

**TEXT AMENDMENT 03-04
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

(Text amendments regarding changes to Airport Overlay District)

SECTION 1.

Section 9-1-3, Purpose, is hereby amended to add a new section (h) and renumber subsequently thereafter.

(h) Airport Overlay District

The Airport Overlay District regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (1) Facilitate orderly development within the vicinity of the Piedmont Triad International Airport;
- (2) Ensure land use compatibility by protecting noise sensitive land uses from objectionable aircraft noise impacts;
- (3) Mitigate noise impacts from aircraft overflights; and
- (4) Contribute to the safe operation of the airport.

SECTION 2.

Section 9-4-2(d), Overlay Districts, subsection (3) AR AIRPORT DISTRICT is hereby repealed and replaced by the following:

- (3) **AD AIRPORT DISTRICT**
The AD, Airport Overlay District establishes aircraft noise mitigation measures and prohibits certain land uses in the vicinity of the Piedmont Triad International Airport so as to minimize aircraft noise impacts and preserve the public health, safety and welfare.

SECTION 3.

Section 9-4-4(d), Airport Overlay District, is hereby repealed and replaced with the following:

(d) AIRPORT OVERLAY DISTRICT

- (1) Applicability:

The Airport Overlay District applies to designated property in the vicinity of the Piedmont Triad International Airport.

- (a) The district and zone boundaries are defined on the Official Zoning Map and the district regulations are imposed in addition to those of the underlying zoning districts. The boundaries generally follow physical features and property lines and are associated with aircraft noise impact contours.
- (b) None of the provisions of the Airport Overlay District shall be construed to prohibit the continuance, expansion or reestablishment of any existing land use. The noise level reduction design standards apply only to new uses of land and not to the expansion of such uses or to structure additions. Only new subdivisions of land developed within the district shall be required to grant a waiver of claim.
- (c) Nothing in this district is intended to state that objectionable levels of noise from overhead aircraft will be confined to the limits of the district.

(2) Zone Boundaries:

The Airport Overlay District is divided into the four zones in order to manage the development of land uses that are sensitive to and incompatible with certain levels of daytime and nighttime aircraft noise and to mitigate adverse noise impacts to the public, where possible.

- (a) Zone 1: Zone 1 is based on the 65 Ldn noise contour developed by the Federal Aviation Administration in conjunction with the *Final Environmental Impact Statement for Proposed Runway 5L/23R, Proposed New Overnight Express Air Cargo Sorting and Distribution Facility, and Assorted Developments*. The intent of Zone 1 is to prevent the development of land uses sensitive to objectionable noise resulting from daytime and nighttime aircraft flights and those land uses that could pose safety hazards to aircraft.
- (b) Zone 2: Zone 2 is based on the NA90(1) contour developed by Wyle Laboratories, Inc. as set forth in its Wyle Report 03-04, *Nighttime Noise Criteria and Land-Use Guidelines for the City of High Point*. The intent of Zone 2 is to prevent the development of land uses sensitive to objectionable noise resulting from nighttime aircraft flights.
- (c) Zone 3: Zone 3 is also based on the NA 90(1) contour developed by Wyle Laboratories, Inc. as set forth in its Wyle Report 03-04, *Nighttime Noise Criteria and Land-Use Guidelines for the City of High Point*. The intent of Zone 3 is to protect residential uses and their residents by reducing the interior level of objectionable noise resulting from nighttime aircraft flights.

(d) Zone 4: Zone 4 is based on the NA85(2) contour developed by Wyle Laboratories, Inc. as set forth in its Wyle Report 03-04, *Nighttime Noise Criteria and Land-Use Guidelines for the City of High Point*. The intent of Zone 4 is to protect residential uses and their residents by reducing the interior level of objectionable noise resulting from nighttime aircraft flights.

(3) Aircraft Noise Mitigation Requirements:

Aircraft noise mitigation requirements for each zone are shown in Table 4-4-2.

**Table 4-4-2
Aircraft Noise Mitigation Requirements**

Zone	Notification	Waiver of Claim	Prohibited Uses	NLR Design Standards	
				30dB NLR	WCE NLR
1	X	X	X		
2	X	X	X		
3	X	X	X	X	
4	X	X			X

(4) Public Notification of Potential Aircraft Noise Impacts:

Public notification of the potential aircraft noise impacts made to existing owners and to prospective purchasers of property within the Airport Overlay District shall be made in accordance with the provisions of this subsection.

- (a) Where public notification statements are required or provided for property within the district, the following statement shall be used: “This property is located within the City of High Point Airport Overlay District and is subject to aircraft overflights and to aircraft noise that may be objectionable dependent upon the use and location of the property. Please refer to the city’s Airport Overlay District regulations and the Department of Planning & Development for more information on potential noise impacts.”
- (b) In accordance with the N.C. Residential Property Disclosure Act (NCGS 47E), all owners of property and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.
- (c) A public notification statement shall appear on the recorded final plat for all subdivisions of land within the district. In addition, the subdivision owner shall provide public notice to all prospective lot purchasers through a written disclosure statement.

(d) The Department of Planning & Development shall provide notification of potential aircraft noise impacts to the owners of lots that are located within the Airport Overlay District. After the district is made effective upon a lot, such notice shall be given once by first class mail to the lot owner at the address listed on the county tax abstracts.

(5) Waiver of Claim:

A waiver of claim shall be required for all subdivisions of land within the Airport Overlay District. The waiver shall be executed by the owner of the property for the benefit of the city, and it shall waive all existing and future owners' right to any claim or cause of action against the city in connection with adverse aircraft noise impacts or other consequences of the district's noise mitigation requirements. The waiver statement shall appear on the final subdivision plat before the plat may be approved and recorded.

(6) Prohibited Uses:

All uses of land that are allowed in the underlying zoning districts by Table 4-5-1, Permitted Use Schedule, and other provisions of this Ordinance shall be allowed in the Airport Overlay District except that any new use of land prohibited within the respective zones of the district in Table 4-4-3 shall not be allowed.

**Table 4-4-3
Prohibited Uses in the Airport Overlay District**

DESCRIPTION	SIC GROUP	ZONE 1	ZONE 2	ZONE 3
ZONE 1				
RESIDENTIAL USES				
Boarding and Rooming Houses	7021	X	X	
Congregate Care Facilities	0000	X	X	
Family Care Homes	0000	X	X	
Group Care Facilities	0000	X	X	
Manufactured Dwellings (Class AA)	0000	X	X	X
Multifamily Dwellings (including Condominiums)	0000	X	X	
Private Dormitories	0000	X	X	
Shelters for the Homeless	0000	X	X	
Shelters, Temporary	0000	X	X	
Single Family Detached Dwellings	0000	X	X	
Townhouse Dwellings	0000	X	X	
Two Family Dwellings (Twin Homes or Duplexes)	0000	X	X	
Accessory Dwelling Units	0000	X	X	
Caretaker Dwellings	0000	X	X	
Migrant Labor Housing	0000	X	X	
RECREATIONAL USES				
Amusement or Water Parks, Fairgrounds	7996	X		
EDUCATION AND INSTITUTIONAL USES				
Auditoriums, Coliseums or Stadiums	0000	X		
Churches	8661	X		
Colleges or Universities	8220	X	X	
Correctional Institutions	9223	X		
Day Care Centers, Adult	8322	X		
Day Care Centers, Child	8351	X		
Day Care Homes, Adult	8322	X		
Day Care Homes, Child	8351	X		
Elementary or Secondary Schools	8211	X		
Fraternities or Sororities (Univ. or College)	0000	X	X	
Hospitals	8062	X	X	
Libraries	8231	X		
Museums or Art Galleries	8412	X		
Nursing and Convalescent Homes	8050	X	X	
Orphanages	8361	X	X	
Psychiatric Hospitals	8063	X	X	
Retreat Centers	0000	X	X	
Specialty Hospitals	8069	X	X	
BUSINESS, PROFESSIONAL & PERSONAL SERVICES				
Hotel or Motels	7011	X		
Theaters, Outdoor	7833	X		
Theaters, Indoor	7832	X		

WHOLESALE TRADE				
Petroleum Bulk Stations and Terminals	5171	X		
TRANSPORTATION, WAREHOUSING AND UTILITIES				
Hazardous & Radioactive Waste transportation, storage and disposal	0000	X		
Solid Waste Disposal (nonhazardous)	4953	X		
MANUFACTURING AND INDUSTRIAL USES				
Mining & Quarrying	1000	X		

(7) Noise Level Reduction Design:

- (a) Zone 3—30 db Noise Level Reduction (NLR) Standard: Within Zone 3, all new residential uses shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials and construction standards so as to reduce the interior noise levels from overhead aircraft flights. Prior to the issuance of a building permit for a residential use, a qualified acoustical professional satisfactory to the Department of Planning Development shall certify that the design standards, construction methods and materials used to construct the residential use will achieve at least a 30 dB noise level reduction.
- (b) Zone 4—Windows Closed Environment (WCE) Standard: Within Zone 4, all new residential uses shall be designed with a mechanical ventilation system sufficient to enable the closure of windows within the structure during all climate conditions. Prior to the issuance of a building permit for a residential use, the permit applicant shall certify that the residential use shall be constructed in accordance with approved plans that meet this performance measure.

(8) Airport & Aircraft Interference:

No structure may be constructed or altered in a manner or at a height that constitutes a safety hazard to aerial navigation as determined by the Federal Aviation Administration. Furthermore, lighting or electronic signals that interfere with air traffic, communications or navigational aids are prohibited as determined by the Federal Aviation Administration.

(9) Noise Impact Information:

The Department of Planning & Development shall maintain and provide district information depicting potential aircraft noise impacts which shall be available to the public and other interested parties.

SECTION 4.

The noise level reduction design standards and waiver of claim provisions of this ordinance shall not apply to lots of record created prior to the effective date of this ordinance, to lots created by a valid preliminary subdivision plat that was approved prior to the effective date of this ordinance and to residential uses depicted on a valid site plan or group development plan that was approved prior to the effective date of this ordinance.

SECTION 5.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

SECTION 7.

This ordinance shall become effective upon the date of adoption.

Adopted By City Council,

This the 7th day of August 2003.

Lisa B. Vierling, City Clerk