

Appendix D

St Mary's County AICUZ Zoning Overlay Ordinance

1 **CHAPTER 43 AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ) AND AIRPORT**
2 **ENVIRONS (AE) OVERLAY**

3 Sections:

- 4 43.1 Applicability and Zoning Map Designator.
- 5 43.2 Noise Level Contours.
- 6 43.3 Land Use and Development Regulations Generally.
- 7 43.4 Site Development Standards.
- 8 43.5 Airport Easements, Restrictions, and Covenants.

9 **43.1. Applicability and Zoning Map Designator.**

- 10 1. **Applicability.** All existing, new, or improved public airports, airfields, or heliports shall be
11 located within an AICUZ or AE Overlay Zone.
 - 12 a. An AICUZ Overlay applies to certain lands immediately surrounding the Patuxent River
13 Naval Air Station and has been delineated on the Official Zoning Maps in accordance
14 with all state and federal aviation requirements.
 - 15 b. An AE Overlay applies to certain lands surrounding the Captain Walter Francis Duke
16 Airport and as been delineated on the Official Zoning Maps in accordance with the
17 County's airport master plan.
 - 18 c. If a portion of a lot, parcel, or tract lies within one of the AICUZ or AE subdistrict(s), the
19 restrictions upon uses and structures apply only to that portion of the lot, parcel, or tract
20 located within the AICUZ or AE subdistrict(s).
- 21 2. Zoning Map Sub-Districts and Purpose.
 - 22 a. Within the AICUZ the following sub-districts shall be designated on the Official Zoning
23 Maps:
 - 24 (1) Clear Zone (CZ). Within the CZ, aircraft can be expected to operate at an
25 altitude close to ground level, and therefore this area is the area of greatest
26 aircraft accident potential and threat to human life and real property
27 improvements.
 - 28 (2) Accident Potential Zone 1 (APZ 1). This is the glide zone, and area in which
29 aircraft are transitioning to commit to touchdown or takeoff with high power
30 settings in a descending or climbing attitude. It is an area of high concentration
31 of air traffic and noise and represents the second greatest accident and risk
32 potential.
 - 33 (3) Accident Potential Zone 2 (APZ 2). This is the rendezvous dispersion zone, the
34 area over which aircraft are normally in a vulnerable flight attitude with variable
35 power settings on landing and high power settings on takeoff and represents the
36 least potential for aircraft accidents and risks within the AICUZ.
 - 37 b. Within the AE overlay the following sub-districts are designated on the Official Zoning
38 Maps but note that the vertical aspects of the sub-districts are described herein:
 - 39 (1) *Approach Surface (AS)*. The inner edge of this surface coincides with the width
40 of the primary surface and is 500 feet wide. The approach surface expands
41 outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000
42 feet from the primary surface, centered on the extended runway centerline. This
43 surface extends upward at a slope of 34 feet horizontally for each foot vertically
44 (34:1) beginning at the end of and at the same elevation as the primary surface.

- 1 (2) *Conical Surface (CS)*. This surface commences at the periphery of the horizontal
2 surface at a slope of twenty to one (20:1) and extends outward a horizontal
3 distance of 4,000 feet.
- 4 (3) *Heliport Imaginary Surfaces*. Heliport imaginary surfaces consist of the HPS,
5 the HAS and the HTS. The heliport primary surface (HPS) underlies a surface
6 that coincides with the size and shape of the designated takeoff and landing area
7 of a heliport. This surface is a horizontal plane at the elevation of the
8 established heliport elevation. The heliport approach surface (HAS) begins at
9 each end of the Heliport Primary Surface with the same width as the primary
10 surface, and extends outward and upward for a horizontal distance of 4,000 feet
11 where its width is 500 feet. The slope of the approach surface is 8:1 for civil
12 and 10:1 for military heliports. Heliport transitional surfaces (HTS) extend
13 outward from the lateral boundaries of the heliport primary surface and from the
14 approach surfaces at a slope of 2 feet horizontal to 1 foot vertical for a distance
15 of 250 feet measured horizontally from the centerline of the primary and
16 approach surfaces.
- 17 (4) *Horizontal Surface (HS)*. This is as a horizontal plane one hundred and fifty
18 (150) feet above the established airport elevation, this surface is defined by arcs
19 of ten thousand (10,000) feet radii from the center of each end of the Primary
20 Surface of the runway, connected by tangent lines. The Horizontal Surface does
21 not include the Approach and Transitional Surfaces.
- 22 (5) *Primary Surface (PS)*. This sub-district is a ground surface, 500 feet in width,
23 longitudinally centered on the runway and ending 200 feet beyond the end of the
24 runway.
- 25 (6) *Transitional Surface (TS)*. This sub-district is established as a surface extending
26 outward at 90-degree angles to the runway centerline extended at a slope of
27 seven feet horizontally for each one foot vertically (7:1) from the sides of the
28 primary and approach surfaces to where they intersect the horizontal and conical
29 surfaces. In addition to the Site Development Standards contained herein, there
30 are established height limits sloping upward and outward seven feet horizontally
31 for each foot vertically (7:1) beginning at the sides of the same elevation as the
32 approach surfaces, and extending to where they intersect the conical surface.
- 33 (7) *Runway Protection Zone (RPZ)*. This sub-district is a trapezoid shaped area
34 located off the end of each runway (part of Area 1). The RPZ expands outward
35 uniformly to a width of 700 feet at a horizontal distance of 1,000 feet from the
36 primary surface, centered on the extended runway centerline. This is an area
37 where aircraft are operating at a low altitude during approach or takeoff.

38 **43.2. Noise Level Contours.**

39 Noise from concentrated numbers of low-flying aircraft is expected to produce discomfort, annoyance or a
40 potentially unhealthy environment. Noise level contour lines based on anticipated day-night average sound
41 level (ldn) in decibels (db) may be shown on the Official Zoning Maps, and additional sound deadening
42 may be required, as shown on Figure 43.2.A, in new construction or renovation to assure adequate
43 construction requirements for sound level reduction to produce an acceptable interior environment. New
44 development may be prohibited where indicated in Figure 43.2.A.

1 **FIGURE 43.2.A MINIMUM SOUND LEVEL REDUCTION REQUIREMENTS FOR**
 2 **STRUCTURES***

ACTIVITIES AND/OR LAND USES	Ldn 75+(SLR 35dB)	Ldn 70-75 (SLR 30 dB)	Ldn 65-70 (SLR 25 dB)
Residential (1)	Not Allowed	Not Allowed	Permitted with SLR 25
Residential (2), Educational and Institutional (3)	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Auditoriums, Concert Halls	Not Allowed	Not Allowed	Permitted with SLR 35
Outdoor Amphitheaters, Music Shells	Not Allowed	Not Allowed	Not Allowed
Offices: Personal, Business and Professional Services; Commercial Retail, Movie, Theaters, Restaurants(4)	Permitted with SLR 30 except movie theaters and restaurants	Permitted with SLR 25	Permitted
Transient Lodging – Hotels, Motels	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Sports Arenas, Outdoor Spectator Sports	Not Allowed	Permitted with SLR 30	Permitted
Playgrounds, Neighborhood Park	Not Allowed	Not Allowed	Permitted
Golf Courses, Driving Ranges, Water Recreation, Cemeteries (5)	Permitted	Permitted	Permitted
Commercial – Wholesale and Selected Retail, Industrial/Manufacturing, Transportation, Communications and Utilities (6)	Permitted	Permitted	Permitted
Animal-related Services (7)	Not Allowed	Permitted	Permitted
Agricultural (8)	Permitted	Permitted	Permitted
* This table only relates to Sound Level Reduction for uses otherwise permitted. ** See accompanying notes for expanded list of activities and land uses.			

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1 **NOTES FROM TABLE**

- 2 (1) Urban Renewal Administration, Housing and Home Finance Agency, and
3 Bureau of Public Roads, Standard Land Use Coding Manual: A Standard System
4 for Identifying and Coding Land Use Activities. U.S. Department of commerce,
5 1965.
- 6 (2) Triplex, Fourplex, apartment houses, multi-family dwellings, rooming houses,
7 boarding houses, or nursing homes, sorority and fraternity houses, dormitories,
8 boarding schools, convalescent homes.
- 9 (3) School classrooms, libraries, churches, and hospitals.
- 10 (4) Professional and financial offices, banks, savings and loan association, mortgage
11 bankers, insurance offices, real estate office, architects, engineers, attorneys-at-
12 law, decorators, medical and dental clinics and labs, funeral homes and
13 mortuaries, retail stores, clothing stores, department stores, food and dairy
14 markets, cafes, restaurants (enclosed and drive-in), cafeterias, barber shops,
15 beauty shops, new and used car sales, country clubs.
- 16 (5) Swimming pools, shooting ranges, miniature golf courses.
- 17 (6) Automobile salvage and wrecking yards, industrial metal and waste salvage
18 yards, manufacturing facilities, gasoline service stations, ambulance services,
19 automobile repair garages, public storage garages, taxi dispatch offices,
20 automobile washing stations, lumber yards, warehousing, motor freight
21 terminals, railway passenger and freight stations, airport services.
- 22 (7) Animal grooming services, dog kennels, veterinarians and veterinarian hospitals.
- 23 (8) Farms, orchards, nurseries, greenhouses.

24 **43.3. Land Use and Development Regulations Generally.**

25 The restrictions upon use of land and structures listed in Figures 43.3.A and 43.3.B, apply to lands within
26 the AICUZ and the AE overlay respectively, and are in addition to any other applicable regulations. Where
27 the requirements conflict, the more stringent requirement shall apply.

- 28 1. **Permitted Uses.** Uses identified in the AICUZ or AE districts that are shown in Figure 43.3.A
29 and 43.3.B are subject to the following:
- 30 a. **Clearly Compatible (A):** Exposure to accident potential is such that the activities
31 associated with the land use may be carried out with essentially no interference and no
32 substantial loss of life and property.
- 33 b. **Normally Compatible (B):** Exposure to accident potential is great enough to be of some
34 concern, but density of people and structures, when properly planned and approved, will
35 allow the accident potential environment to be acceptable. Site plan approval is required.
- 36 c. **Normally Incompatible (C):** The exposure to accident potential is significantly more
37 severe so that more restrictive density and land use restrictions are necessary for safety of
38 life and property.
- 39 d. **Clearly Incompatible (-):** The exposure to accident potential at the site is so severe, due to
40 potential loss of life and property, that performance of the land use activity or
41 development is not permitted. Uses not specified in Figures 43.3.A and 43.3.B shall be
42 deemed clearly incompatible.
- 43 e. Improvements and land uses that obstruct or interfere with the safe operation of aircraft
44 or cause a congregation of persons shall not be permitted in the Clear Zone (CZ).
- 45 2. **AE Land Use Compatibility Guidelines.** It is always best to take actions that will prevent
46 incompatible land use, as opposed to taking action to correct such activities after the fact. The
47 first step in implementing compatible land use for an airport is to adopt guidelines as part of a
48 comprehensive plan and the airport's land use plan and map. Areas recommended for control as

1 part of the Land Use Compatibility Guidelines in the AE District are defined in the following
2 sections. Figure 43.3.B identifies land uses which are generally compatible or incompatible
3 within airport safety zones and Part 77 surfaces. There are specific types of development that are
4 usually compatible within airport safety zones. In general, these include agriculture, commercial,
5 and industrial uses. Other types of development, such as noise sensitive activities and places of
6 public assembly are typically considered to be incompatible within airport safety zones. The Land
7 Use Compatibility Guidelines are divided into the following four areas, which are graphically
8 shown in Figure 44.3.C.

9 a. *Area 1*, as identified on the Official Zoning Maps, consists of the land beneath the
10 Primary Surface for each runway at the airport and the land beneath the Runway
11 Protection Zone (RPZ) which is further described in Section 43.1.2. The dimensions of
12 this zone vary based on the length and width of the runway and the existing or planned
13 approach. The following are permitted uses in Area 1, subject to the height requirements
14 established by FAR Part 77:

- 15 (1) Runway and taxiway systems (widening, extending etc.).
- 16 (2) Frangible navigational aids (localizer, approach lighting etc.).

17 b. *Area 2*, as identified on the Official Zoning Maps, consists of the land beneath the
18 Approach Surface, as defined in Section 43.1.2 for each runway and extended 3,000 feet
19 from the edge of the Primary Surface, as defined in Section 43.1.2, except for land within
20 Area 1. Area 2 expands outward uniformly from the Primary Surface to a width of 1,400
21 feet and includes sufficient area for installation of an approach and runway indicator
22 lighting systems. The following are permitted uses in Area 2 and are subject to the height
23 requirement established in FAR Part 77.

- 24 (1) Agriculture.
- 25 (2) Passive Recreation (non-spectator).
- 26 (3) Cemeteries.
- 27 (4) Automobile Parking.
- 28 (5) Transportation Uses such as Roads, Railway and Street Rights-of-Way.
- 29 (6) Utilities (above and below ground).

30 c. *Area 3*, as identified on the Official Zoning Maps, consists of the land beneath the
31 Transitional Surface and the land beneath the Approach Surface, as defined in Section
32 43.1.2 and located within 700 feet of the runway or runway centerline extended. The
33 following are permitted uses in Area 3, subject to the height requirements established in
34 FAR Part 77:

- 35 (1) Agriculture, Forestry.
- 36 (2) Recreation (non-spectator)
- 37 (3) Resource extraction – Mining, General Manufacturing.
- 38 (4) Transportation Uses such as Rods, Railway and Street Right-of-Way.
- 39 (5) Automobile Parking.
- 40 (6) Utilities.
- 41 (7) Wholesale and Retail Trade such as building materials, hardware, and general
42 merchandise.
- 43 (8) Services, excluding hospitals, nursing homes, educational, other medical
44 facilities, and other noise sensitive uses.

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(9) Airport and aircraft related services and fixed base operations (Tee-hangars, etc.).

It is important to note that these land use recommendations for the approach and transitional surfaces are not based specifically on any established FAA criteria.

- d. *Area 4*, as identified on the Official Zoning Maps, consists of the land beneath the AE sub-districts not contained within Areas 1, 2 or 3, and is bound by the outer limit of the Conical Surface. All land uses are permitted in Area 4, subject to the height requirements established in FAR Part 77.

1 **FIGURE 43.3.A: LAND USE COMPATIBILITY IN AIRCRAFT ACCIDENT POTENTIAL ZONES**
 2 **LAND USE CATEGORY** **COMPATIBILITY¹**

10/2/07

RESIDENTIAL	CLEAR ZONE	APZ-1	APZ-2
Single-family	D	D	C ²
2 – 4 family	D	D	D
Multi-family dwellings	D	D	D
Group quarters	D	D	D
Residential hotels, transient lodging (motels, etc.)	D	D	D
Mobile home parks or courts	D	D	D
Other residential	D	D	C ²
INDUSTRIAL/MANUFACTURING			
Food and kindred products	D	C	B
Textile mill products	D	C	B
Apparel	D	D	C
Lumber and wood products	D	B	A
Furniture and fixtures	D	B	A
Paper and allied products	D	B	A
Printing, publishing	D	B	A
Chemicals and allied products	D	D	C
Petroleum refining and related industries	D	D	D
Rubber and misc. plastic products	D	C	C
Stone, clay, and glass products	D	B	A
Primary metal products	D	B	A
Fabricated metal products	D	B	A
Professional, scientific and controlling instruction	D	B	C
Miscellaneous manufacturing	D	D	B
TRANSPORTATION, COMMUNICATIONS AND UTILITIES			
Railroad, rapid rail transit (on-grade)	C ⁵	A ⁴	A
Highway and street right-of-way	C ⁵	A	A
Automobile parking (long-term)	C ⁵	B	A
Communication	C ⁵	A ⁴	A
Utilities	C ⁵	A ⁴	A
Other transportation, communication, and utilities	C ⁵	A ⁴	A
COMMERCIAL AND RETAIL TRADE			
Wholesale trade	D	B	A
Building material-retail	D	B	A
General merchandise-retail	D	C	B
Food-retail	D	C	B
Automotive, marine, aviation-retail	D	B	A
Apparel and accessories-retail	D	C	B
Furniture, home furnishing-retail	D	C	B
Eating and drinking establishments	D	D	C
Other retail trade	D	C	A

1 **FIGURE 43.3.A: LAND USE COMPATIBILITY IN AIRCRAFT ACCIDENT POTENTIAL ZONES**
 2 **LAND USE CATEGORY** **COMPATIBILITY¹**

PERSONAL AND BUSINESS SERVICES⁶	CLEAR ZONE	APZ-1	APZ-2
Finance, insurance and real estate	D	D	B
Personal services	D	D	B
Repair services	D	B	A
Business services	D	D	B
Professional services	D	C	B
Contract construction services	D	B	A
Indoor recreation services	D	D	B
Other services	D	C	B
PUBLIC AND QUASI-PUBLIC SERVICES			
Government services	D	B	B ³
Educational services	D	D	D
Cultural activities	D	D	C
Medical and other health services	D	D	D
Cemeteries	D	B ⁷	A ⁷
Non-profit organization, including churches	D	D	C
Other public and quasi-public services	D	D	B
OUTDOOR RECREATION			
Playgrounds, neighborhood parks	D	D	B
Community and regional parks	D	B ⁸	A ⁸
Nature exhibits	D	B	A
Spectator sports, including arenas	D	D	D
Golf courses, riding stables	D	A	A
Water-based recreational areas	D	B	A
Resort and group camps	D	D	D
Entertainment assembly	D	B	D
Other outdoor recreation	D	B ⁸	B
RESOURCE PRODUCTION, EXTRACTION AND OPEN LAND			
Agriculture (except livestock)	B	A	A
Livestock farming, animal breeding	D	A	A
Forestry activities	D ⁵	A	A
Fishing activities and related services	D	A	A
Mining activities	D	B ³	A
Permanent open space	B	A	A
Water areas	B	A	A

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1 **KEY TO FIGURE 43.3.A**
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- 10/2/07
- A: CLEARLY COMPATIBLE** Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference and no substantial loss of life and property.
 - B: NORMALLY COMPATIBLE** Exposure to accident potential is great enough to be of some concern, but density of people and structures, when property planned, will allow the accident potential environment to be acceptable.
 - C: NORMALLY INCOMPATIBLE** The exposure to noise or accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.
 - D: CLEARLY INCOMPATIBLE** The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of land use activities is not advisable.

3 **FOOTNOTES TO FIGURE 43.3.A**

- 10/2/07
- 4 1. Within each land use category, uses exist where further definition may be needed due to the
5 variation of densities in people and structures.
 - 6 2. Residences are not allowed in the APZ-2 Zone after October 2, 2007 unless in conformance with
7 paragraphs "a", "b", "c" and "d" below:
 - 8 a. Residences existing as of October 2, 2007 are not considered non-conforming and
9 may be altered or replaced in conformance with the existing development standards
10 and paragraph "d" below.
 - 11 b. Vacant recorded lots within a residential subdivision may be used for residential
12 purposes in accordance with existing development standards and paragraph "d"
13 below.
 - 14 c. All pending residential subdivisions filed with the County prior to April 10, 2007
15 may proceed through the development process.
 - 16 d. Residential construction after October 2, 2007 will comply with existing
17 development standards and applicable sound reduction measures found in Figure
18 43.2.A.
 - 19 e. Where properties are partially within the APZ-2 Overlay, and within a base zone in
20 which residences are permitted, residential density may be transferred from the
21 portion within the Overlay to the portion outside of the Overlay at a density of two
22 (2) dwellings units per acre.
 - 23 3. Factors to be considered: Labor intensity, structural coverage, explosive characteristics, and air
24 pollution.
 - 25 4. No passenger terminals and no major above-ground transmission lines in clear zones.
 - 26 5. The placing of structures, buildings, or above-ground utility lines in the clear zone is subject to
27 severe restrictions. In a majority of the clear zones, these items are prohibited.
 - 28 6. Low-intensity office uses only. Meeting places, auditoriums, etc. not recommended.
 - 29 7. Excludes chapels.
 - 30 8. Facilities must be low intensity.
 - 31 9. Clubhouse not recommended.
 - 32 10. Concentrated rings with large classes not recommended.

1 **FIGURE 43.3.B: COMPATIBLE LAND USE RECOMMENDATIONS WITHIN THE AE SUB-**
 2 **DISTRICTS**

3

LAND USE CATEGORY	COMPATIBILITY ¹		
	AREA 1/2*	AREA 3	AREA 4
RESIDENTIAL			
Residential-other than mobile home parks, transient lodgings	D/D	B	B
Mobile home parks / mobile homes	D/D	B	B
Transient lodgings, hotels, motels	D/D	B	B
PUBLIC USE AND TRANSPORTATION			
Places of public assembly (nursing homes, schools, hospitals, churches, auditoriums)	D/D	B	B
Government Buildings	D/D	B	B
Transportation (parking, highways, bus and rail terminals, aviation terminals)	D/B	B	A
COMMERCIAL AND RETAIL TRADE			
Offices-business and professional	D/D	B	B
Wholesale/Retail-materials, food, hardware and farm equipment	D/D	B	B
Retail trade-general, animal-related services (grooming etc)	D/D	B	B
Utilities	D/D	B	A
Communications (telephone, exchange stations, relay towers, transmission stations)	D/D	C	A
INDUSTRIAL AND MANUFACTURING			
Manufacturing - general	D/D	B	B
Agricultural (except livestock)	D/B	B	A
Livestock farming and breeding	D/B	B	A
Resource extraction (mining)	D/D	D	A
Forestry	D/D	B	A
RECREATIONAL			
Outdoor sports arenas	D/D	D	B
Nature exhibits, zoos	D/D	D	B
Amusement parks, resorts, camps	D/D	D	B
Source: Pennsylvania Land Use Compatibility Guidelines, Exhibit 9			
Land Use Recommendations do not reflect an FAA standard or guideline; areas are based on FAR Part 77 and FAA Safety Zones.			

4 * A conditional use approval is required in order to be located within or below designated AREA 2,
 5 subject to Land Use Compatibility Guidelines contained herein.

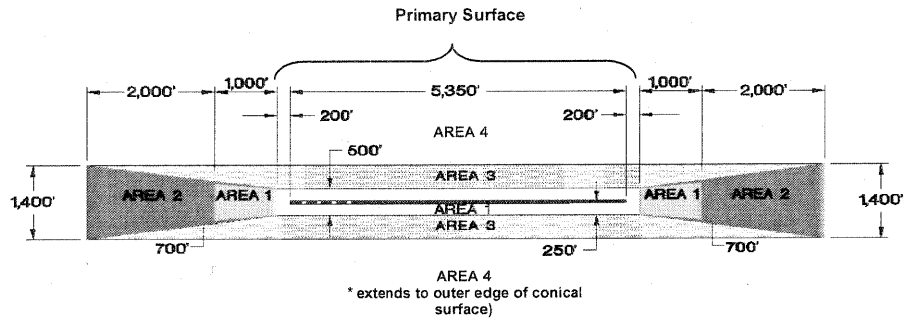
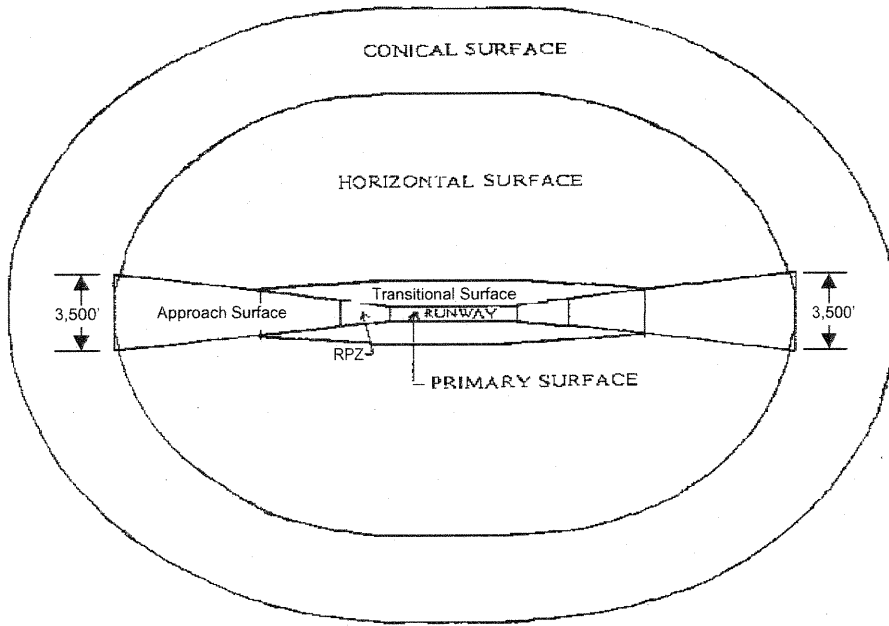
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KEY TO FIGURE 43.3.B

- A: CLEARLY COMPATIBLE** Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference and no substantial loss of life and property.
- B: NORMALLY COMPATIBLE** Exposure to accident potential is great enough to be of some concern, but density of people and structures, when properly planned, will allow the accident potential environment to be acceptable.
- C: NORMALLY INCOMPATIBLE** The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.
- D: CLEARLY INCOMPATIBLE** The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of land use activities is not advisable.

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1 FIGURE 43.3.C AE SUB-DISTRICTS AND LAND USE COMPATIBILITY GUIDELINES



1 43.4. Site Development Standards.

2 1. **General Requirements.** Within the AICUZ and AE, an application for subdivision or site plan
3 approval, conditional use approval, or variance, except for agricultural uses, shall be subject to
4 Site Plan Review pursuant to Chapter 60 of this Ordinance, and, shall not be approved except
5 upon receipt of evidence of filing of a "Notice of Proposed Construction or Alteration" with the
6 Federal Aviation Administration (FAA). Where required by 14 CFR Part 77, as amended,
7 development applications are required to document site elevations in relation to the AE Overlay
8 Subdistrict surfaces (43.1.2.b) and the AICUZ subdistricts (43.1.2.a). An area located in more than
9 one of the AE Overlay Subdistrict surfaces is considered to be only in the surface with the more
10 restrictive height limitation. Documentation of site elevations shall consist of a topographic map
11 of the site showing contours for every five feet of elevation change to illustrate the elevation above
12 mean sea level; the location and height of any proposed buildings or structures, as well as natural
13 features that impinge upon the AE Overlay Subdistrict surfaces; and the elevation of the aviation
14 facility affecting the applicant's property.

15 a. **Conditional Use Application.** Within the AE surface restrictions described at Section
16 43.3, any application for subdivision or site plan approval within or below AREA 2, shall
17 be subject to Conditional Use application in accordance with Chapter 25 of this
18 Ordinance.

19 b. **Review by Airport Manager.** Any application for subdivision approval, site plan
20 approval, conditional use approval, or variance within the AE overlay shall be referred to
21 the director of the department responsible for the Airport Master Plan for comment on the
22 potential impact of the proposal on aviation and/or airport operations or proposed
23 expansions prior to the issuance of any approval or building permit within the AE
24 overlay.

25 2. **Construction or Alteration Requiring Notice.** Zoning approval for development required to file
26 a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration,
27 (FAA) as set forth below, shall be conditioned upon evidence of filing of a Notice of Proposed
28 Construction or Alteration with the FAA. A Notice of Proposed Construction or Alteration shall be
29 completed by the applicant and submitted to the director of the department responsible for the
30 Airport Master Plan and to the FAA for review and approvals for:

31 a. Any construction exceeding 100 feet in height above ground level at the site;

32 b. Any construction greater in height than an AE Overlay Subdistrict surface extending
33 outward and upward at one of the following slopes:

34 (1) 100 feet horizontal to 1 foot vertical for horizontal distance of 10,000 feet from
35 the nearest runway (end or side) of an airport with at least one runway more than
36 3,200 feet in length, excluding heliports.

37 (2) 50 feet horizontal to 1 foot vertical for a horizontal distance of 10,000 feet from
38 the nearest runway (end or side) of an airport with at least one runway no more
39 than 3,200 feet in length, excluding heliports;

40 (3) 23 feet horizontal to 1 foot vertical for a horizontal distance of 5,000 feet from
41 the nearest point of the nearest landing and take off area of each heliport.

42 **OR**

43 c. Any transportation routes/structure (bridges, railways, highway, waterways) for which the
44 height of the tallest vehicle anticipated to traverse the route/structure will exceed the
45 height of an AE Overlay Subdistrict surface extending outward and upward as set forth at
46 Section 43.4.2.b (1)-(3) above.

47 3. **Performance Standards.** The following performance standards shall apply to all uses within the
48 AICUZ or the AE overlay districts:

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- 1 a. No proposed development or land use shall create electrical or electronic interference
2 with communications among aviators and/or ground control personnel.
- 3 b. No proposed development or land use shall make it difficult for aviators to distinguish
4 between airport lights and other lights or cause glare in the eyes of aviators using the
5 airport or airport facilities.
- 6 c. No proposed development or land use may emit smoke, fly ash, dust, steam, vapor, gases
7 or other forms of air emissions that would impair visibility in the vicinity of the airport;
8 otherwise interfere with the safe operation of aircraft; or endanger the landing, take-off,
9 or maneuvering of aircraft at the airport or in the vicinity of the airport.

10 **43.5. Airport Easements, Restrictions, and Covenants.**

11 The following notes shall be included on all record plats of lands wholly or partly within the AE Overlay
12 District and subdivided after the adoption of this provision:

- 13 1. Within the area of the tract hereby created, no structure, erection, object, growth of trees, or
14 vegetation within the boundaries of the tract herein describes, nor any other objects placed within
15 said tract, shall penetrate the AE Overlay Subdistrict surfaces of an airport or heliport. Owner,
16 his/her/their/its heirs, successors and assigns shall be responsible for maintaining and pruning trees
17 and vegetation so this height restriction is not exceeded.
- 18 2. The land-owner expressly reserves for the use and benefit of itself and the public a right of flight
19 for the passage of aircraft in the airspace above the lands identified herein, together with the right
20 to cause above such tract all such noise, fumes, dust, vibration and fuel particles as may be
21 inherent in the operation of aircraft using said airspace using said airspace for landing and taking
22 off from the Walter F. Duke Airport and other regulated public landing strips.
23

1 **CHAPTER 44 PLANNED UNIT DEVELOPMENT (PUD) FLOATING ZONE**

2 Sections:

- 3 44.1 Intent.
- 4 44.2 Conditions.
- 5 44.3 Application Procedures for Planned Unit Developments.
- 6 44.4 Review and approval of Development Plan.
- 7 44.5 Submission Requirements for a Development Plan.
- 8 44.6 Types of Planned Unit Developments.
- 9 44.7 General Regulations for Planned Unit Developments.
- 10 44.8 Detailed Site Plan and Subdivision Plat.
- 11 44.9 Regulations for PUDR, Planned Unit Development – Residential.
- 12 44.10 Regulations of PUD-MHP, Planned Unit Development – Mobile Home Park.
- 13 44.11 Regulations of PUD-CP, Planned Unit Development – Commercial Park Districts.
- 14 44.12 Regulations for PUD-IP, Planned Unit Development – Industrial Park.
- 15 44.13 Regulations for PUD-CM, Planned Unit Development – Commercial Marine.
- 16 44.14 Regulations for PUD-X, Planned Unit Development – Mixed Use.
- 17 44.15 Common Open Space Document.
- 18 44.16 Guarantee Deposit
- 19 44.17 Delinquent Taxes

20 **44.1. Intent.**

21 Planned Unit Development (PUD) floating zones are designed to encourage innovative and creative design
22 of residential, commercial, and industrial development; facilitate use of the most advantageous construction
23 techniques; and maximize the conservation and efficient use of open space and natural features. These
24 floating zones are designed to further the purposes and provisions of the Comprehensive Plan and to
25 conserve public fiscal resources, efficiently utilize public facilities and courses, and provide a broad range
26 of housing and economic opportunities to present and future residents of the County.

27 **44.2. Conditions.**

28 Rezoning to Planned Unit Development will be permitted only in accordance with a development plan that
29 is reviewed by the Planning Commission with a recommendation to the Board of County Commissioners,
30 who hold approval authority, and may approve the same in accordance with the procedures and standards
31 contained within this Section and Article 2.

32 **44.3. Application Procedures for Planned Unit Developments.**

33 1. **Preapplication Conference:** Prior to filing a formal application for approval of a planned
34 development, the applicant shall request a pre-application conference with the Planning Director,
35 or designee, and the Planning Commission. The purpose of such conference is to allow the
36 applicant to present a general concept of the proposed development prior to the preparation of
37 detailed plans. For this purpose, the presentation shall include, but not be limited to, the
38 following:

- 39 a. Written "letter of intent" from the applicant establishing his or her intentions as to
40 development of the land; and
- 41 b. Topographic survey and location map; and
- 42 c. Sketch plans and ideas regarding land use, dwelling type and density, street and lot
43 arrangement, and tentative lot sizes; and
- 44 d. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street
45 improvements.