

STAFF REPORT

DOCKET # UDO-274

STAFF: [Steve Smotherman](#)

REQUEST

This UDO Text Amendment is proposed by City-County Planning and Development Services staff to revise Chapters A and B of the *Unified Development Ordinances* (UDO) to amend the Airport Overlay District and the Runway Protection Zone requirements.

BACKGROUND

The Airport Overlay (AO) District has existed in the UDO since its adoption in 1994. The purpose of the district is to ensure the continued safe operation of Smith Reynolds Airport and the safety of structures and people in the vicinity by adding an extra layer of review for tall structures proposed in close proximity to the flight paths for the airport. This extra review requires notifying the Federal Aviation Administration (FAA) and Smith Reynolds Airport when structures are proposed within the AO boundaries which could cause air space obstructions. By notifying the FAA and the Airport of such proposed structures, these organizations have the opportunity to either work with applicants on modifying the design of the structures to address safety concerns, or to negotiate the purchase of property or an avigation easement (an easement which limits the height requirements of development) by the Airport. The recently developed *Smith Reynolds Airport Master Plan* also calls for the Airport to either acquire outright or obtain an avigation easement on all property within the Runway Protection Zones (RPZs) for the airport which are at the end of each runway.

The boundaries of the AO District have already been established in the UDO, and are defined on the 1982 *Smith Reynolds Airport Approach and Vicinity Plan* map - they cover an area of approximately 21,500 acres (33.5 square miles) surrounding the airport. These boundaries are not proposed to change as part of this ordinance amendment. However, mapping technology has improved significantly since 1982, and Smith Reynolds created a new airport master plan in 2012 which includes a higher resolution boundary map (see attached **Exhibit A**). As part of its 2016-17 work program, the Planning Board asked staff to prepare a text amendment which would update the current AO District to reference the updated airport master plan AO boundary map and make other necessary revisions to allow for easier use of the district by petitioners and staff.

ANALYSIS

The proposed text amendment would update the existing AO district, which has not undergone revisions since the UDO was adopted, through minor changes and clarifications. As previously stated, the AO district boundaries will remain unchanged from the currently adopted 1982 boundaries. However, the boundary map referenced in the UDO will change from the 1982 map to the higher resolution map from the current *Smith Reynolds Airport Master Plan*.

As with the current ordinance, the main provision of the revised AO District is requiring building/zoning permit applicants within the district boundary to formally notify the FAA (in accordance with Federal regulations) of any proposed structure that would come close to or

intrude above an imaginary ceiling height (generally 150 to 200 feet above ground) prior to permit approval. Approach zones extending from each runway have lower ceiling heights that range from zero feet at the runway edge to 150 feet at the outer edge of the zone.

The current ordinance states that zoning or building permits may not be issued for sites with structures extending through the previously mentioned ceiling height in the AO District until either the FAA has issued a report on the impact of the proposed structure on airport operations or 120 days have passed, whichever occurs first. This requirement remains unchanged in the proposed ordinance. It is worth noting that in both the existing and proposed ordinance, development meeting all other ordinance requirements is automatically approved at the end of 120 days, however – there is nothing in the ordinance that actually *prohibits* new development above the height ceiling within the AO District. Rather, the ordinance is designed to build time into the development review process to ensure adequate communication between an applicant, the FAA, and the Airport Authority.

Given the aforementioned height limits, staff anticipates few structures will even trigger the extra review required for tall structures in the AO District. In fact, most zoning districts (with the exception of the Central Business (CB) and Central Industrial (CI) districts) have height limits of 60' or less, so very few building/zoning permit applications would be impacted by the average 150' plus height minimum for FAA/airport notification. Future structures most likely affected by the AO notification requirements would be communication towers and high-rise buildings Downtown.

Beyond notification of the FAA and Smith Reynolds Airport, future high rise building construction in the Downtown area should not be impacted. This area is on the edge of the AO District and the only modifications from the FAA would involve building lighting.

In addition to the new, more accurate AO boundary map reference, the other significant new provision of the proposed text amendment is to enhance the current notification requirement to require petitioners of *all development* (regardless of height) within the Runway Protection Zones at the end of each runway to formally notify the FAA and Smith Reynolds Airport prior to the issuance of any permits. These RPZs are trapezoidal areas at the end of each runway (ranging from 13 to 79 acres in size) that serve as runway safety zones to ensure the safe takeoff and landing of aircraft. Development within RPZs is proposed to be subject to the same 120 day FAA comment period limit as the rest of the AO District, and once this period ends, permits meeting other ordinance requirements would be automatically issued. Again, nothing in this proposed ordinance would actually prohibit new development beyond the 120 day time period in the RPZs. The current AO district standards only require FAA/Airport review for *tall structures* within the RPZs, thereby allowing potentially incompatible development that could compromise safety to occur in these areas without consultation with Smith Reynolds Airport.

In addition to the aforementioned changes, this text amendment also reorganizes the current ordinance language to make it easier to use; removes an unenforceable provision which requires the removal of trees on private property that penetrate the AO district height limits; changes document references in the ordinance so they will remain current with any subsequent new airport master plans; and allows for smaller trees (medium variety rather than large variety) to satisfy the UDO's planting requirements within the RPZ.

Planning staff has consulted with the staff for Smith Reynolds Airport concerning this proposed text change. Staff believes the proposed amendment will promote a clearer understanding and more effective use of the AO District standards by staff and petitioners, while ensuring the continued safe operation of Smith Reynolds Airport. Staff recommends approval of the proposed text amendment.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-274
MARCH 9, 2017**

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe,
Darryl Little, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services