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***APPENDIX C – AIRPORT OVERLAY DISTRICT***

## Chapter 1192 Airport Overlay District

1192.01	Purpose	1192.05	Height Restrictions
1192.02	Definitions	1192.06	FAA Notification Requirements
1192.03	Establishment and Application	1192.07	Avigation Easement
1192.04	Prohibited Uses		

### SECTION 1192.01 PURPOSE

The Airport Overlay District (AOD) and its regulations are established in order to achieve the following purposes:

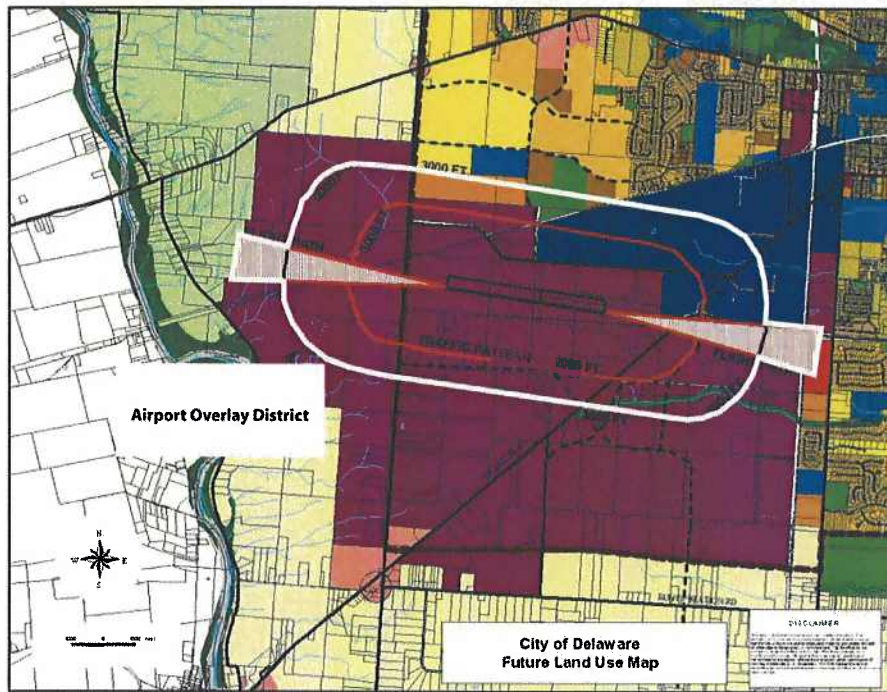
- (a) To prohibit noise sensitive uses within locations around the Delaware Municipal Airport that are impacted by aircraft-related noise.
- (b) To protect the functional integrity of the Delaware Municipal Airport by prohibiting land uses that are negatively affected by the higher levels of noise generated by aircraft operations.
- (c) To protect airport operations and reduce conflicts between aircraft and structures by requiring height limits within certain distances of the runway(s).

### SECTION 1192.02 DEFINITIONS

- (a) Airport Master Plan. An Airport Master Plan is a concept of the long-term development of an airport, as defined by the Federal Aviation Administration (FAA) Advisory Circular 150/5070-6A. The Master Plan displays this concept graphically and documents the data and logic upon which the plan is based.
- (b) Airport Operations Map. A map depicting the operational aspects of aircrafts utilizing the airport, including generalized flight paths, traffic patterns, takeoffs, and landing approaches.
- (c) Approach Surface. The Approach Surface is an imaginary inclined surface at the end of each runway. It is horizontally centered on the extended runway centerline, extending thirty-four (34) feet outward for each one (1) foot upward (34:1) from the end of the Primary Surface.
- (d) Conical Surface. The Conical Surface is an imaginary inclined surface that extends twenty (20) feet outward for each one (1) foot upward (20:1) for four-thousand (4,000) feet beginning at the edge of the horizontal surface and upward extending to a height of three hundred and fifty (350) feet above the airport elevation.
- (e) Horizontal Surface. The Horizontal Surface is an imaginary horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs, whose length depends on runway properties, from the center of each end of the Primary Surface and connecting the adjacent arcs by lines tangent to those arcs.
- (f) Primary Surface. The Primary Surface is an imaginary rectangular surface at ground level longitudinally centered on each runway. The Primary Surface length extends two-hundred (200) feet beyond the end of each runway, while the width depends on runway properties.
- (g) Transitional Surface. The Transitional Surface is an imaginary inclined surface that extends seven (7) feet outward for each one (1) foot upward (7:1) beginning on each side of the Primary Surface and from the sides of the Approach Surface thence extending upward to the Horizontal Surface.

**SECTION 1192.03 ESTABLISHMENT AND APPLICATION**

- (a) The Airport Overlay District (AOD) shall be designated on the Zoning Map and its boundaries shall be based upon the Airport Operations Map in the Airport Master Plan as approved by City Council, as revised or amended.
- (b) The Airport Overlay District (AOD) establishes additional standards and requirements on development within the area affected by airport operations. The AOD shall be in addition to and shall overlay all other zoning districts where the AOD is established. Development Plans and Subdivision Plats shall comply with these standards and requirements.
- (c) In the case of a conflict between the Airport Overlay District (AOD), the underlying zoning district, and any other Zoning or Subdivision requirement, the Airport Overlay District (AOD) shall govern.



Airport Overlay District and Airport Operations Map

**SECTION 1192.04 PROHIBITED USES**

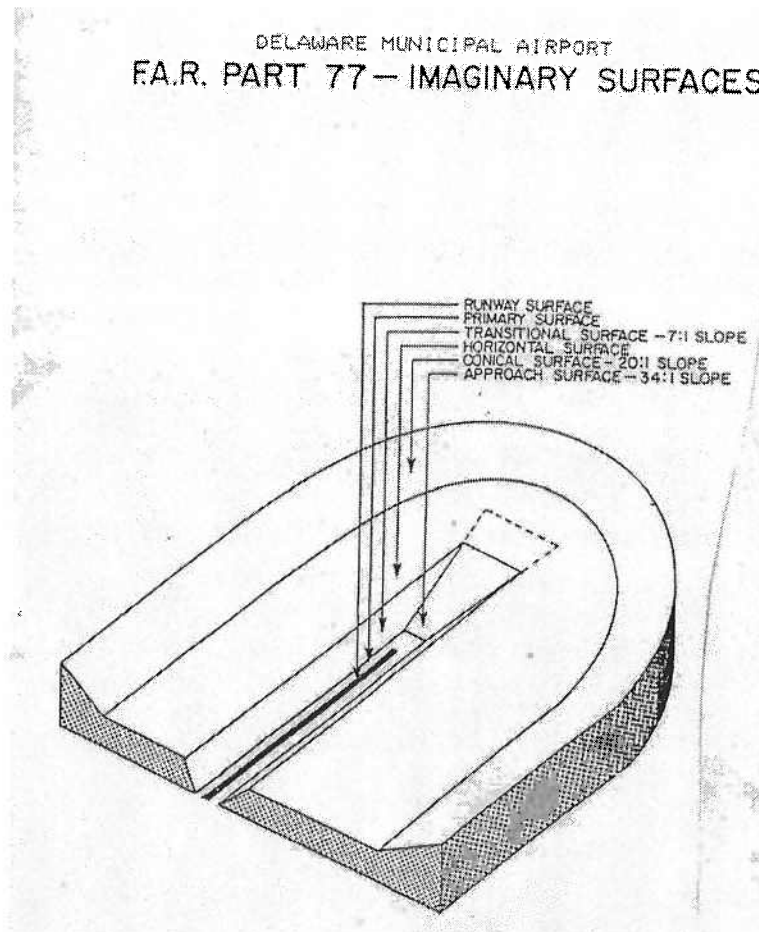
Within the Airport Overlay District, the following noise-sensitive uses shall be prohibited:

- (a) Residential uses including single-family, two-family and multi-family uses, and residential care facilities.
- (b) Office uses unless the building design incorporates interior noise reduction measures to the satisfaction of the Chief Building Official.
- (c) Houses of worship.
- (d) Schools.
- (e) Child and adult day care.
- (f) Hotels, motels, and all other forms of lodging.

### SECTION 1192.05 HEIGHT RESTRICTIONS

The following height restrictions shall apply to all buildings and structures, whether permanent or temporary, as described herein and on the accompanying illustration:

- (a) Transitional Surface: 7:1 slope.
- (b) Conical Surface: 20:1 slope.
- (c) Approach Surface: 34:1 slope.



### SECTION 1192.06 FAA NOTIFICATION REQUIREMENTS

The following notification requirements shall be met as noted.

- (a) Notice. If any object of proposed construction located within 20,000 feet of the Delaware Airport runway surface will penetrate and exceed the slope of 100:1 horizontal (100 feet horizontally for each one foot vertically) from the nearest point of the runway, then the applicant must show proof of filing an FAA form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, in accordance with FAA Advisory Circular 70/7460-2k, as amended. Such notice shall be included with a Preliminary Development Plan.
- (b) Determination Report. A copy of a FAA determination report as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, shall be submitted with a Final Development Plan.

**SECTION 1192.07 AVIGATION EASEMENTS.**

Avigation easements shall be conveyed to the City of Delaware by all new land uses and/or buildings or structures permitting the right of flight in the airspace above all properties located within the Airport Operations Map. Such easement shall be supplied in a form prescribed by the City Manager and shall be recorded on the title of the subject property.