

GRANT ASSURANCE #21

Resource: *Airport Sponsor Assurances* (4/2012)

[http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances_2012.pdf]

21. Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

Purpose: The purpose of this obligation is for safe and efficient flight operations. To the extent possible, airport sponsors must try to restrict the use of lands in the vicinity of the airport to activities and purposes that are compatible with normal airport operations. This helps ensure that approach and departure aircraft operations are clear of obstacles and incompatible land uses.

Examples of land use compatibility tools are:

- Land use zoning
- Structure height restrictions
- Lighting restrictions
- Avigation easements/Fee simple acquisition of land
- Landfill/transfer station location planning
- Smokestack location planning

New development near (or on) an airport could trigger future aircraft noise complaints, light emissions complaints, create obstructions, create hazardous wildlife attractants, and radio interference with the navigational aids.

The airport sponsor should be proactive in working with municipal planners regarding pending development proposals to prohibit new non-compatible land uses around the airport. Airport sponsors are expected to take the appropriate actions to the extent reasonably possible to minimize incompatible land. Airport sponsors should document the efforts they make in this regard. Integrating airport master plans into local comprehensive land-use plans and ensuring their use by the municipal planners to evaluate new development proposals is a great first step. Airport sponsors should monitor local zoning ordinances for any changes that might allow a non-compatible development near the airport. Airport sponsors should monitor proposed developments in the community for the potential for non-compatible land uses. Additionally, airport sponsors can make reasonable attempts to inform surrounding communities for the need for land-use compatibility zoning.

“Appropriate action [*by the airport sponsor*], including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations”

Source: 49 USC §47107(a)(10)

Resources:

- FAA Order 5190.6B, *FAA Airport Compliance Manual*, Chapters 13 and 20 (http://www.faa.gov/documentLibrary/media/Order/5190_6b.pdf)
- FAA AC 150/5190-4A *A Model Zoning Ordinance to Limit Height of Objects Around Airports*, (http://www.faa.gov/documentLibrary/media/advisory_circular/150-5190-4A/150_5190_4A.PDF)
- FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports* (http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf)
- Title 49 USC §47107(a)(10) (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleVII-partB-chap471-subchapl-sec47107.pdf>)

Key Terms to Remember:

Obstruction: Natural or manmade objects that penetrate surfaces defined in 14 CFR Part 77, *Objects Affecting Navigable Airspace*.

Avigation Easement: Deeded rights to the airspace above a property in which the airport has the right to remove obstruction, halt smoke and light emissions, and preclude develop above a certain elevation for the protection of air operations into and out of an airport.