Chapter 19   Airfield Overlay District
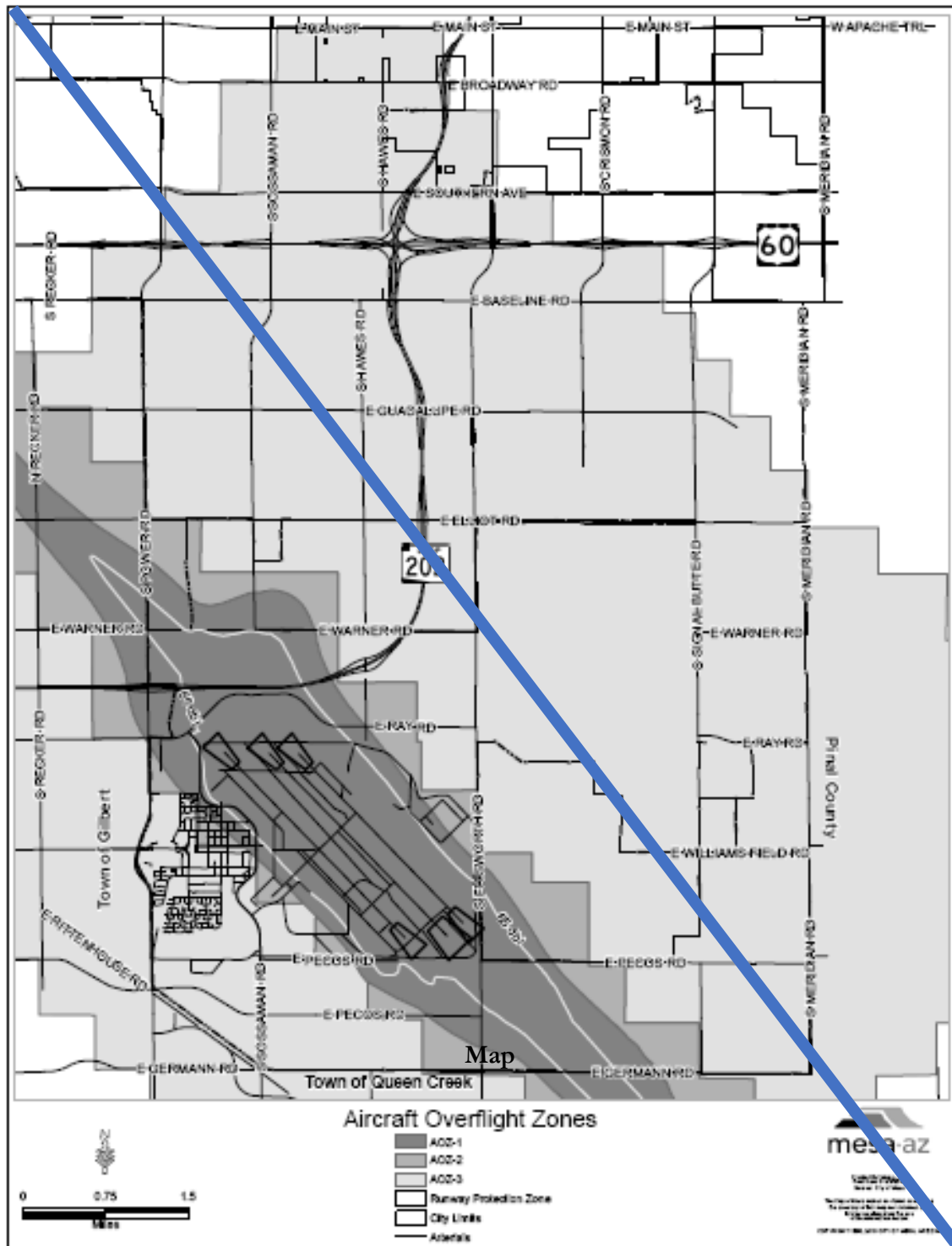
Sections:

11-19-1:   Purpose and Intent

The purpose of the Airfield (AF) Overlay District is to recognize the effects and hazards associated with the operation of aircraft in designated areas and the effect of aircraft operation on nearby areas. This district is intended to promote the public health and safety in the vicinity of aircraft operation areas by establishing Runway Protection Zones and Overflight Areas and designating permitted land uses, public notification and noise attenuation requirements within these areas to minimize exposure to the hazards, high noise levels, and overflight activity generated by aircraft operations and encourage future development compatible with and supportive of the continued operation of airports and other approved aircraft operation areas. Implementation of this district assists in achieving compliance with CFP 14 Part 77 with regards to the safe, efficient use, and preservation of navigable air space.

11-19-2:   Runway Protection Zones and Airport Overflight Areas

A.   **Establishment of Runway Protection Zones and Airport Overflight Areas**. The Runway Protection Zones and Airport Overflight Areas described below are established as shown on Map AF-1 or AF-2: Airport Overflight. Within the Airfield Overlay District there are four sub-areas:
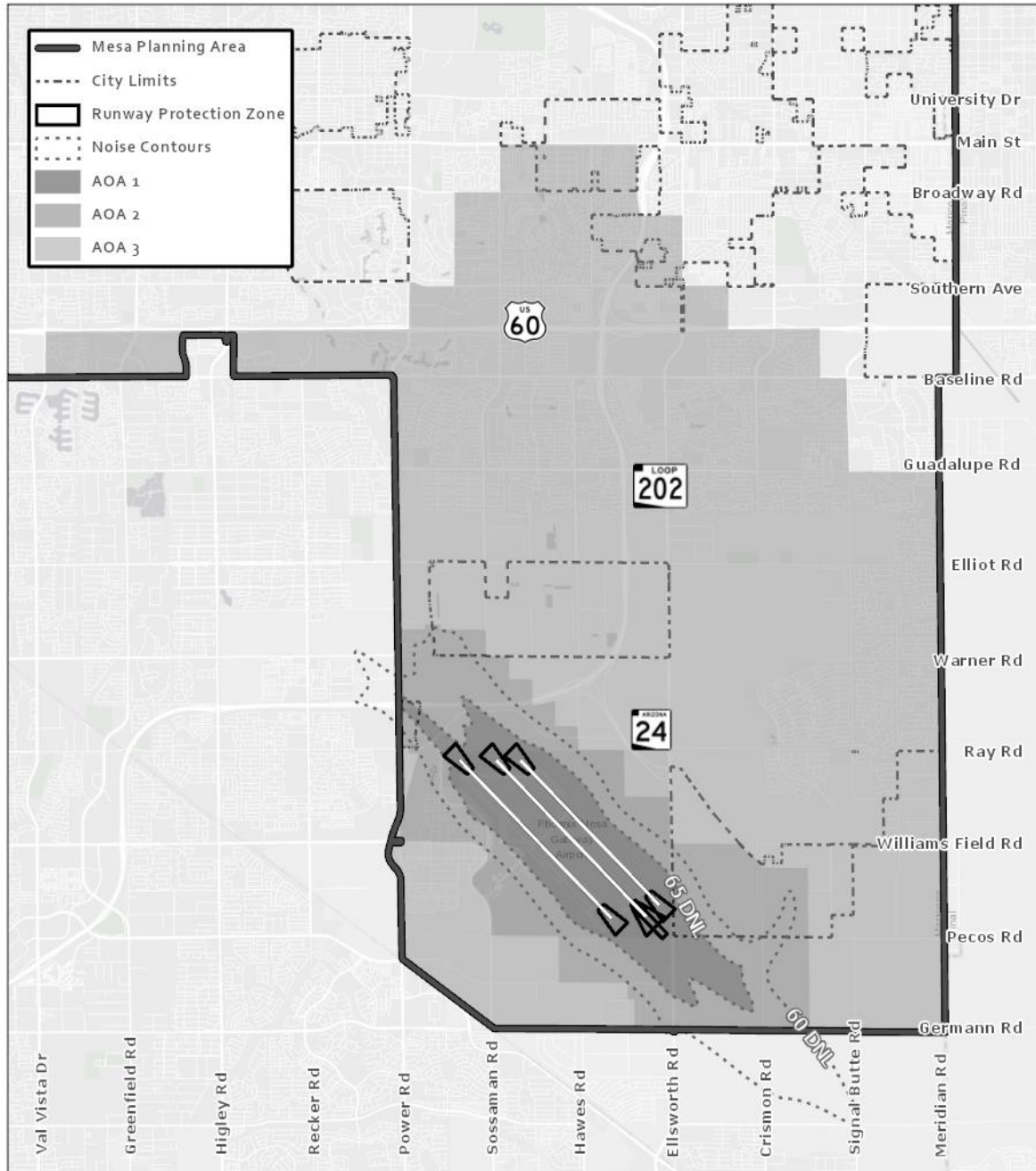
1.   Runway Protection Zones (RPZ)

2.   Airport Overflight Area One (AOA 1)

3.   Airport Overflight Area Two (AOA 2)

4.   Airport Overflight Area Three (AOA 3)

AF-1: Airfield Overlay – Phoenix-Mesa Gateway Airport
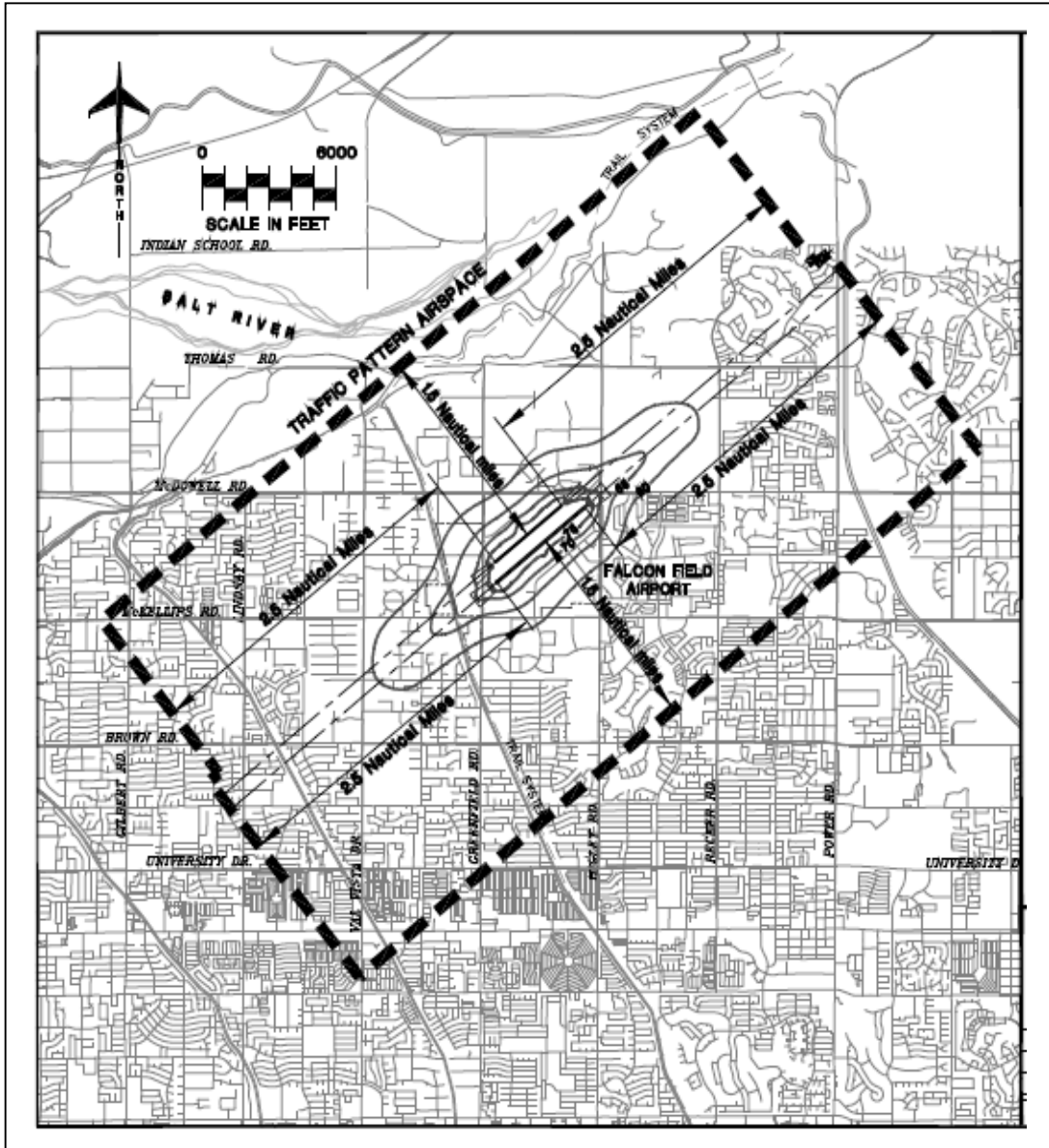
Map AF-1: Airfield Overlay – Phoenix-Mesa Gateway Airport

Map AF-2: Airfield Overlay – Mesa-Falcon Field Airport

B.   **Uncertainty of Boundaries**. Where uncertainty exists as to the boundaries of the Runway Protection Zones and Airport Overflight Areas shown on map AF-1 or AF-2, the following rules shall apply:

　　　1.   Boundaries shall be scaled from the nearest physical feature shown on the map, such as roads and canals;

2.   Boundaries on the map shall be scaled from the nearest lot line; or

3.   Distances not specifically indicated on either map AF-1 or Map AF-2 shall be determined by a scaled measurement on the map.

C.   Where physical features on the ground differ from the information shown on Maps AF-1 or AF-2, or when there arises a question as to how or where a parcel of property is zoned or in which Runway Protection Zone or Overflight Area the property is located and such questions cannot be resolved by the application of the above rules, the property shall be considered to be classified as the more restrictive Runway Protection Zone or Airport Overflight Area.

D.   Where a parcel of land lies within more than one (1) Runway Protection Zone or Airport Overflight Area, the Runway Protection Zone or Airport Overflight Area within which each portion of the property is located shall apply individually to each portion of the development.

11-19-3:   Definitions Specific to Airfield Overlay Districts

Aircraft: Any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders, and lighter-than-air vehicles, such as hot-air balloons, blimps and dirigibles.

Airport: The Phoenix – Mesa Gateway Airport owned and operated by the Phoenix- Gateway Airport Authority, or Falcon Field Airport, owned and operated by the City of Mesa, as may be applicable. Airports (plural) refers to both places.

Airport Overflight Area: The areas described in technical studies of airport operation order Federal Aviation Administration (FAA) procedures. The entire Airport Overflight Area consists of 3 Airport Overflight sub-areas: Area One, Area Two and Area Three.

> **Airport Overflight Area One (AOA 1)**: The area within the 65 DNL contour.

> **Airport Overflight Area Two (AOA 2):** The area between the 60 and 65 DNL noise contours, as "squared off" by addition of an additional one-half mile for ease of application.

> **Airport Overflight Area Three (AOA 3):** The area outside the 60 DNL contour area as defined by Airport Overflight Area Two, which extends to the balance of the Airport Overflight Area.

Airport hazard: Any structure or object of natural growth, use of land, or other item classified by the FAA as an obstruction to the airspace required for the flight of aircraft arriving at, or departing from, the Airport.

Avigation easement: An easement granted for aviation purposes over and across a property which acknowledges the property will be subject to aircraft overflights and which holds the City, the public and either of the Airports harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by aircraft landing, departing or operating at or near either of the Airports, not including the physical impact of aircraft or parts thereof.

DNL (Day-Night Level): The 24-hour average sound level in A-weighted decibels, obtained after the addition of 10 decibels (dB) to sound levels for the periods between 10:00 P.M. and 7:00 A.M. as averaged over a span of 1year. It is the Federal Aviation Administration (FAA) standard metric for determining the cumulative exposure of individuals to noise.

Decibel (dB): A standard measure of sound intensity, sound power or sound pressure equal to 20 times the common logarithm of the ratio of the pressure produced by the sound wave to a reference pressure, usually 0.0002 microbar.

Noise Level Reduction (NLR): The reduction of outside noise transmitted inside a structure achieved through the incorporation of noise attenuation into the design and construction of the structure.

Noise sensitive uses: Those activities considered to be adversely affected by high noise levels including, but not limited to: single residence or multiple residence housing, hotels, motels, hospitals, nursing homes, places of worship, libraries, public and private schools, standalone day care centers, and places of public assembly.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed runway or runway extension as shown on the most current Phoenix – Mesa Gateway Airport Layout Plan, Falcon Field Airport Layout Plan, or any other Council approved airport planning document.

11-19-4:   Land Use Regulations

A.   **Runway Protection Zones (RPZ)**. In order to minimize public exposure to accident hazard and crash potential as generated by aircraft operations, no building shall be located within any portion of a runway protection zone as defined and designated by this Code. However, such onsite improvements as vehicle parking, storm water retention, landscaping, and yard setbacks, as otherwise required by this Code or other city regulation, may be permitted within the designated runway protection zones. No element of any landscaping shall be allowed to penetrate any runway protection zone slope or other approach surface.

B.   **Airport Overflight Areas One and Two (AOA 1, AOA 2).** Use limitations are imposed for the AOA 1 and AOA 2 Overflight Areas as shown in the district Land Use Regulation Tables, See Tables 11-4-2, 11-5-2, 11-6-2, 11-7-2, and 11-10-2.

C.   **Airport Overflight Area Three (AOA 3).** For areas within the AOA 3 Overflight Area, there are no use limitations beyond those in the base district.

11-19-5:   Supplementary Provisions

A.   **Avigation Easement**. The owners of any property, including mortgagees, other lien holders and easement holders, located within the Airfield Overlay District shall execute an avigation easement prior to or concurrently with the recordation of any subdivision final plat, or issuance of any building permit, whichever occurs first. The easement shall be in a form approved by the Mesa Planning Director and City Attorney. This easement shall hold the City, the public and the associated Airport harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or any other effects that may be caused by aircraft landing, departing or operating at or near a designated Airport, not including the physical impact of aircraft or parts thereof.

B.   **Notification of Buyers**. No person shall sell or offer for sale any property located within the Airfield Overlay District unless the prospective buyer has been notified of the fact that the property is located within the Airfield Overlay District.

C.   **Disclosure**. The following notice shall be provided in accordance with paragraphs one (1) and 2 below for all single and multiple residence housing and other noise sensitive uses. "This property, due to its proximity to a designated Airport, will experience aircraft overflights, which is expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located at the airport now and in the future may include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft, corporate and executive jets, helicopters, general aviation aircraft, aviation flight training schools using training aircraft and high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."

    1.   ***Final Subdivision Plats and Public Reports***. For all areas within an AF overlay district, final subdivision plats and public reports filed with the Arizona Department of Real Estate shall provide notice that discloses the location of the Airport and the potential for aircraft overflights and objectionable aircraft noise and shall include, at minimum, the disclosure in Subsection C above.

    2.   ***Real Estate and Similar Sales and Leasing Offices***. Sales and leasing offices shall provide notice to all prospective buyers and lessees stating that the project is located within an Overflight Area. Such notice shall consist of a sign at least 4-foot x 4-foot installed at the entrance to the sales office or leasing office at each project. The sign shall be installed prior to commencement of sales or leases and shall not be removed until the sales office is permanently closed or leasing office

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no longer leases units in the project. The sign shall state the disclosure in Subsection C above letters of at least 2" in height.

D.   **Noise Level Reduction**. A building permit shall not be issued for any structure requiring a Certificate of Occupancy or designed for habitation, within the Airfield Overlay District, until the plans and specifications accompanying the application for the building permit have been certified by a registered Professional Engineer or registered Professional Architect in the State of Arizona as demonstrating that indoor noise levels attributable to airport operations shall not exceed 45db for all portions of a structure where the public is received, office areas, public assembly rooms, sleeping areas, noise-sensitive areas and other areas where the ambient noise level is expected to be low. Plazas, courtyards, outside displays, covered/partially enclosed work areas, storage areas, loading bays, and similar areas are excluded.

E.   **Provisions.** Notwithstanding any other provisions of this Chapter and in compliance with CFR 14 Part 77, no use may be made within any area affected by this Chapter in such a manner as to obstruct navigable airspace, interfere with navigational signals, impair radio communication between the Air Traffic Control Tower and aircraft, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise materially endanger or interfere with the landing, takeoff, operation or movement of aircraft.

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