

Wayne County Airport Overlay District
Adopted March 1, 2005

Section 1 Purpose

The purpose of the Wayne County Airport Overlay District is to provide for compatible land development in areas subject to frequent aircraft flyover and/or aircraft noise. The district is designed to mitigate the effects of aircraft flights that could increase risks to public health, safety, and quality of life.

Section 2 Establishment

The Wayne County Airport Overlay District, known heretofore as the “Airport District,” is hereby established as a district that overlaps and overlays existing zoning districts. The district is further divided into seven sub-districts corresponding to the 65 dnl, 70 dnl, 75dnl, 80dnl noise contours APZ I, and APZ II plus the area within one half mile of the 65dnl contour. The Airport District shall apply in those areas designated on the Official Zoning Map of Wayne County.

The provisions of the Airport Overlay District shall not be subject to waivers or variances by the Wayne County Planning Board or the Wayne County Board of Adjustment.

Section 3 Applicability

Nothing herein shall require any change in any lawfully constructed building, structure or use in existence at the time of adoption or amendment of this ordinance for its current lawful use.

The provisions of this Section shall apply to any application for a building permit, certificate of occupancy, zoning change, special use permits, development permits, vested rights certificates, preliminary and final subdivision/site plan approvals and mobile home parks plan approvals sought after the effective date of this ordinance.

None of the provisions of the Airport Overlay District shall be construed to prohibit the continuance, expansion or reestablishment under current law of any existing use. The noise level reduction design standards apply only to new structures and/or new uses of land and not to structure additions.

Mobile homes moved on to existing mobile home spaces are exempt from the requirements of the Airport Overlay District.

Section 4 Permitted Uses

The Airport District is placed on top of several general use districts, which contain a list of permitted uses. Uses permitted whether by right or as a special use shall be permitted in the Airport District according to the standards and restrictions indicated in the following table. The numbers following the word “Yes” in the table below indicates the required level of noise reduction in decibels from outside to inside the structure. The *Standard Land Use Coding Manual* (SLUCM), U.S. Department of Transportation, was used in grouping various land uses. For additional

information on permitted uses refer to *Guidelines for Considering Noise in Land Use Planning and Control* published in June 1980 by the Federal Interagency Committee on Urban Noise. Noise level reduction must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low. Maximum population density requirements as described in Section 12 apply to the following uses.

Table 1
Permitted Uses and Required Noise Level Reductions

SLUCM No.	Land Use	65 dnl Contour	70 dnl Contour	75 dnl contour	80 dnl contour	APZ I	APZ II
10	Residential	Yes – 25-	Yes – 30-	No	No	No	No
13,15	Hotels, motels, bed & breakfast, transient lodging, etc	Yes – 25-	Yes – 30-	No	No	No	No
14	Manufactured home parks	No	No	No	No	No	No
21	Manufacture of foodstuffs	Yes	Yes – 25-	Yes – 30-	Yes – 35-	No	Yes
283	Manufacture of pharmaceuticals	Yes	Yes – 25-	Yes – 30-	Yes – 35-	No	No
34	Fabrication or assembly of products from prestructured materials	Yes	Yes – 25-	Yes – 30-	Yes – 35-	No	Yes
343	Manufacture of electrical components	Yes	Yes – 25-	Yes – 30	Yes – 35	No	Yes
39	Custom fabrication	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
396	Manufacture of tobacco products	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
40	Transportation, utilities and communications uses	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
46	Parking areas or structures	Yes	Yes - 25-	Yes – 30-	Yes – 35-	Yes	Yes
48	Public safety or public facilities	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
51	Warehousing, distribution and wholesale trade	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
546	Bakeries	Yes	Yes – 25-	Yes – 30-	No	No	Yes
553	Service Stations	Yes	Yes – 25-	Yes – 30-	No	Yes	Yes
58	Restaurants, bars, etc.	Yes	Yes – 25-	Yes – 30-	No	No	No
593	Pawn Shops	Yes	Yes – 25-	Yes – 30-	Yes – 35-	Yes	Yes
621	Laundries, dry cleaning or linen supply	Yes	Yes – 25-	Yes – 30-	No	No	No
6214	Self service laundries	Yes	Yes – 25-	Yes – 30-	No	No	Yes
6232	Barbershops	Yes	Yes – 25-	Yes – 30-	No	No	Yes
624	Funeral homes & crematoriums	Yes	Yes – 25-	Yes – 30-	No	No	Yes

63	Rental shops	Yes	Yes – 25-	Yes – 30-	No	Yes	Yes
631	Signs, advertising	Yes	Yes	Yes	Yes	Yes	Yes
SLUCM No.	Land Use	65 dnl Contour	70 dnl Contour	75 dnl contour	80 dnl contour	APZ I	APZ II
64	Repair shops	Yes	Yes – 25	Yes – 30	Yes – 35-	Yes	Yes
641	Garages, automobile repair and storage	Yes	Yes – 25	Yes – 30-	Yes – 35-	Yes	Yes
651	Hospitals, nursing homes, convalescent homes, life care communities, etc	No	No	No	No	No	
6514	Dental, medical or other research laboratories	Yes	Yes – 25-	Yes – 30-	No	No	No
652	Day care centers – child and adult	No	No	No	No	No	No
68	Schools, public and private	No	No	No	No	No	No
683	Schools, vocational or professional	Yes	Yes – 25-	No	No	No	No
6911	Churches	Yes	Yes	No	No	No	No
70	Recreation, entertainment, cultural uses not already listed	Yes – 25-	Yes – 30-	No	No	No	No
71, 72	Public assembling, , theaters, auditoriums	No	No	No	No	No	No
739	Driving ranges or Putt-Putt	Yes	Yes	No	No	No	Yes
741	Golf courses including Par 3 (no club houses)	Yes	Yes – 25	Yes - 30	No	Yes	Yes
76	Parks, and recreation facilities	Yes	Yes	No	No	No	No
80	Resources production and extraction	Yes	Yes	Yes	Yes	Yes	Yes
81	Agriculture, including the sale and processing of products produced on the premises	Yes	Yes	Yes	Yes - 35	Yes	Yes
8192	Nursery, plant or greenhouse	Yes	Yes – 25	Yes – 30	Yes – 35	Yes	Yes
821	Marketing, processing and grading of farm products	Yes	Yes – 25	No	No	Yes	Yes

Section 5 Noise level Reduction.

Prior to the issuance of a building permit for a new structure in the Airport Overlay District shown on Table 1 Permitted Uses and Required Noise Level Reductions a qualified professional satisfactory to the Inspections Department shall certify that the design standards, construction standards and/or materials used to construct the structure will achieve at least outside to inside noise reduction level of at least 25 decibels in the 65 noise contour, 30 decibels in the 70 noise contour and 35 decibels in the 75 contour and above if the structure allowed to be built has a number indicating a reduction in interior noise is required and if there is a question of sound level in the proposed structure.

Section 6 Required approvals

The construction standards of this ordinance shall be applied to plans and specifications for any proposed structure or use in the Airport District. The Wayne County Building Inspections office shall issue a building permit only when the applicant can establish that noise level requirements of this ordinance shall be met prior to the occupancy or use of a building hereafter erected, altered, or moved and / or prior to the change of use of any building or land.

None of the provisions of the Airport Overlay District shall be construed to prohibit the continuance, expansion or reestablishment under current law of any existing use. The noise level reduction design standards apply only to new structures and/or new uses of land and not to structure additions.

Section 7 Approval procedures

All development activity regulated by the provisions of the Airport Overlay District are also required to follow all applicable general land use regulations of the County of Wayne.

Each application for a development permit shall be accompanied by a plat or site plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected and its location on the lot. In addition, in the Airport District, the applicant shall submit detailed cross sections of exterior walls, roofs, ceilings, etc., manufacturers' specification of windows, doors, skylights etc. and details of the heating, air conditioning and ventilation sufficient for the building inspection department to determine compliance with the provision of this section.

Section 8 Approval criteria

Development in the Airport District must meet all the applicable regulations of the general or special use district in which the property is located.

In addition, the approval criteria shall include the permitted uses and the corresponding noise level reduction requirements of the Airport District found in the table of Permitted Uses and Required Noise Level Reductions.

Section 9 Maximum Population Density Requirements

The maximum population density requirements shall apply to uses other than residential and churches. The underlying zoning minimum lot size controls residential density. Uses are compatible if they do not result in a gathering of individuals in an area that would result in an average density or greater than 25 persons per acre during a 24 hour period, not to exceed 50 persons per acre at any time.

Average densities of persons per hour during a 24-hour period are determined by calculating the number of persons per acre expected on a site; multiplying by the number of hours they will be on the site, and dividing the total by 24.

Example # 1. One 8-hour shift of 30 workers on a one-acre site.

$$\text{Average density} = 30 \text{ persons expected} \times 8 \text{ hours on site} = 240$$

Then $240/24 = 10$: Therefore average density = 10 persons per acre per hour per a 24 – hour period.

Example # 2. Two 8- hour shifts of 30 workers on a one-acre site.

$$\text{Average density} = 30 \text{ persons expected} \times 16 \text{ hours on site} = 480$$

Then $480/24 = 20$: Therefore average density = 20 persons per acre per hour per a 24 hour period.

The maximum density of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on site by 24 hours, and then dividing 25 persons per acre per hour by the result. The resulting number is the maximum number of persons allowed per acre per hour, provided it does not exceed 50. Fifty persons per acre at any one time is the maximum number of persons allowed under this standard.

Example. Maximum density for two 8-hour shifts on a one-acre site.

$$25 \text{ divided } 16/24 = 37.5 \text{ persons per acre per hour allowed.}$$

The following table specifies the maximum persons per acre per hour for the duration of the time that persons are expected to be on site during a 24-hour period.

Table 2

Hours of Operation Per Day	Maximum Persons Allowed Per Acre During Each Hour
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37
15	40
14	42
13	46
12 or less	50*

Note: Fractions in the “ Maximum Persons Allowed” column are rounded to the lowest whole number.

- * Concentration of people may not exceed 50-people/ acre at any time.

Section 10 Notice and disclosure to purchasers / lessees required

The current Airport Overlay District including noise level contours and accident potential zones shall be indicated on any preliminary or final subdivision plat, master plan, site specific development plan or any other document filed as part of any approval process with the County of Wayne Planning Department after the effective date of this ordinance.

The following notice must appear on any of the above referenced plans or documents:

Property shown on this plan/plat is within the County of Wayne Airport Overlay District. All or a portion of the property described hereon is within an area with an average noise level near to or exceeding 65 dnl.

Section 11 Definitions

1. DNL – The A-weighted average sound level in decibels during a 24 – hour period with a 10 – decibel weighting applied to nighttime sound levels.
2. Noise Level Reduction – Difference in decibels, between the noise level outside a building as shown on the Airport Overlay District Map and the noise level inside a designated room in the building that was caused by exterior noise.
3. Noise Zone – Any area of land or water that is between two noise contour lines.
4. Occupied Rooms – Rooms within an enclosed structure that are, or may reasonably be expected to be used for human activities, which involve speech communications, sleeping, eating, listening to live, recorded or broadcast music or speech, or regular usage of telephones.
5. STC – Sound Transmission Class – A single figure rating of the sound insulating properties of a partition as determined by methods described in “ Determination of Sound Transmission Class,” American Society of Testing and Materials Designation E413-73.