



Sec. 7.7 A-1 Airport Overlay District

7.7.1 Description

The purpose of the Airport Overlay District is to regulate and restrict the height of structures, objects or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Leesburg Executive Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties. Accordingly, it is declared:

- A. That it is necessary in the interest of the public health, safety, and general welfare, to prevent obstructions that are hazards to air navigation;
- B. That it is necessary in the interest of the public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Leesburg Executive Airport;
- C. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airport; and
- D. That the Town of Leesburg derives economic development and enhanced interstate commerce from the Leesburg Executive Airport which are held strictly to the highest possible safety standards.

7.7.2 Applicability

The regulations of this section (Sec. 7.7) shall apply to all areas designated on the Airport Safety District Map and the Airport Noise Overlay Map within the corporate limits of the Town of Leesburg.

7.7.3 Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the A-1 District regulations of this section. If the definitions of this section conflict with other definitions of this Zoning Ordinance, the definitions of this section shall control.

- A. **“Administrator”** The Town of Leesburg's Zoning Administrator.
- B. **“Airport”** Leesburg Executive Airport.
- C. **“Airport Elevation”** The highest point on any usable landing surface expressed in feet above mean sea level.
- D. **“Approach Surface”** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Sec. 7.7.5. In the Airport Safety Zone Map, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- E. **“Approach, Transitional, Horizontal, and Conical Zones”** The airspace zones as set forth in Sec. 7.7.4.
- F. **“Board of Zoning Appeals”** Refers to the Board of Zoning Appeals of the Town of Leesburg.



- G. **“Conical Surface”** A surface extending horizontally twenty feet for every foot vertically from the periphery of the horizontal surface.
- H. **“Hazard to Air Navigation”** An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
- I. **“Height”** For the purpose of determining the height limits in all zones set forth in this Zoning Ordinance and shown on the Airport Safety District Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
- J. **“Horizontal Surface”** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- K. **“Ldn”** The symbol for “yearly day-night average sound level”, which means the average daily sound level (based on a 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.
- L. **“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, meaning a required yearly interior day-night average sound level of 45 decibels or less.
- M. **“Leesburg Airport Commission”** An advisory commission appointed by the Leesburg Town Council whose responsibilities include, but are not limited to land acquisition, construction, improvement, maintenance and operation of the Leesburg Executive Airport.
- N. **“Nonconforming Use”** Any existing or new structure or object of natural growth which is inconsistent with the provisions of this Zoning Ordinance or any amendment to this Zoning Ordinance.
- O. **“Obstruction”** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Sec. 7.7.5.
- P. **“Person”** Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- Q. **“Primary Surface”** A surface, with a specified width as provided in Sec. 7.7.4, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- R. **“Runway”** A specified area on an airport prepared for landing and takeoff of aircraft.
- S. **“Structure”** Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth



formations, towers, poles and electric lines of overhead transmission routes, flag poles, and ship masts.

- T. **“Transitional Surfaces”** Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- U. **“Vegetation”** Any object of natural and/or planted growth.
- V. **“Zone”** All areas provided for in Sec. 7.7.4, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Sec. 7.7.5.
- W. **“Zoning Permit”** A document issued by Town of Leesburg allowing an activity that may result in structures or vegetation which exceed the height limitations provided for in this Zoning Ordinance.

7.7.4 Airport Safety Zones

In order to implement the provisions of this Zoning Ordinance, four zones are established which include the area and airspace of the Town of Leesburg lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Leesburg Executive Airport. These zones are established as overlay zones, superimposed over the existing zoning districts, being more specifically zones of airspace that do not affect the uses and activities of the zoning district except as provided for in Sec. 0. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- A. **“Airport Zone”** A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
- B. **“Approach Zone”** A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
- C. **“Transitional Zone”** A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- D. **“Conical Zone”** A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

7.7.5 Airport Safety Zone Height Limitations

- A. Except as otherwise provided in this Zoning Ordinance, in any zone created by this Zoning Ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Sec. 7.7.4 at any point.
- B. The specific geometric standards, height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal



regulations. The official map which depicts the Airport Safety Zones height restrictions shall be maintained by the Zoning Administrator.

7.7.6 Use Regulations

Notwithstanding any other provisions of this Zoning Ordinance, and within the area below the horizontal limits of any zone established by this Zoning Ordinance, no use may be made of land or water in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;
- B. Diminish the ability of pilots to distinguish between airport lights and other lights;
- C. Result in glare in the eyes of pilots using the airport;
- D. Impair visibility in the vicinity of the airport;
- E. Create the potential for bird strike hazards; or
- F. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

7.7.7 Nonconforming Uses

- A. Except as expressly provided in this section, the regulations prescribed by this Zoning Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of [Insert Effective Date], or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Zoning Ordinance shall require the removal, lowering, or other change or alteration of any structure which construction was begun prior to [Insert Effective Date], and is in the process of being diligently pursued toward completion.
- B. Notwithstanding the provisions of the preceding paragraph "A," the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, the Leesburg Airport Commission, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

7.7.8 Zoning Permits

- A. Except as expressly provided in this section, no structure shall be erected or otherwise established in any zone created by this Zoning Ordinance unless a zoning permit issued by the Zoning Administrator shall have been applied for and granted. Each application for a zoning permit shall indicate the purpose for which desired, and provide sufficient geometric specificity to determine if the structure will conform to the regulations prescribed in this Zoning Ordinance. No zoning permit for a structure inconsistent with this Zoning Ordinance shall be granted unless a variance has been approved in accordance with all applicable regulations.



- B. No zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on [Insert Effective Date] or any amendments thereto other than with a variance as provided for in Sec. Sec. 7.7.8D.
- C. Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no zoning permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the regulations contained in this Zoning Ordinance, except with the relief as provided for in Sec. Sec. 7.7.8D.
- D. Any person desiring to erect or increase the height or size of any structure not in conformance with the regulations of this Zoning Ordinance may apply for a variance from the Board of Zoning Appeals, in accordance with the procedures set out in Sec. 3.13, if accompanied with a recommendation from the Leesburg Airport Commission. The Airport Commission shall consider the effect of the proposal on the operation of air navigation facilities, and determine whether the safe and efficient use of navigable airspace is impeded. The issuance of zoning permits by the Zoning Administrator may be subject to a final determination from the Virginia Department of Aviation that the safety of the airport is not impaired.
- E. Any zoning permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Zoning Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, Leesburg Airport Commission, or the Zoning Administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at the owner's own expense to install, operate, and maintain the necessary markings and lights.

7.7.9 Airport Noise Overlay District Boundaries

The Airport Noise Overlay District boundaries shall be based on the Ldn 60 and 65 noise contours and an area that extends one (1) mile beyond the Ldn 60 contours. The Town shall use as a basis for delineating the Ldn noise contours the Leesburg Municipal Airport Environmental Assessment Report dated October, 1985. For the purpose of administering these regulations the Airport Noise Overlay District shall have the following three (3) components:

- A. Ldn 65 or higher aircraft noise contour;
- B. Ldn 60 to 65 aircraft noise contours; and
- C. One-mile buffer area, measured from outside the Ldn 60 aircraft noise contour.

7.7.10 Disclosure Statements

A disclosure statement shall be placed on all subdivision plats, site plans and deeds required for subdivision or site plan approval for any parcel or development within the Airport Noise Overlay District, identifying any lot which is located within the Airport Noise Overlay



District. The statement must also identify the component of the District in which the lot is located.

7.7.11 Airport Noise Overlay Use Limitations

In addition to the regulations for the zoning district over which an Airport Noise Overlay District is located, and in addition to the restrictions of the Airport Safety Zones set out in Sec. 7.7.4, the following use limitations shall apply within the Airport Noise Overlay District:

- A. **Ldn 65+.** In aircraft noise contours 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 adoption of this Ordinance; and
 - 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.

- B. **Ldn 60 to 65 Contours.**
 - 1. Disclosure Statement. A disclosure statement shall be required for all residential dwelling units to be constructed between the Ldn 60 to 65 aircraft noise contours. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.
 - 2. Acoustical Treatment. For all residential units located between the Ldn 60 to 65 aircraft noise contours, a subdivider or developer 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 noise 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 dwelling are such that the foregoing standard will be met, assuming exterior noise levels between Ldn 60 to 65.

- C. **One Mile Buffer Area.** A disclosure statement shall be required for all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60 aircraft noise contour. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.