

1319.4 AIRPORT PROTECTION OVERLAY DISTRICT**1. PURPOSE:**

The purposes of the Airport Protection Overlay District (APOD) is for the protection of the public health and safety, the promotion of air safety and to optimize the use of the navigable airspace proximate to the Niagara Frontier Transportation Authority's (NFTA) Niagara Falls International Airport (NFIA) and Niagara Falls United States Air Force Reserve Station (ARS); to enhance the economic benefits derived from a continued and expanding use of both the NFIA and the ARS, and; to prevent the creation or establishment of a potential airport hazard or a land use detrimental or simply incompatible with those purposes.

Additional objectives of this overlay are to regulate the height, land use, and new construction, major modernization or substantial rehabilitation within the environs that is consistent with United States Department of Transportation (DOT), Federal Aviation Administration (FAA) regulations, particularly 14 CFR 'Part 77,' which amongst other things, ensures the safety of approaching and departing aircraft the NFIA.

2. AIRPORT PROTECTION OVERLAY DISTRICT (APOD) BOUNDARIES

The City's Airport Protection Overlay District boundaries establish applicability for this overlay and is illustrated on 'Schedule 14' of this Zoning Ordinance. When interpreting these boundaries, as determined by the Director of Planning or assigned-designee, any project site within the boundary will need to meet the requirements of this overlay.

3. APPLICABILITY

- A. **Review.** At a minimum, the provisions of this Section require a coordinated review, and may require compliance with any guidance provided by the NFTA, FAA, and the by the ARS with regards to any proposed development actions, within the APOD, and listed below:
 1. New construction;
 2. Change in use of an existing facility;
 3. Introduces explosive, flammable or toxic materials to the area.
 4. Repair, rehabilitation, expansion or modifications of structures that cost more than 50 percent of the appraised value; or a significant increase in the density or number of people at the site;
 5. Zoning map amendments (rezoning of property), and;
 6. All use variances, area variances, and special-use permits.
- B. **Standards.** Any such review of a proposed development action shall invoke applicable FAA regulations and standards regarding land use, height, exterior lighting and other standards regarding possible impairments or hazards to aviation operations including, but not limited to, the following:

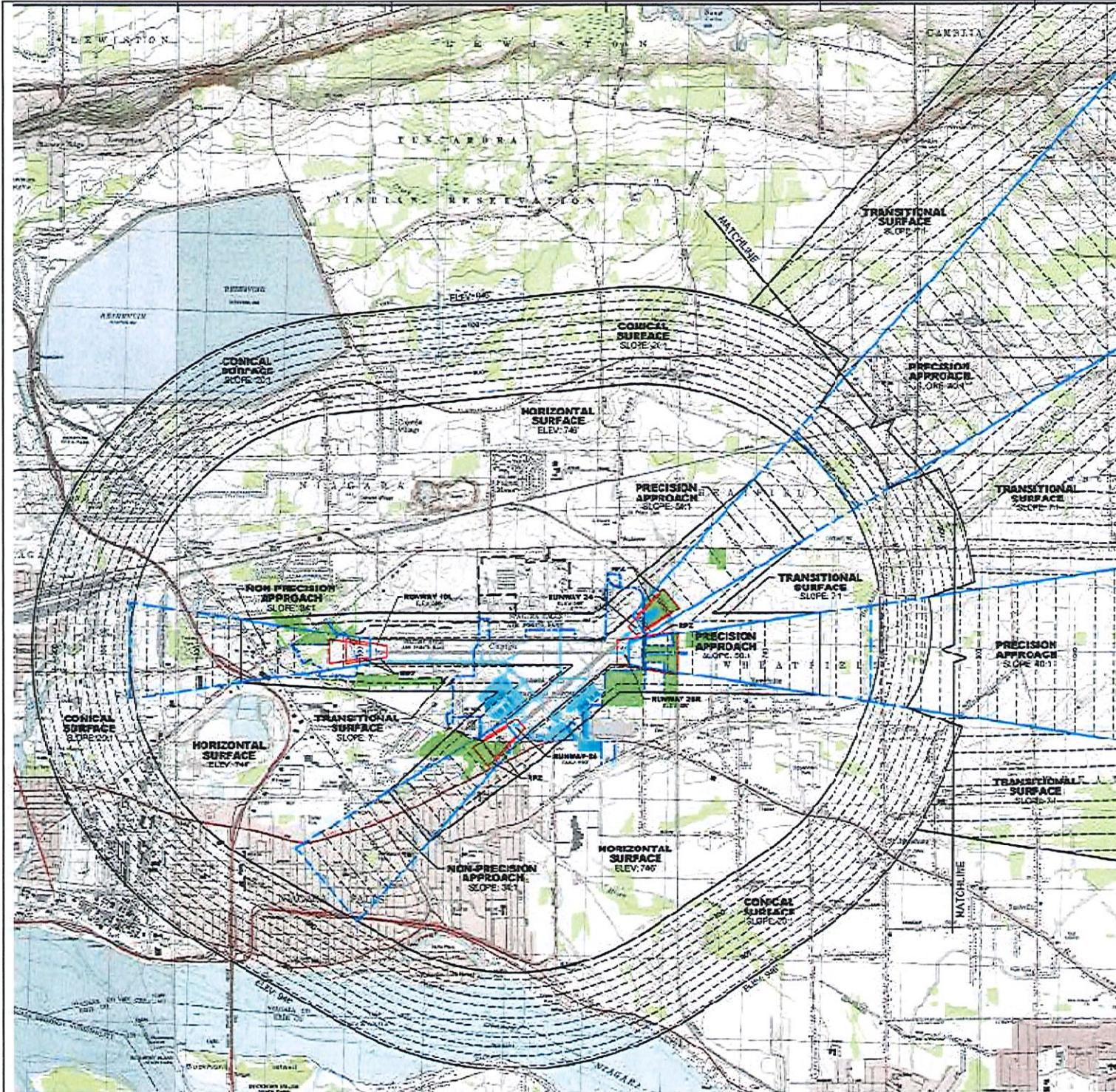
1. Permitted Land Uses. Unless otherwise modified under this section, the uses authorized by 'Schedule 1 - Use Table' of this Zoning Ordinance shall apply to all parcels;
2. Height Limit. Unless otherwise modified under this section, the structure height limit of the underlying zoning district shall apply to all buildings and other structures within the APOD and provided no structure shall approach or exceed the height limitations within USDOT FAA 14 CFR Part 77.
3. Bird/Wildlife Aircraft Strike Hazard. This overlay prohibits any landscaping or environmental changes (e.g. standing water, brush, etc.), intentional or as a result of neglect, that attracts wildlife (raptors, seagulls, flocks of cowbirds/starlings, deer, coyotes and Canada geese) that would negatively impact aviation safety, and;
4. Lighting. All exterior site lighting, including wall-mounted or ground-mounted lighting fixtures and luminaries, shall: minimize glare, uplight, and light trespass; use a "warm" or filtered LEDs (preferably CCT < 3,000 K | S/P ratio < 1.2) minimizing "blue-light" emissions; be full-cutoff design; be angled downward and away from adjacent properties, and/or; of a type that does not exceed a 90° cutoff angle. Light standards shall not exceed 25' in height.

4. REFERRAL OF COMPLETE APPLICATION

Upon receipt of a properly completed Site Plan Review application for the development actions within the APD, as described in Chapter 1324.4.2 herein, the Director of Planning or assigned-designee shall determine whether or not the proposed action conforms with the requirements of this overlay. If such proposed action and/or use otherwise conforms to the Zoning Ordinance, the Director of Planning or assigned-designee shall then refer copies of the application and SEQRA documentation prior to issuance of any approval as follows:

- A. To the Niagara Falls Air Reserve Station/Department of Defense, Federal Aviation Administration, the Niagara Frontier Transportation Authority and other appropriate City or state officials, departments or agencies for their review and comment;
- B. To the Niagara County Department of Planning in accordance with section 239-m of the General Municipal Law, and/or to any involved agencies as may be appropriate under SEQRA or other applicable local, state, or federal law, and;
- C. Make every effort to submit any and all agency comments and recommendations received in referral to the applicant and to the Planning Board and/or Zoning Board of Appeals at least five (5) days in advance of any meeting or hearing at which approval of the proposed action will be considered.

Comments, if any, from these referrals shall be taken into consideration by the City in its review of the proposed action/construction. Conditions can be placed on the project in response to these comments.



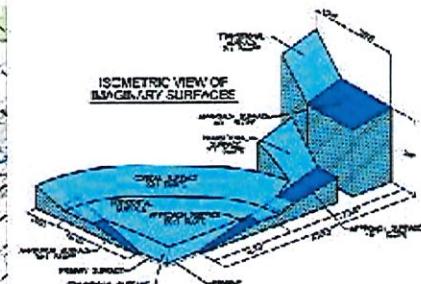
Schedule 14-B

NFTA

Niagara Frontier Transportation Authority

Niagara Falls International Airport

- Airport Airspace Plan -



SOURCE 10003 CLOUDWATCH

MANHATTAN, NEW YORK	MANHATTAN, NEW YORK	QUEENS, NEW YORK	ROCHESTER, NEW YORK
WATKINS FALLS, NEW YORK	TOMPKINS COUNTY, NEW YORK	ROCHESTER, NEW YORK	GLASSPORT, PA., NEW YORK



- 4-6000 HOURS WORKING IN THERMOTHERAPY ROOMS, RECENT
- 10 HOURS - 1000 FT.
- 100 THERMOTHERAPY ROOMS IN GROUP 1000 NAME: AN
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