

Examples of Zoning Activities Related to Freight Facilities and Corridors

The table below provides information and examples of zoning ordinances (and in some instances information) that assist in better planning and site orientation for developments around freight facilities and corridors.

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LOT DEPTH

Cities are beginning to amend their zoning codes, often after a comprehensive plan update, or other environmental review, to increase lot depth beside railroad ROW to ensure that there is an element of buffering between the residential use and the railroad use. In some instances, lot depths adjacent to limited access highways or railroad ROW also include some type of treatment, for example the planting of trees and shrubs in an non-access easement to mitigate for noise and vibration. All the ordinances that are discussed can be found at the end of this document. .

In 2004, the City of Anaheim, CA enacted under its municipal code—Title 18 Zoning §18.04.060.020 (adopted under Ordinance 5920 1 (part); June 8, 2004)—that lots adjacent to railroad rights-of-way must have minimum depth. The requirements for single-family lots adjacent to transportation ROW are:

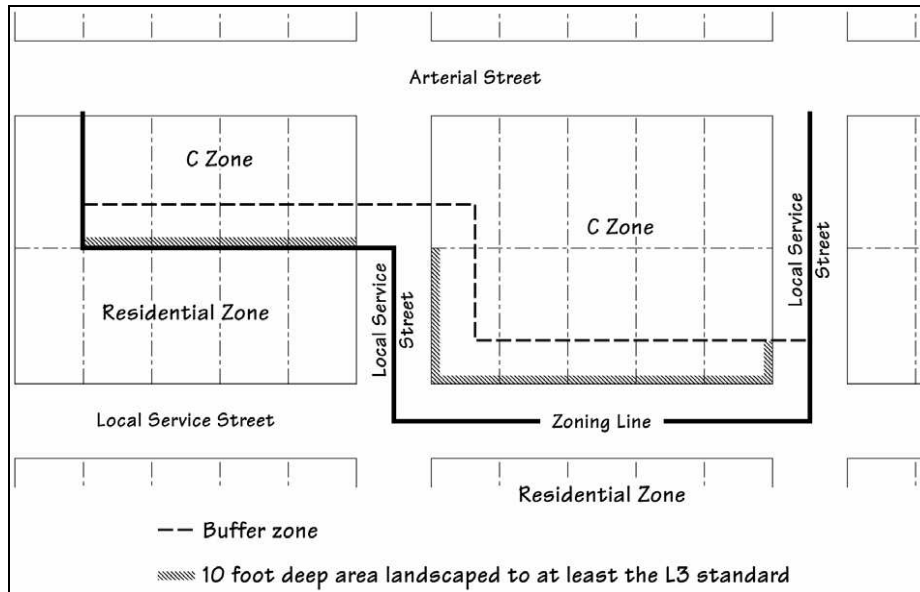
Single-family residential lots adjacent to all arterial highways or railroad rights-of-way shall have a minimum depth of ***one hundred twenty (120) feet*** and shall not take vehicular access from the arterial highway.

The City of American Canyon, CA requires a twenty percent increase in depth for lots Adjoining State Highway or Railroad. The City of Bakersfield, CA (Title 16 Sub-division, Chapter 16.28 Design Standards) requires that the minimum depth for a lot with a rear yard abutting a freeway or railroad right-of-way is one hundred twenty feet, and that minimum width for a lot with a side yard abutting a freeway or railroad right-of-way shall be eighty-five feet on interior lots and ninety feet on corner lots

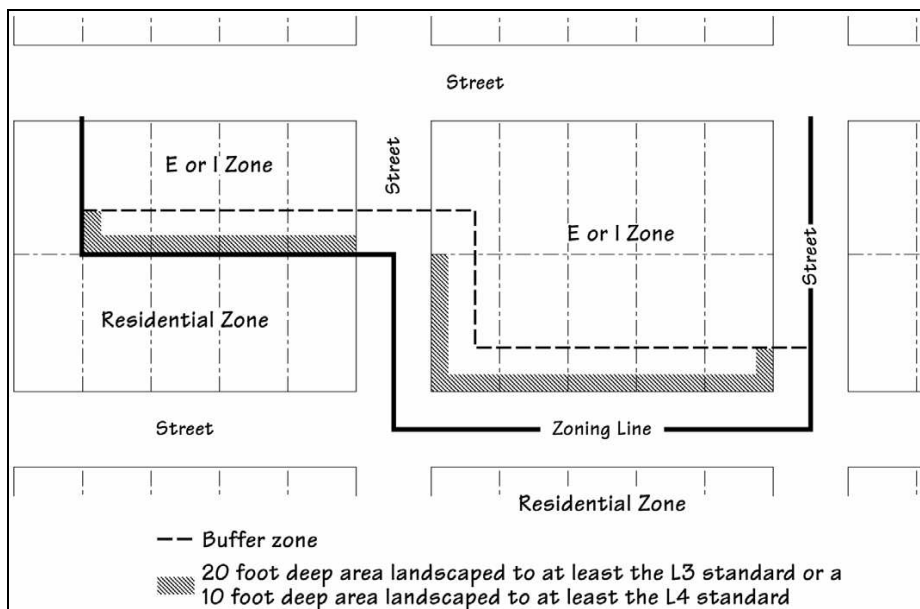
BUFFER ZONES/NON ACCESS EASEMENTS

Many cities have standardized their zoning for creating a buffer between incompatible uses. For example, the City of Portland uses buffer zone overlays between non-residential and residential zones. This zoning can be used when the base zone standards do not provide adequate separation between uses. The separation can include restricting motor vehicle access, requiring increased setbacks and additional landscaping. In some instances it also requires proof of mitigation for uses that can cause off-site impacts and nuisances. This is marked on official zoning maps with the letter ‘b’. The zone is applied along the edge of the nonresidential zone abutting or located across a street from a residential zone. Within industrial zones any classification of street can be considered; in commercial zones the street must be a local service traffic street. The setback required in commercial zones is 10 feet with landscaping required along all lot lines that are across a local service street or abut the rear-lot line for residential zoned land. Figure 1 shows how this is applied in practice. In employment and industrial zoned areas the setbacks are required to be 20 feet and landscaped along all lots lines within the overlay zone. Figure 2 shows how this zoning should be applied in practice.

**FIGURE 1
BUFFER FOR COMMERCIAL ZONED AREAS**



**FIGURE 2
BUFFER IN EMPLOYMENT AND INDUSTRIAL ZONES**



Source for Figures 1 and 2: City of Portland

In October 2007, the Village of Slinger in Wisconsin adopted a new design standard regarding the treatments around highway/railroad right of way for new land division or condominium

development adjacent to ROW. This included a non-access easement and planting area where the land division or condominium's back upon the ROW or a railroad, or *at least* 50 feet adjacent to the railroad ROW.

The ordinance required that the village zoning ordinance for lot depth should be increased by 50 feet to accommodate the non-access easement. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or certified survey map: *"This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."*

The City of Juneau, Alaska has a similar easement restriction for a planting strip of at least 30 feet that is required in addition to the usual lot depth for subdivision lots adjacent to a limited access highway or railroad.

Wheaton, Illinois within its zoning codes requires that where a subdivision borders on or is traversed by a railroad right-of-way or federal or state highway, the city council may require a street on one or both sides of such right-of-way or highway approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land for:

- (1) Park purposes; or
- (2) Off-street parking, business, or other uses as permitted by the zoning ordinances; or in lieu of a street it may require deep residential lots with a visual barrier established in a non access reservation strip along the rear property lines.

The City of Long Lake, Minnesota, requires that single-family residential lots that abut or contain an existing or planned major arterial or a railroad right of way, a street that is approximately parallel to and on each side of such arterial and right of way may be required for adequate protection of adjacent properties and serration of through and local traffic.

Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations (City of Long Lake Design Standards).

Within its design standards of its land division ordinance, Empire, Wisconsin, also restricts the design and placement of vehicular access and streets around railroad right of way. Where a proposed land division either contains or is adjacent to a railroad right of way the design is required to provide the following 'treatments':

For residential lots that back upon the right of way or a railroad, a written restriction noting that direct vehicular access to the right of way is prohibited. Commercial and industrial districts are required to provide on each side of the railroad a street that is approximately parallel and at a *suitable distance* from such railroad for the *appropriate use* of the land between the parallel street and the railroad, which is not less than 150 feet. Parallel streets to the railroad right of way, that intersect a major street, highway or collector which cross the railroad, are required to

be located at a minimum distance of 250 feet from the railroad. Minor streets immediately adjacent and parallel to railroad right of way *should* be avoided.

Where a lot within the division backs onto the railroad a planting strip (landscape bufferyard easement) of a minimum of 35 feet is required in addition to the normal lot depth. The strip will be incorporated into the platted lot but must be lettered on the face of the plat with the restriction “*landscape bufferyard easement : reserved for planting of trees and shrubs. The building of structures is prohibited*”.

However, buffer zones are not always a perfect solution for every problem. California’s Air Resources Board (ARB) reviewed various options for using ‘generic buffer zones’ around rail yards and port facilities (CCEEB, 2004). The California Council for Environment and Economic Balance (CCEEB), in a review session for the ARB, noted that community residents and businesses have an interest in ensuring that local governments do not create incompatible land uses in the future through today’s land use control practices. CCEEB reviewed the option of using buffer zones for different land use source categories based on worst-case assumptions. However, CCEEB noted that determining an appropriate distance limitation in light of site-specific factors presents multiple challenges and outcomes. Most importantly, using overlay generic buffer zones around specific land uses based on worst-case assumptions can lead to zoning that is more stringent than required, wastes land, limits tax revenues, and takes land away from needed social and economic purposes (CCEEB).

CONTAINER STORAGE ZONING ORDINANCE

As major intermodal hubs grow, the need for storage of cargo containers also grows. In 2006, it was expected that at least another 200 acres would be needed for future cargo container storage in the Joliet Arsenal Intermodal Center south of Chicago in Will County. It was posited that both users of the intermodal facilities and neighbors of the facilities (e.g., residential) would ideally like to see any cargo container facilities located as close as possible to the intermodal facilities. Not only would such a location enhance the efficiency of intermodal operations, but it would minimize the negative impacts on surrounding areas.¹

In 2006, Will County developed a model ordinance for the storage of containers that is designed to avoid or mitigate conflicts with other land uses and also allow for anticipated future needs for cargo container storage. At the time it was anticipated that at least 20 acres would be needed for future cargo container storage.² The model ordinance was expected to serve as a template for governmental units within the county to use as they draft or revise their own ordinance. The model ordinance and its companion Cargo Container Facility Checklist can be found in the appendix to this document. Among other things, the model ordinance addresses typical encroachment issues such as location of facilities, distances from other land uses, noise and lighting issues, and screening and landscaping requirements.

¹ http://willcountycd.com/content/Container_Policies.aspx

² http://willcountycd.com/content/Container_Policies.aspx

RESTRICTED HOURS FOR TRUCK ACTIVITIES

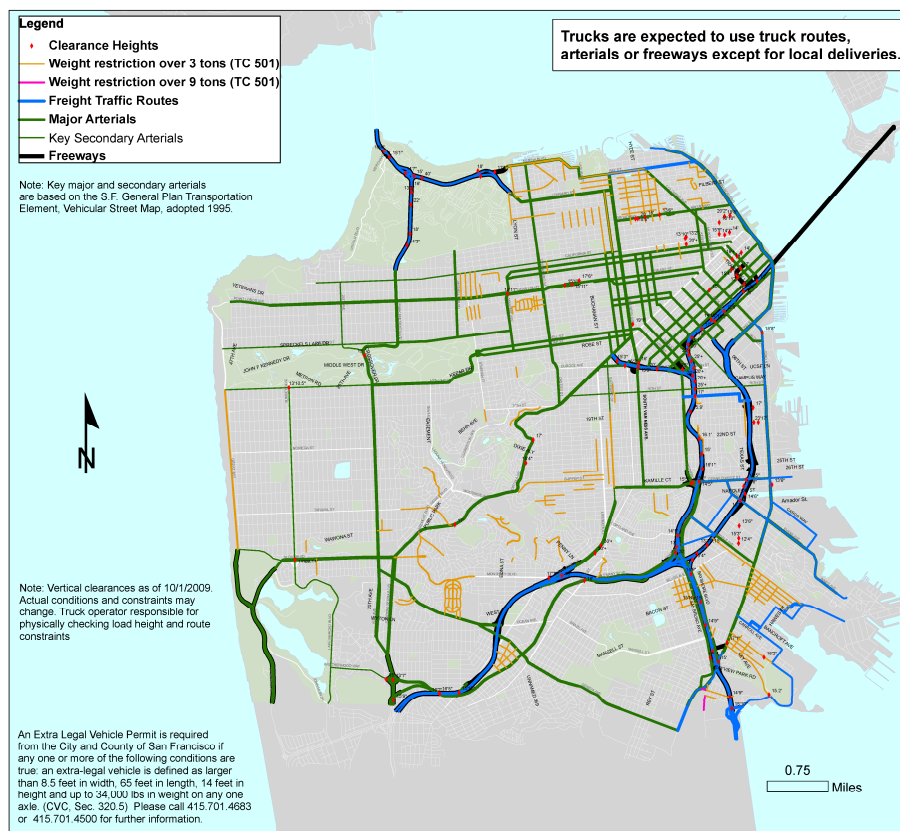
Other communities have also implemented special hours for loading and unloading by trucks. For example, the City of Pasadena, California restricts truck loading/unloading in certain commercial districts that are adjacent to residential districts to the hours of 7 a.m. to 9 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturdays. No truck loading, unloading or trash pickup is allowed on Sundays (City of Pasadena, Zoning P-4, no date).

The City of Peoria, Arizona, is another example of a city that has restricted hours of operations for trucking activities between 9 p.m. and 5 a.m. Violations of this ordinance can result in a \$250 fine.

DELINEATING TRUCK ROUTES

Some cities also specify truck routes, based on weight, height, or other community concerns. For example, San Francisco, California issued a new truck routing map in early 2010. These routes are advisory only and are not regulatory.

San Francisco Truck Traffic Routes



SFMTA | Municipal Transportation Agency

The City and County of San Francisco does not guarantee the accuracy or completeness of any information in this map. Call 415.701.4500 for comments, questions or suggestions.

Sam Fietling
Jan 29, 2010

Source: http://www.sfmta.com/cms/venf/documents/SFTruckTrafficRoutes_002.pdf

HAZARDOUS TRUCK ROUTING ROUTE RESTRICTIONS

Some jurisdictions also restrict the routes on which Hazardous materials (Hazmat) may be transported. In May 2006, Boston, Massachusetts halted all daytime permits for trucks carrying hazmat passing through Boston. Trucks carrying hazmat were only allowed to travel through the city between 6 p.m. and 7 a.m. and they were not allowed to use Commercial Street. However the federal government has to approve hazmat routes, and Boston did not consult the U.S. Department of Transportation about this ordinance (Trucking Info.com June 2010).

In November 2009 the Federal Motor Carrier Safety Administration (FMCSA) issued a pre-emption determination. This noted that the ‘... de facto modification to the city’s routing designation ... serves to shift the risk associated with that transportation to neighboring jurisdictions by forcing motor carriers that carry hazardous material to use alternative routes bypassing Boston.’

In May 2010 the FMCSA rejected the city’s request to reroute hazmat trucks around the city. The city was granted a 45 day extension on this ban. In the meantime the city worked with the Massachusetts Motor Transportation Association (MMTA) to encourage truckers to use Cross Street, as opposed to Commercial Street. The MMTA will ‘strongly encourage their membership to continue to use Cross Street until a new hazmat routing study and public comment process, required by federal regulations, is completed.

Information on the national hazardous material route registry can be found at the U.S. Department of Transportation [Federal Motor Carrier Safety Administration](#).

OVERLAY ZONES: INDUSTRIAL AND/OR FREIGHT OVERLAY PROTECTION ZONES

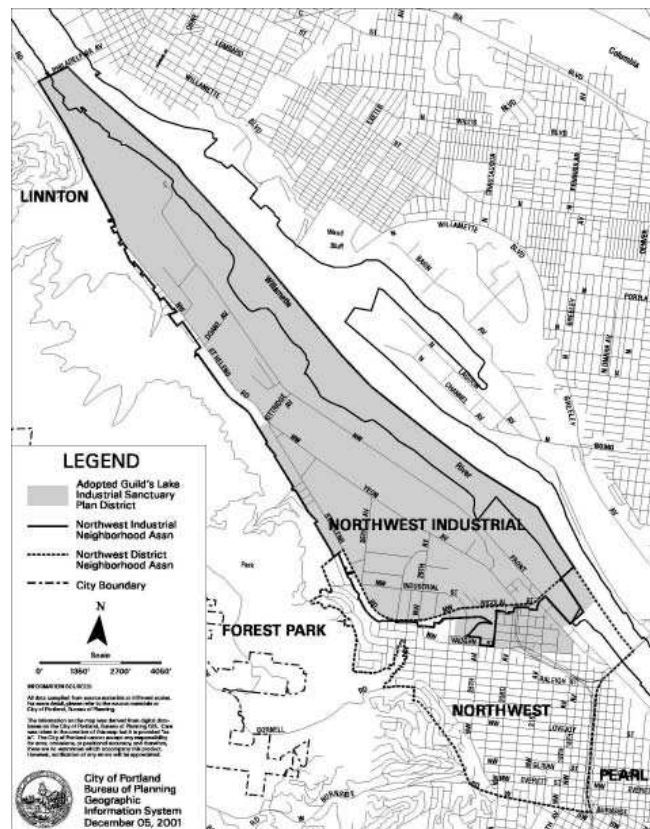
Cities are also implementing industrial and freight districts, or industrial flexible overlay zones to foster the preservation and growth of industrial areas. Examples include the Port of Baltimore’s Maritime Industrial Zone Overlay District, Benton, Oregon’s Flexible Industrial Overlay Zone, Jacksonville, Florida’s Industrial Land Preservation Ordinance, and Portland, Oregon’s Guild’s Lake Industrial Sanctuary Zone.

Baltimore, Maryland created the Maritime Industrial Overlay District in 2004 around the Port of Baltimore in Maryland to balance industrial and non-industrial development. The MIZOD was created by the City of Baltimore in 2004 to protect frontage land along the harbor that had access to at least 18 ft of draft. The overlay was carefully crafted to preserve the most vulnerable and critical areas of deep water frontage for current and future freight use.

Benton, Oregon flexible industrial overlay zone was created to ensure the orderly industrial development of six specific parcels that were situated within the urban growth boundary. The industrial overlay allows light industrial uses, including manufacturing uses that may be truck dependant. Uses will only be permitted if surrounding land uses will not be adversely affected. If it appears that noise, dust, odors, emissions or other adverse environmental impacts will extend outside the boundary of a parcel, the planning commission shall impose conditions to reduce such adverse impacts so that the use won’t create a public nuisance.

The City of Jacksonville, Florida authorized its Industrial Land Preservation Bill, ORD 2007-0398 in May 2007. The rationale behind the legislation was to protect industrial land from residential conversion and stop the depletion of land available for job creation (Dorsch, 2007). While the ordinance doesn't prohibit zoning conversion of land, the ordinance makes it costly for residential builders to do this as it requires increased buffer zones at the builders' expense. Almost 56,000 acres has been set aside for industry under this ordinance. As part of the ordinance's development, an industrial technical advisory committee was created. Its responsibilities include review of proposed land use changes, rezoning and text changes to the comprehensive plan and zoning code in the areas of situational compatibility and industrial sanctuaries. The committee will make recommendations to the Planning and Development Department and City Council based on its reviews.

The city of Portland, Oregon implemented the Guild's Lake Industrial Sanctuary Zone in 2001. The sanctuary (GLIS) is located between Forest Park in the West Hills and the Willamette River. It contains the majority of the industrially zoned land in Northwest Portland. The GLIS forms an important part of Portland's overall industrial sanctuary where land is preserved for long-term industrial use. In studies commissioned by the City, industrial business was thriving in the district, paying well paying jobs and contributing to the region's economy. One study had showed that there was a regional-wide shortage or readily developable industrial land that could constrain job growth within seven to ten years. There was also an acknowledgement that industrial land uses could often be hard to site because of the intensity of industrial uses and so current industrial land was a finite resource. Finally, because of the GLIS proximity to mixed-use and residential neighborhoods and the central city it was considered to be vulnerable to pressure for redevelopment to non-industrial uses.



According to the city "Any loss of industrial land therefore represents the loss of an irreplaceable component of the city's economy. Portland's Industrial Sanctuary policy is designed to preserve and protect industrial lands within the city. This policy is stated, in part, in *Comprehensive Plan* Policy 2.14: "Provide industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving land primarily for manufacturing purposes."

AIRPORT INDUSTRIAL DISTRICT

The City of Kissimmee, in Osceola County, Florida, implemented an airport industrial district in 2007 to accommodate activities predominantly connected with typical industrial uses, and supporting non-industrial activities in the airport vicinity. This district was intended for use in areas which were designed as an Airport Industrial or Industrial Business land use designation by the comprehensive plan.

URBAN NOISE LEVEL INFORMATION & ZONING RESTRICTIONS

Other cities are also requiring that residents of urban housing projects are notified that they are living in an urban area where noise levels may be higher than in a typical residential area. Transit Oriented Development (TOD) ordinances are for example, are requiring such notification where many residential developments are facing onto the railroads. This type of ordinance is especially useful where a rail corridor is shared with freight operations which may be temporally shifted to nighttime usage to facilitate the development of commuter rail. For example, in its TOD ordinance, the City of Pasadena, California requires:

1. Residents of an urban housing development project shall be notified that they are living in an urban area and that the noise levels may be higher than in a typical residential area.
2. The signature of the residents shall confirm receipt and understanding of this information. (Pasadena, Zoning P-5)

SPECIFIC NOISE ABATEMENT DESIGN CRITERIA

Anaheim, California's planning department created mitigation monitoring plans for specific TOD projects. For example, the Crossing at Anaheim had detailed planning specifications that were placed within the environmental report that were timed for approval prior to project plan approval. These included, for example, measures to make sure all residential units had weather-stripped solid core exterior doors and exterior wall/roof assemblies free of cut outs and openings, all windows of residential units shall be sound-rated assemblies with a minimum sound transmission class rating of 35, all exterior walls require a sound transmission class rating of 46, with stud spaces to be filled with insulation bats and joints caulked to form airtight seals (The Crossing at Anaheim, 2006).

NOISE RESTRICTIONS (SPECIFIC TO AIRPORTS)

Cities also implement noise restrictions, quite often as an overlay zone, within their zoning code around airport facilities (which are often owned by local municipalities as a quasi-governmental type entity). The City of Portland, Oregon has implemented an international airport noise impact zone to reduce the impact of airport noise on development within this impact area that surrounds the international airport. The zone achieves this by reducing residential density and requiring noise disclosure statements, noise easements and noise insulation. The noise zone is based on the Ldn 65 noise contour which was developed in its 1990 noise abatement plan update for the airport and was set as a delineated boundary at this juncture. The application of the noise zone is to all annexed areas located within the Ldn 65 or higher noise contours which formed part of the annexation rezoning of the area.

The ordinance requires that all new structures must be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA. Garages, freight and warehouse and manufacturing and production uses are exempt from this requirement. A registered acoustical engineer is required to certify that the building plans comply with the performance standard for the sound installation before a building permit is issued. The Port of Portland is responsible (at owners request), for the costs of the noise insulation certification.

Within the Ldn 68 noise contour new residential uses are prohibited unless they are allowed by sub-section 33.470.050. If a site is divided by the contour all dwelling units, accessory structures, and side and rear setbacks must be located *entirely* outside the noise contour. Within the Ldn 65 noise contour residential development is prohibited from developing to a density higher than that of a R10 zone. As part of the ordinance, prior to issuance of a building permit for new residential construction or reconstruction, the owner *must* sign the City's noise disclosure statement which must be recorded in the County records by the owner.

HEIGHT RESTRICTIONS

Cities also implement zoning which restrict the height of development structures and vegetation in the vicinity of an airport. The City of Portland has an Airport Landing Zone Ordinance for example which is delineated on the city's official maps by the letter "h". If the base zoning of the area is stricter than the airport landing zone then the base zone applies. Requests for an exemption must be accompanied with an approval letter from the FAA.

AIRPORT INFLUENCE OVERLAY DISTRICTS

Many jurisdictions have created zoning ordinances around airports. The airport influence overlay district in Arapahoe County, Colorado also contains specific instructions regarding the notification that must be provided to prospective property purchasers.

Examples

EXAMPLE 1 - ANAHEIM, CA LOT DEPTH AND WIDTH

1.1 18.04.060 LOT DEPTH AND ORIENTATION.

.010 Lots Adjacent to Freeways or Scenic Expressways. Single-family residential lots adjacent to freeways and scenic expressways shall rear-on or side-on the freeway or expressway, and have a minimum depth, as measured from the freeway or expressway, of one hundred fifty (150) feet.

.020 Lots Adjacent to Other Arterial Highways or Railroad Rights-Of-Way. Single-family residential lots adjacent to all arterial highways, other than those described in subsection .010 above, or railroad rights-of-way shall have a minimum depth of one hundred twenty (120) feet and shall not take vehicular access from the arterial highway. (Ord. 5920 § 1 (part); June 8, 2004.)

EXAMPLE 2 - AMERICAN CANYON, CA LOT DEPTH AND WIDTH

3. Depth Adjoining State Highway or Railroad. A lot whose rear lot line abuts a state highway or railroad right-of-way shall have a minimum depth that is at least twenty percent greater than the lot depth standard for the applicable zoning district.

Accessed from: http://qcode.us/codes/americancanyon/view.php?topic=19-2-19_10-19_10_050&frames=on <http://www.ci.american-canyon.ca.us/>

EXAMPLE 3 - BAKERSFIELD, CA LOT DEPTH AND WIDTH

C. Lot Depth

16.28.170 LOTS

2. The minimum depth for a lot with a rear yard abutting a freeway or railroad right-of-way shall be one hundred twenty feet.

D Lot Width

The minimum width for a lot with a side yard abutting a freeway or railroad right-of-way shall be eighty-five feet on interior lots and ninety feet on corner lots.

http://qcode.us/codes/bakersfield/view.php?topic=16-16_28&showAll=1&frames=on

EXAMPLE 4 - PORTLAND, OR BUFFER AREA

33.410.010 Purpose

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

33.410.020 Map Symbol

The Buffer zone is shown on the Official Zoning Maps with a letter "b" map symbol.

33.410.030 Applying the Buffer Zone

The Buffer zone is to be applied primarily along the edge of a nonresidential zone abutting or located across a street from a residential zone. For industrial and employment zones, the street can be any classification of street, as classified by the Transportation Element of the Comprehensive Plan. For commercial zones, the street should be a Local Service Traffic Street.

33.410.040 Development Standards

The following standards must be met in the Buffer Overlay zone.

A. Setbacks and landscaping.

1. C-zones. In the C zones, a 10-foot setback landscaped to at least the L3 standard is required along all lot lines that:
 - a. Are across a local service street from R-zoned land; or
 - b. Abut the rear lot line of an R-zoned lot. See Figure 410-1.
2. E and I zones. In the E and I zones, a 20 foot setback landscaped to at least the L3 standard is required along all lots lines within the Buffer Overlay Zone. The setback must be landscaped to at least the L3 standard. The setback may be reduced to 10 feet if the setback is landscaped to at least the L4 standard. See Figure 410-2.
3. Exception for residential. Sites where all of the floor area is in Residential uses do not have to landscape the setbacks required by this subsection. However, landscaping requirements of the base zone, other overlay zone, and plan district must be met.

B. Structures and exterior activities.

1. Structures, exterior storage, and exterior display are prohibited in the setbacks required by Subsection A.
2. Exterior work activities are prohibited in the Buffer Overlay Zone.

C. Access.

1. Generally. Except as specified in Paragraphs C.2 and 3, access through the setbacks required by Subsection A is prohibited.
2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.
3. Vehicle access for residential. Sites where any of the floor area is in Residential uses may have vehicle access through the setbacks. The width of the access may be a maximum of 20 percent of the site frontage or 20 feet, whichever is less. As an exception, a vehicle access at least 9 feet wide is allowed. The vehicle access may serve only the residential uses; access through the setbacks to vehicle areas serving non-residential uses on the site is prohibited.

D. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.

E. Radio Frequency Transmission Facilities. Radio Frequency Transmission Facilities that are supported by a tower are prohibited in the Buffer zone.



33.410.080 Off-Site Impacts

All development in the Buffer zone is subject to the regulations of Chapter 33.262, Off-site Impacts. If the Director of BDS determines that the proposed use or development may not meet the off-site impact standards, the Director of BDS may require the applicant to document that the standards will be met, as stated in 33.262.100, Documentation in Advance.

<http://www.portlandonline.com/auditor/index.cfm?c=28197&a=53341>

EXAMPLE 5 - SLINGER, WI NON-ACCESS EASEMENT

Chapter 7

I:\ORDINANC\LANDDIV\Article 7 - Design Standards.doc 7-3 Updated as of 10-25-07 O#09-02-07 Sec 7.06

LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

Whenever a proposed land division or condominium contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:

A. Non-Access Easement and Planting Area: When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement and planting area at least 50 feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the Village zoning ordinance shall be increased by 50 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or certified survey map: "This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."

B. Plats Located in Commercial and Industrial Zoning Districts shall provide, on each side of a limited access highway or railroad right-of-way, streets approximately parallel to such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.

C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway shall be located at a minimum distance of 250 feet from said street or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.

D. Land Access Streets immediately adjacent to arterial streets and railroad rights-of-way shall be avoided in residential areas.

<http://www.slinger-wi-usa.org/vertical/Sites/%7BD5D1A78E-0ECF-4A0F-902C-E66DCBAB6874%7D/uploads/%7BE2DF5C77-AE6C-4077-8316-3E498CFB0759%7D.PDF>

EXAMPLE 6 - JUNEAU AK BUFFER ZONE

N. Limited Access Highway and Railroad Right-of-Way Treatment.

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

Subdivision Lots.

When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad, in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited." A building setback of fifty (50) feet is also required. (The thirty (30) foot strip shall be part of the fifty (50) foot setback).

Commercial and Industrial Districts.

Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

Streets Parallel to a Limited Access Highway.

Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and access highway or collector street which crosses the railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from the highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

Minor Streets.

Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

<http://www.cityofjuneau.net/codes/ DATA/TITLE16/Chapter 16 40 DESIGN STANDARDS ST/16 40 010 Design standards st.html>

EXAMPLE 7 – WHEATON, IL BUFFER ZONE

Sec. 62-152. Subdivision bordering on railroad right-of-way or highways.

Where a subdivision borders on or is traversed by a railroad right-of-way or federal or state highway, the city council may require a street on one or both sides of such right-of-way or highway approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land for:

- (1) Park purposes; or
 - (2) Off-street parking, business, or other uses as permitted by the zoning ordinances; or in lieu of a street it may require deep residential lots with a visual barrier established in a non access reservation strip along the rear property lines.
- (Ord. No. F-0663, § 3, 11-19-01)

<http://www.wheaton.il.us/custom/citycode/13403000.HTM>

EXAMPLE 8 - LONG LAKE, MN DESIGN STANDARDS

SECTION: 475.041

Subd. 13 Where a subdivision abuts or contains an existing or planned major arterial or a railroad right-of-way, a street approximately parallel to and on each side of such arterial and right-of-way may be required for adequate protection of adjacent properties and separation of through and local traffic. Such service streets shall be located at a distance from the major arterial or railroad right-of-way suitable for appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

<http://www.ci.long-lake.mn.us/zoningordinance/Design%20Standards.pdf>

EXAMPLE 9 - EMPIRE, WI BUFFER ZONE

Land Division Ordinance – Article F - Design Standards

Sec. 10-1-62 Limited Access Highway and Railroad Right-of-Way

Whenever the proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

1. When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (Name of Road) from lots abutting such road is prohibited".
2. Commercial and industrial districts should provide, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
3. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable,

shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

4. Minor streets immediately adjacent and parallel to railroad right-of-way should be avoided.
5. When lots within the proposed land division back upon the right-of-way of an existing limited access highway or railroad right-of-way, a planting strip (landscape bufferyard easement) a minimum thirty-five (35) feet in depth (width) shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs. The building of structures is prohibited."

http://www.empire-town.org/land_design.html

EXAMPLE 10 - WILL COUNTY, IL CARGO CONTAINER STORAGE ORDINANCE

**AN ORDINANCE REGULATING THE LOCATION AND USE OF CARGO
CONTAINER FACILITIES FOR GOVERNMENTAL UNITS WITHIN WILL
COUNTY**

Statement of Purpose

The objective of this ordinance is to regulate cargo container facilities throughout Will County, referred to herein as the “County”, and municipalities as defined herein. Governmental units refers to the County and each municipality, respectively. These facilities should meet the following purposes:

To provide for safe and orderly storage, staging, and maintenance of cargo containers in a manner that minimizes the noise, dust, traffic congestion, aesthetic blight and other adverse environmental impacts of such a use upon the participating governmental units.

To ensure that the cargo container facilities are operated in a safe manner based upon such factors as the permitted height of stacking of such containers, the cargo within the containers, the location and surface used, methods of securing the containers so as to prevent safety hazards, and accessibility for emergency and maintenance equipment.

To ensure adequate visual screening and landscaping of cargo containers from the public right-of-ways and adjacent properties is provided.

To ensure that the site is of sufficient size to accommodate the clean, safe and orderly storage and maintenance of cargo containers with adequate lighting and signage, in accordance with this ordinance.

SECTION 1: DEFINITIONS: The following definitions shall apply to this ordinance.

1. Cargo Containers: Means an industrial, standardized reusable vessel that was:

- a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,
- b. Designed for or capable of being mounted or moved on a rail car, and/or,
- c. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

2. **Cargo Container Facilities:** Means any site in which the principal use is the movement, storage on a non-permanent basis, staging, or redistribution of cargo containers either on or off of a chassis, but not to include railroad operations that are subject to jurisdiction of the U.S. Department of Transportation Surface Transportation Board.

3. **Chassis:** Means that portion of a semi-trailer configuration that is the non-powered portion that provides a way of transporting the cargo container.

4. **Permanent:** Means a time limit of storage that exceeds six (6) months on site without being utilized for transportation purposes.

5. **Racking:** Means a method of storing a chassis on end in an upright position where the bed is perpendicular to the ground.

6. **Spotting Tractor:** Means a tractor utilized to pull a chassis only within the cargo container yard. Not utilized for over-the-road hauling.

7. **Stacking:** Means a method of storing cargo containers or a chassis in a vertical manner where the floor of the container or bed of the chassis remains parallel to the ground.

8. **Staging/Storage:** Means the outdoor locating and containing cargo containers on and off a chassis, or the chassis by itself until a method of transportation is established and utilized.

9. **Tractor:** Means that portion of a semi-trailer configuration that is utilized to power and pull the chassis.

10. **Truck Trailer:** See Chassis.

SECTION 2: LOCATION: The location of these facilities are prohibited in all zoning districts except as a special use in the governmental unit's most intense industrial/manufacturing zoning district, provided they meet the requirements established in this ordinance and special use provisions.

SECTION 3. REQUIREMENTS: All cargo container facilities shall be subject to the following provisions:

1. **Access:** Cargo containers on or off a chassis may not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, adjacent structures, and buildings.

2. **Lighting:** Cargo container facilities shall provide adequate lighting on site including at all entrances and exits. A lighting plan must be submitted and approved in conjunction with a special use permit. Lighting shall not affect adjacent properties.

3. **Materials stored:** Materials stored in the cargo containers shall not include any material that is required to be placarded as Class 7 (radioactive materials) according to the U. S. Department of Transportation (DOT) Emergency Response Guidebook (ERG). All other materials stored at the facility should be properly placarded according to the ERG.
4. **Minimum Lot Size:** Cargo container facilities shall have a minimum lot size of twenty (20) acres.
5. **Noise:** Cargo container facilities shall make every effort to contain noise within the site. In the event noise becomes excessive, it shall be treated accordingly as a public nuisance violation in accordance with the governmental unit's ordinances.
6. **Paving:** Cargo container facilities shall be paved in accordance with each governmental unit's standards, including drainage and storm water detention. The paving must consist of asphalt, concrete, or other materials found to be acceptable to the governmental units. Gravel, grindings, or tar and chip surfaces are not allowed.
7. **Parking:** No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers or similar storage devices. The minimum amount of off-street parking spaces shall be one per employee, but not less than six (6) spaces, and one space per 500 sq. ft of gross floor area of any structure located on site.
8. **Racking Height:** Racking of a chassis shall be limited to fifty-seven (57') feet in height. When a racked chassis exceeds thirty (30') feet in height, an additional one-foot (1') shall be added to all setbacks (from property line) for each additional one-foot (1') of height for the racked chassis.
9. **Screening and Landscaping:** Screening shall be provided within a landscape easement, a minimum width of 100-feet, adjacent to public right-of-ways and non-industrial zoning districts. Screening shall be a combination of fencing, berming, natural vegetation and landscaping in accordance with the governmental unit's standards. A berm shall contain a 3:1 slope and a minimum height of fifteen (15) feet. Additional landscaping may be required around the entire perimeter of the facility, subject to site plan review by the governmental unit. A landscaping plan must be submitted in conjunction with a special use permit.
10. **Separation distance:**
 - a. No storage of a cargo container or a chassis shall be closer than 1000 feet from any property zoned or used for residential land uses or be stored closer than thirty (30) feet to any existing structure or building on site.
 - b. No side-by-side grouping shall exceed twenty (20) containers or twenty (20) chassis in width and no end-to-end grouping shall exceed two (2) containers or two (2) chassis in length. Thirty (30) foot paved access drives shall be maintained at all times on all sides of a grouping.
11. **Signage:** No signage, other than company identification logos, shall be allowed on any cargo container unless approved in accordance with each governmental unit's sign ordinance.

12. **Site Plan:** A site plan must be submitted in conjunction with the special use permit.

13. **Stacking Height Cargo Containers:** Cargo containers shall not be stacked more than three units high. When stacked, an additional thirty (30) feet shall be added to all setbacks for each additional level of stacked containers.

14. **Stacking Height Chassis:** Empty chassis shall not be stacked more than five units high.

SECTION 4: CARGO CONTAINER MAINTENANCE FACILITY: Any business that engages in the maintenance and repair of cargo containers, not located within a storage facility, that removes containers from the chassis, shall be subject to the same requirements as a cargo container facility. This may include facilities or operations engaged in the conversion of cargo containers for a secondary use or sale.

SECTION 5: CONTAINER MODIFICATIONS: Cargo containers may not be modified or retrofitted for on site habitation. Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

SECTION 6: FIRE SUPPRESSION AND INSURANCE: All cargo container facilities must provide adequate means for fire and emergency vehicles (as approved by the governmental unit's fire protection agency) to access cargo containers both on and off a chassis in the event of an emergency. All facilities engaged in storage and stacking, must carry adequate insurance and provide a Certificate of Insurance prior to issuance of a special use permit.

SECTION 7: STRUCTURAL INTEGRITY, SURETY FOR REMOVAL:

1. Any cargo container stored or kept on property under the jurisdiction of the governmental unit shall be safe, structurally sound, stable, and in good repair.

2. Any Cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property where kept, subject to the governmental unit's requirements.

3. Any cargo container stored or kept in violation of the governmental unit or any municipalities' ordinances shall be deemed a dangerous condition and a public nuisance and may be immediately removed by the governmental unit.

4. Any cost or expense associated with the removal of the violating cargo containers is the responsibility of the property owner. All associated costs

including but not limited to legal fees and court cost, shall constitute a debt due and owed to the governmental unit and shall be recordable as a lien upon the land of the cargo container storage facility and/or property owner.

SECTION 8: EXISTING CARGO CONTAINERS FACILITIES: Any cargo container facility which existed lawfully on a parcel at the time of the adoption of this ordinance, or of any subsequent amendment thereto, shall be removed from the property within six (6) months of the adoption of this ordinance, unless such cargo container facility meets the requirements of this Ordinance or a special use permit approved by the governmental unit.

SECTION 9: PAYMENT IN LIEU OF TAXES: The governmental unit, as a condition of a special use permit, may require a payment in lieu of taxes (P.I.L.O.T).

SECTION 10: DEDICATION OF RIGHT-OF-WAY: Cargo container facilities shall dedicate right-of-way to the governmental unit for public highway and other public purposes. The dedication shall be in a form acceptable to the governmental unit and shall be made at no expense to the governmental unit.

SECTION 11: RESPONSIBILITY FOR PUBLIC IMPROVEMENTS: Cargo container facilities shall design and install, at no expense to the governmental unit or each governmental unit, public improvements adjacent to the facility at the time and in the manner specified by the governmental unit in conjunction with the development or subdivision of the Parcel, whichever occurs first. The improvements shall be engineered, reviewed, approved and installed according to the procedures and conditions set forth by the governmental unit.

SECTION 12: This Ordinance is severable and the invalidity of any portion hereof shall not be deemed so as to invalidate the remainder.

SECTION 13: This Ordinance is strictly intended to only make those amendments specified herein. No other amendment or repeal is intended or made hereby.

SECTION 14: This Ordinance shall take effect immediately upon its passage.

PASSED this _____ day of _____, 20____.

EXAMPLE 11 - PASADENA, CA TRUCK AND TRASH PICK-UP RESTRICTIONS

7.40.070 - Limited Hours of Operation

1. **Applicability.**

1. The limited hours of operation [regulations](#) shall apply as contained on the Land [Use](#) Tables in [Article 2](#) - Zoning Districts, Allowable Land Uses, and Zone-Specific Standards and [Article 3](#) - Specific Plan Standards.
2. The [regulations](#) only apply when one or more of the identified [uses](#) are located on a [site](#) that is located within 150 feet of a residential [zoning district](#).
3. If located as specified in Subsection A.2., above, the identified [uses](#) may only operate between the hours of 7:00 a.m. and 10:00 p.m. by right; and between the hours of 10:00 p.m. and 7:00 a.m. subject to the issuance of a Conditional [Use](#) Permit.
4. This [Section](#) does not apply to the CD [zoning district](#), except for the provisions of Subsection C. (Special hours for loading, unloading, and trash pick-up), below.

2. **Exempt activities.** The following land [use](#) activities are exempt from these restrictions:

1. [Accessory antenna](#) arrays.
2. Public, [Semi-public uses](#).
3. Adult day-care B limited.
4. [Automated teller machines](#) (ATMs).
5. [Banks](#) (with walk-up services only).
6. [Child day-care](#) B large care home.
7. [Child day-care](#) B small care home.
8. [Emergency shelters](#).
9. [Life/care facilities](#).
10. [Lodging](#) (operation of check-in/check-out and room services only), including [bed and breakfast](#) inns, and hotels and motels.
11. [Mixed-use projects](#) (see [17.50.160](#)).
12. Mortuaries.
13. [Offices](#) with fewer than 15 employees working [on-site](#) at one time.
14. [Offices](#), [government](#).
15. [Single-room occupancy](#) facilities.
16. [Temporary uses](#).
17. Wireless [communications facilities](#) B major and minor.
18. Work/[live units](#).

3. **Special hours for truck loading, unloading, and trash pick-up.** In the CD, CG, CL, CO, and IG [zoning districts](#) and within the commercial [districts](#) of [specific plan](#) areas, truck loading, unloading, and trash pick-up for any [use](#) that is located within 300 feet of a residential [zoning district](#) is allowed only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays.

<http://ww2.cityofpasadena.net/zoning/P-4.html>

<http://ww2.cityofpasadena.net/zoning/P-5.html#17.50.340>

EXAMPLE 12 - PEORIA, AZ RESTRICTIONS ON TRUCK OPERATIONS DURING DESIGNATED HOURS

CHAPTER 14 - MOTOR VEHICLES AND TRAFFIC

Sec. 14-76. Trucks; noise, truck routes; designations; restrictions on operation during designated hours; violations.

(a) The City Council finds that:

(1) There are arterial and collector roadways in the City of Peoria, as defined in the Peoria General Plan and Transportation Plan and that have been designated under this code as Truck Routes that traverse through residential areas to intense industrial and commercial zones (hereinafter, designated roadways).

(2) That traffic on these Designated Roadways late at night and early morning results in excessive noise, excessive vibration and dust that degrades the environment of the City to a degree that:

- a. Is harmful and detrimental to the health, welfare and safety of the City's inhabitants;
- b. Interferes with the comfortable enjoyment of life, property and recreation and with the conduct of business and industry.
- c. Creates nuisances;
- d. Creates incompatibility between residential uses and commercial uses;

(3) No one has the right to create excessive noise or excessive vibration.

(4) Effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the of the city's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

(b) It is the intent and purpose of this section to prevent excessive noise and excessive vibration and to limit, control and eliminate excessive noise and excessive vibration in general from whatever source, while minimizing any burdens on interstate or intrastate commerce in accordance with the United States Constitution and the Constitution of Arizona. Nothing in this section shall be interpreted to restrict the movement of interstate commerce under the United States Constitution and in the event any court of competent jurisdiction finds that a provision of this section constitutes a restriction upon interstate commerce under the United States Constitution, such provision shall be severed from the remainder of the section.

(c) Definitions: As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) City means City of Peoria, Arizona.

(2) Designated Roadway means a public street of the City that has been designated in accordance with this section for restrictions on the operations of trucks during certain specified hours.

(3) Excessive Noise: any noise prohibited by Subsection (d) of this section.

(4) Person: any individual, natural person, syndicate, association, partnership, firm, corporation, institution, or other entity recognized by law as a subject of rights and duties.

- (5) Truck: shall have the definition set forth in Sec. 14-66 of the Peoria City Code (1992).
- (6) Vibration: an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.
- (7) Excessive Vibrations: the presence of a vibration or vibrations of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or damage or tend to damage personal or real property.
- (d) Excessive Noise. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise by operating a truck on a roadway designated in accordance with this Section for Restricted Truck Hours Operation, that disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (e) Excessive Vibration. No person shall discharge, or allow the escape of sounds or vibrations of a nature which are prohibited by or are in excess of that permitted by this section, or which result in or cause noise or excessive vibration on a Roadway designated in accordance with this section for Restricted Truck Hours Operation.
- (f) Strict Liability. It shall be unlawful for any person to cause to operate or operate any truck on a roadway designated in accordance with this section for Restricted Truck Hours Operation during the hours of 9:00 p.m. and 5:00 a.m.
- (g) Other Remedies. Nothing in this ordinance shall be construed as limiting the rights of any person to redress in a court of law for any injury to person or damage to property caused by noise or excessive vibration.
- (h) Powers and Duties of the Engineering Department. The Engineering Department shall have the following powers and duties:
- (1) The Department shall be responsible for the administration and enforcement of this ordinance in cooperation with the Police Department.
 - (2) After posting notices every 300 feet along the roadway at least 11 x 17 in size providing not less than fifteen (15) days notice of the intent to designate any designated truck route for restrictive truck hours regardless of its designation as a arterial or collector roadway. Truck operation shall be prohibited from 9:00 p.m. to 5:00 a.m.
 - (3) No roadway designated as a state route or state highway shall be subject to the designation process.
 - (4) No public street of the City having bridged crossings over both the New River and the Agua Fria River shall be subject to the designation Process.
 - (5) No roadway shall be designated if the designation would preclude Truck Access in all four directions at a section line intersection.
- (i) The standard that shall be used by the Director of Engineering in designating a roadway for restrictive truck hours that may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (1) The level of the noise in accordance with recognized engineering standards adopted by the Director of Engineering and whether such standards are exceeded;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates and whether the area is predominantly residential in character;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time of the day and night the noise occurs;
- (9) The duration of the noise; and whether the noise is recurrent, intermittent, or constant.

If the Director of Engineering determines that four or more of these factors are impacted, he shall have the jurisdiction to designate the roadway in accordance with this section.

(j) Any owner of real property fronting a roadway proposed to be designated for restrictive truck hours may file an appeal of the proposed designation within fifteen (15) from the date of the posted notice. The Appeal shall be filed with the Director of Engineering and shall be heard by the City exactions hearing officer appointed for such purposes pursuant to A.R.S. §9-500.16. The hearing officer shall decide the manner within 20 days of the appeal. The standard of review shall be whether Engineering Director had a reasonable basis to determine that four or more of the factors in subsection (h) were impacted. If the standard is deemed met, the designation shall be upheld.

(k) Violations of this section by operation of a truck on a designated roadway in violation of restrictive truck hours shall be a civil traffic violation. The Court or hearing officer shall impose a mandatory fine of Two Hundred and Fifty Dollars (\$250.00) for each cited violation of this section, or any other section of this code or any provision of Title 28, Arizona Revised Statutes, that is determined responsible, together with applicable surcharges. The Court shall not reduce the amount of the mandatory fine, but may provide for time payment.

(Ord. No. 99-08, 2/16/99, Enacted) (SUPP 1999-1)
 State Law Reference, A.R.S. §28-1092. Reasonable Access; definitions.
 (Ord No. 02-41, 6/4/2002, Amended) SUPP 2002-2
 (Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

Source:

http://www.peoriaaz.gov/uploadedFiles/Peoriaaz/Departments/City_Attorney/City_Code/Ch14/sec14-76.pdf

EXAMPLE 13 - SAN FRANCISCO, CA TRUCK ROUTES

Source: http://www.sfmta.com/cms/venf/documents/SFTruckTrafficRoutes_002.pdf

EXAMPLE 14 – BOSTON, MA HAZARDOUS MATERIALS ROUTING

Ordinance being amended

Boston Strikes Deal With MMTA on Hazmat Route Accessed at:

http://www.truckinginfo.com/news/news-detail.asp?news_id=70874 June 30, 2010.

EXAMPLE 15 - BALTIMORE, MD MIZOD

MIZOD Overlay District Ordinance

SUBTITLE 4

MARITIME INDUSTRIAL OVERLAY DISTRICT

Editors Note: ordinance 04-804 enacted this subtitle, effective September 12, 2004, with a “Sunset” (automatic termination) of 10 years. Ordinance 09-154 subsequently extended the “sunset” to December 31, 2024.

Section 2 of Ord. 09-154 provides that, in January 2010, “the Mayor shall appoint [a 12-member] ad hoc committee to evaluate the operations of the Maritime Industrial Overlay District”. On or before October 31, 2010, the committee “shall report to the Mayor and City Council” its findings and its “recommendations for improving the district”.

PART 1. DEFINITIONS; OVERVIEW

§ 8-401. Definitions

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Maritime.*

“Maritime” means ocean-going shipping and commerce associated with the Port of Baltimore.

(c) *Maritime Industrial Overlay District.*

“Maritime Industrial Overlay District” Or “Overlay District” means the area designated on the zoning maps adopted under this article as the Maritime Industrial Overlay District.

(Ord. 04-804.)

§ 8-402. Design.

The Maritime Industrial Overlay District is designed to ensure the preservation of limited – deep-water frontage of the Port of Baltimore for maritime use. The intent is to delineate an area where maritime shipping can be conducted without the intrusion of non-industrial uses and where investment in maritime infrastructure is encouraged.
(Ord. 04-804.)

§ 8-403 to 8-405. {Reserved}

PART II. GENERAL REQUIRMENTS

§ 8-406. In general.

In addition to the general provisions of ‘Title 3 {“General Rules”} of this article the following provisions apply to the Maritime Industrial Overlay District
(Ord. 04-804.)

§ 8-407. Use Regulations.

(a) In *general*.

Except as provided in subsection (b) of this section, all uses in the Overlay District are as otherwise allowed by this article for the underlying district.

(b) Prohibited Uses.

Notwithstanding any other provision of this article, the following uses are prohibited within the Overlay District:

- (1) Hotels and motels.
- (2) Offices: business and professional, other than accessory.
- (3) Planned unit developments.
- (4) Restaurants, other than accessory without live entertainment or dancing.
- (5) Taverns.
- (6) Any other use that is not expressly allowed by this article for an Industrial District.

(Ord. 04-804; 06-247.)

§ 8-408. Bulk Regulations.

The bulk regulations set forth in this article for each underlying district apply to properties in the Overlay District
(Ord. 04-804.)

§ 8-409. Off-street Parking.

Off-street parking spaces must be provided in accordance with Title 10 {"Off-Street Parking Regulations"} of this article as it applies to the underlying district.
(Ord. 04-804.)

§ 8-410. Signs.

Signs are allowed only in accordance with Title 11 {"Sign Regulations"} of this article as it applies to the underlying district.
(Ord. 04-804.)

§ 8-411 Proposed map amendments.

(a) Owner application.

- (1) On or after September 12, 2015, until September 11, 2015, an owner of property within the Maritime Industrial Overlay District may apply to the City Council for a map amendment to remove the property from the District.
- (2) The application must be in the form of a proposed ordinance of the Mayor and City Council of Baltimore, containing the information and accompanied by the documents that the City Council requires.

(b) Review – In General.

An application under subsection (a) of this section and any other proposed amendment to the Maritime Industrial Overlay District map must be reviewed as a change in zoning classification in accordance with Title 16 {"Legislative Authorizations"} of this article.

(c) Review – Planning Commission.

In addition, the Planning Commission must find {that} the proposed amendment:

- (1) is consistent with the most current Baltimore City Comprehensive Master Plan;
- (2) sustains or enhances transportation access into and out of the Port
- (3) ensures the long-term preservation of the deep water assets of the Port of Baltimore for maritime industrial use;
- (4) protects maritime industrial land uses from intrusion of non-industrial uses
- (5) sustains or enhances the current and future maritime industrial economic development growth in the District;
- (6) ensures development is designed to adequately separate non-industrial land uses from maritime industrial uses; and



- (7) adheres with federal and state laws regarding Homeland Security, generally, and port safety, specifically.
(Ord. 04-804; Ord. 09-154.)

EXAMPLE 16 - BENTON, OR FLEXIBLE INDUSTRIAL OVERLAY

Benton County Development Code Page 85-1 September 7, 2006

Chapter 85

Flexible Industrial Overlay (/FI)

85.005 Purpose. The Flexible Industrial Overlay Zone shall ensure the orderly industrial development of six specific parcels or lots situated within the Corvallis Urban Growth Boundary. [Ord 26J, Ord 90-0069, Ord 96-0118]

85.010 Definitions.

- (1) "Parent parcel" means a parcel or lot as described and recorded in County Deed Records on or before September 20, 1978.
[Ord 2006-0214]

85.105 Development Options.

- (1) The property owner may choose either one or a combination of the following options:
- (a) One use per ten acre parcel or lot created from each parent parcel. The minimum parcel or lot size for this option is ten acres.
 - (b) Parcels or lots of less than ten acres shall be contiguous. One use per parcel or lot shall be permitted.
- (2) The total number of parcels or lots allowed per parent parcel is shown below. Subsequent division of the parent parcel in excess of the total shown below shall not occur prior to annexation: Parent Parcel Number of Parcels or Lots Number* Acreage Per Parent Parcel
- | | | |
|----|----|---|
| 16 | 23 | 2 |
| 22 | 45 | 4 |
| 24 | 65 | 6 |
| 25 | 57 | 5 |
| 26 | 54 | 5 |
| 27 | 57 | 5 |

*These parent parcels are identified in the "Corvallis Area Industrial Land Report", January 1982, OD4COG, on file in the office of the Benton County Community Development Department, , Corvallis, which report is incorporated by reference into this code. [Ord 26J, Ord 90-0069, Ord 96-0118, Ord 2006- 0214]

85.205 Permitted Uses.

The following uses are permitted in the Flexible Industrial Overlay Zone:

- (1) Light industrial uses:
- (a) Production, processing, assembling, packaging, or treatment of food products from previously processed materials.

- (b) Production, processing, assembling, and packaging of finished products from previously prepared materials.
- (c) Manufacturing and assembling of electronic instruments and equipment and electrical devices.
- (2) Commercial uses: animal sales and services (commercial kennels, veterinary), automobiles and equipment repairs (heavy, light, and farm equipment), wholesaling, storage and distribution (light).
- (3) Agricultural uses: horticulture (cultivation, storage), packing and processing (limited).
- (4) Permitted accessory uses. One dwelling or manufactured dwelling shall be permitted per development site and shall be developed simultaneously with or following development of primary and accessory uses. Such dwelling or manufactured dwelling shall be arranged and related to the principal use and located for principal services to the employees or users of one or more of the primary uses on the same development site. [Ord 26J, Ord 90-0069]

85.210 Review of Permitted Uses.

(1) The Planning Official shall review permitted uses in the Flexible Industrial Overlay Zone that require a Minimal Source Permit or a Regular Discharge Permit from the Oregon Department of Environmental Quality (DEQ). If the Planning Official determines that the scope of a specific request requires a public hearing, the Planning Official may refer the request to the Planning Commission.

(2) Uses shall be permitted only when the Planning Official or Planning Commission finds that public health, safety, and welfare associated with surrounding land uses will not be adversely affected based on technical findings regarding environmental quality performance standards. Approval by DEQ may be required before final action is taken by the Planning Official or Planning Commission.

(3) When it appears that noise, dust, odors, emissions, or other adverse environmental impacts will extend outside the boundary of a parcel or lot upon which development is proposed, the Planning Official or Planning Commission shall impose conditions reducing such adverse environmental impacts so that the use will not create a public nuisance. [Ord 26J, Ord 90-0069, Ord 96-0118]

85.305 Development Requirements.

- (1) Any application for a land use decision or building permit for these parcels or lots made to the County will obligate the property owner of the entire parent parcel and the owner of any parcel or lot created as a result of a land use decision or building permit approval to agree not to remonstrate against annexation to the City of Corvallis, and each party shall agree not to remonstrate against the formation of a local improvement district for the installation of public services in the future.
- (2) The following material shall be submitted with all development applications in accordance with the standards and conditions of this chapter:
 - (a) An access plan for the development area and for the parent parcel.
 - (b) A plan showing the location of future city services and utilities.
 - (c) A map depicting natural drainageways. [Ord 26J, Ord 90-0069, Ord 96-0118]

85.405 Development Standards. All structures allowed in the Flexible Industrial Overlay Zone shall be sited in compliance with the standards of the primary zone, BCC Chapter 99, and the following additional standards:

- (1) Access shall be consolidated to cause minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain adequate traffic circulation.
- (2) Where access is proposed to a State highway, approval by and compliance with the requirements of the Oregon State Highway Division is required.
- (3) Easements for future city services and utilities shall be granted.
- (4) Nonremonstrance agreements for future city services and utilities shall be signed.
- (5) A consent to annex shall be signed. [Ord 26J, Ord 90-0069]

http://www.co.benton.or.us/cd/planning/documents/dc_ch_85.pdf

EXAMPLE 17 - JACKSONVILLE, FL INDUSTRIAL LAND PRESERVATION BILL

SUBPART P. INDUSTRIAL SANCTUARY AND AREAS OF SITUATIONAL COMPATIBILITY OVERLAY ZONES*

Sec. 656.399.37. Legislative findings and intent.

The Council finds and determines that:

- (a) The loss of industrial lands combined with residential intrusion into established industrial areas has created a need to protect existing strategically located industrial lands for future expansion and economic development. Several areas of the City have been identified as being crucial to the long term economic well-being of the City, including property surrounding the Cecil Commerce Center and port related properties along the St. Johns River.
- (b) The Future Land Use Element of the City of Jacksonville 2010 Comprehensive Plan states that "[i]n order to maximize the economic potential of industrial development, and to minimize the adverse impacts on other types of land uses, it is necessary to identify geographic areas suitable for various types of industry based on such factors as the labor force, accessibility to specific modes of transportation, need for expansion, and amenity factors for the labor force."
- (c) The Future Land Use Element of the City of Jacksonville 2010 Comprehensive Plan includes the following policies pertaining to industrial uses:

Policy 3.2.12. The City shall designate areas inappropriate for less intense development due to conditions such as excessive noise levels and incompatible surrounding land uses for intense commercial and light industrial use.

Policy 3.2.17. The City shall require Land Development Regulations to include incentives for new industry to locate in the form of industrial parks, centers, etc., in areas shown for industrial use on the Future Land Use Map series.

Policy 3.2.23. The City shall establish an industrial land use data base through the Planning Department and update it on a regular basis to monitor industrial development in the City, and to project the amount of land and public facilities needed to accommodate future industrial uses. (Ord. 2007-398-E, § 4)

Sec. 656.399.38. Declaration of policy.

Based on the findings made in Section 656.399.10 above, the Council hereby declares it to be the policy of the City to protect and preserve existing industrial areas of the City from premature fragmentation by intrusive residential and commercial uses and promote the expansion of industrial uses in those areas.

(Ord. 2007-398-E, § 4)

Sec. 656.399.39. Purpose.

The City is hereby creating a procedure for the establishment of Industrial Sanctuary and Areas of Situational Compatibility overlay zones for the purpose of protecting and preserving appropriate areas within the City for industrial use.

(Ord. 2007-398-E, § 4)

Sec. 656.399.40. Definitions.

As used in this Subpart:

(a) *Industrial Sanctuary* means a distinct geographical area predominately consisting of industrial uses and zoning districts and strategically located for future expansion and economic development.

(b) *Industrial Sanctuary Overlay Zone* means an overlay zoning district designated by the City Council for a distinct geographical area predominately consisting of industrial uses and zoning districts and strategically located for future expansion and economic development for the purpose of protecting and preserving the area from premature fragmentation by intrusive residential and commercial uses and promoting the expansion of industrial uses within the area.

(c) *Area of Situational Compatibility* means a distinct area that may be suitable for industrial uses under certain circumstances.

(d) *Area of Situational Compatibility Overlay Zone* means an overlay zoning district designated by the City Council for a distinct geographical area that may be suitable for industrial uses under certain circumstances.

(Ord. 2007-398-E, § 4)

Sec. 656.399.41. Initial industrial sanctuary overlay zones and areas of situational compatibility overlay zones.

The legal boundaries of the Industrial Sanctuary Overlay Zones and Areas of Situational Compatibility Overlay Zones are as set forth in the outlined map in Third Revised Exhibit A, [located after Section 656.399.49] attached to the ordinance and hereby adopted as the industrial sanctuary overlay zones and the areas of situational compatibility overlay zones by the Council.

(Ord. 2007-398-E, § 4)

Sec. 656.399.42. Criteria for establishing an industrial sanctuary and area of situational compatibility overlay zone.

(a) In order for an area to qualify for establishment as an industrial sanctuary overlay zone under this Subpart P, the area shall meet all of the following criteria:

- (1) The industrial sanctuary is located in the Future Land Use Map series of the 2010 Comprehensive Plan designated for industrial use;
 - (2) The industrial sanctuary is presently zoned for industrial use;
 - (3) The industrial sanctuary predominantly consists of industrial uses with only a few incidental supporting commercial uses;
 - (4) The industrial sanctuary may be described by a reasonably delineated boundary line.
 - (5) The industrial sanctuary is an area that is strategically located for future expansion and economic development.
 - (b) In order for an area to qualify for establishment as an area of situational compatibility overlay zone under this Subpart P, the area shall meet all of the following criteria:
 - (1) The area of situational compatibility is located in the Future Land Use Map series of the 2010 Comprehensive Plan designated for industrial use;
 - (2) The area of situational compatibility is presently zoned for industrial use;
 - (3) The area of situational compatibility consists of industrial uses;
 - (4) The area of situational compatibility may be described by a reasonably delineated boundary line.
 - (5) The area of situational compatibility is an area that may be suitable for industrial uses under certain circumstances.
- (Ord. 2007-398-E, § 4)

Sec. 656.399.43. Establishment procedures.

The following procedures shall apply with respect to the establishment of an industrial sanctuary or area of situational compatibility overlay zone:

- (a) *Planning and Development Department.* The Planning and Development Department shall be responsible for recommending or nominating eligible industrial sanctuaries to the Council. The Department shall make its recommendation to Council on each proposed designation in a report to be called Industrial Sanctuary or Area of Situational Compatibility Nomination Report. The report shall include the following:
 - (1) A map showing the proposed boundaries of the industrial sanctuary or area of situational compatibility;
 - (2) A descriptive evaluation of how the criteria listed in Section 656.399.15 above are met in the area proposed for establishment as an industrial sanctuary or area of situational compatibility;
 - (3) A map showing the existing use of each lot in the area;
 - (4) A zoning map showing the existing zoning of the proposed industrial sanctuary or area of situational compatibility and all lands within 300 feet of the area;
 - (5) A statement describing the recommended boundaries for the industrial sanctuary or area of situational compatibility;
 - (6) A list of the names and addresses of all owners and the real estate assessment file numbers of the properties within the boundaries of the proposed industrial sanctuary or area of situational compatibility, and a second similar list for all properties outside but within 300 feet of the industrial sanctuary or area of situational compatibility; and
- (b) *City Council action.* Copies of the Industrial Sanctuary or Area of Situational Compatibility Nomination Report shall be forwarded by the Planning and Development Department to the City Council and the Office of General Counsel. The Office of General Counsel shall prepare an

ordinance for the proposed establishment of the industrial sanctuary or area of situational compatibility overlay zone. A public meeting shall be held by the Industrial Technical Advisory Committee and the Planning Commission and a public hearing shall be held by the Council to consider the establishment of the proposed industrial sanctuary or area of situational compatibility overlay zone, in the same manner as for a rezoning, pursuant to the notice requirements provided in Subpart C, Part 3, Chapter 656. In addition, the following supplemental notice requirements shall also apply:

- (c) The ordinance approving a proposed industrial sanctuary or area of situational compatibility overlay zone shall include an amendment to Chapter 656, Ordinance Code, incorporating the proposed overlay zoning district
- (d) The Council Secretary shall notify each property owner within the industrial sanctuary or area of situational compatibility of the final action taken by the City Council within 14 days from the effective date of any ordinance approving same, and shall cause the ordinance approving the establishment of the industrial sanctuary or area of situational compatibility overlay zone to be recorded in the official records of Duval County, Florida. The Council Secretary shall also notify the Property Appraiser's Office of the establishment of the overlay zone.
- (e) Following Council approval of the industrial sanctuary or area of situational compatibility overlay zone, the Director shall enter the overlay zone on the Zoning Atlas in accordance with Section 656.203.

(Ord. 2007-398-E, § 4)

Sec. 656.399.44. Industrial sanctuary overlay zone permitted uses and permissible uses by exception.

- (a) In addition to the uses already permitted or permissible in the underlying zoning district, the following uses are all permitted uses in the Industrial Sanctuary Overlay Zone, subject to consistency with the land use plan.
 - (1) Scrap processing, outdoor, unclean activity meeting the performance standards and development criteria set forth in Part 4.
 - (2) Facilities for recycling construction demolition debris, meeting the performance standards and development criteria set forth in Part 4.
 - (3) Explosives manufacturing or storage.
 - (4) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
 - (5) Paper and pulp manufacture.
 - (6) Petroleum refining.
 - (7) Outdoor storage of scrap or processed scrap generated through scrap processing, indoor, clean activity.
 - (8) Care centers meeting the performance standards and development criteria set forth in Part 4.
 - (9) Construction and demolition recycling facilities.
 - (10) Churches, including a rectory and similar uses, meeting the performance standards and development criteria set forth in Part 4.
 - (11) Essential services, including water, sewer, gas, telephone, radio and electric, meeting the performance standards and development criteria set forth in Part 4.

(b) In addition to the uses already permissible by exception in the underlying zoning district, the following uses are permissible by exception in the Industrial Sanctuary Overlay Zone, subject to consistency with the land use plan.

(1) Establishments or facilities which include the retail sale and service of alcoholic beverages for either on-premises or off-premises consumption, or both.

(2) Commercial retail and service establishments in support of an industrial use.

(Ord. 2007-398-E, § 4)

Sec. 656.399.45. Industrial sanctuary overlay zone buffer requirements.

(a) Industrial sanctuary overlay zone buffer distance requirements are set forth in Table 399-1 below and are applicable to all properties which have been rezoned or have been the subject of land use changes since June 1, 2007 within an industrial sanctuary overlay zone. The buffer areas may consist of passive recreation, underground utilities, off-street parking spaces and parking garages, stormwater retention, landscaping, visual screening, wetlands and other conservation lands. Public rights-of-way are deemed to satisfy the buffer distance requirements.

INDUSTRIAL SANCTUARY BUFFER STANDARD MATRIX

Table 399-1

Zoning District of property located within an Industrial Sanctuary overlay zone

	IW	IH	IL	IBP	CO, CRO	Commercial	RR, RLD	RMD, RHD
IW	0	0	0	LDC	LDC	LDC	LDC	LDC
IH	0	0	0	LDC	LDC	LDC	LDC	LDC
IL	0	0	0	LDC	LDC	LDC	LDC	LDC
IBP	LDC	LDC	LDC	0	LDC	LDC	LDC	LDC
CO, CRO	100'	100'	50'	LDC	0	LDC	LDC	LDC
Commercial	50'	50'	LDC	LDC	LDC	0	LDC	LDC
RR, RLD	300'	300'	200'	50'	LDC	LDC	0	LDC
RMD, RHD	200'	200'	150'	LDC	LDC	LDC	LDC	0

LDC = Refers to existing buffer requirements set forth in Part 12, Chapter 656, Ordinance Code.

Commercial includes those zoning districts listed in Section 656.302(b), except for the CO and CRO zoning districts.

RR and RLD includes all RLD zoning districts.

RMD and RHD includes all RMD and RHD zoning districts.

The buffer requirements of this section which apply to the above-referenced districts shall apply to those portions of a Planned Unit Development district which are devoted to uses permitted in these respective districts, unless specifically provided otherwise in the written description of the intended plan of development.

(b) The buffer distance requirement shall be waived if the use of a property zoned IW is accessory to other industrial uses.

(c) Within an industrial sanctuary overlay zone, the non-industrial property shall satisfy the buffer distance requirement. Within an industrial sanctuary overlay zone, if a proposed industrial use is located adjacent to an existing non-industrial use then the existing buffer requirements set forth in Part 12, Chapter 656, Ordinance Code shall apply to the industrial property.

(Ord. 2007-398-E, § 4; Ord. 2007-560-E, § 2)

Sec. 656.399.46. Area of situational compatibility overlay zone buffer requirements.

(a) Areas of situational compatibility overlay zone buffer distance requirements are set forth in Table 399-2 below and are applicable to all properties which have been rezoned or have been the subject of land use changes since June 1, 2007 within an area of situational compatibility overlay zone. The buffer areas may consist of passive recreation, underground utilities, off-street parking spaces and parking garages, stormwater retention, landscaping, visual screening, wetlands and other conservation lands. Public rights-of-way are deemed to satisfy the buffer distance requirements.

AREA OF SITUATIONAL COMPATIBILITY BUFFER STANDARD MATRIX

Table 399-2

Zoning District of property located within an Area of Situational Compatibility overlay zone

	IW	IH	IL	IBP	CO, CRO	Commercial	RR, RLD	RMD, RHD
IW	0	0	LDC	50'	50'	LDC	200'	150'
IH	0	0	LDC	50'	50'	LDC	200'	150'
IL	0	0	0	LDC	LDC	50'	150'	100'
IBP	LDC	LDC	0	0	0	LDC	50'	LDC
CO, CRO	LDC	LDC	0	0	0	LDC	50'	LDC
Commercial	LDC	LDC	LDC	LDC	LDC	0	50'	LDC
RR, RLD	100'	100'	75'	LDC	LDC	50'	0	LDC
RMD, RHD	50'	50'	50'	LDC	LDC	LDC	LDC	0

LDC = Refers to existing buffer requirements set forth in Part 12, Chapter 656, Ordinance Code. Commercial includes those zoning districts listed in Section 656.302(b), except for the CO and CRO zoning districts.

RR and RLD includes all RLD zoning districts.

RMD and RHD includes all RMD and RHD zoning districts.

The buffer requirements of this section which apply to the above-referenced districts shall apply to those portions of a Planned Unit Development district which are devoted to uses permitted in these respective districts, unless specifically provided otherwise in the written description of the intended plan of development.

(b) The buffer distance requirement shall be waived if the use of a property zoned IW is accessory to other industrial uses.

(c) Within an area of situational compatibility overlay zone, the buffer requirements will not be required if the proposed use is adjacent to vacant property.

(d) Reductions of the buffer distance requirements may be permitted by administrative deviation, pursuant to Section 656.109, *Ordinance Code* .

(Ord. 2007-398-E, § 4; Ord. 2007-560-E, § 1)

Sec. 656.399.47. Applicability and effect.



The buffer and landscape requirements and the permitted uses shall supersede and prevail over any other inconsistent provisions of the Zoning Code; otherwise, the standards relative to an underlying zoning district and other applicable, general provisions of the Zoning Code shall govern.

(Ord. 2007-398-E, § 4)

Sec. 656.399.48. Exception from requirements.

This Subpart is not applicable to those properties which are contained within areas that are Developments of Regional Impact. Additionally, the requirements of this Subpart shall not be applicable to any rezoning application which was officially filed with the Department prior to May 8, 2007, as evidenced by a receipt showing a paid application fee dated on or before May 8, 2007.

(Ord. 2007-398-E, § 4)

Sec. 656.399.49. Amendment or rescission of establishment of overlay zone.

The establishment of any industrial sanctuary overlay zone may be amended or rescinded pursuant to the procedure set forth in Section 656.399.16, Ordinance Code.

(Ord. 2007-398-E, § 4)

PART 7. INDUSTRIAL TECHNICAL ADVISORY COMMITTEE

Sec. 30.701. Establishment.

There is hereby established a committee to be known as the Industrial Technical Advisory Committee (hereinafter known as the Committee).

(Ord. 2007-398-E, § 2)

Sec. 30.702. Membership; appointment and removal; terms of office.

(a) The Committee shall consist of seven members to be appointed within the following categories:

- (1) One member shall be a commercial property owner.
- (2) One member shall be a residential property owner.
- (3) One member shall be a residential builder.
- (4) One member shall be a residential property developer.
- (5) One member shall be a commercial property developer.
- (6) Two members shall be representatives from industrial businesses operating in the City of Jacksonville.

(b) The Council President shall nominate and the Council shall appoint each member of the committee. The Council may remove any member at any time.

(c) Members shall be appointed for two-year staggered terms (except appointments to fill vacancies). The terms of members shall be so staggered that the terms of three members shall expire one year and the terms of four members shall expire the following year. Once appointed, the members shall continue in office until the expiration of their terms of office, or until they are reappointed and confirmed or until their successors have been appointed and confirmed. No member shall serve for more than three consecutive full terms; but appointments to fill vacancies

for unexpired terms and initial appointments under the preceding sentence for less than two years shall not be deemed to be full terms.

(Ord. 2007-398-E, § 2)

Sec. 30.703. Functions, powers and duties.

In addition to such powers, duties and authority as may be set forth elsewhere in the Ordinance Code, the Committee is hereby authorized to:

- (a) Review and make recommendations to the Planning and Development Department on proposed land use changes, and rezonings in the Areas of Situational Compatibility and Industrial Sanctuaries as set forth in Subpart N, Part 3, Chapter 656, Ordinance Code.
- (b) Review and make recommendations to the Planning and Development Department concerning text changes to the Comprehensive Plan and proposed changes to the Zoning Code which relate to the in the Areas of Situational Compatibility and Industrial Sanctuaries as set forth in Subpart N, Part 3, Chapter 656, Ordinance Code.
- (c) Review and make recommendations to the City Council as to the creation or expansion of Areas of Situational Compatibility and Industrial Sanctuaries.

(Ord. 2007-398-E, § 2)

Sec. 30.704. Organization and proceedings.

- (a) *Officers.* The Committee shall select a chairperson and vice-chairperson from among its members to serve for a one-year term commencing in January and may create and fill such other offices as it may deem necessary or desirable.
- (b) *Rules of procedure.* The Committee shall establish rules of procedure necessary to its governing and the conduct of its affairs, consistent with the applicable provisions of the Ordinance Code.
- (c) *Meetings.* The Committee shall meet twice each month, unless the Director of Planning and Development has no business to transact, in which instance there will be no regular meeting. All meetings shall be open to the public, but these are not public hearings; the public does not have a right to speak but may be invited to speak by the Chairman or any member of the Committee.
- (d) *Voting; quorum.* All decisions and recommendations of the Committee shall require a concurring vote of a majority of the members present. Four members shall constitute a quorum. Tie votes shall result in the subject agenda item being continued to the next meeting of the Committee.
- (e) *Notice.* Notice of meetings shall be posted five days in advance in the lobby of the Planning and Development Department and in the lobby of City Hall. Mailed notification to applicants is required prior to Committee meetings. No other advertisement or notification is required.
- (f) *Advisory Recommendation on land use changes and rezonings.* The Committee shall evaluate all proposed land use changes and rezonings in those Areas of Situational Compatibility and Industrial Sanctuaries, as set forth in Section 656.399.14, Ordinance Code, and as modified pursuant to Section 656.399.15, Ordinance Code, and provide an advisory recommendation based on several factors, including but not limited to, the distribution of the types of existing and proposed uses in the general area, the impact adjacent uses may have on the proposed use and the impact the proposed use may have on the adjacent uses. For conventional rezonings, the applicant of the rezoning shall provide a site plan depicting at an appropriate scale as determined



by the Department the location of all land uses by acreage, density including the number of dwelling units, intensity, and/or nonresidential floor area of such uses and the proposed vehicular circulation system, pedestrian circulation system and points of ingress and egress to the development, including rights-of-way and paving widths. The site plan shall also include a legend that includes the following applicable information in accordance with the following format:

Total gross acreage	_____Acres	100%
Amount of each different land use by acreage	_____Acres	_____%
Total number and type of dwelling units by each type of same	_____d.u.	_____%
Total amount of active recreation and/or open space	_____Acres	_____%
Total amount of passive open space	_____Acres	_____%
Amount of public and private rights-of-way	_____Acres	_____%
Maximum coverage of buildings and structures at ground level	_____Sq. Ft.	_____%

The advisory recommendation shall be provided to the Planning and Development Department and attached to the Planning and Development Department advisory recommendation presented to the Planning Commission and the City Council and shall become a part of the official record of the proposal and the appropriate committee of reference.

(Ord. 2007-398-E, § 2)

EXAMPLE 18 - PORTLAND, OR GUILDS LAKE INDUSTRIAL OVERLAY

Title 33, Planning and Zoning Chapter 33.531

11/8/03 Guild's Lake Industrial Sanctuary Plan District 531-1

CHAPTER 33.531

GUILD'S LAKE INDUSTRIAL SANCTUARY PLAN DISTRICT

(Added by: Ord. No. 176092, effective 12/21/01. Amended by: Ord. No. 177920, effective 11/8/03.)

Sections:

General

33.531.010 Purpose

33.531.020 Where the Regulations Apply

Use Regulations

33.531.100 Purpose

33.531.110 Additional Use Limitations in the IH Zone

33.531.120 Additional Prohibited Uses



33.531.130 Additional Regulations in Subdistrict A
33.531.140 Additional Regulations in Subdistrict B

Map 531-1 Guild's Lake Industrial Sanctuary Plan District and Subdistricts
Map 531-2 Subdistrict B

33.531.010 Purpose

The Guild's Lake Industrial Sanctuary plan district fosters the preservation and growth of this premier industrial area adjacent to Portland's central city. The plan district's large number of well-established industrial firms are dependent on the area's multimodal transportation system, including marine, rail, and trucking facilities, and on the ability of area streets to accommodate truck movements. Because of its proximity to inner-city neighborhoods with high concentrations of commercial and residential uses, the Guild's Lake Industrial Sanctuary is particularly vulnerable to impacts from, and redevelopment to, nonindustrial uses. The provisions of the plan district recognize that the displacement of industrial uses by inappropriate nonindustrial uses potentially threatens the integrity of this district and investments in public and private infrastructure. The provisions of this chapter protect the area from incompatible uses which threaten the district's integrity, stability and vitality and compromise its transportation system. This chapter also includes provisions to ensure a more pedestrian- and transit-oriented streetscape along NW Vaughn Street and an improved interface with the mixed-use neighborhood to the south.

33.531.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Guild's Lake Industrial Sanctuary plan district. The boundaries of the plan district are shown on Map 531-1 at the end of this chapter, and on the Official Zoning Maps. The boundaries of the subdistricts are also shown on Map 531-1.

Use Regulations

33.531.100 Purpose

Nonindustrial uses in the plan district are limited because they interfere with industrial activities and generate traffic that can compromise the ability of the area's multimodal transportation system to serve industrial uses. These restrictions ensure that the plan district is preserved primarily for industrial uses, while allowing limited commercial uses that serve industrial firms and their employees. The restrictions are most extensive in the IH zone; in that zone the potential for conflicts between industrial and nonindustrial uses is greatest because of the nature of heavy industrial operations. Greater flexibility is provided for nonindustrial uses along portions of the plan district's southern boundary, together with additional development standards, to address the close interface of industrial operations and mixed-use areas along NW Vaughn Street.

33.531.110 Additional Use Limitations in the IH Zone

A. Purpose. These regulations place additional limitations on commercial uses to minimize their impact on industrial activity. In addition, the regulations place limits on accessory and headquarters offices in the core of the plan district to ensure that the offices will be clearly subordinate to their associated uses and to limit their potential impacts on nearby industrial operations.

B. Where these regulations apply. The regulations of this section apply to sites in the IH zone.

C. Retail Sales And Service and Office uses in the IH zone.

1. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.

2. Conditional uses.

- a. More than four Retail Sales And Service or Office uses on a site is a conditional use.
- b. Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Retail Sales And Service or Office uses where the floor area plus exterior display and storage area is more than 10,000 square feet or the FAR is more than 1:1 are prohibited, except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet or the FAR is more than 2:1 are prohibited.

D. Accessory Offices and Headquarters Offices. Up to 25 percent of the net building area plus exterior work and storage areas on a site, or 25,000 square feet, whichever is less, may be in accessory office or headquarters office use. Accessory or headquarters office uses that exceed this percentage, or occupy more than 25,000 square feet, are a conditional use. Accessory and headquarters offices are allowed only in conjunction with a primary use that is allowed in the zone or has been approved as a conditional use.

33.531.120 Additional Prohibited Uses

A. Purpose. To preserve the Guilds Lake area as a suitable location for industrial uses, these regulations prohibit nonindustrial uses that conflict with industrial activities and that can contribute to traffic congestion, especially in the core of the plan district.

B. Additional prohibited uses in the IH zone. The following uses are prohibited in the IH zone:

1. Household Living;
2. Self-Service Storage;
3. Commercial Outdoor Recreation; and
4. Major Event Entertainment.

C. Additional prohibited uses in the IG zones. The following uses are prohibited in the IG zones:

1. Household Living;
2. Commercial Outdoor Recreation; and
3. Major Event entertainment.

33.531.130 Additional Regulations in Subdistrict A

Sites in Subdistrict A are also subject to the regulations of the following Sections of the Northwest Hills Plan District: 33.563.200 Prohibition, 33.563.210 Additional Approval Criteria, and 33.563.030, Transfer of Development Rights.

33.531.140 Additional Regulations in Subdistrict B

A. Purpose. These regulations minimize conflicts between industrial operations in the Guilds Lake Industrial Sanctuary and the mixed-use neighborhood to the south. Uses are limited or prohibited that may conflict with nearby industrial and residential uses or that can overburden the areas transportation system. These regulations provide additional flexibility in the siting of the limited amount of Office uses allowed in the subdistrict, while preserving overall Office use limitations. The regulations also limit blank walls on the ground level of buildings to encourage a continuity of active uses along street frontages and to avoid a monotonous pedestrian environment. Parking access is limited along NW Vaughn Street to minimize impacts on the transportation system and to reduce conflicts with pedestrians.

B. Where these regulations apply. These regulations apply to sites in an EG zone within Subdistrict B, shown on Map 531-2.

C. Retail Sales And Service uses. Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 10,000 square feet per site.

D. Additional prohibited uses. The following uses are prohibited:

1. Household Living;
2. Group Living;
3. Quick Vehicle Servicing;
4. Commercial Outdoor Recreation; and
5. Major Event Entertainment.

E. Development standards.

1. Maximum floor area ratios. Half the floor area used for parking is not counted toward maximum floor area ratios.
2. Maximum height. The maximum building height is 65 feet.
3. Building coverage. The maximum building coverage is 100 percent.
4. Minimum landscaped area. There is no minimum landscaped area.
5. Transfer of floor area. The amount of floor area allowed to be in Office use on the portion of a site within Subdistrict B may be transferred to the portion of another site within Subdistrict B, if all of the following are met:
 - a. Development on the receiving site must meet all development standards except for the amount of floor area in office use, which is increased to allow the amount transferred;
 - b. Transfer of Office floor area may involve only one transferring site and one receiving site; and
 - c. The property owner(s) must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential Office use floor area. The covenant must meet the requirements of Section 33.700.060.
6. Setbacks and main entrances. There is no minimum building setback. Sites are subject to the maximum setback standards and main entrance standards of the EG1 zone.
7. Ground floor windows. The ground floor of all street-facing façades that are 20 feet or closer to a transit street lot line must meet the ground floor window standards of the EX zone.
8. Drive-through facilities. Drive-through facilities are prohibited.
9. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from NW Vaughn Street unless the site has no other street frontage.
10. Disclosure statement. Before a building permit is issued for an Office use, the applicant must record a disclosure statement with the County. In addition, the owner must provide a copy of the disclosure statement to all prospective tenants and buyers. The disclosure statement must state that the office is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic and freight movement. The statement is available at the Development Services Center; and

<http://www.portlandonline.com/bps/index.cfm?c=34563&a=53368>

EXAMPLE 19 - KISSIMMEE, FL AIRPORT INDUSTRIAL DISTRICT

ZONING DISTRICT SUMMARY SHEET (6/12/07 CODE)

§ 14-2-38 AI — AIRPORT INDUSTRIAL DISTRICT.

(A) Intent. The Airport Industrial District is intended to accommodate activities predominantly connected with typical industrial uses, as well as supporting non-industrial uses in the vicinity of the Kissimmee Municipal Airport. It is intended to permit the normal operation of a variety of industrial and related uses under such conditions of operation as will protect nearby development. This district is intended for use in areas which have been assigned an Airport Industrial or Industrial Business land use designation by the Comprehensive Plan.

(B) Permitted Uses: (Are uses that are allowed as long as required improvements are in place to accommodate the use.)

- (1) Administrative offices for businesses engaged in the production, assembly, testing, storage, or wholesale sales of materials or products.
- (2) Administrative offices for businesses primarily engaged in aeronautical activities.
- (3) Aeronautical research and development establishments, not requiring ramp facilities.
- (4) Aeronautical training establishments, not requiring ramp facilities.
- (5) Facilities for the production, assembling, and/or packaging of precision instruments.
- (6) Jewelry and precious metal products manufacturing.
- (7) Clothing or leather products manufacturing, not involving dyeing or tanning of materials or coating with pyroxlin plastic or similar materials.
- (8) Manufacturing of ceramic products, using electrically fired kilns.
- (9) Signs and advertising displays manufacturing.
- (10) Printing, lithography, and publishing establishments.
- (11) Research and development establishments associated with biochemical, chemical, electrical, photographic, medical, metallurgical, pharmaceutical or X-ray research.
- (12) Electrical manufacturing establishments involved in making: small electrical or electronic apparatus; coils, tubes and semiconductors; communication, navigation, guidance and control equipment; data processing equipment (*including computer software*); glass edging and silvering equipment; graphics and art equipment; metering equipment; radio and television equipment; photographic equipment; radar, infrared and ultraviolet equipment; optical devices and equipment; or filling and labeling machinery.
- (13) Bottling plants.
- (14) Commercial bakeries.
- (15) Commercial and industrial laundries.
- (16) Cold storage and ice processing facilities.
- (17) Wholesale trade, warehousing, and distribution establishments. (*Those businesses selling, storing, or distributing motor vehicles, heavy equipment, mobile homes, or manufactured homes are not allowed.*)
- (18) Contract construction service establishments.
- (19) Building service establishments.
- (20) Landscaping maintenance establishments.
- (21) Data processing facilities.
- (22) Commercial off-street parking lots and garages.
- (23) Adult entertainment establishments.
- (24) Medical and law enforcement heliports (*any maintenance facilities shall be accessory*).
- (25) Accessory uses as defined in Article XVII. § 14-2-240.

(C) Conditional Uses: (Are uses that are reviewed on a case by case basis, must comply with specific criteria, and may be allowed if approved by the Planning Advisory Board.)

- (1) Aircraft operation, including heliports not allowed as a permitted use.
- (2) Sales of aviation petroleum products and ramp service.
- (3) Flight instruction and aircraft rental.
- (4) Aircraft charter and taxi service.
- (5) Aircraft engine and accessory maintenance.
- (6) Aeronautical dusting and spraying operations.
- (7) Aeronautical radio and instrument operations. Communication towers and other communication facilities as defined in § 14-2-240 shall only be allowed in accordance with division (C)(34) below.
- (8) Hangar rental service.
- (9) Aircraft sales.
- (10) Airport terminal.
- (11) Other aviation activities requiring ramp facilities.
- (12) Airport museums.
- (13) Restaurants, including outdoor dining in accordance with § 14-2-65(M) and 14-2-240.
- (14) Motels and hotels.

- (15) Gasoline service stations.
- (16) Credit unions, banks, and savings and loan associations.
- (17) Hiring halls, union halls, permanent and temporary employment services, and temporary labor service establishments on lots located at least 200 feet from residential district boundaries.
- (18) Vocational, technical, trade, and industrial schools (19) Day care centers. (20) Park and recreation areas, including golf courses.
- (21) Security guard quarters.
- (22) Sewage treatment plants, water plants, power plants, and similar facilities.
- (23) Public and semi-public uses. *(Public and semi-public hospitals, institutional care facilities, community residential homes, shelters/halfway houses, schools, similar facilities, and cemeteries are not allowed.)*
- (24) Post offices.
- (25) Establishments not allowed as a permitted use which are engaged in the production, assembling, packaging, or treatment of materials, goods, food stores, and other semi-finished or finished products.
- (26) Bulk storage yards. (27) General storage yards.
- (28) Repair service establishments.
- (29) Welding or machine shops.
- (30) Businesses selling, storing, or distributing motor vehicles, heavy equipment, mobile homes or manufactured homes.
- (31) Businesses leasing motor vehicles, heavy equipment, mobile homes, or manufactured homes.
- (32) Nurseries and greenhouses.
- (33) Kennels and veterinary clinics.
- (34) Communication towers and other communication facilities as defined in § 14-2-240.
- (35) Recycling collection centers.
- (36) Gun ranges.
- (37) Uses allowed as a permitted use when conducted wholly or partly out-of-doors.
- (38) Any multi-use project containing two or more of the above listed conditional uses shall undergo a conditional use review for the entire project.
- (39) Commercial off-street parking lots and garages.
- (40) Drive thru facilities in conjunction with an allowed use on lot(s) located within 300 feet of a residential district boundary in accordance with § 14-2-65(N).

(D) Site Design Regulations. *

- (1) *Lot Size:*
 - (a) The minimum lot area shall be 40,000 square feet.
 - (b) The minimum lot width shall be 150 feet.
 - (c) The minimum lot depth shall be 200 feet.
- (2) *Yards (Setbacks):*
 - (a) The minimum front yard setback shall be 25 feet.
 - (b) The minimum side yard setback shall be 10 feet. However, no side setback is required next to a railroad siding.
 - (c) The minimum rear yard setback shall be 25 feet. However, no rear setback is required next to a railroad siding.
 - (d) In the case of parcels adjacent to single family residential, RB-1, and RB-2 districts, see § 14-2-65(G) for special setback requirements.
- (3) *Parking Space Setback: Parking spaces shall be setback from property lines as indicated by 14-2-94.*
- (4) *Lot Coverage: Impervious surfaces shall not cover more than 85% of the lot area.*
- (5) *Lighting: All lighting shall conform with Article V in Chapter 6 of the Code in order to avoid hazard to aircraft.*
- (6) *Structure Height: No structure shall exceed the height limits specified in Section 6-75 of the Code.*

(E) Site Plan Required.

A site plan review shall be required in accordance with §§ 14-2-190 - 14-2-195 for principal uses. Standards for required improvements are located within the Land Development Code.

Summary Sheet Updated: 4/14/09

PLEASE NOTE: This attempts to provide an unofficial summary of the zoning district regulations and may not include all of the potential uses. It is highly recommended that consultation with the City of Kissimmee Development Services Planning Division be conducted prior to purchasing a property, signing a lease/contract, or occupying a site. Use allowance is also dependent upon whether required infrastructure is provided to accommodate the use. All uses must obtain a Certificate of Occupancy and Business Tax Receipt prior to occupying any space. All interpretations shall be based on review of the Land Development Code. * If the property is located within an overlay district, the lot standards may differ and the design standards for that district must be consulted.

Source:

http://www.kissimmee.org/uploadedFiles/Work/Departments_and_Services/Development_Services/AI%20ZONING%20DISTRICT%20SUMMARY%20SHEET.pdf. Accessed: April 29, 2010.

EXAMPLE 20 - PASADENA, CA NOISE LEVEL AND ZONING RESTRICTIONS

17.50.340 - [Transit-Oriented Development \(TOD\)](#)

1. **Applicability.**

1. The standards of this [Section](#) provide for a mixture of commercial, high-[density](#) residential, mixed-[use](#), [public](#), and [semi-public uses](#) in close proximity to light rail stations, encouraging transit usage in conjunction with a safe and pleasant pedestrian-oriented environment.
2. These standards emphasize intensification of [development](#) and reduced reliance on motor vehicles.
3. These standards shall apply to new [development projects](#) located within 1,320 feet (1/4 mile) of a light-rail station platform. Within the Central [District](#), these standards shall apply to the area identified on [Figure 3-5](#) - Central [District](#) Transit-Oriented Area.

2. **Prohibited land [uses](#).** The following nontransit-oriented land [uses](#), as these land [uses](#) are defined in [Article 8](#) (Glossary of Technical Terms and Land [Use](#) Types), are prohibited:
 1. [Drive-through businesses](#);
 2. Large recycling facilities;
 3. [Vehicle services](#) - [sales and leasing](#); (except for [sales and leasing](#) - limited);
 4. [Vehicle services](#) - [service stations](#);
 5. [Vehicle services](#) - washing and detailing; (except washing and detailing, small-scale);
 6. [Vehicle storage](#); and
 7. [Wholesaling, distribution, and storage](#) (including commercial and small-scale).
3. **Permit requirements.** A Minor Conditional [Use](#) Permit shall be required for any proposed commercial and industrial [development projects](#) with over 15,000 square feet of [gross floor area](#).

1. **Issues for review.** Minor Conditional [Use](#) Permit review shall consider the [site](#) plan of the proposed [project](#) to ensure that findings can be made that the [use](#) is compatible with transit.
2. **Required findings.** Minor Conditional [Use](#) Permit [approval](#) shall require that the [review authority](#) first make the following findings in addition to the findings required by [Section 17.61.050](#):
 - a. The [project](#) consists of a [use](#), or mix of [uses](#), that encourage transit [use](#) and is oriented toward the transit user.
 - b. The [project](#) is designed to enhance pedestrian access and/or other non-motor vehicle modes of transportation to public transit.
 - c. The [project](#) encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles.
4. **Parking requirements. ([See Interpretation](#))**
 1. **Parking reductions for nonresidential [development projects](#).**
 - a. **Office [uses](#).** For the [uses offices](#) - [administrative business professional](#) and [offices](#) - governmental, the minimum amount of required off-[street](#) parking shall be reduced by 25 percent, and this reduction shall be the maximum allowed number of [parking spaces](#).
 - b. **All other nonresidential [uses](#).** For all other nonresidential [uses](#) the minimum amount of required off-[street](#) parking shall be reduced by 10 percent, and this reduction shall be the maximum allowed number of [parking spaces](#).
 - c. **Further reduction with study.** The parking requirements may be further reduced through a parking demand study and [approval](#) of a Minor Conditional [Use](#) Permit.
 2. **Exceeding allowable parking requirements.** A [project site](#) may exceed the maximum allowable parking requirements in compliance with the following conditions.
 - a. **[Commercial off-street parking](#).** If the parking is intended to serve as [commercial off-street parking](#). [Approval](#) of this parking shall require the granting of a Minor Conditional [Use](#) Permit in compliance with [Section 17.61.050](#).
 - b. **Shared parking.** A [site](#) may exceed the maximum allowable number of [parking spaces](#) if the parking is approved to serve as shared parking in compliance with [Section 17.46.050](#).
 - c. **Joint parking.** A [site](#) may exceed the maximum allowed number of [parking spaces](#) if the parking is approved to serve as joint parking.
 - (1) Joint parking is a type of parking that is designed to serve [uses](#) on at least two different [sites](#).
 - (2) The joint parking provided shall not exceed the maximum required parking for the combined total parking requirements of the different individual [sites](#).

3. **Residential development projects.** The following requirements apply to multi-family residential and mixed-use development projects proposing at least 48 dwelling units per acre.
 - a. Residential parking shall be a minimum of:
 - (1) 1 space for each unit for units less than 650 square feet to a maximum of 1.25 spaces per unit; and
 - (2) 1.5 spaces for each unit for units 650 square feet or more to a maximum of 1.75 spaces per unit.
 - b. The parking requirements may be further reduced through a parking demand study and approval of a Minor Conditional Use Permit in compliance with Section 17.61.050.
 - c. The cap includes the minimum parking requirement as well as the requirement for guest parking.
 - d. City Permits for overnight parking shall not be allowed.
 - (1) City Permits for overnight parking on City streets shall not be issued for residential development projects built in compliance with these regulations.
 - (2) Residential tenants shall be advised of the unavailability of on-street overnight parking permits.
 - e. Guest parking shall be provided as required by Table 4-6 (Off-Street Parking Space Requirements). The number of guest parking shall not exceed the minimum required.
4. **Modification.** The Zoning Administrator may modify the required parking in a parking garage (including below grade and at or above grade garages) by allowing the total parking requirement to exceed or be reduced by five percent but not more than 10 spaces.
5. **Development projects within the CG zoning district.**
 1. **1/4 mile of the Allen Street Station.** For development projects located within 1/4 mile of the Allen Street Station, multi-family uses are conditionally permitted, shall contain a minimum of 50 dwelling units, and shall have a maximum allowable density of 48 units per acre. The Conditional Use Permit shall also establish the appropriate setbacks.
 2. **Between 1/4 and 1/2 mile of the Allen Street Station.** For development projects that are located between 1/4 of a mile and 1/2 mile of the Allen Street Station, and require a Conditional Use Permit for a project over 25,000 square feet of gross floor area, the additional findings identified in Subsection C., above, shall not be required, but shall be used to guide the review of the project and the development of appropriate conditions.

3. **Further reductions.** The parking requirements may be further reduced through a parking demand study and the issuance of a Minor Conditional Use Permit in compliance with Section 17.61.050.

<http://ww2.cityofpasadena.net/zoning/P-5.html#17.50.340>

EXAMPLE 21 – ANAHEIM, CA NOISE ABATEMENT DESIGN CRITERIA

The Crossing at Anaheim – Mitigation Monitoring Plan. August 2006. : Specific Noise Abatement Design Criteria

Available at:

http://www.anaheim.net/images/articles/1288/Vol1_InitialStudy/5_Mitigation_Monitoring_Plan.pdf

Accessed: December 8 2010.

EXAMPLE 22 – PORTLAND, OR AIRPORT NOISE RESTRICTIONS

Title 33, Planning and Zoning Chapter 33.470

9/18/09 Portland International Airport Noise Impact Zone 470-1

CHAPTER 33.470

PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT ZONE

(Amended by: Ord. No. 164244, effective 7/1/91; Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183124, effective 9/18/09)

Sections:

33.470.010 Purpose

33.470.020 Short Name and Map Symbol

33.470.030 Applying the PDX Noise Zone

33.470.040 Noise Insulation

33.470.050 Additional Residential Regulations

33.470.010 Purpose

The Portland International Airport Noise Impact overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

33.470.020 Short Name and Map Symbol

The Portland International Airport Noise Impact zone is also referred to as the PDX Noise zone, and is shown on the Official Zoning Maps with a letter "x" map symbol (for PDX).

33.470.030 Applying the PDX Noise Zone

A. Noise Contour Boundary Source. The Ldn 65 noise contour, as shown in the *1990 Portland International Airport Noise Abatement Plan Update* is the boundary for the PDX Noise zone. All land within that noise contour, including lands within a higher contour, is in the PDX Noise zone and subject to these regulations.

B. PDX Noise Zone Maps. A set of quarter-section maps, known as the PDX Noise Zone Maps, is available for review at the Development Services Center. The maps are the official reference maps for the PDX Noise zone regulations. The maps show the Ldn 65 noise contour and each successively higher noise contour in one Ldn increment. The location of the noise contours are based on the *1990 Portland International Airport Noise Abatement Plan Update*. The Ldn 68 noise contour location was established by the Port of Portland.

C. Application on annexed land. The PDX Noise zone is to be applied on all annexed areas located within the Ldn 65 or higher noise contours as part of the annexation rezoning of that area.

D. Corrections. An owner may request that the Planning Director initiate a correction to the location of the noise contours shown on the PDX Noise Zone Maps for their property. The owner must show, and the Director must find, that the noise contours do not conform with the location shown in the *1990 Portland International Airport Noise Abatement Plan Update*. Corrections are processed as stated in 1.01.037.

33.470.040 Noise Insulation

A. Noise insulation required. All new structures must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed structures where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living space, and structures used for Manufacturing And Production uses, Warehouse And Freight Movement uses, or nonresidential Agricultural uses are exempt from this requirement.

B. Certified by acoustical engineer. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

C. City provides list. The City, in consultation with the Department of Environmental Quality and the Port of Portland, will provide a list of at least three registered engineers knowledgeable in acoustical engineering.

D. Port of Portland pays for sound insulation certification. At an owner's request, the Port of Portland is responsible for the costs of the noise insulation certification submitted by an engineer on the City list. The owner has the option to retain any registered engineer knowledgeable in acoustical engineering not on the list, at the owner's expense.

33.470.050 Additional Residential Regulations

A. Restrictions on residential use and density.

1. Within the Ldn 68 noise contour. Where any part of a site is within the Ldn 68 noise contour, it is subject to the following:

a. New residential uses prohibited. New residential uses are prohibited within the Ldn 68 or higher noise contour except as allowed specifically by this subsection. If a site is divided by an Ldn 68 noise contour all dwelling units, accessory structures, and required side and rear setbacks must be located entirely outside the Ldn 68 noise contour.

b. Replacement housing.

(1) Existing housing within the Ldn 68 noise contour may be replaced within 5 years if it is damaged or destroyed by fire or other causes beyond the control of the owner. A houseboat that is intentionally removed from its slip by the owner may be replaced within 5 years. A manufactured dwelling that is intentionally removed from a manufactured dwelling park may be replaced within 5 years

(2) Natural disasters. The replacement time of 5 years is extended to 15 years for manufactured dwelling parks on Hayden Island if:

- Manufactured dwelling units are damaged or destroyed by a natural disaster such as a flood, earthquake, fire or other causes beyond the control of the manufactured dwelling park owner.
- At least 30 percent of the manufactured dwelling units in the manufactured dwelling park are either destroyed or significantly damaged. A unit is significantly damaged if the repair cost is 75 percent of the value of the unit.

c. Exemption. Sites that had a Farm and Forest, Limited Single Family, Low Density Single Family, or Medium Density Single Family Comprehensive Plan Map designation on January 1, 1981 or a County Residential Comprehensive Plan designation or zoning on that date is are exempt from this prohibition. Dwelling units added to these sites must meet the requirements of this chapter for residential development within the Ldn 65 contour.

2. Within the Ldn 65 noise contour. Where a site is within the Ldn 65 noise contour, it is subject to the following:

- a. Sites that have a residential Comprehensive Plan Map designation are prohibited from developing to a density higher than that of the R10 zone.
- b. Except as provided in subparagraph A.3, sites that have a commercial Comprehensive Plan Map designation are prohibited from being developed at a density higher than that of the R1 zone.
3. In the Hayden Island plan district, residential density may be transferred as specified in 33.532.240.

B. Noise disclosure statement. Prior to the issuance of a building permit for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must sign the City's noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the Ldn 65 noise contour and signifies the owner's awareness of the associated noise levels. The noise disclosure statement must be recorded in the County records by the owner. The statement is available at the Development Services Center.

C. Noise easement. Prior to the issuance of a building permit for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must dedicate a noise easement to the Port of Portland. The easement forms are available at the Development Services Center. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the Ldn noise contour. Any increase of the Ldn noise level above that stated on the easement will not void nor be protected by the easement.

<http://www.portlandonline.com/bps/index.cfm?c=34562&a=53357>

EXAMPLE 23 – PORTLAND, OR AIRCRAFT LANDING ZONE HEIGHT RESTRICTIONS

City of Portland – Aircraft Landing Zone

Title 33, Planning and Zoning Chapter 33.400

7/1/02 Aircraft Landing Zone 400-1

CHAPTER 33.400



AIRCRAFT LANDING ZONE

(Amended by: Ord. No. 176469, effective 7/1/02.)

Sections:

33.400.010 Purpose

33.400.020 Map Symbol

33.400.030 Aircraft Landing Zone Height Limits

33.400.040 Exceptions to Aircraft Landing Zone Height Limits

33.400.050 Letter of Approval Required

33.400.010 Purpose

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

33.400.020 Map Symbol

The Aircraft Landing zone is shown on the Official Zoning Maps with a letter "h" map symbol (for height).

33.400.030 Aircraft Landing Zone Height Limits

All structures and vegetation within the Aircraft Landing zone are subject to the height limits shown on the Aircraft Landing Zone Map. When the base zone height limit is more restrictive than the Aircraft landing zone height limit, the base zone controls. The Aircraft Landing Zone Map is available for viewing at the Development Services Center.

33.400.040 Exceptions to Aircraft Landing Zone Height Limits

A request for an exception to the Aircraft Landing zone height limits may be approved, denied, or approved with conditions by the Federal Aviation Administration in consultation with the Port of Portland.

33.400.050 Letter of Approval Required

An application for a building permit where the structure will exceed the Aircraft Landing zone height limit, or an application for an adjustment to the base zone height limit which will exceed the Aircraft Landing zone height limit, must be accompanied by a letter of approval from the Federal Aviation Administration. The application for FAA approval may be obtained from the Aviation Department of the Port of Portland.

<http://www.portlandonline.com/bps/index.cfm?c=34562&a=53338>

EXAMPLE 24 - ARAPAHOE COUNTY, CO AIRPORT INFLUENCE OVERLAY DISTRICT

PART 1 ZONING REGULATIONS

SECTION 3400 OVERLAY DISTRICT

AIRPORT INFLUENCE AREA

1-3401 INTENT

- The Airport Influence Area District is hereby established as an overlay district which includes within its boundaries each airport influence area recognized by the Board of County Commissioners. Each airport influence area is further divided up into restricted areas. Property

within an airport influence area is subject to the regulations of the underlying district and this Code as well as the additional regulations of this district. Development within a restricted area may require a 1041 permit in addition to compliance with other applicable County regulations.

- These regulations are intended to provide for specific areas within Arapahoe County which recognize benefits and potentially adverse impacts which may occur within certain distances from a public, military or private airport facility, and to provide regulations that minimize these impacts as well as protect aircraft operations.
- These regulations recognize the efforts of other agencies (Arapahoe County Public Airport Authority, U.S. Department of Defense, Adams County Front Range Airport Authority, Denver International Airport, and Federal Aviation Administration), and evidence Arapahoe County's willingness to cooperate with these agencies in the administration of these regulations.
- These regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within an approved airport influence area.

1-3402 GENERAL PROVISIONS

The boundary of any officially recognized "airport influence area" and any noise contour or restricted zone shall be as the same appears on the Zoning Map and/or other updated documents recognized by resolution of the Board of County Commissioners. For purposes of these regulations, the airport influence area of Denver International Airport shall be the outside boundary of the 55 Ldn contour for that airport.

1-3402.01 RESTRICTED AREAS

These regulations shall recognize the restricted areas of each of the following airports as depicted and described in the following documents as may be further updated by resolution of the Board of County Commissioners from time to time hereafter, and to implement selected recommendations as minimum requirements for development within the respective airport influence areas, in order to promote compatible land uses and densities within areas affected by airport operations:

Centennial Airport: The March 1998 "Centennial Airport Land Use Guidelines" prepared by the Arapahoe County Public Airport Authority and the preliminary results of the October 1999 "Centennial Airport F.A.R. Part 150 Noise Exposure and Land Use Compatibility" study prepared by Bernard Dunkelberg and Company.

Buckley Air Force Base: The June 1998 "Air Installation Compatible Use Zone Study at Buckley Air National Guard Base" study.



Front Range Airport: The February 2004 “Airport Master Plan update” prepared by Washington Group International, which included forecast general aviation activity for 2021 as well as potential air cargo. Contours were generated by the FAA-accepted Integrated Noise Model (Version 6.1) and reflected areas of Day-Night Level (DNL) noise exposure.

Denver International Airport: The Denver International Airport approved 14 CFR Part 150 Study – Noise Exposure Maps on April 2002. It was prepared by HNTB Corporation.

The Arapahoe County Mapping Division shall create and maintain maps of the vicinity of each airport depicting each restricted area within and around such airport that is subject to regulation within the Airport Influence Area District.

1-3402.02 BOUNDARIES

The boundaries of the Airport Influence Area District and each restricted area are based in part upon predictions of day to day noise levels perceptible at ground level. These predictions are based upon acoustical modeling techniques that are accepted as accurate and reliable by the Federal Aviation Administration and by hundreds of airport operators and municipalities nationwide, but are difficult for property owners to test or confirm. The Board of County Commissioners has determined that the noise contours relied upon in part as the basis for the Airport Influence Area District regulations are accurate and reliable for the purposes of land use planning. The Board of County Commissioners has also determined that, based upon the usage patterns of each airport, that the contours and the restrictions associated therewith reflect sound land planning principles and are justified based upon the current airport traffic regardless of whether the noise predictions are accurate. The boundaries of the Airport Influence Area District and each restricted area shall be reviewed and amended when appropriate, either in conjunction with adoption of updated information by the respective airports or based upon other credible information and studies.

1-3402.03 INTERFERENCE

No land use may be made of land within the Airport Influence Area District in such a manner as to create electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off, or maneuvering of aircraft at an airport or in the vicinity of an airport.

1-3402.04 NONCONFORMING STRUCTURES

The owner of any nonconforming structure or object of natural growth within the Airport Influence Area District is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Board of County Commissioners, after consultation with the appropriate airport operator, to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures.

1-3402.05 PROTECTION

The degree of protection provided by these Regulations is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This Section does not imply that areas outside of the airport influence area will be totally free from aircraft hazards, and, therefore, shall not create a liability on the part of Arapahoe County, or any of its officers or employees, for any damages resulting from reliance on this Section.

1-3402.06 LOTS WITHIN MORE THAN ONE RESTRICTED AREA

In the event a legal lot is located within more than one restricted area, the entire lot shall be subject to the restrictions of the restricted area which most restricts development of the lot. This provision shall not be applied to prevent or discourage subdivision of a parcel or lot to minimize encroachment into restricted areas or to prevent straddling the boundary between restricted areas.

1-3403 SPECIFIC REGULATIONS

The following specific regulations for property located within any of the following restricted areas:

1-3403.01 AIRPORT INFLUENCE AREA (All airports)

1-3403.01.01

1.

As a condition of approval of any new land use plan, subdivision plat or building permit, the County shall require an "aviation easement", in a form approved by the Board of County Commissioners, signed by the landowner which permits flight operations above the property and releases the aircraft operator, the airport owner and operators, and the County from liability or responsibility for the effects of such operations. The aviation easement shall include language stating that, where applicable, noise mitigation construction techniques have been required to mitigate the noise to which the property is exposed. Aviation easements shall not be required as a condition of approval of building permits for structures on unplatted A-E or A-I zoned property or property greater than 35 acres. The easement shall be recorded in the office of the County Clerk and Recorder. A specific note indicating the reception number of the recorded aviation easement shall be required on all Preliminary and Final Development Plans, Master Development Plans, Subdivision Development Plans, Location and Extent Plans, Use By Special Review Plans, and Preliminary and Final Plats which are processed by the PWD Planning Division.

1-3403.01.02

All features of property with an airport influence area shall comply with the requirements of 14 C.F.R. Part 77 [hereafter referred to as "F.A.R. Part 77"]. The County shall require a study establishing compliance at time of rezoning request, and may also require a similar study at the time of application for a FDP or ASP, plat or building permit. The County's standard note requiring compliance with F.A.R.



Part 77 criteria shall be required on all Preliminary, Final, Subdivision and Master Development Plans, Preliminary and Final Plats, Location and Extent Plans and Use by Special Review Plans. Where structures are permitted, the maximum height must comply with the minimum requirements of F.A.R. Part 77 in effect at the time of permit issuance. The Board of County Commissioners may require additional height restrictions be placed on any proposal within the Airport Influence Area District consistent with sound planning principles.

1-3403.01.03

Development applications (land use and subdivision plats) within the Airport Influence Area District shall depict the boundaries of the District and all restricted areas on or in the vicinity of the property proposed for development. The County may also require the inclusion on plans and/or plats of excerpts of the District regulations, the inclusion of the noise disclosure text, or other notes for the purpose of ensuring full and adequate disclosure of the hazards and the development conditions applicable to the property.

1-3403.01.04

Development proposals shall be referred to the airport operator for review and comment at the time the proposal is referred to other agencies.

1-3403.01.05

For all residential dwelling units to be constructed within the Airport Influence Areas, the applicant shall disclose, in writing, to all prospective purchasers, on a form prepared by the Board of County Commissioners for the applicable airport, that they are located within an area that will be impacted by low-lying aircraft and aircraft noise. The notices shall include language stating that, where applicable, noise mitigation construction techniques have been required to mitigate the noise to which the property is exposed. Such notification will be accomplished by inclusion of the information in all sales contracts and brochures, conspicuous display in the sales offices, inclusion in the homeowners' association documents, and by inclusion on all subdivision and land use plans.

1-3403.02 ACCIDENT POTENTIAL ZONE (APZ) I (Buckley Air Force Base only)

1-3403.02.01

Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development.

1-3403.02.02

Prohibit "high people density" structures and uses (shopping malls, office and residential concentrations, etc.) and uses which concentrate people unable to respond to emergency situations, such as the elderly or

disabled. Prohibit utilities and services required for the area-wide population, where disruption would have an adverse impact.

1-3403.02.03

Encourage industrial/manufacturing, transportation, communication, wholesale trade, and open space, recreational and agricultural uses. Limit permitted structures and uses to a maximum of 20% of the lot or parcel.

1-3403.02.04

Require permitted structures to be located toward the edges of this zone.

1-3403.02.05

Require 250 foot-wide clear path (no structures allowed) on either side of runway centerline extended through and within entire zone.

1-3403.03 ACCIDENT POTENTIAL ZONE (APZ) II (Buckley Air Force Base only)

1-3403.03.01

Discourage new residential development. Where permitted, limit residential densities to one dwelling unit per 2.5 acres.

1-3403.03.02

Prohibit "high people density" uses (theaters, churches, schools, restaurants, office parks, etc.), and uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled. Require permitted non-residential uses to be located toward the edges of this zone.

1-3403.03.03

Limit permitted structures and uses to a maximum of 25% of the lot or parcel.

1-3403.04 APPROACH ZONE (Centennial Airport only):

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses. No structures shall be permitted in the area 200 feet wide by 2,500 feet long along the runway centerline extended (measured from the clear zone/approach zone boundary).

1-3403.04A RESTRICTION AREA ONE (Front Range Airport)

Limited commercial and industrial structures are permitted within Restriction Area No. 1, which do not conflict with the operational and safety needs of the Airport:

1.

Structures must meet Part 77 Requirements.

Structures must meet Noise Level Reduction where the public is received, shall provide and include noise level reduction measures in the design and construction to achieve an interior noise level reduction of 25 decibels in A-weighted levels.

“Limited commercial” means structures will not be used as gathering places for a large number of people i.e. movie theater, strip mall, bowling alley, etc.

“Operational and safety needs” means dust, smoke, emissions, lights or other obstructions to navigation.

Arapahoe County Planning will consider input from the Front Range Airport as to the compatibility of all proposed structures within Restriction Area No. 1 prior to approving a proposed development.

1-3403.05 BUFFER ZONE (Centennial Airport only)

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development, except that educational and day care uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.

1-3403.06 RESTRICTED AREA TWO (Front Range Airport only)

Prohibits the construction of residences except that existing residences may be occupied and new homes may be built on lots platted prior to the adoption of this overlay district.

1-3403.07 RESTRICTED DEVELOPMENT AREA (Centennial Airport only):

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses, except that day care uses within office buildings may be permitted when constructed in accordance with the County’s noise mitigation construction requirements and when sited within the building in a manner that mitigates the risk of injury from potential airplane crashes.

1-3403.08 RUNWAY PROTECTION ZONE (Centennial Airport only):

Contained within Airport property boundaries. No non-aeronautical structures permitted.

1-3403.09 TRAFFIC PATTERN AREA (Buckley Air Force Base, only)



Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development. Limit building coverage to 25% of the lot or parcel.

1-3403.10 65 Ldn NOISE ZONE (All airports)

Property shall not be zoned, platted or approved to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development.

1-3403.11 60 Ldn NOISE ZONE (All airports)

Property shall not be zoned, platted or approved to allow residential uses, and building permits shall not be issued for residential development. All other noise sensitive uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.

1-3403.12 55 Ldn NOISE ZONE (All airports)

Rezoning property to permit residential uses, educational or child care uses, or to change development standards to accommodate such uses, is discouraged. Structures accommodating residential, educational or child care uses shall comply with County noise mitigation construction requirements, including air conditioning, to achieve an expected interior noise level of 45 Ldn in this exposure area.

1-3404 NOISE MITIGATION CONSTRUCTION REQUIREMENTS

In all cases where noise mitigation construction is required by the Airport Influence Area District regulations, the following requirements shall be in effect:

1-3404.01 PLAN/PLAT NOTE

1.

A note in a form approved by the County Attorney shall be included on each land use plan and each plat which discloses the existence of the noise mitigation construction technique requirement and states the applicant's and the applicant's successors' consent to the requirements and to the County's enforcement of the requirements. The note shall read as follows:

(For residences which are also within the 55 DNL contour, the following disclosure shall also be included)

All property within 55 DNL is expected to be exposed to daily aircraft noise levels that equal or exceed an average of 55 decibels (DNL), a level of aircraft noise that the Arapahoe County Board of County Commissioners has determined is the maximum acceptable level for residential use. Because of this, Arapahoe County has required that all residences in this area and within (project name) be constructed in ways that lessen the effects of the aircraft noise to the residents of (project name). These construction techniques require, but are not limited to, air



conditioning, additional insulation, insulated fenestrations, and similar techniques intended to achieve an expected interior noise level of 45 decibels (DNL) in the exposure area.

1-3404.02 ENFORCEMENT

The Zoning Administrator shall be responsible for informing the Building Division that noise mitigation construction techniques are required for building permit applications processed by the Building Division. In the case of building permits issued by the state board of education or other agencies, the applicant shall provide evidence satisfactory to the Zoning Administrator establishing that the building will comply with minimum County noise mitigation construction requirements.

1-3404.03 CONSTRUCTION REQUIREMENTS

Buildings required to be constructed in accordance with County noise mitigation construction techniques shall comply with applicable building code requirements for noise mitigation construction and shall include central air conditioning and ventilation system, sufficient to enable occupancy of the building without the need for ventilation from open windows or doors.

1-3404.04 SAMPLE NOISE DISCLOSURE FORM: (Centennial, DIA and Buckley Airports)

The Disclosure Forms are required at the time of sale or lease of property within the Airport Influence Areas of each airport.

IMPORTANT INFORMATION FOR YOU TO CONSIDER:

_____ Airport is located *(distance and direction from development)* of *(name of development)*. _____ Airport is a busy airport used by piston and jet aircraft and by helicopters, and is open 24 hours a day, seven days a week. All property within *(name of development)* will be exposed to the noise, vibrations and other effects and hazards of this airport. All property within *(name of development)* is subject to the terms of an aircraft overflight easement, which permits all aircraft using the airport to fly anywhere over *(name of development)*. The easement consents to overflying aircraft, and prevents present and future owners and occupants of property within *(name of development)* from objecting to, or seeking damages due to, aircraft operations. The easement also prevents owners and occupants from installing structures, trees or other objects that could interfere with flight operations at the airport.

1-3404.04A SAMPLE DISCLOSURE TO BUYERS FORM: (Front Range Airport)

ADENDUM TO THE AGREEMENT



FOR PURCHASE AND SALE

DISCLOSURES TO BUYERS

OF LOT/PUD IN _____

This is an addendum to the agreement for purchase and sale dated _____, between _____ (seller) and _____ (buyers) to purchase lot _____ in _____ LOT/PUD in Arapahoe County, Colorado.

Seller and Buyer agree to modify said agreement as follows:

AIRPORT

1. Proximity to the Airport

_____ LOT/PUD is located within proximity to the Front Range Airport. The LOT/PUD is also located within the “Airport Influence (AIZ) Zone” as defined by the Arapahoe County Zoning Regulations. The purchaser should be aware that property within the AIZ may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this airport. The airport is operational 24 hours per day. Flights may occur at all hours of the night.

2. Disclosure of Noise Impacts

Noise contours have been mapped for the Airport. The 55 Ldn noise contour lies within the boundaries of the AIZ. Therefore, homeowners should expect a varying degree of noise from these aircraft which some residents may find intrusive.

3. Future Operations

The airport plans to expand its operations in the future to meet an increase in the number of flights. Larger airplanes may use the airport. Night operations may increase, which could increase the noise levels within the AIZ. An additional north/south runway could be constructed in the future, which could change current flight operations at Front Range Airport. Also, future airfield operations support facilities could be constructed on airport property with access provided by 56th, Imboden, or Manilla Roads resulting in increasing vehicular traffic and noise within the AIZ.

1-3404.04B AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE: (Front Range Airport)

AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE



The undersigned owners of lot(s) or parcel(s) of ground situated and being in the County of Arapahoe, State of Colorado, and more particularly described as follows:

Do for themselves, their heirs, successors, administrators and assigns, acknowledge disclosure and agree with the County of Arapahoe, Colorado, the State of Colorado, United States of America or any other governmental agency or department of any of the afore stated political entities or political subdivisions, that the owners or occupants of the land herein described may experience noise intrusions, dust, or particulates resulting from the operation of aircraft to or from the Front Range Airport. These covenants shall run with the land and shall be binding upon each and every property owner owning any of the lands herein described.

ATTEST:

STATE OF COLORADO)

) ss

COUNTY OF ARAPAHOE)

The following signature(s) was (were) subscribed and sworn to before me this ____ day of 200__, A.D. _____. by

_____ and _____

_____, SAID OWNERS

NOTARY PUBLIC _____

Business Address: _____

My Commission Expires _____

This covenant was filed for record in the office of the Arapahoe County Clerk and Recorder in the State of Colorado, at _____.M. on the _____ day of _____,

200__.



County Clerk and Recorder

By: Deputy

1-3404.04C NOISE DISCLOSURE FOR RESIDENCES WITH AIRPORT INFLUENCE ZONE (Front Range Airport):

Residences within the Airport Influence Zone (AIZ) should be aware that property within the AIZ may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this airport. The airport is operational 24 hours per day and flights may occur at all hours of the night.

1-3405 WAIVER FROM STRICT ENFORCEMENT OF DISTRICT REGULATIONS

The Board of County Commissioners may grant waivers from the strict requirements of the Airport Influence Area District regulations, including in the case of reconstruction of a nonconforming use in an area where relocation of the use or rezoning to a conforming use is not feasible. The terms of a waiver shall observe the spirit of these regulations, secure public welfare and safety, and do substantial justice, and shall be limited to the extent necessary to prevent depriving the property owner of all reasonable use of the property. Waivers may be granted after conducting a public hearing following a recommendation the Planning Commission. Public notice of the Planning Commission and Board of County Commissioners hearing shall be given in accordance with the requirements of the Land Development Code. The waiver process may be initiated by application of the property owner or upon the request of the Planning Division Manager, any county commissioner, or may be included within an application for approval of an FDP, SDP or ASP. The Board may elect not to accept more than one waiver applications from the property owner in any 12-month period. The basis of the waiver may be one or more of the following:

1-3405.01

1. Evidence of unique, unnecessary or unreasonable hardships that would occur if the strict letter of the District regulations were enforced and that cannot be satisfactorily mitigated through other means, including appropriate rezoning (decision on variance may be postponed to allow for opportunity to process a rezoning request or to pursue other mitigation efforts).

1-3405.02

Evidence of irreversible reliance by the applicant on pre-existing terms and conditions of development applicable to the property.



Evidence from affected public entities that the failure to obtain a variance is likely to result in a default in the repayment of bonded indebtedness.

1-3405.03

Evidence of marginal benefit to the public health safety and welfare that would result by the strict enforcement of the regulations that is out of proportion to the magnitude of the burdens imposed on the property owner.

Source <http://www.co.arapahoe.co.us/Departments/PW/documents/1-3400.pdf>