Loudoun County, Virginia

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ARTICLE IV
DIVISION C: ENVIRONMENTAL IMPACT DISTRICTS

Section 4-1400 **AI-Airport Impact Overlay District**

4-1401 **Purpose.** This district is established to acknowledge the unique land use impacts of airports, regulate the siting of noise sensitive uses, ensure that the heights of structures are compatible with airport operations, and complement Federal Aviation Administration regulations regarding noise and height.

4-1402 **District Boundaries.**

(A) The Airport Impact (AI) Overlay District boundaries shall be based on the 60 and 65 Ldn noise contours and an area that extends one (1) mile beyond the 60 Ldn contours. The Board shall use as a basis for delineating the Ldn noise contour the following sources:

(1) Washington Dulles International Airport: The FAA Part 150 Noise Compatibility Programs, Washington Dulles International Airport, August, 1992, and

(2) Leesburg Municipal Airport: Environmental Assessment Report, October, 1985.

(B) For the purpose of administering these regulations the Airport Impact Overlay District shall have three (3) components:

(1) Ldn - 65 or higher.

(2) Ldn 60 - Ldn 65.

(3) Within the A-I overlay district, but outside the Ldn 60 contour.

4-1403 **Overlay District Established.** The Airport Impact (AI) Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Airport Impact (AI) Overlay District may be used as permitted in the underlying district, subject to the additional regulations of this district.

4-1404 **Use Limitations.** In addition to the use limitations and regulations for the zoning district over which an Airport Impact (AI) Overlay District is located, the following use limitations shall apply:

(3) **Avigation Easements.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours. Prior to the approval of a Record Plat creating residential lots or for existing lots of record, prior to the issuance of a zoning permit, the owner(s) of such parcel or parcels shall dedicate an *avigation easement* to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.

(C) In Airport Noise Impact areas of Ldn 65 or higher, residential dwellings shall not be permitted. However, new dwelling units and additions to existing dwellings may be permitted, provided that:

(1) The lot was recorded or had record plat approval prior to the effective date of adoption of this Ordinance.

(2) The new dwelling unit or addition complies with the acoustical treatment requirements for residential districts set forth in the [Virginia Uniform Statewide Building Code].

(D) No building or other structure shall be located in a manner or built to a height which constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height which may be hazardous to air traffic such structure shall not be erected without certification from the Federal Aviation Administration that it will not constitute a hazard to air traffic.

4-1405 **Disclosure.** A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI District, clearly identifying any lot which is located within the AI District and identifying the component of the AI District (i.e., Section 4-1402(B)(1), 4-1402(B)(2), or 4-1402(B)(3)) in which the lot is located.

[4-1406 **Definitions.** Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 4-1400.

(A) Ldn: The symbol for "yearly day-night average sound level", which means the 365-day average, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

(A) For areas outside of, but within one (1) mile of the Ldn 60.

(1) **Full Disclosure Statement.** For all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60. The applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

(B) For areas between the Ldn 60-65 aircraft noise contours:

(1) **Full Disclosure Statement.** For all residential dwelling units to be constructed between the Ldn 60-65 aircraft noise contours, the applicant shall disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

(2) **Acoustical Treatment.** For all residential units located between the Ldn 60-65 aircraft noise contours, the applicant shall incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed [an average sound level of 45 db(A) Ldn. Compliance with this standard shall be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit issuance, that the design and construction methods and materials to be used in the construction of the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between 60-65 Ldn].

(B) 45 db(A) Ldn: The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, expressing a required yearly interior day-night average sound level of 45 decibels or less.]