

2006/27

ZDSO Amendment - Appendix A, Airport Overlay
District/MCAS Beaufort

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AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, APPENDIX A, AIRPORT OVERLAY DISTRICT/MCAS BEAUFORT.

All language is new.

Adopted this 11th day of December, 2006.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Kelly J. Golden
Kelly J. Golden, Staff Attorney

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: June 13, 2005
Second Reading: November 27, 2006
Public Hearing: December 11, 2006
Third and Final Reading: December 11, 2006

(Amending 1999/19)

APPENDIX A1. AIRPORT OVERLAY DISTRICT / MCAS - Beaufort

[Note: This Appendix supersedes the requirements of the Airport Overlay District in Appendix A with respect to MCAS-Beaufort.]

Section 1. Purpose.

The AO District shall overlay other zoning classifications that shall be referred to as base zoning. The AO District includes all lands within an established footprint affected by airport operations at the Marine Corps Air Station Beaufort (MCAS-Beaufort). The overlay includes all lands underlying the Noise Zones of 65 DNL (day-night average sound level) and above, and Accident Potential Zones as designated in the most recent Air Installations Compatible Use Zones (AICUZ) Report for MCAS-Beaufort as authorized for use by the Department of the Navy, and as adopted by the County Council of Beaufort County.

In order to increase public awareness and to ensure the general safety and welfare of persons affected by adverse impacts common to military aircraft operations, Section 4 of this ordinance requires that property owners within the AO District be properly notified of their location. In addition, Section 5 of this ordinance sets forth limitations and restrictions that shall apply to certain land uses that have been determined to be incompatible according to federal standards.

Section 2. Accident Potential Zones (APZ).

Accident Potential Zones (APZ's) are divided into three types along primary flight paths. The Clear Zone (CZ) is an area at either end of a runway which possesses a high potential for accidents. APZ-1 is the area normally beyond the Clear Zone, which possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ 1, which has a measurable potential for accidents. Accident Potential Zones are shown on the map in Section 9.

Section 3. Noise Zones.

The noise exposure from aircraft operations is measured using the day-night average sound level noise metric (DNL). The DNL averages aircraft sound levels over a 24-hour period with an adjustment for increased sensitivity to nighttime noise. The DNL visually is depicted as a noise contour that connects points of equal value. The area between two noise contours is known as a noise zone. Noise Zones are hereby established as follows:

<u>Airport Noise Zone</u>	<u>DNL Values</u>
1	Less than 65
2a	65 to 70
2b	70 to 75
3	Greater than 75

Noise Zones are shown on the map in Section 9. Noise Zone 1 covers that portion of the County that lies outside of the Airport Overlay District. Properties within Noise Zone 1 are exempt from the requirements of this Appendix.

65 to 70

Section 4. Notification.

- A. At all real estate closings involving a property in an Accident Potential Zone or Noise Zone, the buyer, seller and witnesses shall sign the following form, which shall be filed with the deed and/or plat at the Beaufort County Register of Deeds Office (RMC Office).

Airport Overlay Disclosure Form

The property at _____ (address/location) is located in proximity to the Marine Corps Air Station Beaufort. Beaufort County has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. The County has established certain noise zones and accident potential zones (APZs) within its Zoning and Development Standards Ordinance (ZDSO).

The above property is located in Noise Zone _____ and in Accident Potential Zone _____.

The County has placed certain restrictions on the development and use of property within these areas. Before purchasing the above property, you should consult the Beaufort County Zoning and Development Administrator to determine the restrictions that have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an Airport Overlay district.

Dated this _____ day of _____, _____.

Witness _____ Owner _____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an Airport Overlay district, and I have consulted the Beaufort County Zoning and Development Administrator to determine the restrictions which have been placed on the subject property.

Dated this _____ day of _____, _____.

Witness _____ Purchaser _____

- B. All prospective renters signing a commercial or residential lease shall be notified by the property owner through a written provision contained in the lease agreement if the leased property is located within the AO District.
- C. All subdivision plats, planned unit development plats, townhouse plats and /or condominium documents shall contain the following disclosure statement:

Airport Overlay Disclosure Statement

This property lies within an Airport Overlay District, which applies to property in proximity to the Marine Corps Air Station Beaufort. Beaufort County has determined that persons on the premises will be exposed to accident potentials and/or significant noise levels as a result of the airport operations. Purchasers are required to sign a Disclosure Form per Appendix A1 of the Beaufort County Zoning and Development Standards Ordinance and file the form with the deed and/or plat at the Beaufort County Register of Deeds Office. All or a portion of this property lies within:

Accident Potential Zone: _____

Noise Zone: _____ DNL (Day-Night Average Sound Level): _____

- D. In the case of new construction, a signed Airport Overlay Disclosure Statement shall accompany the building permit application.

Section 5. Use Limitations.

[Note: Pending the adoption of Appendix D of the Joint Land Use Study, which was approved in October 2004 by Resolution of County Council, and a Transfer of Development Rights Program, the following interim standards shall apply.]

- A. The following uses are not permitted within a Clear Zone, any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above), regardless of size:
1. Hospitals and Health Clinics
 2. Assembly and Worship
 3. Schools
 4. Commercial Daycare Centers
 5. Commercial Lodging
 6. Restaurants
 7. Multi-family housing (including duplexes)
 8. Indoor Recreation

9. Commercial Amusement (indoor or outdoor)
 10. Commercial retail centers (only single, free-standing uses are permitted)
 11. Parks with active recreation
 12. Mobile home parks
 13. Storage of explosive, flammable or toxic materials in outdoor, above-ground storage tanks, except for individual residential use, e.g. heating. (Prohibited in Clear Zones and APZ's only)
 14. Petroleum refining and related industries (NAICS 324) (Prohibited in Clear Zones and APZ's only)
 15. Chemical manufacturing (NAICS 325) (Prohibited in Clear Zones and APZ's only)
 16. Manufacturing of plastic and/or rubber products (NAICS 326) (Prohibited in Clear Zones and APZ's only)
- B. Single-family residential development within any Accident Potential Zone and/or within Noise Zone 3 (DNL 75 and above) shall not be permitted at a gross density that exceeds one (1) dwelling unit per three (3) acres. Gross density means the total number of dwelling units on a site divided by the entire site area. No residential development is permitted within a Clear Zone.
- C. Residential development within Noise Zone 2b (DNL 70 to 75) shall not be permitted at a gross density that exceeds one (1) dwelling unit per acre. If the maximum density requirement of the base zoning district is less than one dwelling unit per acre, the more stringent standard shall apply.
- D. Residential development within Noise Zone 2a (DNL 65 to 70) shall not be permitted at a gross density that exceeds two (2) dwelling units per acre. If the maximum density requirement of the base zoning district is less than two dwelling units per acre, the more stringent standard shall apply.
- E. Residential units may be required by the DRT to be clustered outside of the APZ's and/or Noise Zones if possible. In those instances, the number of allowable units on the remainder of the property shall be determined by the gross density permitted in the base zoning district calculated for the entire site. The DRT may modulate the minimum lot size requirement to achieve this result.
- F. Family compounds that meet the requirements of Sec. 106-2105 are exempt from this section.

Section 6. Noise Attenuation.

- A. The following noise level reduction standards shall be required for all new buildings within an Airport Noise Zone.

Additional Construction Standards

DNL 65 – 70: 25 dB reduction required.

DNL 70 – 75: 30 dB reduction required.

DNL 75 and above: 35 dB reduction required.

- B. Because manufactured homes are constructed to federal standards that may not meet the standards listed above for noise attenuation, all permit applications for the placement of manufactured homes within a Noise Zone shall be accompanied by the following disclosure statement:

Airport Noise Zone Disclosure Statement

I hereby acknowledge and understand that in making this application for the location of a manufactured home within Noise Zone _____, I fully acknowledge that such zone has been determined to be possibly hazardous to health by excessive aircraft noise. I further acknowledge that manufactured homes are constructed to national standards and may not meet Beaufort County standards for noise attenuation consistent with the location of homes within this zone.

Dated this _____ day of _____, _____.

Witness _____ Owner _____

Section 7. Nonconforming Uses and Structures.

The standards for nonconforming uses and structures contained in Section 106-9 are modified or supplemented as follows:

- A. Nonresidential uses and structures.
1. Nonconforming structures with damage greater than 50% of their market value shall be replaced by conforming structures.
 2. Nonconforming uses and structures shall not be expanded.
 3. Nonconforming uses and structures shall not become conforming through the Special Use Permit process.
 4. Improvements to a structure that exceed 50% of market value shall be required to meet the noise attenuation requirements in Section 6. Permits for improvements shall be cumulative for a period of 5 years.

5. Any nonconforming use or structure shall be considered abandoned if vacant or unused for 90 days, and shall only be replaced with conforming uses and structures.
 6. Notwithstanding the above, nonconforming places of assembly and worship shall be permitted to be rebuilt if damaged greater than 50% of their market value provided that the noise attenuation requirements of Section 6 are met. Nonconforming places of assembly and worship may be expanded by up to 15% in accordance with Table 106-9 provided that the expansion does not increase the occupant load of the building.
- B. Residential Structures. Improvements to a residential structure that exceed 50% of market value shall be required to meet the noise attenuation requirements in Section 6. Permits for improvements shall be cumulative for a period of 5 years.

Section 8. Variances.

The Beaufort County Zoning Board of Appeals (ZBOA) shall not act upon a request for a variance from this section affecting lands within the AO District until they have received an advisory opinion from MCAS – Beaufort. If an advisory opinion is not received within 30 days of notification, the ZBOA may proceed to act on the request without the opinion.




Section 9. Official Map.

MCAS BEAUFORT

Noise Contours and APZs

Prepared by: [illegible]
Beaufort, NC

NOISE LEVEL

- 65 DNL Level 
- 70 DNL Level 
- >75 DNL Level 

ACCIDENT POTENTIAL ZONES

- APZ 1 
- APZ 2 
- Clear Zone 

"DNL" means "Day-Night Average
Sound Level" and is a 24-hour
weighted and averaged measurement.

"DNL" is not a measurement
in decibels (dBA).

Beaufort County Council
Planning Department

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