

Chapter 17.15

AIRPORT OVERLAY ZONE (AO)

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Section 17.15.010 Purpose and intent.

The purpose and intent of the airport overlay zone is to reduce the potential for airport hazards because it is found that:

- A. An airport hazard endangers the lives and property of users of landing fields and property or occupants in the vicinity of landing fields near the city;
- B. An airport hazard of the obstructive type in effect reduces the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein;
- C. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the airport affected;
- D. It is necessary to prevent the creation or establishment of airport hazards in order to protect the public health, safety, and general welfare, and to promote the most appropriate use of land;
- E. The elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may need to raise and expend public funds.

In order to carry out the purpose and intent of the airport overlay zone, the following development standards, in addition to the requirements of the underlying zone, shall apply to all areas of the city where the following described condition exists. The following sections provide additional specific detail concerning safe airport operations and use of surrounding properties.

Section 17.15.020 Airspace and accident potential areas.

In order to carry out the purpose and intent of the airport overlay zone as set forth above, and also to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from airports near the city, there is created and established the following airspace and land use safety areas:

A. Conical Area (CA). All that land which lies directly under an imaginary surface (the conical surface) extending outward from the primary surface at an elevation of thirty-five (35) feet above the elevation of the centerline of the runway at the nearest point for a distance of thirty-five hundred (3,500) feet and then upward and outward at a slope of one (1) vertical foot for every one hundred (100) horizontal feet for a horizontal distance of thirty thousand (30,000) feet, as measured radially outward from the edge of the primary surface, except that for those areas described below as approach areas, the conical surface shall extend upward and outward from the primary surface at a slope of one (1) vertical foot for every one hundred (100) horizontal feet for a horizontal distance of thirty thousand (30,000) feet as measured radially outward from the edge of the primary surface.

B. Approach Area (AA). All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach area extends outward from the ends of the primary surface a minimum of ten thousand (10,000) feet. For those runways ten thousand (10,000) feet or less in length, the approach area expands uniformly to a width of:

- 1. Four thousand feet (4,000) for existing or planned precision instrument runways or nonprecision instrument runways having visibility minimums as low as three-fourths (3/4ths) of a statute mile; or
- 2. Three thousand five hundred (3,500) feet for existing or planned nonprecision instrument runways having visibility minimums greater than three-fourths (3/4ths) of a statute mile; or
- 3. Two thousand five hundred (2,500) feet for existing or planned visual runways other than utility; or
- 4. Two thousand two hundred fifty (2,250) feet for existing or planned visual utility runways.

For those runways greater than ten thousand (10,000) feet in length, the width of the approach area expands outward uniformly on each side of the primary surface from the primary surface at a flare equaling fifteen (15) feet perpendicular to the runway centerline for every one hundred (100) feet parallel to the runway centerline for a distance equal to the length of the runway.

C. Accident Potential Zone A (APZ-A). All land in that portion of the approach area of the runway as defined herein above which extends outward from the end of the primary surface a distance equal to one-third (1/3rd) of the existing or planned length of the runway.

D. Accident Potential Zone B (APZ-B). All land in that portion of the approach area of a runway as defined herein above which extends outward from APZ-A distance equal to two-thirds (2/3rds) of the existing or planned length of the runway.
(C-446, Added, 04/17/2000)

Section 17.15.030 General use restrictions.

Subject at all times to the height restrictions set forth in Chapter 17.15 AHMC, no use shall be made of any land in the conical area defined in this chapter which creates or causes interference with the operations or radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airports, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

Furthermore, prior to development or issuance of a building permit in any of the airspace and/or accident potential areas defined in this chapter, the awarding of an avigation easement to the appropriate airport(s) shall be required and recorded with the Spokane County auditor's office. This requirement shall not apply to requests for permits related to remodeling or for other construction not affecting avigation. This provision shall be construed and limited to application as a land use restriction only.
(C-446, Added, 04/17/2000)

Section 17.15.040 Height restrictions.

Except as otherwise provided in this code, and except as necessary and incidental to airport operations, no structure or object of natural growth shall be constructed, altered, maintained, or allowed to grow in any airspace area as described herein

above so as to project above the conical surface except:

A. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in an area of established development where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation;

B. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration (FAA), or an appropriate military service at military airports, the location and height of which is fixed by its functional purpose. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

In all cases, no structure shall be erected so high as to increase the Federal Aviation Administration landing and approach and departure minimums for aircraft using the runways of the affected airports.
(C-446, Added, 04/17/2000)

Section 17.15.050 Administrative height variances.

The city planner may administratively grant height variances after review of a proposal under the following procedure:

A. The administrative authority of the affected airport will be given thirty (30) calendar days from the variance request filing date to review the proposal and submit written comments to the city planner indicating whether or not the proposal creates a hazard or obstruction to the operation of the affected airport. Failure to comment will indicate "no obstruction";

B. A finding by the city planner that the structure will not exceed specifications identified in the Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace, Sections 77.23, 77.25, 77.28 and 77.29;

C. Any person aggrieved by an administrative approval or denial of a height variance by the city planner may file an appeal with the city council within ten (10) calendar days of the administrative action. Such appeal shall be in writing setting forth all claims and justifications for granting the variance. The appeal shall be scheduled to be heard by the city council at the next available regular city council meeting.

Notice of such hearing shall be given by the applicant to the commanding officer of Fairchild Air Force Base, the Spokane County Airport Board, and such others as the city planner may specify.
(C-446, Added, 04/17/2000)

Section 17.15.060 Approach areas (AA).

A. Within accident potential zones A and B, an applicant requesting a zone change which does not include a specific site development plan shall be required, prior to development of a specific site plan, to meet in a pre-development conference with the city planner. The purpose of the pre-development conference will be to discuss location of buildings and design of the project in order to maintain compatibility with the airport environment. Building permits will not be issued until the city planner has approved final site development plans. Such administrative approval shall be issued within thirty (30) days and may include requirements to mitigate impacts of the project and to ensure that the standards of the zone are upheld. The city planner at his/her option may require city council approval of site development plans.

B. Any person aggrieved by an administrative action, including conditions imposed by the city planner, may file an appeal with the city council within ten (10) calendar days of the administrative action. The appeal shall be scheduled to be heard by the city council at the next available hearing date. Notice of such hearing shall be given by the applicant to the commanding officer of Fairchild Air Force Base, the Spokane County Airport Board, and such others as the city planner may specify.

In the event that the city planner forwards the site development plan to the city council for approval, the above notice and appeal provisions shall be controlling for such hearing and appeal therefrom.

(C-446, Added, 04/17/2000)

Section 17.15.070 Accident potential zone A (APZ-A).

Within areas designated as accident potential zone A, no buildings or premises shall be used nor any building or structure be hereafter erected or altered unless otherwise provided in this code except for one or more of the following uses when allowed in the underlying zone:

A. Warehousing including building for commercial storage of personal property;

B. Outdoor storage of equipment, automobiles, machinery, building materials, and contractor's equipment storage yards;

C. Cemetery;

D. Nursery;

E. General agricultural use except feed lots or other agricultural uses which attract substantial quantities of birds;

F. Public utility facility necessary for public service;

G. Quarry, gravel pit, and mining;

H. Maintenance and repair facility;

I. Open storage area for commercial storage of personal property such as boats and recreational vehicles;

J. Concrete batching plant;

K. Junkyard and automobile wrecking and salvage yard;

L. Rail or trucking freight terminal.

(C-446, Added, 04/17/2000)

Section 17.15.080 Accident potential zone B (APZ-B)

The following uses are specifically prohibited in accident potential zone B:

A. Campground;

B. Church;

C. Hospital;

D. Manufactured (mobile) Home Park;

E. Motel;

F. Heliport or helipad;

G. Hotel;

H. Nursing home;

I. School;

J. Stadium;

K. Theater;

L. Multiple family apartments;

M. Duplexes;

(C-446, Added, 04/17/2000)

Section 17.15.090 Substantial noise impact areas (LdN-65).

Substantial noise impact areas are defined as those areas where it has been determined that existing or potential noise levels exceed 65 LdN (day-night average sound level).

(C-446, Added, 04/17/2000)

Section 17.15.100 Prohibited uses.

In areas where substantial noise impacts exist, the following uses are prohibited:

A. Churches;

B. Hospitals;

- C. Libraries;
- D. Manufactured (mobile) home parks;
- E. Nursing homes;
- F. All residential uses.
- G. Schools.

(C-446, Added, 04/17/2000)