

Ordinance No.: \_\_\_\_\_  
Adopted: \_\_\_\_\_

AN ORDINANCE

TO REPEAL SECTIONS 155.270, 155.271, 155.272, 155.273, 155.274, and 155.275 OF THE YORK COUNTY CODE, KNOWN AS THE YORK COUNTY AIRPORT OVERLAY; TO ADOPT THE FOLLOWING NEW AIRPORT OVERLAY IN ITS ENTIRETY, TO BE CODIFIED AS SECTIONS 155.270, 155.271, 155.272, 155.273, 155.274, and 155.275 IN THE YORK COUNTY CODE OF ORDINANCES IN ORDER TO PROTECT, PROMOTE AND IMPROVE THE PUBLIC HEALTH, SAFETY, AND WELFARE OF YORK COUNTY BY SETTING FORTH THE DEVELOPMENT STANDARDS, REGULATIONS, AND RESTRICTIONS GOVERNING THE USE OF PROPERTY AND THE MANNER IN WHICH DEVELOPMENT OCCURS WITHIN THE OVERLAY DISTRICT SURROUNDING THE ROCK HILL – YORK COUNTY AIRPORT/BRYANT FIELD; TO REGULATE AND RESTRICT THE HEIGHT OF STRUCTURES, THE PLACEMENT OF OBJECTS AND STRUCTURES, AND NATURAL GROWTH WITHIN THE OVERLAY; TO REGULATE THE LOCATION OF NOISE SENSITIVE USES; TO DEFINE TERMS USED IN THE NEW AIRPORT OVERLAY; TO PROVIDE FOR AIRPORT OVERLAY ZONES INCLUDING RUNWAY APPROACH, TRANSITIONAL, HORIZONTAL, CONICAL, AND AIRPORT LAND USE PROTECTION; TO REGULATE THE USE, EXPANSION, AND CHANGE OF STRUCTURES WITHIN THE OVERLAY ZONE; TO ESTABLISH DEVELOPMENT STANDARDS FOR THE OVERLAY ZONE INCLUDING HEIGHT LIMITATIONS WITHIN EACH DEFINED ZONE, TO ESTABLISH USE RESTRICTIONS AND SET FORTH CERTAIN PROHIBITED USES; TO ESTABLISH NOISE, LIGHTING, AND ELECTRONIC SIGNAL REQUIREMENTS AND RESTRICTIONS; TO ESTABLISH DENSITY REQUIREMENTS WITHIN THE OVERLAY; TO IMPOSE A NOTICE AND FAIR DISCLOSURE REQUIREMENT FOR NEW NON-RESIDENTIAL DEVELOPMENT OF REAL PROPERTY WITHIN THE OVERLAY; TO IMPOSE PERMITTING REQUIREMENTS WITHIN THE OVERLAY; TO SET FORTH THE REQUIREMENTS GOVERNING CHANGE IN USE AND THE APPLICATION OF NON-CONFORMING USE CRITERIA; TO PROVIDE FOR THE APPLICATION FOR VARIANCES TO THE OVERLAY STANDARDS; TO PROVIDE FOR THE PROSPECTIVE APPLICATION OF THIS ORDINANCE; TO AMEND THE APPENDIX OF THE YORK COUNTY CODE OF ORDINANCES BY ADDING AND ADOPTING NEW APPENDICES D-1, D-2, AND D-3 WITHIN THE CODE IN ORDER TO PROVIDE AND ESTABLISH THE AIRPORT OVERLAY DISTRICT AIRPORT LAND USE PROTECTION ZONE DISCLOSURE STATEMENT APPEARING AS APPENDIX D-1 IN THE YORK COUNTY CODE OF ORDINANCES; TO PROVIDE THE AIRPORT FIELD HEIGHT AND HAZARD ZONE MAP APPEARING AS APPENDIX D-2 IN THE YORK COUNTY CODE OF ORDINANCES; PROVIDE THE AIRPORT LAND USE PROTECTION AREA MAP APPEARING AS APPENDIX D-3 IN THE YORK COUNTY CODE OF ORDINANCES AND, TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Legislative findings. As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 The York County Airport Overlay, which is codified as Sections 155.270 through 155.275 of the York County Code should be repealed and a new Airport Overlay should be adopted to simplify, clarify and update the outdated provisions existing within the Airport Overlay ordinance and prescribe the manner in which York County shall regulate the use and development of land within the Airport Overlay.

1.2 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council and to exercise such other powers as may be authorized for counties under Sections 4-9-30 (9), (14), and (17), S.C. Code Ann., as amended and Sections 6-29-710 and 6-29-720 and 6-29-730, S.C. Code Ann., as amended.

1.3 The repeal of the existing York County Airport Overlay Ordinance, codified as Sections 155.270 through 155.275 of the York County Code will enable the York County Council to adopt a new Airport Overlay which shall protect, promote, and improve the public health, safety, and welfare of York County by setting forth development standards, regulations, and restrictions governing the use of land and the manner in which development occurs within the area surrounding the Rock Hill – York County Airport/Bryant Field and will further seek to achieve compatibility between the uses of land within the airport vicinity.

Section 2. Repeal of Sections 155.270 through 155.275 of County Code.

Sections 155.270 through 155.275 of the York County Code of Ordinances, known as the Airport Overlay, are hereby repealed.

Section 3. Adoption of a new Airport Overlay; amendment of York County Code.

The York County Code is hereby amended by adding the following new sections and provisions in order to provide for an Airport Overlay embodying sound zoning and development principles within the vicinity of the Rock Hill – York County Airport/Bryant Filed, which sections are hereby adopted, approved, and incorporated into and made a part of the York County Code:

**§ 155.270 PURPOSE.**

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 Rock Hill-York County Airport/Bryant Field Airport (UZA) 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 establishing penalties.

The Airport Overlay (AO) District is established to protect the dual interests of the Rock Hill-York County Airport/Bryant Field and neighboring land uses, and to:

- (A). Protect and promote the general health, safety, and welfare of the airport environ;
- (B). Prevent the impairment of the airport while promoting its utility and safety;
- (C). Promote land use compatibility between the airport and surrounding development;
- (D). Protect the character and stability of existing land uses in the vicinity of the airport;
- (E). Enhance environmental conditions in areas affected by airport operations; and,
- (F). Strive for Development Consistency with the Rock Hill/York County Airport (Bryant Field) Airport Master Plan.
- (G). Promote land use compatibility between the airport and surrounding development in compliance with specific State and Federal Assurances required for acceptance of past and future airport improvement program grants;

**§ 155.271 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Airport:** Rock Hill-York County Airport/Bryant Field.

**Airport Elevation:** 667 feet above mean sea level.

**Airport Overlay District Zones:** The approach, transitional, horizontal, conical, and airport land use protection zones. These zones are as set forth in §155.272, infra.

**Airport Master Plan:** The appropriate documents and drawings concerning the development of a specific airport from a physical, economic, social, and political jurisdictional perspective..

**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 this article.

**Conical Surface:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

**Decibel (dB):** The standard unit for measuring sound.

**DNL, also symbolized Ldn, or Day-night average sound level:** The A-weighted average sound level in decibels during a 24-hour period with a 10-decibel weighting applied to nighttime sound levels.

**Hazard to air navigation:** An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

**Height:** For the purpose of determining the height limits in all zones set forth in this article and shown on the height and hazard protection map, the datum shall be mean sea level elevation unless otherwise specified.

**Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

**Ldn, also abbreviated DNL, or Day-night average sound level:** The A-weighted average sound level in decibels during a 24-hour period with a 10-decibel weighting applied to nighttime sound levels.

**Noise Contour Study** A mapping analysis that depicts the 20-year anticipated future noise contours for the airport environs prepared for the Rock Hill-York County Airport/Bryant Field in August 2007, or as periodically revised upon Airport Master Plan updates.

**Noise Level Reduction (NLR):** The amount of noise level reduction in decibels achieved through incorporation of noise attenuation (between outdoor and indoor levels) in the design and construction of a structure.

**Nonconforming Use:** See §§ 155.550-557, infra, York County code of Ordinances.

**Obstruction:** Any structure, growth or other object, including a mobile home, which exceeds a limiting height set forth in this article.

**Person:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity, including a trustee, a receiver, an assignee or a similar representative of any of them.

**Primary Surface:** A surface longitudinally centered on the runway and extending 200 feet beyond each end of the runway. The width of the primary surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway:** The defined area on the airport prepared for landing and takeoff of aircraft along its length.

**Structure:** Defined in § 155.009, “Structures,” supra, York County Code of Ordinances.

**Transitional Surfaces:** These surfaces are the planes extending outward at 90-degree angles to the runway centerline and 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. Transitional surfaces for those portions of the approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**Tree:** Any object of natural vegetation.

**Zoning Board of Appeals:** The York County Zoning Board of Appeals as established by the York County Code of Ordinances §§ 155.599-602.

## **§ 155.272 AIRPORT OVERLAY DISTRICT ZONES.**

In order to carry out the provisions of this article, there are hereby created and established within the County certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces, the airport land use protection zones

as they apply to the Rock Hill-York County Airport/Bryant Field Airport. The various zones are hereby established and defined as follows:

(A) *Runway approach zones.* The inner edge of these approach zones coincides with the width of the primary surface and is 1,000 feet wide. The approach zones expand outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of runway.

(B) *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.

(C) *Horizontal zone.* The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(D) *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

(E) *Airport Land Use Protection Zones*

1. Airport Use Zone is defined as those areas located within the projected 65 Ldn Noise Contour.
2. Airport Compatibility Zone is defined as the area within a one-half (1/2) mile of the airport runway.
3. Airport Influence Zone is defined as the area within the projected 55 Ldn Noise Contour.

These zones constitute the Airport Overlay District, which is comprised of zones which impose additional requirements, limitations, and prohibitions upon the underlying zoning district(s) whose geographic boundaries do not coincide with the boundaries of the overlay district. The Airport Overlay District shall be designated on the official Zoning Map. A parcel located in more than one of the zones specified in Subsections A-D, above, is only considered to be in the zone with the more restrictive height limitation.

#### **§ 155.273 APPLICABILITY.**

Nothing herein shall require any change in any lawfully constructed building, structure or use in existence at the time of adoption or amendment of this ordinance for its current lawful use. The provisions of this Section shall apply to the following types of development in the AO District:

(A) *Moving or Relocation of Building or Structure:* The moving or relocation of any building or structure to a new site or new location;

(B) *Change of Use*: Any change in use;

(C) *Building or Structure*: The development of a new building or principal structure;

(D) *Multi-zoned Parcels*. For the purposes of this Ordinance, a parcel may be located in one (1) or more Airport Land Use Protection Zones. In these cases the property shall be subject to the restrictions of each applicable zone.

(E) *Partial Zoned Parcels*: In cases where only a portion of a parcel lies within the boundaries of the Airport Land Use Protection Zone(s), all new construction located within the boundaries of Airport Land Use Protection Zone must comply with all restrictions of that applicable zone(s). Densities in these areas may not exceed maximum densities prescribed within this ordinance and may not be averaged throughout the entirety of the parcel (To include areas within the same parcel, but outside of the Airport Land Use Protection Zone) to achieve the maximum allowed densities.

(F) *Exceptions to Applicability*.

(1): *Site Plans and Building Permits* approved prior to the date of adoption of this Ordinance shall be exempt from §155.274(B)(2), and will be subject to the zoning requirements of the underlying zoning district.

#### **§ 155.274 DEVELOPMENT STANDARDS.**

The following standards shall apply to all types of development identified in Section § 155.273, “*Applicability*”, in the AO District. In the case of a conflict between the District development standards and the standards of this Ordinance, the AO District development standards shall govern.

(A). *Height Limitations*

1. *Established*. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height established in this article for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

a. *Runway approach zones*. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes outward 40 feet horizontally for each foot upward to an additional horizontal distance of 40,000 feet along the extended runway centerline.

b. *Transitional zones.* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the runway approach zones project beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

c. *Horizontal zone.* Established at 150 feet above the airport elevation.

d. *Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(B). *Use Restrictions.* In the airport overlay district, permitted uses are determined by the underlying or base zoning district. However, the provisions of this Section are intended to augment and modify the use and development standards of the base zoning district.

1. Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to:

a. Create electrical interference with navigational signals or radio communication between the airport and 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; or

e. Create bird strike hazards or other wildlife hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

2. **Prohibited Uses** – Within all the Airport Land Use Protection Zones, the following uses shall be prohibited, including:

a Radio and Television Broadcasting Studios;

- b Wireless Communication Towers, except as authorized by the Federal Aviation Administration;
- c Above-ground storage of explosive, hazardous, flammable, or combustible materials, and related facilities or operations that could pose a threat to the welfare of the public in the event of an aircraft crash or other mishap;
- d Petroleum refining and other related uses that may be susceptible to explosion or fire;
- e Landfills and Incinerators;
- f Outdoor storage of certain goods and materials, including but not limited to oxides; coal; ores, minerals; produce; furniture; building supplies; paper and frame products; salvage or junkyards; and
- g Wildlife sanctuaries, refuges, and other uses that may be an attraction to birds or other wildlife.

3. **Prohibited Uses:** Within the Airport Use Zone, all non-airport related uses are prohibited; however, customary accessory uses within the airport confines are permitted.

4. **Prohibited Uses:** Within the Airport Compatibility Zone, the following uses shall be prohibited:

- a Single-family development with a gross density greater than two (2) units per acre
- b Multifamily development to include Apartments, Town homes, and Condominiums;
- c Group Homes and Halfway Houses or other similar uses;
- d Daycare (Adult or Child) and Child Care;
- e Schools (Public or Private);
- f Health Care Facilities (Medical Office, Hospitals, Clinics, Institutional Care, Nursing Homes, Assisted Living Centers) or other similar uses;
- g Indoor/outdoor recreation;

- h Movie Theaters, Stadiums, Amphitheaters, Concert Venues;
- i Conference, Community, Youth and Senior Centers;
- j Outdoor shooting range;
- k Flea Markets;
- l Lodges and Clubs
- m Museums
- n Campgrounds;
- o Churches; and
- p Libraries.

(C). Noise Level Reduction Standards:

Within the Airport Influence Zone, new residential dwellings and buildings where the public will be received shall be structurally designed and constructed to temper and minimize noise sensitive uses by achieving an outdoor to indoor peak noise level reduction (NLR) of at least twenty-five (25) dB. All other permitted uses and structures not specified below shall be exempt from this Section. Normal construction can be expected to provide an NLR of twenty (20) dB thus the actual required reduction is only five (5) dB. Lowering the NLR can be achieved through incorporation, into the design and construction of all proposed uses, of appropriate sound insulation materials and methods for improving acoustic insulation performance. A qualified professional shall certify that the design standards, construction standards and/or materials used to construct the structure will achieve the required noise level reductions prior to the issuance of a building permit. The following uses shall be required to provide noise level reductions:

- a. Residential dwellings;
- b. Eating Establishments;
- c. Offices
- d. Retail Sales;
- e. Hotels and Motels

(D). *Electronic Signal Regulations.* Any electronic impulse or signal which interferes with radio communications between aircraft and the airport, or which interferes with established navigation aids, is prohibited in the Airport Land Use Protection Zones.

(E) *Lighting Regulations.* The following lighting shall be prohibited within any Airport Land Use Protection Zone:

1. Any moving, pulsating, flashing, rotating, or oscillating other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements;
2. Flood lights, spot lights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction;
3. Any lights which interfere with a pilot's ability to identify airport directional, guide, or runway lights; and
4. Any lights which result in glare or interference to the vision of pilots utilizing the airport, or which impair visibility in the vicinity of the airport, or which otherwise or in any way endanger or interfere with the landing, takeoff, or maneuvering of an aircraft intending to use the airport.

(F). *Maximum Residential Density Requirements*

New residential development within the Airport Compatibility Zone shall not be permitted at a gross density that exceeds two (2) dwelling units per acre.

(G) *Notice and Fair Disclosure*

All subdivision plats, site plans, planned unit development plats, townhouse plats and /or condominium documents involving property within an Airport Land Use Protection Zone shall contain an Airport Land Use Protection Zone Disclosure Statement, as shown in Appendix D1 (1) of this ordinance.

All sales contracts involving a non-residential property located within an Airport Land Use Protection Zone shall include an Airport Land Use Protection Zone Non-Residential Property Disclosure Form as shown in Appendices D-1 (2) of this Ordinance, which shall be signed by the buyer(s), seller(s) and witnesses as part of the sales contract and shall be filed with the deed and/or plat at the York County Clerk of Court's Office upon real estate closing.

## **§ 155.275 PERMITS, CHANGES IN USE, NONCONFORMING, AND VARIANCES.**

(A). *Permit required; exceptions; issuance.* Except as specifically provided in subsections A1, 2, and 3 of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this article unless a permit therefore shall have been applied for and granted. Each application for a permit

shall indicate the purpose for which the permit is desired, with sufficient particularity to provide for a determination whether the resulting use, structure or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection E of this section.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground.

2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground.

3. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this article except as set forth in § 155.496 “Building Height Requirements and Exceptions to Height”. However, any construction or alteration above that height must be reported to the Rock Hill-York County Airport Commission if it exceeds the height of an imaginary surface extending outward and upward at a slope of 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway or if it is within (under) the approach zones. Any construction or alteration of a highway, railroad, or other traverse way for mobile objects which, if adjusted upward 17 feet for primary highways, otherwise 15 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater; or 23 feet for a railroad; and for a waterway or any other traverse not previously mentioned an amount equal to the height of the highest mobile object that would normally traverse it, if it would exceed the height of the imaginary surface set forth above, must likewise be reported.

(B) *Change in existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance from which this article or the effective date of any amendments thereto, or than it is when the application for a permit is made.

(C) *Nonconforming uses abandoned or destroyed.* Uses and structures which deviate from the requirements of this article shall be governed by § 155.554 “Non-conforming Buildings” and § 155.557 “Intermittent Uses” of the York County Zoning Code

(D) *Regulations not retroactive.* The regulations prescribed in this section will not be construed to require the removal, lowering, or other change or alteration of any structure or tree not

conforming to the regulations as of July 7, 1986, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein will require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to July 7, 1986, and is diligently prosecuted.

(E). *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulation(s) prescribed in this article may apply, pursuant to the applicable York County ordinance provisions governing variance applications, to the York County Zoning Board of Appeals for a variance from such regulation(s). The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this article may be considered by the Zoning Board of Appeals unless a copy of the application has been furnished to the Rock Hill-York County Airport Commission for advice as to the aeronautical effects of the variance. If the airport commission does not respond to the application within 30 days after receipt, the Zoning Board of Appeals may act on its own to grant or deny the application. Appeals from actions of the Zoning Board of Appeals shall be governed by § 155.593, *infra*, York County Code of Ordinances.

(F). *Obstruction marking and lighting.* Any permit or variance granted may be conditioned so as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary, if such action is deemed advisable to effectuate the purpose of this article and be reasonable under the circumstances.

Section 4.     Adoption of new Airport Overlay Appendices; amendment of York County Code Appendix.

The Appendix to the York County Code is hereby amended by adding the following new Appendices to appear as Appendix D-1, the Airport Overlay District Airport Noise Disclosure Statement; Appendix D-2, the Airport Field Height and Hazard Map; and Appendix D-3, the Airport Land Use Protection Zone Map, which Appendices are hereby adopted, approved, and incorporated into and made a part of the York County Code:

**APPENDIX D-1 AIRPORT OVERLAY DISTRICT AIRPORT LAND USE PROTECTION ZONE DISCLOSURE STATEMENT**

The following disclosure statement will apply to all new subdivision plats, site plans, planned unit development plans, townhouse plats and /or condominium documents located within the Airport Land Use Protection Zones.

**(1) Airport Land Use Protection Zone Disclosure Statement**

This property lies within an Airport Land Use Protection Zone District, which applies to property in proximity to the Rock Hill-York County Airport/Bryant Field Airport (UZA). York County has determined that persons on the premises may be exposed to impacts related to the normal operations of a Municipal Airport.

The above property is located in the (please check all that apply):

- 1. \_\_\_\_\_ **Airport Use Zone:**
- 2. \_\_\_\_\_ **Airport Compatibility Zone:**
- 3. \_\_\_\_\_ **Airport Influence Zone:**

**(2) AO District Airport Land Use Protection Zone Non-Residential Property Disclosure Form**

All sales contracts involving a non-residential property located within an Airport Land Use Protection Zone shall include an Airport Land Use Protection Zone Non-Residential Property Disclosure Form as shown in Appendices D-1 (2) of this Ordinance, which shall be signed by the buyer(s), seller(s) and witnesses as part of the sales contract and shall be filed with the deed and/or plat at the York County Clerk of Court's Office upon real estate closing.:

**(1) Airport Land Use Protection Zone Non-Residential Property Disclosure Form**

All or a portion of the non-residential property at \_\_\_\_\_ (address/tax parcel number) is located within an Airport Land Use Protection Zone in proximity to the Rock Hill-York County Airport/Bryant Field Airport (UZA). York County has determined that persons on the premises may be exposed to noise and other effects as may be inherent in normal municipal airport operations. The County has established certain Airport Land Use Protection Zones within its Zoning Ordinance. All or a portion of this property lies within (please check all that apply).

- \_\_\_\_\_ a) **Airport Use Zone**
- \_\_\_\_\_ b) **Airport Compatibility Zone**
- \_\_\_\_\_ c) **Airport Influence Zone**

The County has placed certain restrictions on the development and use of property within these areas. Before purchasing the above property, you should consult the York County Planning and Development Services Department to determine if this property is subject to any additional restrictions.

**CERTIFICATION**

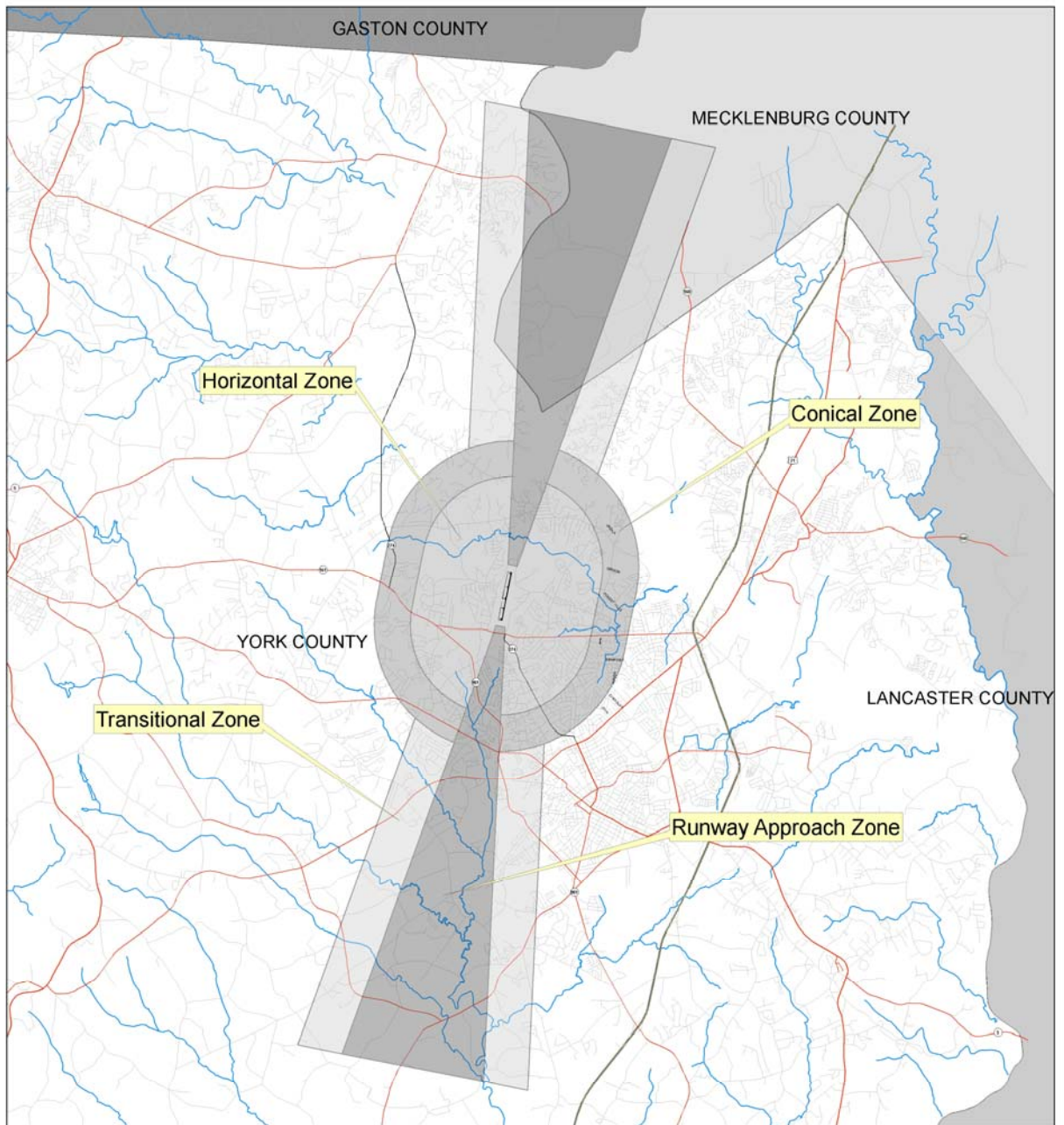
As the owner(s) of the subject non-residential property, I/we hereby certify that I/we have informed \_\_\_\_\_, the purchaser(s), that all or a portion of the subject property is located in an Airport Overlay district, Airport Land Use Protection Zone.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 Witness \_\_\_\_\_ Owner(s) \_\_\_\_\_

As the purchaser(s) of the subject non-residential property, I/we hereby certify that I/we have been informed that all or a portion of the subject property is in an Airport Overlay district, Airport Land Use Protection Zone, and I/we understand that it is my/our responsibility to consult with York County Planning and Development Services Department to determine if this property is subject to any additional restrictions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 Witness \_\_\_\_\_ Purchaser(s) \_\_\_\_\_

Appendix D-2 Airport Field Height And Hazard Map



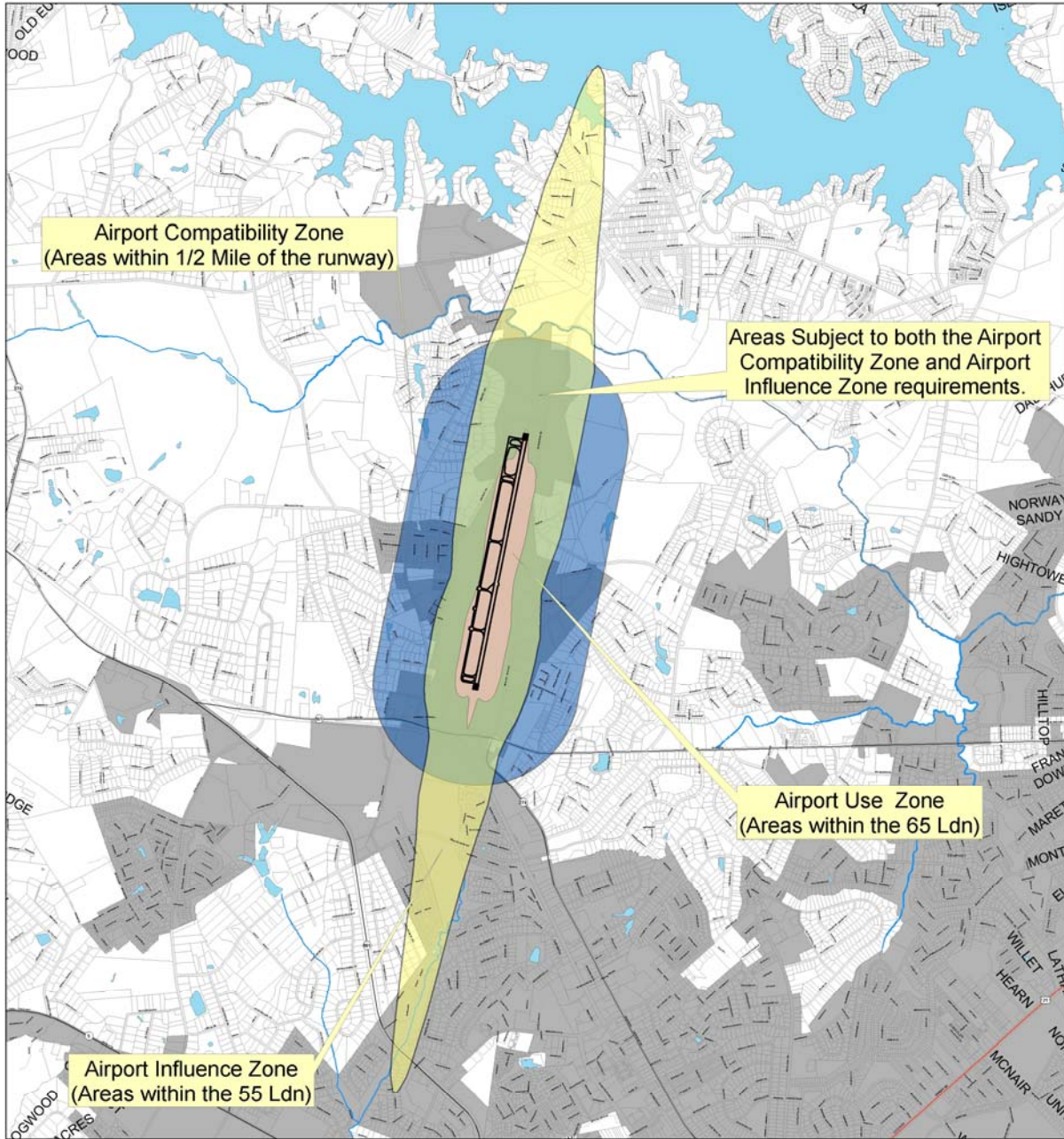
### Airport Overlay District Airport Height and Hazard Zone Map



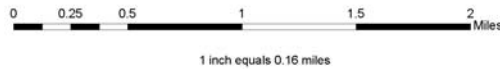
1 inch equals 0.67 miles

YORK COUNTY AND ITS MAPPING CONTRACTORS DO NOT WARRANT THE ACCURACY OF THE DISPLAYED INFORMATION, AND SPECIFICALLY DISCLAIM ANY WARRANTY FOR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Appendix D-3 Airport Land Use Protection Zone Map



# Airport Overlay District Airport Land Use Protection Zone Map



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Section 5. Public hearing required.

The York County Council shall hold a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance.

Section 6. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision, section, paragraph or phrase of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other provision, section, paragraph or phrase of this ordinance, which shall continue in full force and effect.

Section 7. Effective date.

This ordinance shall take effect immediately upon adoption.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

YORK COUNTY COUNCIL

BY: \_\_\_\_\_  
Houston O. Motz, Chairman

Attest: \_\_\_\_\_  
James E. Baker  
County Manager

1<sup>st</sup> Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_