3.0 RECOMMENDED LAND USE STRATEGIES

Land use preventative strategies are actions that can prevent the development of incompatible land uses in areas that will continue to be subject to aircraft noise impact. Land use remedial strategies are actions that correct or alleviate impacts to existing, noise-sensitive land uses that will continue to be located within areas of significant noise levels. The extent to which remedial actions are necessary depends upon the degree of urbanization around an airport. Remedial actions may be complex and costly to implement because of this urbanization. Sound insulation and land acquisition are examples of typical remedial actions that mitigate noise impacts in urbanized areas.

The responsibility for implementing land use strategies that are preventative or remedial belongs with the local jurisdictions surrounding the Airport. Through the effective use of their land use control powers, communities can ensure that incompatible uses do not continue to develop within noise impacted areas. An effective NCP combines land use strategies with operational, management and administrative strategies to ensure that all possible actions are taken to resolve existing and potential noise problems.

3.1 LAND USE PREVENTATIVE AND REMEDIAL STRATEGIES

There are no existing residential units within the 65 DNL noise contour. However, the benefits of the operational and land use strategies will be reduced in the future if further conflicts by residential development or if other noise-sensitive land uses occur. Section 3.1 evaluates strategies that can be used by communities in the vicinity of the Airport to promote the development of compatible uses on those lands that are not yet developed or that can be redeveloped. Section 3.2 describes recommended land use strategies.

3.1.1 Review of Potential Land Use Strategies

The following techniques are currently being used or are under consideration by the local authority to manage the development of incompatible uses in noise impacted

areas. Some of the measures discussed is recommended for implementation by the respective neighborhoods surrounding the Airport as part of the overall noise compatibility effort.

3.1.2 Conventional Zoning

Traditionally, zoning ordinances have been used by municipalities to regulate the location of land uses and the height, bulk, and siting of buildings on lots. For many years, the only aviation-related factors considered in zoning ordinances were building heights and related lighting.

Conventional zoning can be used in the vicinity of an airport to promote noise-compatible development. Although zoning cannot reduce the noise, it can reduce the number of noise sensitive land uses that are developed, and the number of people potentially exposed to aircraft noise. Generally, there are two ways in which conventional zoning is currently being applied to control land development in noise-sensitive areas around the airport: zoning for compatible land use and zoning to reduce residential densities.

The City has zoning powers in the neighborhoods of Mt. Lookout, Hyde Park, Lindwood, Columbia Tusculum, Madisonville, East End and California. In the communities of Indian Hill, Maderia, Fairfax, Mariemont and Anderson Township in Ohio, zoning powers are vested with the respective local authorities. The cities of Ft. Thomas and Highland Heights also have zoning powers vested in their local authorities.

Compatible Land Use Zoning - One of the most common zoning techniques is to eliminate zoning designations for housing and noise-sensitive institutions from noise areas, and replace them with commercial and industrial uses. Commercial and industrial land uses are considered by FAA as compatible uses to airports.

Large Lot Zoning - Zoning for lower densities is another way of using conventional zoning in noise compatibility planning to reduce the number of residents in the high noise areas, rather than preventing residential development altogether. This type of zoning is accomplished by reducing the permitted housing densities or increasing the minimum lot size in high noise impact areas, rather than preventing residential development altogether.

3.1.3 Overlay Zoning

Noise overlay zoning is one of the most effective tools for managing development in areas impacted by aircraft noise. It involves the creation of special zoning districts with regulations that supplement regulations of other general-purpose zoning districts. Regulations in noise overlay zones can prohibit some or all noise-sensitive uses, as long as the zoning provides reasonable development opportunities for other land uses. The regulations can require sound insulation in construction of noise-sensitive uses, dedication of avigation easements, and non-suit covenants.

The boundaries of a noise overlay zone are generally based on the noise contour line considered by the local population to be the critical level - often the DNL 65 dB noise contour. The boundary lines of the overlay zone may vary. They can follow the noise contour line and include nearby streets or property lines to simplify administration.

Noise overlay zones have several advantages in that there is a clear relationship between the regulations and their purpose, they can be implemented by amending existing zoning ordinances, and they typically have minimal impact on zoning in other parts of the community.

3.1.4 Comprehensive Planning

By developing a comprehensive plan, a political jurisdiction establishes policies for development and improvements in its townships and communities. The

comprehensive plan can address the public concern over airports by supporting efficient operations of the airport, identifying environmentally sensitive areas, and guiding and encouraging development that is compatible with the Airport operation.

3.1.5 Environmental Overlay Zoning

Special zoning provisions may be used to preserve environmentally sensitive areas or to protect development from an environmental hazard. Such environmental provisions can also aid in achieving land use compatibility near airports because they reduce the density of development. Floodplain and steep slope zoning require reduced development densities and special construction standards. Wetland preservation zoning involves reduced densities and restriction on drainage facilities. Groundwater recharge zones require limits on density and building coverage. All these regulations can be used to reduce the occurrence of noise-sensitive uses in environmentally-sensitive areas that are also impacted by aircraft noise.

3.1.6 Building Codes

Building codes regulate construction of buildings, set standards for quality of materials, and regulate construction techniques. They establish noise performance requirements typically associated with building development. Once aircraft noise impact areas are defined, building codes may be amended to require soundproofing of new structures or major alterations of existing structures within these areas.

3.1.7 Subdivision Regulations

Subdivision regulations control the platting of land by setting standards for site planning, lot layout, and design of utilities and public improvements. Subdivision regulations can encourage more compatible development around an airport by requiring the consideration of aircraft noise attenuation measures during review of the plat by public officials.

In some locations, noise levels are actually shown on final subdivision plats either by drawing noise contours on subdivision plats or by assigning noise levels to individual lots within the subdivision. This method makes the noise level information a matter of public record. An important disadvantage to this measure is that while the plat is recorded and on file for perpetuity, noise levels can change substantially over time. As a practical matter, buyers of individual subdivided building lots rarely look at the plats.

Subdivision regulations can be most effective in reducing potential land use incompatibility by requiring avigation easements and covenants that prevent residents in these areas from litigating against the airport for high noise levels. These regulations are most appropriate in a case where significant land exists which is likely to be considered for future subdivisions.

3.1.8 Capital Improvement Programming

Capital improvement programming is an important means by which comprehensive planning is realized and is vital in areas where large tracts of vacant land are still undeveloped. A governing body may control the direction of a community's growth by effectively planning the location of its capital improvements, especially roads and water and sewer systems. The capital improvement program can be an effective way to encourage the implementation of comprehensive planning and zoning ordinances.

3.1.9 Discretionary Project Review

Planning commissions, zoning boards, and local governing bodies are often required to use discretion and judgment in making recommendations and decisions on community development issues such as rezoning, subdivision applications, and proposed public improvements. The exercise of this discretion is constrained by the legal requirements of applicable ordinances. For noise compatibility planning, it may be appropriate to ensure that development control ordinances are amended to clearly set

forth requirements for compatible development. If opportunities remain for governing bodies to use their discretion on development matters, it may be appropriate for the boards and commissions to adopt procedures ensuring that noise compatibility issues are considered in their review of development proposals.

3.1.10 Disclosure Rules

These rules are intended to ensure that prospective buyers of property are informed that the property is or will be exposed to potentially disruptive aircraft noise. At the most formal level, fair disclosure rules can be implemented through regulations requiring the seller or his agent to provide a notice regarding aircraft noise on the real estate listing sheet at the time that a sales contract is executed. Some communities require that full disclosure of airport-related noise must be made to prospective home purchasers at the time of initial contact with the developer. Disclosure must also be stated in all sales brochures, homeowner association materials, and deeds of conveyance.

3.1.11 Fee Simple Acquisition

Fee simple acquisition is the process by which the airport purchases property from the existing property owner in its entirety, including the structures or facilities on the property, as well as the air and mineral rights. Fee simple acquisition is effective because it places sole ownership of the property in the hands of the airport. This allows the airport to maintain the property in a compatible manner.

Property acquisitions may appear to be an excessive expense, but it is good planning to acquire property prior to development rather than after it becomes an incompatible land use. As airport modernization becomes imminent, the value of land adjacent the airport is often inflated in an attempt to reap a larger financial gain during the acquisition process. The acquisition prior to land cost increases represents potential savings for the airport owner.

The federal process outlined in FAA Advisory Circular 150/5100-17 Change 3- *Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects* and the Uniform, Relocation Assistance and Real Property Acquisition Policies Act of 1970 must be adhered to when purchasing property with federal funds. FAA has developed an information brochure titled *Land Acquisition for Public Airports* summarizing the required process for land acquisition.

3.2 Recommended Land Use Management Strategies

The recommended land use management strategies are based on enhancing current efforts. The land use management strategies outlined in the previous section were discussed with the City's supervisors, planners, and PAC members. While it has been established at the Airport, there are no existing "noise sensitive" land uses within the guidelines of 65-70 DNL; it is very important that the Airport develop a balanced, cost effective, voluntary Land Use Plan for keeping noise impacts from noise sensitive land uses. They were also presented to the public for comment at the second public workshop. The following are revisions or additions to the land use management strategies at the Airport. These revisions should be implemented by the City to develop a "partner" relationship to communities surrounding the Airport.

3.2.1 Lunken Airport Comprehensive Land Use Plan

It is recommended that the Airport develop a Land Use Plan identifying areas within the airport boundary that can accommodate compatible land use development. Additionally, it is recommended that the continued development of sensitive uses not be allowed to occur in areas outside the airport property within the DNL 60 dBA to DNL 65 dBA contours. This plan can guide preventative and corrective measures for the existing and future growth of the Airport. Limiting further noise sensitive development can be accomplished through this process.

3.2.2 Airport Overlay Zoning

A Lunken Airport Overlay Zone is a district that promotes compatible land uses for specific distances around airports. It applies additional conditions to a specified area while retaining the existing base zoning classification. This zone can be effective in addressing potential incompatibilities with airports and airport operations. For example, an overlay zone will notify prospective residential developers that a prospective property is within the Airport Overlay District.

3.2.3 Airport Development Zoning

This type of zoning is applied to areas around the airport and identified for airport-related and dependent uses. Since this zone is a base zoning district, it will identify the permitted and conditional uses around the airport property. The Airport development zone will include uses needed for airport operations, areas needed for anticipated airport facility growth, airport related industry, commercial operations and or recreational activities.

3.2.4 Coordination Agreements

Land impacted by airports often is located in more than one jurisdiction. When an airport's impact area is located outside the jurisdiction of the airport sponsor, the coordination between jurisdictions is necessary to establish or preserve compatible land uses. This is the case at the Airport. Its impact area covers communities such as Maderia, Anderson Township, Village of Mariemont, Indian Hill, Fairfax, Newtown and Ft. Thomas, Highland Heights, and Silver Grove of Kentucky. A Coordination Agreement among these jurisdictions is recommended.

3.3 SUMMARY

While it has been noted that there are no incompatible land uses within the 65 DNL several strategies have been recommended to promote a "partnership" between the City of Cincinnati and adjacent communities. The land use strategies for addressing land use compatibility around airports can only deliver tangible benefits if there is an established comprehensive airport land use plan. These techniques would not be effective if an overall plan is not in place to guide the selection, approval, implementation and maintenance of compatible uses. Using a combination of these strategies provides the Airport with a wide range of opportunities to establish land uses that are compatible to the Airport.