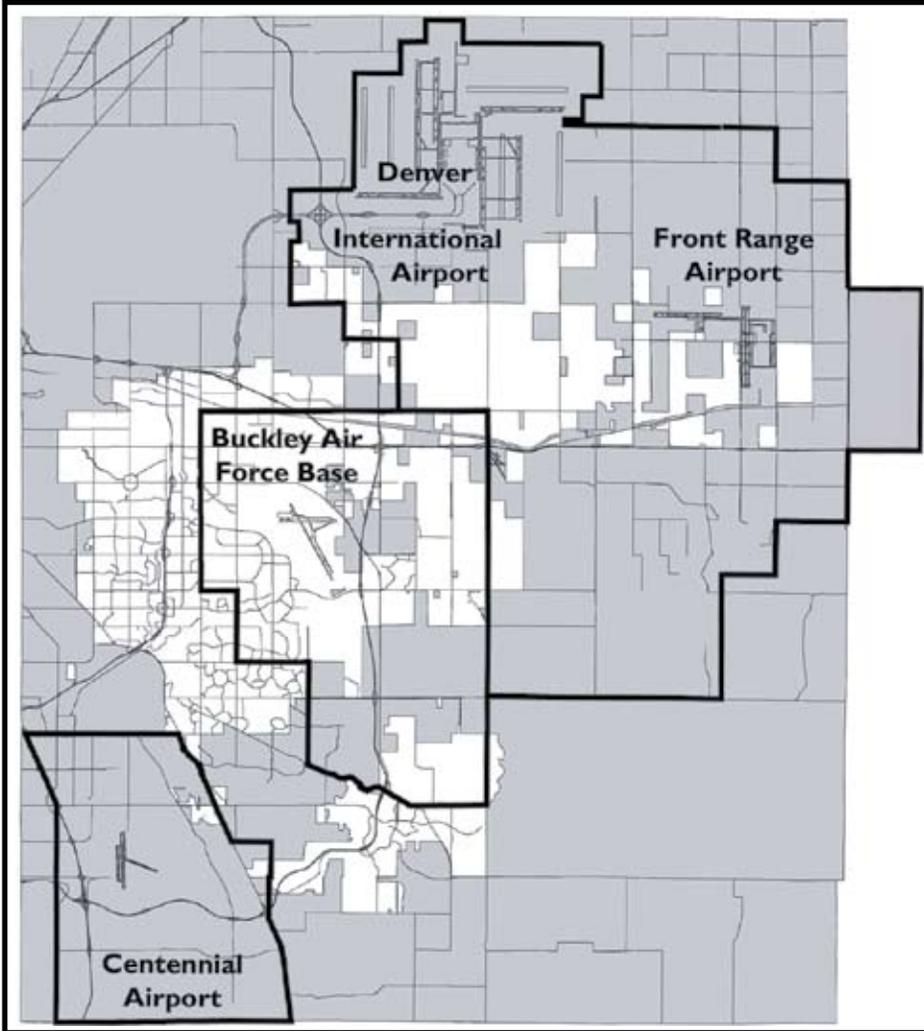
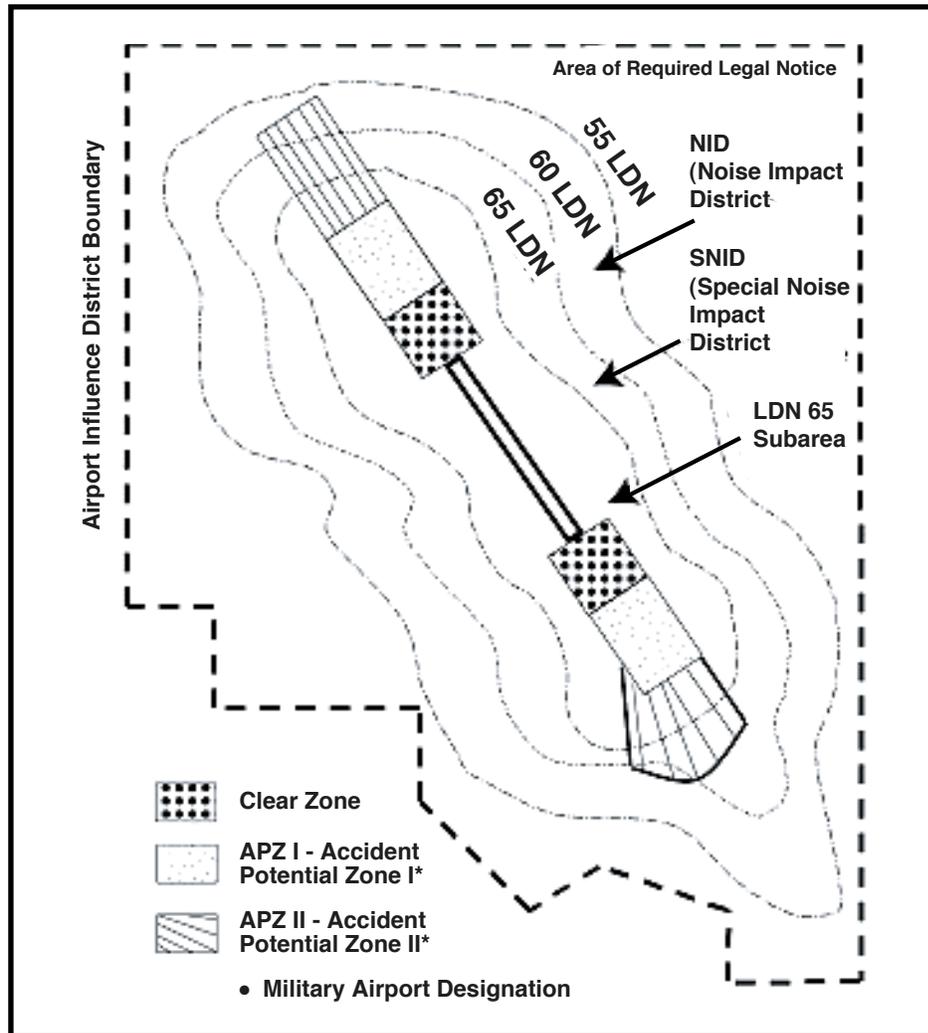


Figure A4-8.2
Components of Typical Airport Influence District



DIVISION 2, BUCKLEY AIR FORCE BASE DISTRICT

Sec. 801. Regulations.

- (A) Nothing contained in these district regulations shall require any change or alteration in:
1. A lawfully constructed building or structure in existence at the time of the adoption of the ordinance from which this district derives.
 2. Site plans, or residential subdivision plats, or amendments thereto that were formally approved by the city prior to the adoption of this district, provided such plans, use, and construction are commenced, pursued, and completed in compliance with all other provisions of this Code.

(B) This district is intended to regulate the following:

1. The erection or establishment of any new building or use.
2. The addition or expansion to an existing structure, when such addition is greater than 1,000 square feet.
3. The moving or relocation of any building or structure to a new site or new location.
4. The change from one use to another of any building, structure, or land, or the re-establishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance from which this district derives.

(C) *Overlay Zone.* This district shall be applied as an overlay zone. The application of this district is in addition to the provisions of the underlying zone districts. Where the provisions of this overlay district conflict with those of the underlying zone district, the requirements of this overlay district shall control.

Sec. 802 FAR Part 77 Surfaces.

All development within the city shall comply with any and all height restrictions in the underlying zone, together with FAR part 77 standards and procedures for determining and avoiding obstructions and eliminating hazards to air navigation.

Sec. 803 Interpretation of District Boundaries.

The boundaries of the district shall be determined by scaling distances on the AICUZ map. Where interpretation is needed as to the exact location of the boundaries of the airport districts, as shown on the AICUZ map, the director of planning shall make the necessary determination of the boundary. A property owner contesting the location of a district boundary affecting his or her property shall be given a reasonable opportunity to present his or her case to the director of planning, and to submit his or her own evidence if he or she so desires. The decision of the director of planning may be appealed to the city council, provided notice of such appeal shall be filed with the city manager within 10 calendar days after the director's decision. The city council shall have the power to overrule the director's decision by a vote of a majority of the council members present and voting.

Sec. 804 Variances.

The city council may, after receiving a recommendation from the planning and zoning commission and after conducting a public hearing, grant variances from the provisions for this district. The planning and zoning commission shall submit its recommendation on the requested variance after conducting a public hearing on the request.

Such a variance shall be granted only if the spirit of this section is observed, public welfare and safety secured, and substantial justice done. The basis of such variance may be one or more of the following:

- (A) Unique, unnecessary, or unreasonable hardships that would be imposed on the property owner by strict enforcement of the requirements of this district.
- (B) Reliance by the applicant on preexisting terms and conditions of development, expressed in the form of deed restrictions, agreements with the air force, or other binding documents.
- (C) Demonstrable evidence that failure to obtain a variance will significantly undermine the ability to repay bonded obligations and assessments.
- (D) The low number of public customers or visitors to any particular facility.

Sec. 805 Sub areas.

To carry out the purpose of this district, the air installation compatible use zone (AICUZ), as bounded and defined on the map entitled “Air Installation Compatible Use Zone Map” (exhibit A), is on file in the office of the director of planning, together with all references, notations, and other information shown thereon which is adopted by reference and declared to be a part of this section. The AICUZ consists of the following overlay sub areas:

- (A) CZ, clear zone sub area
- (B) APZ I, accident potential zone I sub area
- (C) APZ II, accident potential zone II sub area
- (D) LDN 65 sub area, areas contained within the LDN 65 noise contour line.
- (E) Special noise impact district, areas contained between the LDN 60 and LDN 65 noise contour lines.
- (F) Noise impact district, areas contained within the noise impact boundary
- (G) Airport influence district, being that area located within the city, which lies east of the following described line: commencing at the southeast corner of section 26, T3S, R66W, County of Adams, State of Colorado; thence westerly along the southern section line of sections 26, 27, 28, and 29 to Chambers Road; thence south along Chambers Road to Jewell Avenue extended; thence east along Jewell to South Buckley Road; thence south along Buckley Road to East Hampden Avenue; thence east along East Hampden Avenue to South Himalaya Road; thence south on Himalaya to Smoky Hill Road; thence east along Smoky

(H) Hill Road to the south line of section 19, T5S, R65W; thence east along sections 19, 20, and 21 to the southeast corner of section 21; thence north along the east line of section 21, 16, 9, and 4 of T5S, continuing north along the east line of sections 33, 28, 21, 16, 9, 4 of T4S, and section 33, T3S, to the northeast corner of section 33, T3S, 65W; thence west along the north section lines of section 33, 32, 31, 36, 35 to the point of beginning.

Sec. 806 Clear Zone.

- (A) *Description.* The clear zone sub area is composed of lands in which accident potential is so great that all land uses shall be prohibited, except those necessary for the continued operation of airports and aircraft.
- (B) *Permitted Uses.* Only airports and aircraft operations are permitted uses in any clear zone sub area, provided that such uses are permitted in the underlying zone district:

Sec. 807 Accident Potential Zones I and II (APZ I, APZ II).

- (A) *Description.* These sub areas are designated to regulate land use and reduce hazards in an area characterized by high noise levels and a significant accident potential resulting from aircraft operations. Residential uses shall be highly restricted.
- (B) *Development Standards.* The following development standards shall be used as criteria for evaluating site plans in any APZ I. Applications and uses that do not meet these standards may apply for a variance from the standards as a part of the site plan. Such variances shall be considered by the city council in its review of the site plan.
1. *APZ I-A lot coverage.* The maximum lot coverage of structures and buildings within APZ I-A shall be as permitted by the graph in Fig. 8.3.
 2. *APZ I-B lot coverage.* The maximum lot coverage of structures and buildings within APZ I-B shall be as permitted by the graph in Fig. 8.4.
 3. *APZ II-A lot coverage.* The maximum lot coverage of structures and buildings within APZ II-A shall be as permitted by the graph in Fig. 8.5.
 4. *APZ II-B lot coverage.* The maximum lot coverage of structures and buildings within APZ II-B shall be as permitted by the graph in Fig. 8.6.

Figure A4 8-3

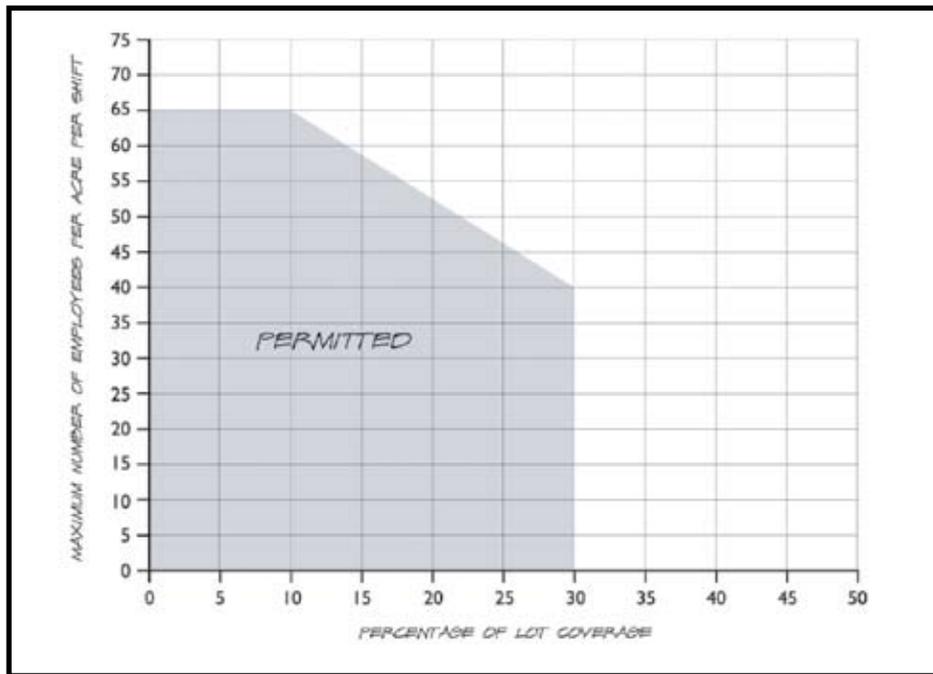


Figure A4 8-4

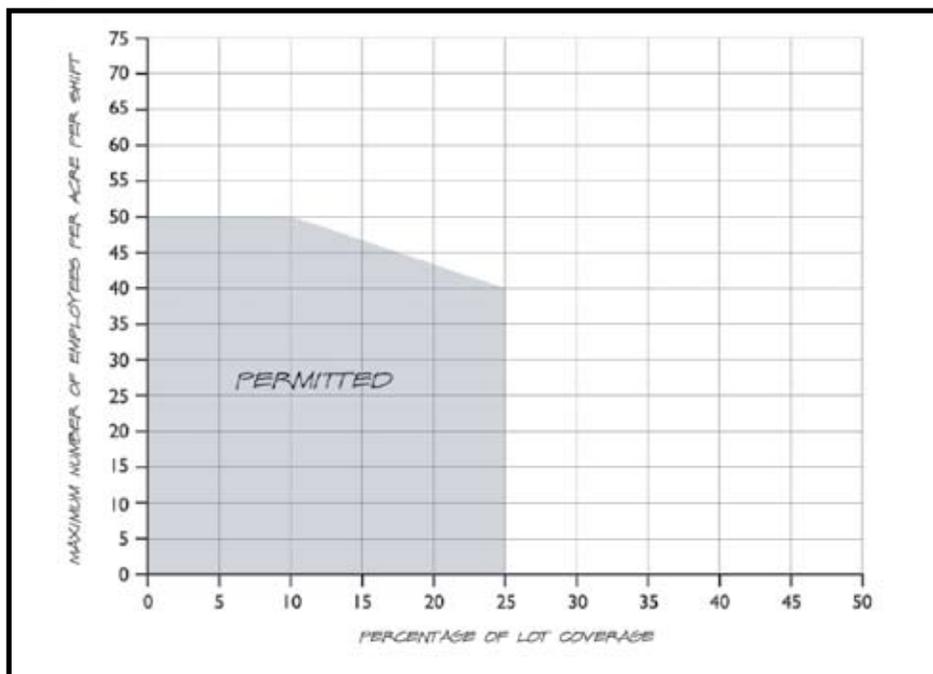


Figure A4 8-5

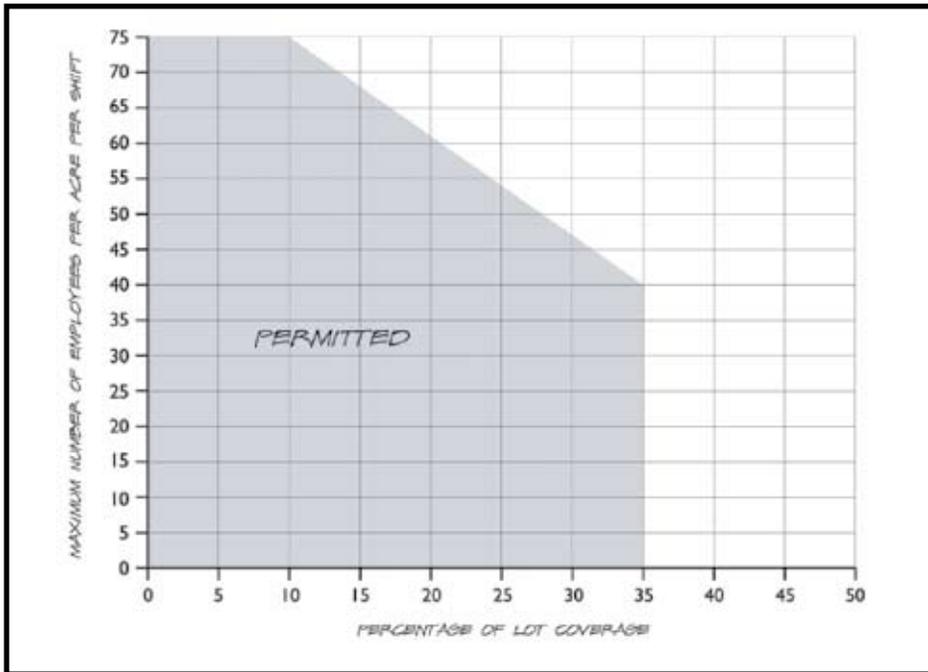
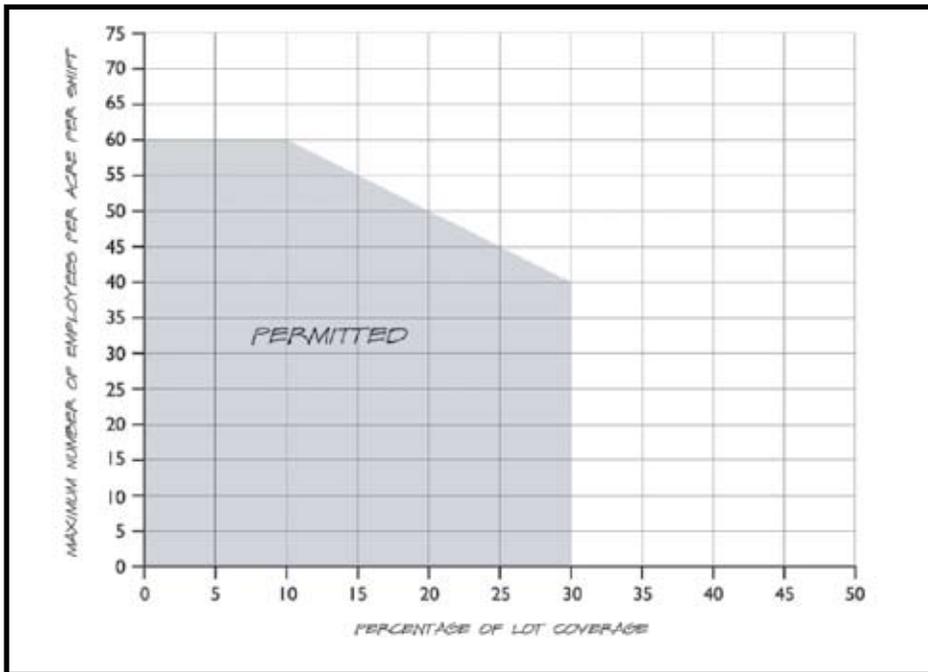


Figure A4 8-6



5. *Height restrictions.* Height restrictions shall be as set forth in the underlying zone districts, provided the permitted height does not exceed that established by FAR part 77 surfaces for military airports.
 6. *Crash corridor.* To the greatest extent practicable, the centerline area of the APZ I shall be maintained in an open condition. Structures and human activity, as permitted by this district, shall be placed toward the perimeter of the APZ area.
 7. *Emissions.* The development shall not:
 - a. Release into the air any substance that would impair visibility or otherwise interfere with the operation of the aircraft;
 - b. Produce substantial light emissions, either direct or indirect (reflective) which would interfere with pilot vision; or
 - c. Produce emissions that would interfere with aircraft communication systems or navigational equipment.
 8. *Hazardous materials.* The development shall not involve the use or storage of significant amounts of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics, except as permitted by this subdivision.
 9. *Other prohibitions.* The development shall not:
 - a. Have high people density characteristics or promote population concentration;
 - b. Involve utilities and services required for area-wide population upon which disruption would have an adverse impact (telephone, gas, etc.);
 - c. Concentrate people who are limited in their ability to respond to emergency situations such as children, elderly, the handicapped; or
 - d. Pose hazards to aircraft operations.
- (C) *Prohibited Uses in an Accident Potential Zone.* The following uses shall be prohibited in any APZ zone district:

Table 8.1
Schedule of Uses in APZ Subareas

(A) Uses		(B) X-Prohibited
1	Aboveground bulk storage of flammable liquids or gases	X
2	Child Care Facilities	X
3	Dog Kennels	X
4	Handicapped Care Facilities	X
5	Hospitals and Health Care Facilities	X
6	Hotels and Motels	X
7	Indoor Recreational Facilities	X
8	Museums, Theaters and similar establishments	X
9	Nursing and Rest Homes	X
10	Outdoor Recreational Facilities and Activities	X
11	Places of Worship	X
12	Public and Fraternal Meeting Facilities	X
13	Residential Uses ¹	X
14	Restaurants and other eating and drinking establishments, except such establishments that provide seating, customer service counter space or any combination thereof for no more than 12 ² persons. For Purposes of this subsection, three feet of customer service counter space shall equal customer service counter space for one person	X
15	Retail and wholesale operations and facilities which may concentrate people	X
16	Schools	X
17	Spectator Sport Stadium	X
18	Storage or sale of explosives, other than small caliber ammunition	X

¹ Except that in APZII, residential housing shall be permitted at one unit per acre outside the LDN 65 contour
² 16 persons in APZ II

Sec. 808 LDN 65 Sub area.

- (A) *Description.* The LDN 65 sub area is composed of areas located within the LDN 65 noise contour, as shown on the air installation compatible use zone map, which are subjected to noise levels of duration and frequency creating hazard to both physical and mental health.
- (B) *Prohibited Uses.* Residential uses are prohibited in the LDN 65 sub area.
- (C) *Development Standards.* The following development standards shall apply to uses permitted in LDN 65 sub area:
 1. A habitable building addition to existing residential structures within the LDN 65 sub area may be permitted. However, any such addition greater than 1,000

square feet shall provide and include noise level reduction measures in the design and construction of all such building additions to achieve an interior noise level reduction of 30 dB in A-weighted levels, as determined or calculated in accordance with article 11 of chapter 22 of this Code.

2. Within the LDN 65 sub area, any permitted office, commercial or other nonresidential structures where the public is received shall provide and include noise level reduction measures in the design and construction of all such areas to achieve an interior noise level reduction of 25 dB in A-weighted levels, as determined or calculated in accordance with article 11 of chapter 22 of this Code.

Sec. 809 Special Noise Impact District (SNID).

- (A) *Description.* The special noise impact district (SNID) is composed of those areas located between the LDN 60 and LDN 65 noise contour lines as shown on the air installation compatible use zone map.
- (B) *Permitted Uses.* Provided that it is allowed in the underlying zone, new residential uses or structures may be permitted within the special noise impact district. However, such uses or structures shall not be permitted unless and until there has been a public hearing, approval, and authorization by the city council for such uses or structures.
- (C) *Noise Level Reduction Measures.* New residential uses or structures authorized by the city council within the special noise impact district shall provide and include noise level reduction measures in the design and construction of all such habitable structures to achieve the interior noise level reduction established by the city council. Such noise reduction shall in no event be less than a 30-decibel reduction in A-weighted levels, determined or calculated in accordance with article 11 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or an equivalent thereof.

Sec. 810 Noise Impact District (NID).

- (A) *Description.* The noise impact district (NID) is composed of those areas located within the noise impact boundary contours as shown on the air installation compatible use zone map.
- (B) *Noise Level Reduction Measures.* New residential uses or structures permitted by the underlying zone and within the noise impact district shall provide and include noise level reduction measures in the design and construction of all such habitable structures to achieve an interior noise level reduction of 25 decibels in A-weighted levels, as determined or calculated in accordance with article 11 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or an equivalent thereof.

Sec. 811 Airport Influence District.

- (A) The airport influence district is composed of that area designated by section 805 of this district. Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for military airports.
- (B) An aviation easement with the city as sole grantee shall be conveyed to the city by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence area.
- (C) Vendors of real property located within the airport influence area shall provide the following notice to prospective purchasers and cause such notice to be recorded with the clerk and recorder of the appropriate county:

NOTICE

The property known as (legal description and address) is located within an area that has been officially designated as an airport influence district by the City of Aurora. As a result of this designation the property is subject to one or more of the following:

- (1) An aviation easement granted to the City of Aurora recorded in book _____, at page _____, _____ County, Colorado, which allows for the unobstructed passage of aircraft above the property, and provides for the waiver of any right or cause of action against the City of Aurora due to noise, vibrations, fumes, dust, fuel particulates caused by aircraft or airport operations.
- (2) The use and enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particulates from aircraft operation.
- (3) The noise to which the property may be subject from aircraft operation may exceed 65 LDN, the maximum acceptable level set by the Federal Department of Housing and Urban Development for residential land use (only if located within the LDN 65 contour).
- (4) The involved property is located within an area that has been designated as an accident potential zone II. Such property may be characterized by high noise levels and accident potential resulting from aircraft operations (only if located within APZ II).
- (5) The involved property is located within an area that has been designated as an accident potential zone I. Such property may be characterized by high noise levels and significant accident potential resulting from aircraft operations (only if located within APZ I).

*Appendix 4.4***SAMPLE FROM FORT CAMPBELL, KY JLUS****SPECIAL PURPOSE DISTRICT REGULATIONS
LAND USE COMPATIBILITY DISTRICT**100. Establishment and Jurisdiction

The requirement of this Article shall apply as appropriate within the Land Use Compatibility District, created by section _____

101. LUCD, Land Use Compatibility Districts101.1 Types of Districts

There are hereby created Land Use Compatibility Districts for certain areas around Fort Campbell. The purpose of these districts is to maximize the safety of land use and minimize the affect of aircraft noise and safety---- to further ensure land use compatibility.

These districts are further divided and shown on the official zoning map as follows:

APZ- 1, Accident Potential Zone I
APZ-2, Accident Potential Zone II
DNL-1, Day-Night Noise Level Zone I
DNL-2, Day-Night Noise Level Zone II
DNL-3, Day-Night Noise Level Zone III

101.2 Restrictions within the Land Use Compatibility Districts

Land zoned APZ- 1, APZ-2, DNL- 1, DNL-2 or DNL-3 may not be used for any purpose other than those indicated by Table II, and under the conditions attached thereto. Property owners or land users should consult both the text of this Article and the Official Zoning Map to determine the location of properties in question and the limitations imposed thereon by this Article.

101.3 Land Use

The use of land within these zones shall be subject to the following safety and performance standards and the requirements of Table II. Where permitted uses listed by Table II are at variance with the applicable residential or non-residential zoning district within which they are proposed, the more restrictive shall apply.

- A. Safety Standards - The concentration of persons per use shall be in compliance with Table I.
 - 1. Maximum Number of Persons - The maximum number of persons per use shall be a function of the number of hours of operation per day of the use and shall be expressed on an acre per hour basis. Further, a structure or use or contiguous structure or use, shall not accommodate a gathering of individuals, including employees and non-employees, that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period or that would exceed 50 persons per acre at any given time.

Such limitations shall be a special condition of the issuance of the building permit and certificate of occupancy. The occupant of any such premises shall not permit such limitations to be exceeded. The premises shall thereafter continuously be posted with a form of notice of said limitations, as prescribed by the Planning Commission.
 - 2. Concentrations of Persons per Acre Standard

Table I
Concentrations of Persons Per Acre Standard

Hours of Operation Per Day	Maximum Persons Allowed Per Acre/During Each Hour
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37
15	40
14	42
13	46
12 or less	59*

Note: Fractions in the maximum persons allowed column are rounded to the lowest whole number.

*Concentrations of persons per acre cannot exceed 50 persons per acre at any time.

3. Formula - The maximum persons per acre per hour for the duration of time that persons are expected to be on site during a 24-hour period may be determined as follows:
- a. Average densities of persons per hour during a 24-hour period are determined by calculating the number of persons per acre expected on a site, multiplying by the number of hours they will be on the site, and dividing the total by 24.

Example #1: One 8-hour shift of 30 workers on a 1-acre site.
30 persons expected X 8 hours on site = 240

240 = average density of 10 persons per 24 hours
acre per hour during a 24-hour period

Example #2: Two 8-hour shifts of 30 workers on a 1-acre site.
30 persons expected X 16 hours on site = 480

480 = average density of 20 persons per acre 24 hours
per hour during a 24-hour period

- b. The maximum number of persons allowed per acre per hour is calculated by dividing 24 hours by the number of hours persons will be on the site, and multiplying the result by 25 persons per acre per hour.

Example: A use on a 1-acre site has two 8-hour shifts.

24 hours x 25 persons = 37.5 maximum 16 hours

- B. Performance Standards - Height and size requirements shall be evaluated in accord with the “Ordinance Regulating the Height of Structures and Other Activities in the Vicinity of Fort Campbell,” as adopted _____.

1. Buildings and Like Structures

- a. Setbacks:
 - Front - 50 feet
 - Rear - 50 feet
 - Interior Side - 20 feet
 - Exterior Side - 50 feet

- b. Off-Street Parking: Off-street parking for uses within his district shall comply with _____, as appropriate.

101.4 Prohibited Uses - All uses indicated by a NO in the applicable sub zone column of Table II are expressly prohibited.

101.5 Non-Conforming Uses

The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or use not conforming to the regulations as of the effective date hereof or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun or plans or residential subdivision plats which have been filed in the Planning Commission Office prior to the effective date of this ordinance.

101.6 Permits

Building permits and sign permits shall be required for all construction, in accord with _____.

- (1) Future Uses. Each application for a building permit shall indicate the purpose for which the permit is desired, with sufficient particularity to determine whether the resulting use or structure would conform to the regulations herein prescribed.
- (2) Existing Uses. Any existing non-conforming use or structure may be replaced, substantially altered, or rebuilt in accord with the permit requirements of _____; provided such non-conforming use would not: (a) create a flight hazard or use not authorized by this ordinance; or (b) permit a non-conforming use or structure to be made or become a greater hazard to air navigation or less compatible in use than it was on the effective date of this ordinance, or than it is when the application for permit is made.

101.7 Variance Permits

The _____ shall have the power to grant variances to the _____ and to authorize the issuance of variance permits therefore as defined in _____, provided that the Commander of

Fort Campbell, or his designee, shall be notified of any variances being requested and shall be asked for comments on such requests.

101.8 Other Ordinances

Adoption of this ordinance shall not invalidate any existing ordinance, and shall be used in addition to such ordinances, such as the [“Ordinance Regulating the Height of Structures and Other Activities in the Vicinity of Fort Campbell”].

Land Use Compatibility District Uses

Land Use Category	Districts				
	APZ-1	APZ-2	DNL-1 (65-75 DB)	DNL-2 (75-80 DB)	DNL-3 80 + DB
Residential					
Single Family and Mobile Homes*	No	Yes	25	30	No
Single-Family**	No	No	25	30	No
Multi-Family Dwelling***	No	No	25	30	No
Permanent Residence Mobile Home Parks	No	No	25	30	No
Transient Lodging - Hotels, Motels	No	No	25	30	No
Industrial/Manufacturing					
Food & Kindred Products	No	Yes(1)	(10)	(12)	(13)
Textile Mill Products	No	Yes(1)	(10)	(12)	(13)
Apparel	No	No	(10)	(12)	(13)
Lumber & Wood Products	Yes(1)	Yes(1)	(10)	(12)	(13)
Furniture & Fixtures	Yes(1)	Yes(1)	(10)	(12)	(13)
Paper & Allied Products	Yes(1)	Yes(1)	(10)	(12)	(13)
Printing, Publishing	Yes(1)	Yes(1)	(10)	(12)	(13)
Chemicals and Allied Products	No	No	(10)	(12)	(13)
Petroleum Refining & Related Industries	No	Yes(1)	(10)	(12)	(13)
Rubber & Misc Plastics	No	No	(10)	(12)	(13)
Stone, Clay & Glass Products	No	Yes(1)	(10)	(12)	(13)
Primary Metal Industries	No	Yes(1)	(10)	(12)	(13)
Fabricated Metal Products	No	Yes(1)	(10)	(12)	(13)
Professional, Scientific & Control Instruments	No	Yes(1)	(10)	(12)	(13)
Misc Manufacturing	Yes(1)	Yes(1)	(10)	(12)	(13)

Land Use Compatibility District Uses (Continued)

Land Use Category	Districts				
	APZ-1	APZ-2	DNL-1 (65-75 DB)	DNL-2 (75-80 DB)	DNL-3 80 + DB
Transportation, Communications, Utilities					
Railroad, Rapid Rail	Yes(2)	Yes	(10)	(12)	(13)
Motor Vehicle Transportation	Yes(2)	Yes	(10)	(12)	(13)
Aircraft Transportation	Yes(2)	Yes	(10)	(12)	(13)
Highway & Street ROW	Yes(2)	Yes	(10)	(12)	(13)
Auto Parking	Yes(2)	Yes	(10)	(12)	(13)
Communications	Yes(2)	Yes	(10)	(12)	(13)
Utilities	Yes(2)	Yes	(10)	(12)	(13)
Landfills & Hazardous Waste Facilities		No	(10)	(12)	(13)
Commercial/Retail Trade					
Wholesale Trade	Yes(1)	Yes(1)	25	(12)	(13)
Building Materials-Retail	Yes(1)	Yes(1)	25	(12)	(13)
General Merchandise-Retail (Less than 10,000 sq.ft. per acre)	Yes(1,11)	Yes(1,11)	25	(12)	(13)
General Merchandise-Retail (Over 10,000 sq.ft. per acre)	No	No	25	(12)	(13)
Food Retail-Groceries	No	No	Yes	(12)	(13)
Other Food Retail	Yes(1)	Yes(1)	25	(12)	(13)
Automotive, Marine, Aviation-Retail	Yes(1)	Yes(1)	25	(12)	(13)
Apparel & Accessories-Retail	No	Yes(1)	25	(12)	(13)
Furniture, Home Furnishings-Retail	No	Yes(1)	25	(12)	(13)
Eating & Drinking Establishments	No	Yes(1)	25	(12)	(13)
Services					
Finance, Insurance & Real Estate	Yes(1)	Yes(1,3)	25	(30)	(13)
Personal Services	Yes(1)	Yes(1,3)	25	(30)	(13)
Cemeteries	Yes(1,3,4)	Yes(1,3,4)	NA	NA	NA
Business Services	Yes(1)	Yes(1,3)	25	(30)	(13)
Warehousing & Storage Services	Yes(1)	Yes(1)	25	(12)	(13)
Explosives Storage	No	No	25	(12)	(13)
Repair Services	Yes(1,3)	Yes(1,3)	25	(12)	(13)
Medical & Other Health Services	No	No	25	30	30
Hospital	No	No	25	30	30

Land Use Compatibility District Uses (Continued)

Land Use Category	Districts				
	APZ-1	APZ-2	DNL-1 (65-75 DB)	DNL-2 (75-80 DB)	DNL-3 80 + DB
Services Continued					
Legal Services	Yes(1)	Yes(1,3)	25	30	30
Other Professional Services	Yes(1)	Yes(1,3)	25	30	30
Contract Construction Services	Yes(1)	Yes(1,3)	25	30	30
Government Services	No	Yes(1,3)	25	30	30
Educational Services	No	No	30	30	30
Religious Activities	No	No	30	30	30
Cultural, Entertainment, Recreation					
Cultural Activities	No	No	25	30	30
Nature Exhibitions	Yes(S)	Yes(5)	NA	(12)	(13)
Entertainment Facilities, Indoor/Outdoor	No	No	NA	(12)	(13)
Indoor/Outdoor Sports Activities	No	Yes(5,6,7)	NA	(12)	(13)
Water & Other Recreation Areas	Yes(5)	Yes(5)	NA	(12)	(13)
Resort & Group Camps	No	No	NA	(12)	(13)
Parks & Golf Courses	Yes(5)	Yes(5)	NA	(12)	(13)
Resource Production, Extraction, and Open Land					
Agricultural Related Activities	Yes	Yes	NA	(12)	(13)
Dairy & Livestock Farms (9)	Yes	Yes	NA	(12)	(13)
Forestry & Mining	Yes	Yes	NA	(12)	(13)
Fishing & Water Areas, Hunting	Yes	Yes	NA	(12)	(13)
Permanent Open Space	Yes	Yes	NA	(12)	(13)

TABLE II – Notes (continued)

(1) Uses compatible only if they do not result in a large concentration of people. A large concentration of people is defined as a gathering of individuals in an area that would result in an average density of greater than 25 people per acre per hour during a 24-hour period, or a single event that would result in the gathering of 50 persons per acre at any time. (See Safety Requirement Standards)

In addition, the following factors need to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution, size of establishment, peak period (including shopper/visitor) concentrations.

- (2) No passenger terminals and no major above ground transmission lines.
- (3) Meeting places, auditoriums, etc. not allowed.
- (4) Excludes chapels.
- (5) Facilities must comply with Safety Requirement Standards and no high-intensity use or facilities, such as structured playgrounds, ball fields, or picnic pavilions.
- (6) Clubhouse not allowed.
- (7) Concentrated rings with large classes not allowed.
- (8) Includes livestock grazing but excludes feedlots and intensive animal husbandry.
- (9) Includes feedlots and intensive animal husbandry.
- (10) Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (ii) General Merchandise – Retail: compatible provided that individual shops do not exceed 2,500 sq. ft. and that not more than 4 shops per acre are allowed.
- (12) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (13) Measure to achieve NLR of 35 dB must be incorporated into the design and construction portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.

Table II -- Notes (continued)

NOTES:

- (a) * Less than or equal to two (2) dwelling units per acre.
- ** More than two (2) dwelling units per acre.
- ~ Including duplex, triplex, and quadruple.
- (b) Computations for Residential Density Include Roads and Right-of-Ways.
- (c) dB = Decibels
- (d) 25, 30 or 35 dB - Measures to achieve NLR 25, 30 or 35 dB must be incorporated into design and construction or structures in accord with the Guidelines For The

Sound Insulation of Residences Exposed to Aircraft Operations, prepared by Naval Facilities Engineering Command, Special Advisors for Planning Coordination, Alexandria, Virginia; Federal Aviation Administration, Office of Environment & Energy; and Office of Airport Planning & Programming, Washington, D.C., latest edition.

- (e) NA = Not applicable
- (f) NLR = Noise Level Reduction

Noise Level Reduction

The Kentucky Building Code, now in its 14th year, is essentially the BOCA National Building Code published by Building Officials and Code Administrators International, Inc. (BOCA), with specific Kentucky amendments. It provides minimum standards to insure the public safety, health and welfare insofar as they are affected by building construction and to secure safety to life and property from all hazards incident to the occupancy of buildings, structures or premises. The code states regulations in terms of measured performance rather than in rigid specifications of materials whenever possible and, in this way, makes possible the acceptance of new materials and methods of construction which can be evaluated by national standards, without the necessity of adopting cumbersome amendments for each variable condition.

Building code noise limits as specified in the Kentucky Building Code Section 1214.0 Sound Transmission Control in Residential Buildings are important since economic, social and other pressures often cause development of building types on land near airports, highways, and railroads that 'are inconsistent with exterior sound levels. In these cases, the only way to protect the public is for jurisdictions to incorporate provisions into their building codes or zoning ordinances that set minimum standards for the transmission of exterior sound into building spaces. Hence, transportation officials confronted with encroaching residential development should resort to the building codes to minimize impacts of noise in these new developments and casting the responsibility for noise control on the builder.

Appendix 4.6: Full Text of Proposed Revision of Horsham Township Zoning Ordinance

SECTION 8: Military Airport Overlay District (MAPOD)

The Horsham Township Zoning Ordinance is hereby amended to include a new Section 3000, which shall read as follows:

Section 3000: Declaration of Legislative Intent

In addition to the Legislative Intent of Section 101, and in order to implement the objectives of the Horsham Township Comprehensive Plan, the primary purpose of this section is as follows:

1. To implement Section 604 Zoning Purposes, of the Pennsylvania Municipalities Planning Code, related to the regulation of airports and national defense facilities.
2. To implement the Land Use Objectives regarding the Willow Grove Naval Air Station (NAS) as set forth in the Horsham Township Comprehensive Plan Update of 1989.
3. To promote, protect and facilitate the safety, and general welfare of the community by recognizing certain hazards exist from the operation of the NAS, specifically related to areas within the approach zones for various runways in areas of Horsham Township that are largely undeveloped.
4. To recognize that the Department of the Navy completed an “Air Installation Compatible Use Zone Study” (AICUZ) for the NAS, and that such study makes recommendations regarding what constitutes compatible land uses and densities around the NAS.
5. To recognize observed changes in the operation of the NAS.
6. To recognize that the AICUZ identifies accident hazard zones as being areas where future development should be severely limited.
7. To preserve the low density residential and non-residential character within the Horsham Township; to assure compatible development consistent with the adopted and approved Horsham Township Comprehensive Land Use Plan; to protect the public health, safety, and welfare of residents living in proximity to NAS/JRB Willow Grove from aircraft noise and accident potential related to Runways 15 and 33; and to guarantee open airspace corridors to and from NAS/JRB Willow Grove.

Section 3001: Definitions

Clear Zone 1 (CZ 1) – The most critical aircraft hazard area in the area immediately beyond the approach end of Runway 15 to the Northwest of NAS/JRB Willow Grove. It is in the shape of a trapezoidal “approach” fan beginning at the end of Runway 15 and extending outward from the runway centerline for 3000 feet. The dimensions are 1500 feet in width at the runway threshold and 2284 feet in width at the outer edge.

Clear Zone 2 (CZ 2) – An aircraft hazard area located at the end of Runway 33 to the Southeast of NAS Willow Grove. It is in the shape of a trapezoidal “approach” fan beginning at the end of Runway 33 and extending outward from the runway centerline for 3000 feet. The dimensions are 1500 feet in width at the runway threshold and 2284 feet in width at the outer edge. Notwithstanding the fact that the area south of Runway 33 is substantially committed to urban development, it has been determined that additional safeguards are required to protect the public health and safety from the potential for aircraft accident. For this reason, most uses are prohibited and a Special Exception for certain use activity is required by this ordinance. Land uses in the CZ 2 in existence at the time of the adoption of this amendment shall not be considered non-conforming for purposes of the administration of this zoning ordinance, subject to the provisions of section 2404.

Day Night Average Sound Level (DNL) – The Code of Federal Regulation, Title 14, Part 150 defines DNL as the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m. and midnight local time. As used in this ordinance, it is the average sound level of aircraft noise events for the average annual day expressed in A-weighted decibels. A-weighting is a filtering system that adjusts low and high frequency sound pressure levels to closely correlate with the frequency range of human hearing.

High Noise Exposure Zone 1 (NEZ 1) - An area with the loudest noise impact on the surrounding community, measured by Day-Night Average Sound Levels of 65 dBA or greater, and extending into Clear Zones 1 and 2. Land uses in the NEZ 1 in existence at the time of the adoption of this amendment shall not be considered non-conforming for purposes of the administration of this zoning ordinance, subject to the provisions of section 2404, Discontinued Use.

High Noise Exposure Zone 2 (NEZ 2) – An area of significant noise impact, measured by Day Night Average Sound Levels at or above 60 dBA, but below 65 dBA.

Accident Potential Zone 1 (APZ 1) – The area beyond Clear Zone 1 to the Northwest of NAS/JRB Willow Grove, which has a measurable potential for aircraft accidents during times of aircraft approach and take-off. APZ 1 is less hazardous than Clear Zone 1, but poses a sufficient level of potential danger to the public health and safety as to require lower density residential zoning, restrictions on places of assembly, and limitations on building and structure height in excess of those that otherwise may be permitted by underlying zoning. Land uses in the APZ 1 in existence at the time of the adoption of this amendment shall not be considered non-conforming for purposes of the administration of the zoning ordinance, subject to the provisions of section 2404, Discontinued Use.

Accident Potential Zone 2 (APZ 2) -- The rectangular area to the Northwest of NAS/JRB Willow Grove beyond APZ 1, which poses a lesser degree of hazard than APZ 1, but poses a sufficient level of potential danger to the public health and safety as to require lower density residential zoning, restrictions on places of assembly, and limitations on building and structure height in excess of those that otherwise may be permitted by underlying zoning. Land uses in the APZ 2 in existence at the time of the adoption of this amendment shall not be considered non-conforming for purposes of the administration of the zoning ordinance, subject to the provisions of section 2404, Discontinued Use.

Accident Potential Zone 3 (APZ 3) – The rectangular area to the Southeast of NAS/JRB Willow Grove beyond CZ 2, which has a measurable potential for aircraft accidents during times of aircraft approach and take-off. APZ 3 is less hazardous than Clear Zone 2, but poses a sufficient level of potential danger to the public health and safety as to require restrictions on places of assembly and limitations on building and structure height in excess of those that otherwise may be permitted by underlying zoning. Land uses in the APZ 3 in existence at the time of the adoption of this amendment shall not be considered non-conforming for purposes of the administration of the zoning ordinance, subject to the provisions of section 2404, Discontinued Use.

NAS/JRB Willow Grove Influence Area Disclosure District - All land in Horsham Township within the NAS/JRB Willow Grove Joint Land-Use Study (JLUS) “Study Area” as reflected on the Official Zoning Map of Horsham Township as the NAS/JRB Willow Grove Influence Area Disclosure District.

Noise Sensitive Development - A term applicable to all habitable areas in residential development and in all structures used for business or public assembly where there is a reasonable need and expectation for verbal communication to occur without the need to raise voices above normal levels.

Section 3002: Overlay Concept

The Military Airport Overlay District (MAPOD) shall be deemed an overlay on any zoning district within its boundaries as depicted on the official Horsham Township Zoning Map, and now or hereafter is applicable to any lot or portion of a lot that lies within the overlay district.

Section 3003: Definition and Establishment of the MAPOD

1. The MAPOD shall be delineated on the Horsham Township Zoning Map, which is hereby made a part of this Ordinance and is available for inspection at the Township Office.
2. It is recognized that the AICUZ study may be updated from time to time by the Department of the Navy, and the Township specifically reserves the right to update the MAPOD boundaries and regulations to reflect such studies.
3. The MAPOD shall supersede and modify the underlying zoning district and any other conflicting ordinance requirements.

4. The MAPOD is comprised of seven sub-districts consisting of – Clear Zones (CZ) 1 and 2; High Noise Exposure Zones (NEZ) 1 and 2; and Accident Potential Zones (APZ) 1, 2, and 3, which permit uses and area, bulk and height requirements reflective of the relative potential threat to public health and safety associated with high noise levels and potential for aircraft accident within each sub-district.

Section 3004: Permitted Uses

3004.1. A building may be erected, altered or used, or a lot may be used or occupied for one (1) principal use for any of the following purposes in the MAPOD, if permitted in the underlying zoning district classification:

Permitted Uses in the R-1, R-2, R-2A, R-3 Zoning Districts	Clear Zone 1 (CZ 1)	Accident Potential Zone 1 (APZ 1)	Accident Potential Zone 2 (APZ 2)	High Noise Exposure Zone 1 (NEZ 1)	High Noise Exposure Zone 2 (NEZ 2)
Woodland, game preserve or other conservation use	P	P	P	P	P
Agricultural Use - tilling of soil, plant nursery or greenhouse	P	P	P	P	P
Agricultural Use - keeping of livestock and poultry	X	P	P	P	P
Municipal park or recreation area	X	P	P	P	P
Single Family Detached Dwelling	X	P	P	X	P
Utility Line, or any necessary governmental or public utility use, but not including communication or electrical transmission towers	SE	P	P	P	P
Accessory uses on the same lot with and customarily incidental to the permitted uses	P	P	P	P	P
Privately owned low density outdoor recreational area, or 18 hole golf course	X	SE	P	SE	SE
Riding Academy	X	SE	P	X	SE
Stable for horses	X	SE	P	X	SE
Places of Assembly, including Churches, chapels or other places of worship	X	X	X	X	SE
Memorial park type cemetery	X	SE	P	SE	SE
Day care facilities for children or senior citizens	X	X	X	X	SE
Public or private schools, academies, colleges, and universities	X	X	X	X	SE
Uses not expressly stated in this table	X	X	X	X	X

X = Prohibited Uses P = Permitted Use SE = Special Exception

Note: Existing uses are permitted within the MAPOD, subject to the provisions of Section 2404, Discontinued Use. The zoning district descriptions, permitted uses and other limitations are contained in the Horsham Township Zoning Ordinance 1143.

Permitted Uses in the PI, I-1, I-2, R-3 and I-3 Zoning Districts	Clear Zone 1 (CZ 1)	Clear Zone 2 (CZ 2)	Accident Potential Zone 1 (APZ 1)	Accident Potential Zone 3 (APZ 3)	High Noise Exposure Zone 1 (NEZ 1)	High Noise Exposure Zone 2 (NEZ 2)
Processing, compounding, treatment, packaging and manufacturing of uses permitted in §1801.1 or 1801.A.1	X	X	P	P	P	P
Laundry, dry cleaning or dyeing plant	X	X	P	P	P	P
Laboratory, research, experimental and testing	X	X	X	X	P	P
Printing, publishing, lithographing and similar processes	X	X	P	P	P	P
Office Buildings per §2101	X	X	X	X	P	P
Wholesale, warehouse, storage or distribution center per §1801.6 or 1801.A.6	X	X	P	P	P	P
Accessory uses per §1801.7 or 1801.A.7	X	X	P	P	P	P
Indoor recreational uses per §1801.8 or 1801.A.8	X	X	X	X	P	P
Restaurant	X	X	SE	SE	E	P
Banks	X	X	SE	SE	SE	P
Hotel-motel	X	X	SE	SE	SE	P
Day Care Centers, Public and private schools, academies, Colleges, universities	X	X	X	X	X	P
Utility line, or any necessary governmental or public utility use	SE	SE	P	P	P	P
Communications tower, including antenna per §1901.2	X	X	X	X	X	X
Billboard per §2001.2	X	X	SE	SE	SE	SE
Uses not expressly stated in this table	X	X	X	X	X	X

X = Prohibited Uses P = Permitted Use SE = Special Exception

Note: Existing uses are permitted within the MAPOD, subject to the provisions of Section 2404, Discontinued Use. The zoning district descriptions, permitted uses and other limitations are contained in the Horsham Township Zoning Ordinance 1143.

Permitted Uses in the R-4, R-5, R-7 Zoning Districts	Clear Zone 2 (CZ 2)	Accident Potential Zone 3 (APZ 3)	High Noise Exposure Zone 1 (NEZ 1)	High Noise Exposure Zone 2 (NEZ 2)
Woodland, game preserve or other conservation use	P	P	P	P
Agricultural Use - tilling of soil, plant nursery or greenhouse	P	P	P	P
Municipal park or recreation area	X	X	P	P
Single Family Detached Dwelling	X	P	X	P
Two Family Dwellings (duplexes	X	X	X	P
Multiple dwelling or apartment house	X	X	X	P
Professional Offices	X	X	X	P
Places of Assembly, including Churches, chapels or other places of worship	X	X	X	SE
Convalescent home, nursing home, life care community for the care of elderly, or medical or surgical hospital	X	X	X	P
Public or private schools, academies, colleges, and universities	X	X	X	SE
Utility Line, or any necessary governmental or public utility use, but not including communication or electrical transmission towers	SE	P	P	P
Accessory uses on the same lot with and customarily incidental to the permitted uses	P	P	P	P
Uses not expressly stated in this table	X	X	X	X

X = Prohibited Uses P = Permitted Use SE = Special Exception

Note: Existing uses are permitted within the MAPOD, subject to the provisions of Section 2404, Discontinued Use. The zoning district descriptions, permitted uses and other limitations are contained in the Horsham Township Zoning Ordinance 1143.

Permitted Uses in the C-1, C-5, SC-1 and GC-2, Zoning Districts	Clear Zone 2 (CZ 2)	Accident Potential Zone 3 (APZ 3)	High Noise Exposure Zone 1 (NEZ 1)	High Noise Exposure Zone 2 (NEZ 2)
Retail establishment	X	P	P	P
Restaurant, cafe or similar food or beverage establishment	X	P	P	P
Personal service shop	X	P	P	P
Assembly hall, community building, indoor recreational establishment, library, day care center, theatre (except outdoor)	X	X	P	P
Banks or similar financial institutions	X	P	P	P
Office or studio	X	P	P	P
Post Office	X	P	P	P
Passenger station for public transportation, electric substation, telephone and telegraph offices	X	P	P	P
Self service laundry	X	P	P	P
Automobile parking lots	X	P	P	P
Satellite and Conditional Uses permitted in §1302-A or 1303-A	X	P	P	P
General Service or Contractor's shop	X	P	P	P
Hotel-motel	X	P	P	P
Clubs for social, fraternal, civic cultural, or educational purposes	X	X	P	P
Motor vehicle service station or repair shop, used car lot, public garage, or materials storage yard	X	P	P	P
Accessory uses on the same lot with and customarily incidental to the permitted uses	X	P	P	P
Uses not expressly stated in this table	X	P	P	P

X = Prohibited Uses P = Permitted Use SE = Special Exception

Note: Existing uses are permitted within the MAPOD, subject to the provisions of Section 2404, Discontinued Use. The zoning district descriptions, permitted uses and other limitations are contained in the Horsham Township Zoning Ordinance 1143.

Section 3005: Noise Level Reduction (NLR) Requirements

All new noise-sensitive development permitted in NEZ 1 and NEZ 2 must meet the following NLR requirements:

- NEZ 1 – NLR 30 dBA
- NEZ 2 – NLR 25 dBA

This requirement is applicable to all building permits issued after the date of this amendment and is administered via the Horsham Township Building Code, which specifies in detail the structures and improvements to existing structures that are subject to this provision. The Building Code also specifies appropriate building materials that will achieve the prescribed NLR.

Section 3006: Height Limitations

Height limitations are specified by Federal Aviation Regulation (FAR), Part 77.28, Military Airport Imaginary Surfaces. Throughout the approach, transitional, inner horizontal, outer horizontal, and conical areas in the vicinity of NAS/JRB Willow Grove, no building, structure, or object of natural growth shall be erected, extended, or allowed to grow beyond the maximum height established by the height overlay district applicable to the lot on which the building, structure, or object of natural growth is located.

Notwithstanding the height limitations of the underlying zoning district, the maximum height of a building, structure, or object of natural growth shall be established by the designated height district applicable to the lot on which it is located as shown on the Horsham Township Official Height Zoning Map. The Official Height Zoning Map shall reflect and be consistent with the Federal Aviation Administration FAR Part 77.28, which specifies military airport imaginary surfaces as follows:

- (a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.
- (1) *Inner horizontal surface.* A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
 - (2) *Conical surface.* A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface.* A plane located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) *Related to runways.* These surfaces apply to all military airports.

- (1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria. **Note: This caveat applies to NAS/JRB Willow Grove, where the primary surface width is 1500 feet.**
- (2) *Clear zone surface.* A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
- (3) *Approach clearance surface.* An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface; it flares uniformly, and the width at 50,000 is 16,000 feet.
- (4) *Transitional surfaces.* These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional Surface is 7 to 1 outward and upward at right angles to the runway centerline.

(Note: If the recommended Height Ordinance provisions below are adopted, an official Horsham Township Height Zoning Map must be created by a separate action of the Township Council. Also, if the MAPOD is adopted as recommended herein, all of the area in the current zoning ordinance APZ I in will be included in the new APZ 1.)

Section 3007: Area and Bulk Requirements

All of the zoning district area and bulk requirements of the underlying zoning district shall apply unless specifically modified herein:

In the R-1, R-5, R-2A & R-3, Zoning Districts	MAPOD
Lot Area	Three (3) acres in APZ 1
Lot Width	250 feet at Building Line
Building Coverage	Not more than 10%
Lot Coverage	Not more than 15%
Front Yard	Not less than 60'
Side Yards	Two, not less than 80' in aggregate width, with neither less than 35' in width
Rear Yard	Not less than 80'
Height (This height limit is also applicable in the R-4, R-5, R-6, F-7 & C-2 Zoning Districts)	35', except not more than the aircraft glide slope as set forth in §602.6, or more than the "Military Airport Imaginary Surfaces" defined in Sections 3200 as required by Federal Aviation Regulation, Part 77.28 Per Section 531 B
Density	Per Section 521 B
Contiguous Building Envelope Area	8,999 SF

In the C-1, C-5, SC-1, GC-2, I-1, I-2 & I-3 Zoning Districts	MAPOD
Height	45' for buildings and structures defined in §518-A and 120' for towers and antennas defined in §1901.2, except not more than the aircraft glide slope as set forth in §602.6, or more than the "Military Airport Imaginary Surfaces" defined in Section 3200 as specified by Federal Aviation Regulation, Part 77.28

Section 3008: NAS/JRB Willow Grove Influence Area Disclosure District

No contract for sale or lease, deed, or plat of the property or any portion thereof located within the NAS/JRB Willow Grove Influence Area Disclosure District (Disclosure District), as defined in Section 3001 and reflected on the Official Zoning Map of Horsham Township, shall be drawn, made, executed, used, or recorded unless there is noted on such contract for sale or lease, deed, or plat of said property a statement of disclosure that the subject property, all or part of which, is located within the Disclosure District. In addition, the disclosure shall indicate whether or not the property, all or part of which, is located within the DNL 60 decibel (dB) or greater noise contour sub-district, and/or any of the following sub-districts: CZ 1, CZ 2, APZ 1, APZ 2 or APZ 3. Property owners/agents and property purchaser/lessee agents shall formally

deliver a copy of the Horsham Township Disclosure District map to affected future purchasers, mortgagees, occupiers and users of property located within the Horsham Township Disclosure District.

A disclosure document, to be signed by all parties to an affected real property transaction within the Disclosure District, shall include the following language:

“The real property transaction between _____ and _____ is located in the Horsham Township NAS/JRB Willow Grove Influence Area Disclosure District and is subject to noise, vibration and emissions from low-altitude overflights, occasional special military events including air shows and training exercises that may involve movement of large numbers of personnel and equipment by land or air. I/We the undersigned parties to this transaction hereby acknowledge that the property subject to this transaction is located within the NAS/JRB Willow Grove Influence Area Disclosure District. I/We further acknowledge that the property (is) or (is not) located within the 60 dB or greater Day Night Average Sound Level noise contour, and/or an aircraft clear or accident potential zone as defined by the Horsham Township Zoning Ordinance and Official Zoning Map, adopted _____ (date) _____.”

The disclosure document shall be signed and dated by all parties to the transaction, and in the case of sale transactions, shall be incorporated into the settlement documentation. All parties to the transaction shall receive a copy of the disclosure document and Horsham Township Disclosure District map.

Section 3009: Applicability

Should the MAPOD be declared inapplicable to any tract by reason of action of (1) the Township Council in amending this Ordinance; or (2) the Zoning Officer, the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (3) the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article.

Should the underlying zoning of any parcel or any part thereof which the MAPOD is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the MAPOD unless such change was specifically included as part of the original application.

SECTION 9. Repealer

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 10. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Horsham Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 11. Effective Date

This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Horsham Township Council this __ day of _____ 2001.

ATTEST

TOWNSHIP COUNCIL
TOWNSHIP OF HORSHAM

Township Secretary

President

Appendix 4.7

-- Orlando, Florida Zoning Code - Aircraft Noise Overlay District

2R. AN AIRCRAFT NOISE OVERLAY DISTRICT

Sec. 58.370. Relationship to the Growth Management Plan.

The AN Aircraft Noise Overlay District implements GMP Transportation Element Objective 1.19 to facilitate proper land use planning and prohibit incompatible land uses in the areas surrounding the Orlando International Airport (OIA) and the Orlando Executive Airport (OEA). GMP Future Land Use Element Policy 2.4.11 also specifies that the City and Greater Orlando Aviation Authority shall work cooperatively to implement the Aircraft Noise and Land Use Control Map concept, which utilizes the AN Overlay district.

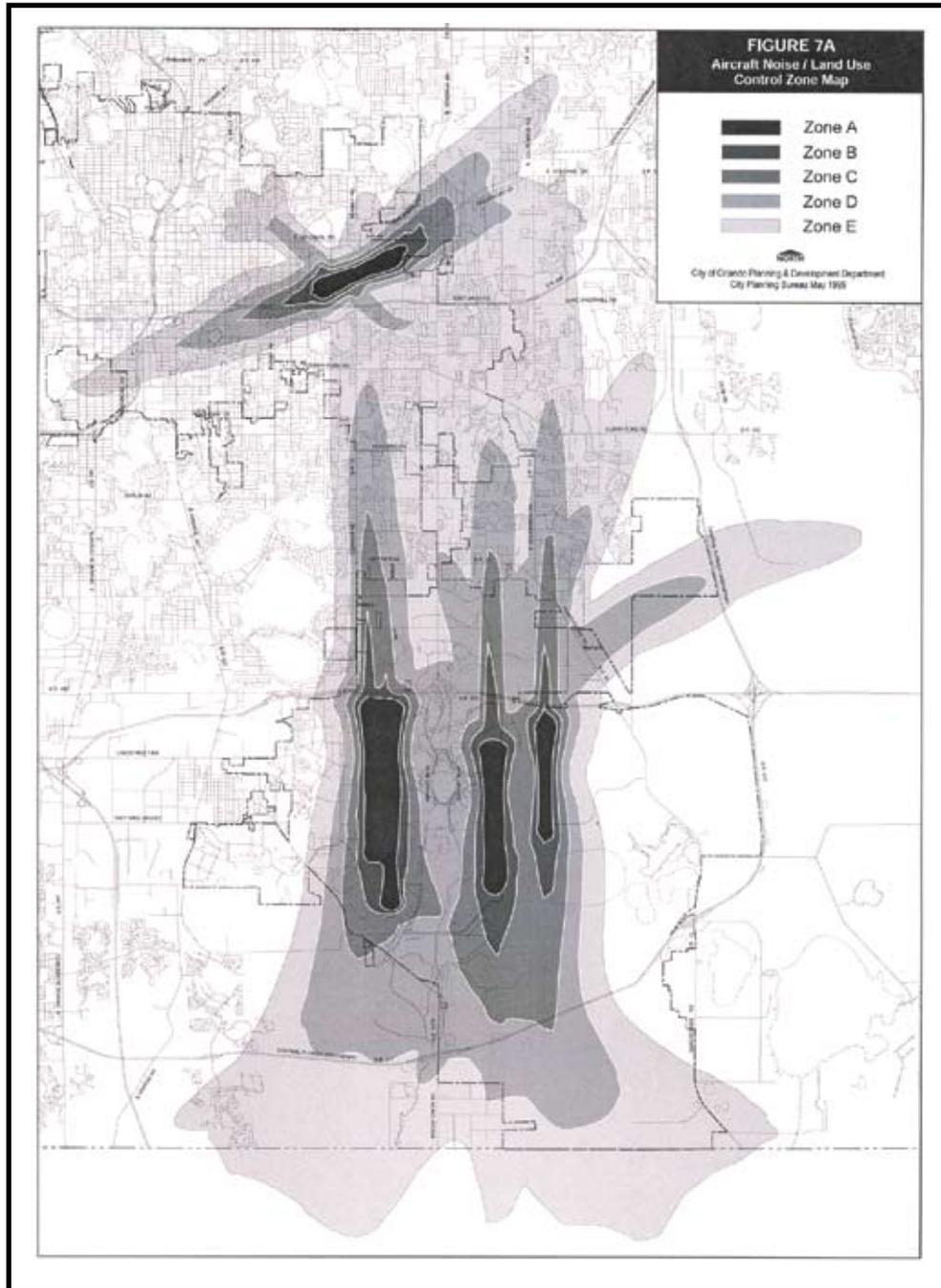
(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 8-23-1999, § 7, Doc. #32283)

Sec. 58.371. Purpose of the District.

The purpose of the Aircraft Noise Overlay District is to protect the health, safety, and welfare of persons and property in the vicinity of the OIA and OEA. Aircraft noise may be considered annoying, objectionable, or unhealthy to residents in the community surrounding the airports. The AN Overlay District is intended to reduce noise and safety hazards associated with aircraft operations, to preserve the operational stability of the airports, and assist in the implementation of policies and recommendations found in the City's Growth Management Plan and in appropriate FAA sponsored Part 150 Studies.

The requirements found in the AN Overlay District are intended to supplement all other zoning districts in which land may be classified, and the various Chapters of the City Code which might impact on aviation and land development, including, but not limited to, safety, fire, building, and health codes. However, to the extent that any provision of this Part conflicts with another code or ordinance, the provisions of this Part shall govern and control.

Figure 7A
Aircraft Noise/Land Use Control Zone Map



(Ord. of 5-20-1996, Doc. #29361; Ord. of 8-23-1999, § 9, Doc. #32283)of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 8-23-1999, § 9, Doc. #32283)

Sec. 58.372. Establishment of Aircraft Noise/Land Use Control Zones.

Aircraft Noise/Land Use Control Zones - Five separate Aircraft Noise/Land Use Control Zones shall be established as shown on the Aircraft Noise/Land Use Control Zone Map (Figure 7A). The Aircraft Noise/Land Use Control Zones are based on a projection of future noise environments arising from aircraft flight operations at the OIA and OEA, as such environments were defined by FAR Part 150 Studies.

A composite contour was developed to establish the aircraft noise overlay zones. This was accomplished based on land use controls for two noise metrics (DNL and dBA Aircraft Noise Metric). The DNL metric is a day-night sound level used to present cumulative/average long term aircraft noise exposure. The dBA Aircraft Noise Metric is a single event maximum sound level measure used to describe peak noise levels of representative aircraft flyovers as related to speech interference.

Zone A - 75 and greater DNL contour

Zone B - 70 to 75 DNL contour

Zone C - 65 to 70 DNL contour

Zone D - The composite limits of the 60 DNL contour and the 80 dBA Aircraft Noise Metric contour to the 65 DNL contour

Zone E - The composite of the limits of the 55 DNL and the 75 dBA Aircraft Noise Metric contour to the composite limits of the 60 DNL contour and the 80 dBA Aircraft Noise Metric contour.

The boundaries of the AN Overlay District shall be construed as the outer boundary of Zone E, and may be altered by initiation of the City Council or Municipal Planning Board whenever there is a finding that noise impacts have changed, via a FAA Part 150 Study.

Determination of Boundaries. In determining the location of noise zone boundaries on the Aircraft Noise/Land Use Control Zone Map, the following standards shall apply:

1. For platted lots less than one (1) acre in size, where an Aircraft Noise/Land Use Control Zone boundary line enters or crosses said platted parcel, the land use restriction and sound level reduction standards associated with the more stringent Aircraft Noise/Land Use Control Zone shall apply.
2. For platted and unplatted properties greater than 1 acre in size, where an Aircraft Noise/Land Use Control Zone boundary line enters or crosses the parcel, the regulations associated with more than one zone may apply. The City shall utilize the Aircraft Noise/Land Use Control Zone Map over-layed onto a $\frac{1}{8}$ th section line

map to determine the applicable Aircraft Noise/Land Use Control Zone. The City, in consultation with the Greater Orlando Aviation Authority, shall determine the applicable line of demarcation. If conflicts arise, the City's determination may be appealed to the Municipal Planning Board and City Council.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 8-23-1999, § 11, Doc. #32283)

Secs. 58.373--58.379. Reserved.

Editor's note--Ord. of 8-23-1999, § 12, repealed § 58.373, relative to additional district requirements. Said section was derived from Ord. of 9-16-1991, Doc. #25094.

2S. AIRCRAFT NOISE

Sec. 58.380. Land Use Restrictions.

Applicability of Overlay Zone Controls. Aircraft noise/land use control zone regulations shall not apply to existing residential and non-residential development, noise compatible land uses such as commercial, industrial, and office uses and/or vacant land zoned for such use, or vacant properties zoned for residential use prior to the adoption of this ordinance (unless a proposed modification of the residential zoning would reduce existing noise/land use compatibility).

The regulations prescribed by this Part shall not be construed to require the sound conditioning or other changes or alteration of any pre-existing structure not conforming to this Part as of the effective date of this revision or to otherwise interfere with the continuance of any pre-existing nonconforming use. Nothing in this Part shall require any such change in the construction or alteration of a structure which was begun prior to the effective date of this part and is diligently pursued.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 8-23-1999, § 13, Doc. #32283)

Sec. 58.381. Sound Level Requirements for Structures and Buildings.

The following chart (Figure 7B) summarizes the aircraft noise/land use controls associated with the noise overlay zones:

Figure 7b. Aircraft Noise Land Use Controls

Residential Uses.

Consistent with Future Land Use Element Policy 2.4.11, the following controls shall apply to all residential uses including: single family, multifamily, mobile homes, and hotel/motel/timeshare uses.

Required Controls						
Control Zone	Avigation Easement	Waiver of Claim	Notification	SLR 25 db	SLR 30 db	SLR 35 db
Zone E			X			
Zone D		X	X	X		
Zone C	X	X	X		X	X
Zone B	X	X	X			X
Zone A (On Airport)	X	X	X		X	

1. Single Family, Multi-Family, and Mobile Home uses prohibited in Zones A and B, except where prior approvals/ agreements grant such use. Hotel/Motel/ Timeshare uses are permitted in Zones A and B with appropriate controls as specified above.
2. While Single Family and Multifamily residential uses are permitted in Zone C, they are discouraged. Mobile Homes are specifically prohibited in Zone C. For Single Family uses in Zone C, a 35 SLR shall be applied. For Multifamily uses, a 30 SLR shall be applied.

Non-Residential Uses.

Consistent with Future Land Use Element Policy 2.4.11, the following controls shall apply to all sensitive non-residential land use types, consisting of: hospital/clinic/nursing home, childcare, and school uses. These regulations shall not be applied to commercial, industrial and/or office uses.

Required Controls						
Control Zone	Avigation Easement	Waiver of Claim	Notification	SLR 25 db	SLR 30 db	SLR 35 db
Zone E			X			
Zone D			X	X		
Zone C		X	X		X	
Zone B	X	X	X			X
Zone A (On Airport)	X	X	X			X

1. Hospital/Clinic/Nursing Homes, Childcare, and School uses prohibited in Zones A and B, except for aviation related training/educational facilities.
2. Childcare facilities in Zone C shall only be permitted as accessory uses. Stand-alone childcare facilities shall be prohibited. Existing childcare facilities shall be permitted to expand so long as new structures meet the SLR standards shown above.

3. Elementary, Middle and High School facilities, whether public or private, shall be prohibited in Zone C. Other school facilities shall be reviewed as a Conditional Use, in which the SLR reduction specified above and additional land use compatibility measures may be applied.

SLR - Sound Level Reduction in Decibels (db) can be achieved through insulation, high-grade windows, etc.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 8-23-1999, § 14, Doc. #32283)

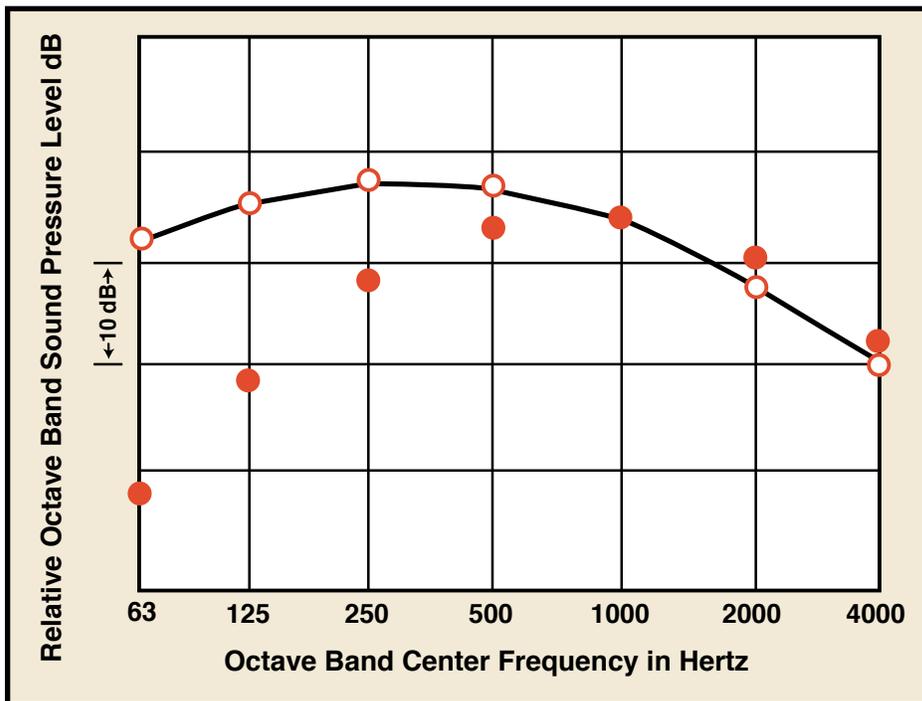
Sec. 58.382. Sound Level Reduction (SLR) Design Requirements

General Requirements. The SLR requirements found in Section 58.381 may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles. The SLR 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.

No new building or structure for which an SLR of 25, 30, or 35 is required by Section 58.381 may be constructed unless and until a building permit therefore has been issued by the City. No such permit shall be issued unless and until conformance with the requirements contained in Section 58.381 is indicated by plans and specifications for the building or structure.

Verification Testing Procedures/SLR Design Information. Sound level reductions shall be determined for at least four aircraft fly-over events by a typical air carrier-sized jet aircraft for each room tested. The resulting value assigned to the room shall be the average value of the individual fly-over events. Using the noise signal generated by an individual aircraft fly-over event, outside and inside noise levels may be measured simultaneously. The noise levels measured outside and inside the room being tested may be observed directly by simultaneously reading the maximum noise levels on two sound level meters; or the outside and inside fly-over event may be recorded on magnetic tape, and the required noise level reduction determined by analysis of the recorded signals. In either case, the two measuring systems used for outside and inside noise measurement must satisfy the requirements for a Type II Sound Level Meter according to ANSI S1.4-197. The two systems shall be calibrated prior to and following the fly-over events so that they indicate the same level within one decibel for the same noise, using suitable calibration procedures as specified by the manufacturer. For calculations undertaken for purposes of meeting the requirements of this Part, the City, owner, or qualified acoustical consultant may use the assumed outside spectrum shown in Figure 8.

Figure 8
Aircraft Noise/Land Use Control Zone Map



Note: Closed circles show the corresponding relative A-Weighted octave band sound pressure levels.

This spectrum may be used to make calculations for determining how the standards of this Part are to be met. Such calculations shall take into account the area and sound transmission loss characteristics of exposed room surfaces, and the amount of sound absorption in the room.

In residential structures, the assumed ratio of sound absorption to floor area for each room is as follows (making an allowance of at least two decibels for sound leaks and flanking sound transmission paths):

Octave Frequency Band (H2)	Sound Absorption Floor Area
63	0.03
125	0.50
250	0.75
500+	1.00

Inside Noise Levels. In residential structures, inside noise levels shall be measured with a single microphone, four feet above the floor, near the center of the room. For other structures, inside noise levels shall be measured with a single microphone, five feet above the floor,

either near the center of the room, or inside the room eight feet from the exterior wall most directly exposed to the aircraft noise, whichever distance from the most directly exposed wall is less.

For residential structures, it shall generally be sufficient to conduct tests in two rooms. One of the rooms to be tested shall be the bedroom most directly exposed to aircraft noise. The other room to be tested shall be either the living room, dining room, or family room, whichever is most directly exposed to the aircraft noise. The Building Official shall have sole authority in determining the number of rooms and the particular rooms to be tested.

For structures where a number of rooms receive nearly equal exposure to aircraft noise, tests need only be conducted in two of the near identical rooms. For structures in which several rooms are to be evaluated, tests need only be conducted for those rooms whose exterior walls are most directly exposed to the noise source. If noise level reduction requirements are met for these rooms, the tests need not be repeated for rooms of similar construction which are not directly exposed to fly-over events.

Adjustments for Unfurnished Rooms. When the sound level reduction is measured in an unfurnished or partially furnished room, an adjusted sound level reduction shall be computed by adding ten times the logarithm and the base ten of the ratio of the floor area of the room to the sound absorption in the unfurnished or partially furnished room but in any event, such correction shall not exceed two decibels. The adjusted noise level reduction value shall be used in determining compliance with the SLR requirements. If the noise level reduction is measured in a furnished room, no adjustment in the noise level reduction may be made.

Outside Noise Levels. The outside noise level shall be measured in an unobstructed location near the center of the wall most directly exposed to the aircraft noise source, approximately five feet above the level of the floor of the room being tested and eight feet from the wall.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 8-23-1999, § 15, Doc. #32283)

Sec. 58.383. Public Notification of Potential Noise Impacts.

Public disclosure of aircraft noise impacts shall be made to all future purchasers, mortgagees, occupiers and users of residential property located in all of the Aircraft Noise/Land Use Control Zones shown on the Aircraft Noise/Land Use Control Zone map, consistent with Figure 7A. Public notification shall consist of the following:

1. Public notice of the existence of maps depicting noise impacted areas shall be published by the Greater Orlando Aviation Authority at least three (3) times in a newspaper of general circulation in Orange County, as provided in Public Law 96-193; and
2. Aircraft Noise/Land Use Control Zone Maps depicting noise impacted areas shall be available for public inspection at the Planning and Development Department, the Orlando Public Library and other public places; and

3. The Greater Orlando Aviation Authority shall ensure that Aircraft Noise information is publicized and available to the public and other interested parties such as local Realtors/brokers/title companies and professional organizations; and
4. The City shall attach a zoning suffix of AN-Aircraft Noise Overlay District to all areas where residential and/or sensitive non-residential uses are allowed within Aircraft Noise/Land Use Control Zones A through E; and
5. Residential plats recorded within Noise Zones C, D, and E shall note the potential for objectionable aircraft noise on the plat. Specifically, the plat shall note the following in a minimum 12 point type: "The properties delineated on this plat are subject to aircraft noise that may be objectionable." This requirement shall be made a condition of approval for all residential subdivisions approved by the City of Orlando.

(Ord. of 8-23-1999, § 16, Doc. # 32283)

Sec. 58.384. Avigation Easement and Waiver of Claims.

An avigation easement and/or waiver of claim, consistent with Section 58.381, shall be required as a condition of development approval for certain lot-splits, short form and long form subdivisions in Aircraft Noise Zones A, B, C, and D. The avigation easement and/or waiver of claim shall be executed between the applicant and the Greater Orlando Aviation Authority and delivered to the Planning and Development Department before a building permit may be issued for a building or structure located, or to be located, within Aircraft Noise Zones A, B, C, or D.

The Board of Zoning Adjustment or Municipal Planning Board may require the execution and delivery of an avigation easement and/or waiver of claim as a condition of granting variances for nonconforming construction or land uses within any of the Aircraft Noise Zones. The land use controls, avigation easement, waiver of claim, and sound level reduction requirements specified in this Part shall be consistent with agreements reached between the property owner and the Greater Orlando Aviation Authority established prior to the effective date of this ordinance revision. Adoption of this ordinance shall in no way invalidate or modify such recorded avigation easements, or noise damage waivers of claim.

(Ord. of 8-23-1999, § 17, Doc. #32283)

Secs. 58.385--58.389. Reserved.

Appendix 5

5.0 Florida Code Critical Areas of State Concern

Title XXVIII, Part I, Environmental Land and Water Management, Chapter 380.08

Also available at http://www.megalaw.com/fl/flstatutes.php?Mode=Display_Statute&codelink=@Search_String=@URL=Ch0380/SEC05.HTM@Title=-%3e2004-%3eCh0380-%3eSection%2005#0380.05

This Code presents an example of an opportunity to designate military installations, airfields, test, and training ranges as areas of critical state concern requiring special consideration relative to compatible community planning and development.

Appendix 5.0

– Florida Statute 380.05 Areas of critical state concern.--

(1)(a) The state land planning agency may from time to time recommend to the Administration Commission specific areas of critical state concern. In its recommendation, the agency shall include recommendations with respect to the purchase of lands situated within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972. The agency also shall include any report or recommendation of a resource planning and management committee appointed pursuant to s. 380.045; the dangers that would result from uncontrolled or inadequate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner; a detailed boundary description of the proposed area; specific principles for guiding development within the area; an inventory of lands owned by the state, federal, county, and municipal governments within the proposed area; and a list of the state agencies with programs that affect the purpose of the designation. The agency shall recommend actions which the local government and state and regional agencies must accomplish in order to implement the principles for guiding development. These actions may include, but shall not be limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements.

(b) Within 45 days following receipt of a recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the recommendation with or without modification and by rule designate the area of critical state concern. Any rule that designates an area of critical state concern must include:

1. A detailed boundary description of the area.
2. Principles for guiding development.
3. A clear statement of the purpose for the designation.
4. A precise checklist of actions which, when implemented, will result in repeal of the designation by the Administration Commission, and the agencies or entities responsible for taking those actions.
5. A list of those issues or programs for which mechanisms must be in place to assure ongoing implementation of the actions taken to result in repeal of the designation.
6. A list of the state agencies which, in addition to those specified in subsection (22), administer programs that affect the purpose of the designation.

The rule shall become effective 20 days after being filed with the Secretary of State, except that an emergency rule adopted by the commission and designating an area of critical state concern shall become effective immediately on being filed. Any rule adopted pursuant to this paragraph shall be presented to the Legislature for review pursuant to paragraph (c). A statement of estimated regulatory costs prepared pursuant to s. 120.541 shall not be a ground for a challenge of the rule; however, a landowner shall not be precluded from using adverse economic results as grounds for challenge. Such principles for guiding

development shall apply to any development undertaken subsequent to the legislative review pursuant to paragraph (c) of the designation of the area of critical state concern with or without modification but prior to the adoption of land development rules and regulations or a local comprehensive plan for the critical area pursuant to subsections (6) and (8). No boundaries or principles for guiding development shall be adopted without a specific finding by the commission that the boundaries or principles are consistent with the purpose of the designation. The commission is not authorized to adopt any rule that would provide for a moratorium on development in any area of critical state concern.

(c) A rule adopted by the commission pursuant to paragraph (b) designating an area of critical state concern and principles for guiding development shall be submitted to the President of the Senate and the Speaker of the House of Representatives for review no later than 30 days prior to the next regular session of the Legislature. The Legislature may reject, modify, or take no action relative to the adopted rule. In its deliberations, the Legislature may consider, among other factors, whether a resource planning and management committee has established a program pursuant to s. 380.045. In addition to any other data and information required pursuant to this chapter, each rule presented to the Legislature shall include a detailed legal description of the boundary of the area of critical state concern, proposed principles for guiding development, and a detailed statement of how the area meets the criteria for designation as provided in subsection (2).

(d) If, after the repeal of the boundary designation of an area of critical state concern pursuant to subsection (15), the state land planning agency determines that the administration of the local land development regulations or a local comprehensive plan within a formerly designated area is inadequate to protect the former area of critical state concern, then the state land planning agency may recommend to the commission that the area be redesignated as an area of critical state concern. Within 45 days following the receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the same with or without modification. The commission may, by rule, make such redesignation effective immediately, at which time the boundaries, regulations, and plans in effect at the time the previous designation was repealed shall be reinstated. Within 90 days of such redesignation, the commission shall begin rulemaking procedures to designate the area an area of critical state concern under paragraph (b).

(2) An area of critical state concern may be designated only for:

(a) An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources. Specific criteria which shall be considered in designating an area under this paragraph include:

1. Whether the economic value of the area, as determined by the type, variety, distribution, relative scarcity, and condition of the environmental or natural resources within the area, is of substantial regional or statewide importance.

2. Whether the ecological value of the area, as determined by the physical and biological components of the environmental system, is of substantial regional or statewide importance.
 3. Whether the area is a designated critical habitat of any state or federally designated threatened or endangered plant or animal species.
 4. Whether the area is inherently susceptible to substantial development due to its geographic location or natural aesthetics.
 5. Whether any existing or planned substantial development within the area will directly, significantly, and deleteriously affect any or all of the environmental or natural resources of the area which are of regional or statewide importance.
- (b) An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts. Specific criteria which shall be considered in designating an area under this paragraph include:
1. Whether the area is associated with events that have made a significant contribution to the history of the state or region.
 2. Whether the area is associated with the lives of persons who are significant to the history of the state or region.
 3. Whether the area contains any structure that embodies the distinctive characteristics of a type, period, or method of construction, that represents the work of a master, that possesses high artistic values, or that represents a significant and distinguishable entity the components of which may lack individual distinction and which are of regional or statewide importance.
 4. Whether the area has yielded, or will likely yield, information important to the prehistory or history of the state or region.
- (c) An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities, and water management projects.
- (3) Each regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission as an area of critical state concern an area substantially similar to one that has been recommended, it shall respond in writing as to its reasons therefore.

- (4) Prior to submitting any recommendation to the commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments and regional planning agencies that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.
- (5) After the commission adopts a rule designating the boundaries of, and principles for guiding development in, an area of critical state concern and within 180 days of such adoption, the local government having jurisdiction may submit to the state land planning agency its existing land development regulations and local comprehensive plan for the area, if any, or shall prepare, adopt, and submit the new or modified regulations and plan, the local government taking into consideration the principles set forth in the rule designating the area.
- (6) Once the state land planning agency determines whether the land development regulations or local comprehensive plan or amendment submitted by a local government is consistent with the principles for guiding the development of the area specified under the rule designating the area, the state land planning agency shall approve or reject the land development regulations or portions thereof by final order, and shall determine compliance of the plan or amendment, or portions thereof, pursuant to s. 163.3184. The state land planning agency shall publish its final order to approve or reject land development regulations, which shall constitute final agency action, in the Florida Administrative Weekly. If the final order is challenged pursuant to s. 120.57, the state planning agency has the burden of proving the validity of the final order. Such approval or rejection of the land development regulations shall be no later than 60 days after submission of the land development regulations by the local government. No proposed land development regulation within an area of critical state concern becomes effective under this subsection until the state land planning agency issues its final order or, if the final order is challenged, until the challenge to the order is resolved pursuant to chapter 120.
- (7) The state land planning agency and any applicable regional planning agency shall, to the greatest extent possible, provide technical assistance to local governments in the preparation of the land development regulations and local comprehensive plan for areas of critical state concern.
- (8) If any local government fails to submit land development regulations or a local comprehensive plan, or if the regulations or plan or plan amendment submitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern, within 120 days after the adoption of the rule designating an area of critical state concern, or within 120 days after the issuance of a recommended order on the compliance of the plan or plan amendment pursuant to s. 163.3184, or within 120 days after the effective date of an order rejecting a proposed land development regulation, the state land planning agency shall submit to the commission recommended land development regulations and a local comprehensive plan or portions thereof applicable to that local government's portion of the area of critical state concern. Within 45 days following receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the recommendation with or without modification, and by rule establish land development regulations and a local comprehensive plan

applicable to that local government's portion of the area of critical state concern. However, such rule shall not become effective prior to legislative review of an area of critical state concern pursuant to paragraph (1)(c). In the rule, the commission shall specify the extent to which its land development regulations, plans, or plan amendments will supersede, or will be supplementary to, local land development regulations and plans. Notice of any proposed rule issued under this section shall be given to all local governments and regional planning agencies in the area of critical state concern, in addition to any other notice required under chapter 120. The land development regulations and local comprehensive plan adopted by the commission under this section may include any type of regulation and plan that could have been adopted by the local government. Any land development regulations or local comprehensive plan or plan amendments adopted by the commission under this section shall be administered by the local government as part of, or in the absence of, the local land development regulations and local comprehensive plan.

(9) If, within 12 months after the commission adopts a rule designating an area of critical state concern, land development regulations or local comprehensive plans for the area have not become effective under either subsection (6) or subsection (8), the designation of the area as an area of critical state concern terminates. No part of such area may be recommended for redesignation until at least 12 months after the date the designation terminates pursuant to this subsection. The running of the 12-month period subsequent to the initial designation shall be tolled upon challenge pursuant to the provisions of chapter 120 to either the designation of the area of critical state concern or the adoption of land development regulations and local comprehensive plans under subsection (6) or subsection (8).

(10) At any time after the adoption of land development regulations and plans by the commission under this section, a local government may propose land development regulations or a local comprehensive plan which, if approved by the state land planning agency as provided in subsection (6), will supersede any regulations or plans adopted under subsection (8).

(11) Land development regulations or a local comprehensive plan submitted by a local government in an area of critical state concern and approved pursuant to subsection (6) may be amended or rescinded by the local government, but the amendment or rescission becomes effective only upon approval thereof by the state land planning agency. The state land planning agency shall either approve or reject the requested changes within 60 days of receipt thereof. Land development regulations or local comprehensive plans for an area of critical state concern adopted by the commission under subsection (8) may be amended or rescinded by rule by the commission in the same manner as for original adoption.

(12) Upon the request of a substantially interested person pursuant to s. 120.54(7), a local government or regional planning agency within the designated area, or the state land planning agency, the commission may by rule remove, contract, or expand any designated boundary. Boundary expansions are subject to legislative review pursuant to paragraph (1)(c). No boundary may be modified without a specific finding by the commission that such changes are consistent with necessary resource protection. The total boundaries of an entire area of critical state concern shall not be removed by the commission unless a minimum time of 1 year has elapsed from the adoption of regulations and a local

comprehensive plan pursuant to subsection (1), subsection (6), subsection (8), or subsection (10). Before totally removing such boundaries, the commission shall make findings that the regulations and plans adopted pursuant to subsection (1), subsection (6), subsection (8), or subsection (10) are being effectively implemented by local governments within the area of critical state concern to protect the area and that adopted local government comprehensive plans within the area have been conformed to principles for guiding development for the area.

(13) If the state land planning agency determines that the administration of the local land development regulations or local comprehensive plans within the area is inadequate to protect the state or regional interest prior to the repeal of the critical state concern designation pursuant to subsection (15), the state land planning agency may institute appropriate judicial proceedings, as provided in s. 380.11, to compel proper enforcement of the land development regulations or plans.

(14) Any local government which lies either wholly or partially within an area of critical state concern and which has previously adopted a local government comprehensive plan pursuant to chapter 163 shall conform such plan to the principles for guiding development for the area of critical state concern. No later than January 1, 1984, or any other time as agreed upon in writing by the state land planning agency and the governing body of the local government, these plans shall be submitted to the state land planning agency for review and action as provided in subsection (6) or subsection (8).

(15) Any rule adopted pursuant to this section designating the boundaries of an area of critical state concern and the principles for guiding development therein shall be repealed by the commission no earlier than 12 months and no later than 3 years after approval by the state land planning agency or adoption by the commission of all land development regulations and local comprehensive plans pursuant to subsection (6), subsection (8), or subsection (10), and the implementation of all the actions listed in the designation rule for repeal of the designation. Any repeal pursuant to this subsection may be limited to any portion of the area of critical state concern. The repeal must be contingent upon approval by the state land planning agency of local land development regulations and plans pursuant to subsection (6) or subsection (10) and upon such regulations and plans being effective for a period of 12 months.

(16) No person shall undertake any development within any area of critical state concern except in accordance with this chapter.

(17) If an area of critical state concern has been designated under subsection (1) and if land development regulations for the area of critical state concern have not yet become effective under subsection (6) or subsection (8), a local government may grant development permits in accordance with such land development regulations as were in effect immediately prior to the designation of the area as an area of critical state concern.

(18) Neither the designation of an area of critical state concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration of a subdivision pursuant to chapter 498 or former chapter 478, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which

there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued, prior to the approval under subsection (6), or the adoption under subsection (8), of land development regulations for the area of critical state concern. If a developer has by his or her actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to the developer's interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(19) In addition to any other notice required to be given under the local land development regulations, the local government shall give notice to the state land planning agency of any application for a development permit in any area of critical state concern, except to the extent that the state land planning agency has in writing waived its right to such notice in regard to all or certain classes of such applications. The state land planning agency may by rule specify additional classes of persons who shall have the right to receive notices of, and participate in, hearings under this section.

(20) At no time shall a land area be designated an area of critical state concern if the effect of such designation would be to subject more than 5 percent of the land of the state to supervision under this section; except that, if any supervision by the state is retained, the area shall be considered to be included within the limitations of this subsection. If 5 percent of the lands of the state are designated as areas of critical state concern pursuant to this section, a redesignation pursuant to paragraph (1)(d) will not be prohibited by this subsection.

(21) Within 30 days after the effective date of the designation of an area of critical state concern pursuant to paragraph (1)(c) or paragraph (1)(d), the state land planning agency shall record a legal description of the boundaries of the area of critical state concern in the public records of the county or counties in which the area of critical state concern is located.

(22) All state agencies with rulemaking authority for programs that affect a designated area of critical state concern shall review those programs for consistency with the purpose of the designation and principles for guiding development, and shall adopt specific permitting standards and criteria applicable in the designated area, or otherwise amend the program, as necessary to further the purpose of the designation.

(a)1. Within 6 months after the effective date of the rule or statute that designates an area of critical state concern, and at any time thereafter as directed by the Administration Commission, the Department of Environmental Protection, the Department of Health, the water management districts with jurisdiction over any portion of the area of critical state concern, and any other state agency specified in the designation rule, shall each submit a report to the Administration Commission, and a copy of the report to the state land planning agency. The report shall evaluate the effect of the reporting agency's programs upon the purpose of the designation.

2. If different permitting standards or criteria, or other changes to the program, are necessary in order to further the purpose of the designation, the report shall recommend rules which further that purpose and which are consistent with the principles for guiding

development. The report shall explain and justify the reasons for any different permitting standards or criteria that may be recommended. The commission shall reject the agency's recommendation, or accept it with or without modification and direct the agency to adopt rules, including any changes. Any rule adopted pursuant to this paragraph shall be consistent with the principles for guiding development, and shall apply only within the boundary of the designated area. The agency shall file a copy of the adopted rule with the Administration Commission and the state land planning agency.

3. If statutory changes are required in order to implement the permitting standards or criteria that are necessary to further the purpose of the designation, the report shall recommend statutory amendments. The Administration Commission shall submit any report that recommends statutory amendments to the President of the Senate and the Speaker of the House of Representatives, together with the Administration Commission's recommendation on the proposed amendments.

(b) The Administration Commission has authority to adopt rules pursuant to 120.536(1) and 120.54 to implement the provisions of this subsection.

History.--s. 5, ch. 72-317; s. 1, ch. 74-326; s. 1, ch. 76-190; s. 4, ch. 79-73; s. 235, ch. 81-259; s. 3, ch. 83-308; s. 2, ch. 84-281; s. 50, ch. 93-206; s. 340, ch. 94-356; s. 1027, ch. 95-148; s. 113, ch. 96-410; s. 5, ch. 97-253; s. 92, ch. 98-200; s. 27, ch. 99-5; s. 71, ch. 99-

Appendix 6

6.0 Samples of Real Estate Disclosure Statements for a Military Influence Disclosure District

6.1 Horsham Township, PA – NAS/JRB Willow Grove

6.2 Eastern Carolina – MCAS Cherry Point, NC

6.3 State of Hawaii, Chapter 508D, Mandatory Seller Disclosures In Real Estate

6.4 Santa Rosa County, Florida – NAS Pensacola

6.5 Aurora, Colorado,

6.6 Generic Disclosure Statement

“Aircraft Noise/Accident Disclosure: All properties are affected by aircraft noise to some degree; however, some properties are located in specific noise and/or accident potential zones. The livability an /or enjoyment of the property by the owner may be limited if property is adjacent to or situated near an airport or within an accident zone. Aircraft noise and/or accident zones are subject to change.”

Virginia Metro Multiple Listing Service,
Agency Disclosure and other Consumer
Disclosure Information Form,
Virginia Real Estate Board Regulations, Section 6.3

Appendix 6.1

[City/County] Disclosure Statement for [Military Installation]

Section 3008: [Military Installation] Influence Area Disclosure District

No contract for sale or lease, deed, or plat of the property or any portion thereof located within the [Military Installation] Influence Area Disclosure District (Disclosure District), as defined in Section 3001 and reflected on the Official Zoning Map [City/County], shall be drawn, made, executed, used, or recorded unless there is attached to such contract for sale or lease, deed, or plat of said property a statement of disclosure that the subject property, all or part of which, is located within the Disclosure District. Property owners/agents and property purchaser/lessee agents shall formally deliver a copy of the [City/County] Disclosure District map to affected future purchasers, mortgagees, occupiers and users of real property located within the Disclosure District.

The disclosure document, to be signed by all parties to an affected real property transaction within the Disclosure District, shall include the following language:

“The property subject to this real estate **(sale)** **(lease)** **(transfer)** transaction between _____ and _____ is located in the Horsham Township [Military Installation] Influence Area Disclosure District. We, the undersigned parties, hereby acknowledge that the property may be subject to noise, vibration and emissions from low-altitude overflights and occasional special military events, including air shows and training exercises that may involve the movement of large numbers of personnel and equipment by land or air. We further acknowledge that the subject property **(is)** **(is not)** located within a runway **(Clear Zone)** **(Accident Potential Zone)** as defined by the Horsham Township Zoning Ordinance and Official Zoning Map, adopted on (insert date ordinance is adopted).”

The disclosure document shall be signed and dated by all parties to the transaction, and in the case of sale transactions, shall be incorporated into the settlement documentation. All parties to the transaction shall receive a copy of the disclosure document and Horsham [City/County] Disclosure District map (copies available at the [City/County] Government Center).

Applicability: Should the MAPOD be declared inapplicable to any tract by reason of action of (1) the [City/County] Council in amending this Ordinance; or (2) the Zoning Officer, the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (3) the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same; the zoning applicable to such lot shall be deemed to be the District in which it is located without consideration of this Article.

Should the underlying zoning of any parcel or any part thereof in which the MAPOD is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the MAPOD unless such change was specifically included as part of the original application.

Appendix 6.2

**Air Installation Compatible Use Zone
Disclosure Form**

The property at the following location:

Parcel #: _____
 Deed Book # _____ Page# _____
 Address: _____

is situated within the following zones of the Air Installation Compatibility Use Zone (AICUZ) of the *[Military Installation]* .

- _____ **LI Clear Zone (CZ): Greatest potential for accidents & highest noise exposure**
- _____ **LI Accident Potential Zone 1 (APZ1): Significant potential for accidents**
- _____ **LI Accident potential Zone 2 (APZ2): Measurable potential for accidents**
- _____ **III Noise Exposure Level N3 (75 Ldn or higher): Area of significant impact from noise**
- _____ **LI Noise Exposure Level N2 (65 to 74 Ldn): Area of moderate impact from noise**
- _____ **LI Noise Exposure level Ni (below 65 Ldn): Area of some impact from noise**

The City/County has placed certain use restrictions on the development of property •within the MCAS AICUZ footprint. Before purchasing the above property, you should consult the City/County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, the City/County provides information for methods to reduce noise levels for existing or planned development.

I, _____, owner of the subject property, hereby certify that I have informed _____, prospective purchaser/lessee/renter, that the subject property is located than Air Installation Compatibility Use Zone.

Owner

Purchaser/Lessee/Renter

Owner

Purchaser/Lessee/Renter

Signed before me on this _____ day of _____, 20__, in the County of _____.

Appendix 6.3

Hawaii Statute - Chapter 508D, Mandatory Seller Disclosures In Real Estate Transactions.

§508D-15 Notification required; ambiguity.

(a) When residential real property lies:

- (1) Within the boundaries of a special flood hazard area as officially designated on Flood Insurance Administration maps promulgated by the United States Department of Housing and Urban Development for the purposes of determining eligibility for emergency flood insurance programs;
- (2) Within the boundaries of the noise exposure area shown on maps prepared by the department of transportation in accordance with Federal Aviation Regulation Part 150-Airport Noise Compatibility Planning (14 Code of Federal Regulations Part 150) for any public airport;
- (3) Within the boundaries of the Air Installation Compatibility Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities; or
- (4) Within the anticipated inundation areas designated on the department of defense's civil defense tsunami inundation maps;

Subject to the availability of maps that designate the four areas by tax map key (zone, section, parcel), the seller shall include such material fact information in the disclosure statement provided to the buyer subject to this chapter. Each county shall provide, where available, maps of its jurisdiction detailing the four designated areas specified in this subsection. The maps shall identify the properties situated within the four designated areas by tax map key number (zone, section, parcel) and shall be of a size sufficient to provide information necessary to serve the purposes of this section. Each county shall provide legible copies of the maps and may charge a reasonable copying fee.

(b) When it is questionable whether residential real property lies within any of the designated areas referred to in subsection (a) due to the inherent ambiguity of boundary lines drawn on maps of large scale, the ambiguity shall be construed in favor of the seller; provided that a good faith effort has been made to determine the applicability of subsection (a) to the subject real property. [L 1994, c 214, pt of §2; am L 1996, c 161, §15]

*Appendix 6.4***[City/County] DISCLOSURE STATEMENT
ORDINANCE NO. _____**

DISCLOSURE STATEMENT: No person shall sell, lease, nor offer for sale or lease any property within the airport hazards area unless the prospective buyer or lessee has been given the following notice:

To: _____

The property at _____ (address) _____ is located within the airport environs of _____ (airport) _____ [City/County] has determined that this is an area of airport operations. The County has placed certain restrictions on the development and use of property within airport environs zones in addition to the restrictions in Article Six of the Land Development Code (the zoning code). Before purchasing or leasing the above property, you should consult [City/County] Land Development Code to determine the restrictions which have been placed on the subject property.

Certification

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser/lessee, that the subject property is located in an Airport Environs Zone.

Dated this _____ day of _____, 19____.

Witness

Owner

As a prospective purchaser/lessee of the subject property, I hereby certify that I have been informed that the subject property is in an Airport Environs Zone and I have consulted [City/County Code] to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, 19____.

Witness

Purchaser/Lessee

Appendix 6.5

[City/County] Zoning Code Sec. 811 Airport Influence District

- (A) The airport influence district is composed of that area designated by [City/County Code] of this district. Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for military airports.
- (B) An avigation easement with the city as sole grantee shall be conveyed to the city/county by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence area.
- (C) Vendors of real property located within the airport influence area shall provide the following notice to prospective purchasers and cause such notice to be recorded with the clerk and recorder of the appropriate county:

NOTICE

The property known as (legal description and address) is located within an area that has been officially designated as an airport influence district by the [City/County]. As a result of this designation the property is subject to one or more of the following:

- (1) An avigation easement granted to the [City/County] recorded in book _____, at page _____, _____ County, [State], which allows for the unobstructed passage of aircraft above the property, and provides for the waiver of any right or cause of action against the [City/County] due to noise, vibrations, fumes, dust, fuel particulates caused by aircraft or airport operations.
- (2) The use and enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particulates from aircraft operation.
- (3) The noise to which the property may be subject from aircraft operation may exceed 65 LDN, the maximum acceptable level set by the Federal Department of Housing and Urban Development for residential land use (only if located within the LDN 65 contour).
- (4) The involved property is located within an area that has been designated as an accident potential zone II. Such property may be characterized by high noise levels and accident potential resulting from aircraft operations (only if located within APZ II).
- (5) The involved property is located within an area that has been designated as an accident potential zone I. Such property may be characterized by high noise levels and significant accident potential resulting from aircraft operations (only if located within APZ I).

Appendix 6.6

NOISE DISCLOSURE STATEMENT

The land in Section _____, Range _____ Township _____, in _____ County situated at _____ (Address) which is being purchased from _____ by _____ lies within Noise Zone _____ of the _____ Airport as depicted on the Map _____, Appendix ___ in _____ County Airport Zoning Ordinance _____

The purchaser, _____, is hereby notified that:

“This land lies within Noise Zone _____ for the _____ County Airport and is subject to noise that may be objectionable.”

The undersigned purchaser(s) of said land hereby certify(ies) that (he/they) (has/have) read and understand(s) the above disclosure statement and acknowledges that preexistence of the above named airport and the potential for objectionable noise.

Seller

Buyer

Sworn to and subscribed

before me at:

Notary Public

