

Airport Land Use & Height Overlay Zoning Ordinance

1. Title and Authority:

The _____ AIRPORT LAND USE & HEIGHT OVERLAY ZONING ORDINANCE created by the _____ shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the _____ Airport. Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this Ordinance. _____ Airport Land Use & Height Zoning Map is incorporated into and made part of this Ordinance. It is intended that such restrictions will be coordinated with the restrictions existing under the _____ County zoning ordinance.

2. Statement of Purpose and Findings

1. The _____ Airport is acknowledged as an essential public facility to the local community.
2. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by _____ Airport.
3. There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, or impacts an individual's quality of life, nor prevents the safe movement of aircraft at the _____ Airport.
4. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
5. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power.
6. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which _____ (City/County) may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

3. Applicability

This ordinance encompasses the prescribed areas defined in this ordinance around the _____ Airport. See Exhibit A.

4. Definitions

Airport Overlay Zones

Zones intended to place height and land use conditions on land impacted by airport operations while retaining the existing underlying zone. The Federal Aviation Regulations Part 77 Surfaces and runway protection zones have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

Approach and Runway Protection Zone Map.

The Approach and Runway Protection Zone Map is compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace." It shows the five airport overlay zones affected by the Airport Overlay Zoning Ordinance, and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.

Conical Surface (Zone E) - The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a distance of 4,000 feet. It is the outermost zone of the overlay areas and has the least number of land use restriction considerations.

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Horizontal Surface (Zone D) - The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surfaces and primary surface for a distance of 5,000' for visual approach runways.

Primary Surface - The primary surface is longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250', or 50' beyond the marked edge of a turf runway.

Runway Protection Zone (RPZ) (Zone A) - is the area off the end of the runway end designed to provide a clear area that is free of above ground obstructions and structures to enhance the protection of people and property on the ground. Zone A is intended to provide a clear area that is free of above-ground obstructions and structures.

Runway Approach Surface (Zone B) - is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway. The approach slope for visual runways is **20:1** for a distance of 5,000 feet.

Transitional Surface (Zone C) - The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Visual Approach.

An approach to an airport conducted with visual reference to the terrain.

5. Airport Overlay Zones

Airport overlay zones established by this Ordinance include all of the land lying beneath the runway protection zone, the approach surface, transitional surface, horizontal surface and conical surface. These zones are identified as A, B, C, D and E and are defined under the definition section, Table 5.1 and in Exhibit A.

Table 5.1 Dimensions for Airport Overlay Zones - Visual Runway				
Zone	Inner Width	Outer Width	Length	Height or Slope
A (Runway Protection Zone – Begins at end of turf runway, 200' past hard surface runway)	250'	450'	1,000'	Not applicable
B (Approach zone - Begins at end of turf runway, 200' past hard surface runway)	250'	1,250'	5,000'	20:1
C width (Transitional Surface)		1,050'		7:1
D radius (Horizontal Surface)	Begins at edge of transitional surface	5,000'		150' above runway (excludes approach zone)
E radius (Conical Surface)	Begins at edge of horizontal surface	4,000'		20:1

5. Airport Zone Height Limitations and Lighting Requirements

Unless otherwise provided for in this Ordinance, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zone established by this Ordinance to a height in excess of the applicable height limitations established by this Ordinance in Table 5.1 and shown on Exhibit A, the “_____ Airport Zone Overlay Map.”

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.

6. Land Use Limitations within Airport Zones

Land uses defined below as compatible shall be issued a permit if they follow all provisions of this ordinance. Those land uses identified as ‘not compatible’ will not be permitted within Zones A-E. Land uses identified as ‘additional review’ will be evaluated by the land use administrator as to the potential impacts on the airport regarding noise, concentration of people, height, visual restrictions, wildlife attractions, flammable substances and electrical, navigational or radio interference.

Airport					
Zone Chart					
<i>C = Compatible</i>	<i>AR = Additional Review Required</i>			<i>NC = Not Compatible</i>	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Single Family	NC	AR	NC	AR	C
Multi-Family, group living Uses	NC	NC	NC	AR	C
Permitted uses in “C” Commercial District	NC	AR	AR	C	C
Permitted uses in “M” Manufacturing District	NC	AR	AR	AR	C
Basic Utility Uses (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	NC	NC	AR	C
Sanitary landfills	NC	NC	NC	NC	AR
Solar power, generation equipment, wind generation, wind farms	NC	NC	NC	AR	AR
Communication transmission facilities	NC	NC	NC	AR	AR
Outdoor storage, signs and displays	NC	AR	AR	AR	C
General Community Service	NC	AR	AR	AR	C
Daycare Uses	NC	NC	NC	AR	C
Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	NC	NC	AR	C
Educational Facilities	NC	NC	NC	AR	C
Hospitals	NC	NC	NC	AR	C

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Religious Assembly Uses	NC	NC	NC	AR	C
Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	NC	NC	AR	AR
Parking Uses (i.e. ground lots, parking structures)	AR	C	AR	C	C
Transportation Uses (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)	NC	NC	NC	AR	AR
Farms – plant and animal with no residential	AR	AR	AR	C	C
Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	NC	AR	C
Grain bins, bulk fuel, grain elevator	NC	NC	NC	AR	AR
Man-made water retention, detention, wetlands	NC	NC	NC	AR	AR
Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)					
<i>Outdoor recreation</i>	NC	AR	NC	AR	C
<i>Indoor recreational facilities</i>	NC	AR	NC	AR	C
Parks	NC	AR	NC	C	C
Casino	NC	NC	NC	AR	C

7. Airport Zoning Map

The Airport Land Use & Height Overlay Zones established by this Ordinance are shown on the Exhibit A to this Ordinance. The Official Airport Land Use & Height Overlay Zoning Map, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.

8. Ordinance Administration

It shall be the duty of the _____ referred to herein as the “Airport Zoning Administrator”, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Administrator upon forms furnished by the Airport Zoning Administrator. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

9. Airport Zoning Permits

It shall be the duty of the applicant to provide the Airport Zoning Administrator with sufficient information to evaluate the proposed action. This information shall include but not be limited to the following:

- Contact information
- Structure information
- Site information
- Drawing information
- Certification
- Identify current and potential compatibility concerns

The Airport Zoning Administrator shall evaluate the proposal based upon information provided by the applicant. The Airport Zoning Administrator shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator shall deny the permit. Should the permit

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be denied, the applicant shall have the right to request a variance or an appeal as prescribed in this Ordinance.

10. Variances

Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use his property in violation with any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulation. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the _____ Airport Zoning Administrator and the airport manager for an opinion as to the aeronautical effects of the variance.

11. Appeals

Any person, property owner, or taxpayer impacted by any decision of this Ordinance, may appeal to the Board of Adjustment. *(Insert detail regarding procedures for the appeals process already in use by the adopting governing body.)*

12. Penalties

Any violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by a fine of not more than \$_____ dollars or imprisonment for not more than _____ (year or month) or both; each day a violation continues to exist shall constitute a separate offense. *(Insert detail regarding penalties already in use by the adopting governing body.)*

13. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

14. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

15. Effective Date

This Ordinance shall be in effect from and after its passage by the governing body and publication and posting as required by law.

Adopted on this _____ day of _____, 20__.

Exhibit A-Airport Land Use & Height Overlay Zoning Map

The exhibit provides the Official Airport Land Use & Height Overlay Zoning Maps to be kept on file with the appropriate governmental entities. The maps must be amended when changes occur within the jurisdictional boundaries of the maps.