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LANCASTER COUNTY
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COUNTY BOARD FACTSHEET

TO : County Clerk: Attn: Kelly Lundgren
 FROM : David R. Cary, Director of Planning 
 RE : **County Text Amendment No. 16002**
Amend Article 18 of Lancaster County Zoning Regulations - Airport Zoning
 DATE : February 19, 2016

1. Attached are the Planning staff report (p.2-5) and the minutes of the Planning Commission (p.6) on **County Text Amendment No. 16002**, requested by Jon Large of the Lincoln Airport Authority, amending Article 18 of the Lancaster County Zoning Regulations relating to Special Height and Use Near Airports to extend the approach zone from 3 miles to a new limit of 10 miles, establish the area included within the airport hazard area, revise existing definitions and add new definitions, and other changes to be in accordance with the passage of Nebraska Legislative Bill (LB) 140, and repealing and adding various sections within Article 18 of the Lancaster County Zoning Regulations as hitherto existing.
2. This text amendment appeared on the Consent Agenda of the Planning Commission on February 17, 2016.
3. The staff recommendation to approve the text amendment, is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed changes are in conformance with LB140, the City and County Zoning Ordinances, and the 2040 Comprehensive Plan and should not have a significant negative impact on properties beneath the extended approach zoning.
4. On February 17, 2016, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the text amendment (Scheer absent). See Minutes, p.6.

Please take the necessary steps to schedule this item on the County Board agenda and inform us of the public hearing date. The Planning staff is scheduled to brief the County Board on this item at their regular staff meeting on Thursday, February 25, 2016, at 9:00 a.m., in Room 113 of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

If you need any further information, please let me know (402-441-6365).

cc: County Board
 David Derbin, Deputy County Attorney
 Kerry Eagan, County Commissioners
 Gwen Thorpe, County Commissioners
 Rachel Jones, Planning
 Jon Large, Lincoln Airport Authority

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for February 17, 2016 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16002

PROPOSAL: Amend Article 18 of the Lancaster County Zoning Regulations relating to airport zoning to be in accordance with the passage of Nebraska Legislative Bill (LB) 140 passed in 2013. LB140 authorizes and directs local zoning authorities to extend airport height restriction zoning from a current limit of 3 miles to a new limit of 10 miles for approach zones.

CONCLUSION: The proposed changes are in conformance with LB140, the City and County Zoning Ordinances, and the 2040 Comprehensive Plan and should not have a significant negative impact on properties beneath the extended approach zoning.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

ASSOCIATED APPLICATIONS: Text Amendment No. 16001 to amend Chapter 27.59 of the City Zoning Ordinance, Airport Zoning Regulations.

HISTORY:

May 2013 LB140 to amend provisions of the Airport Zoning Act was passed by the Nebraska Legislature.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.19 - Existing Airports and Airfields

The Lincoln Airport is the major air facility servicing Lincoln, Lancaster County and the region. It provides an important transportation link to national and international markets. It is located in the northwestern part of Lincoln, with access provided by Interstate and State highways. The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. These regulations govern uses and structural characteristics compatible to the airport operations and minimize negative impacts on surrounding residents.

P. 10.46 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State. As a member of the Lincoln MPO Technical Committee, the Lincoln Airport Authority will continue to be part of the metropolitan area transportation planning process.

The Airport West Subarea Plan was approved in 2005 and was amended into the Comprehensive Plan. Elements of the Plan should be pursued for implementation over time.

P. 10.51 - Airports and Airfields

Lincoln Municipal Airport is governed by the Lincoln Airport Authority (LAA). The LAA is part of the MPO and participates in its activities; however, planning for airport facilities is done in a separate process.

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.

Airport West Subarea Plan - P. 26 - Transportation: Goods and Freight Transportation

The location of the Lincoln Airport provides future development the convenient opportunity of air-freight and rail shipment. Also, the airport provides essential passenger travel for region. With such an air facility comes the Airport Environs Noise District and Airport Zoning Regulations that protect surrounding land uses.

ANALYSIS:

1. This text amendment will change Article 18 of the County Zoning Ordinance, Special Height and Use Near Airports. The Lincoln Airport Zoning Map will also be amended to reflect these changes and will be adopted by reference as part of this text amendment. The related Text Amendment #16001 is proceeding concurrently to similarly amend Chapter 27.59 of the City Zoning Ordinance.
2. LB140 was passed in May 2013. LB140 amended the state Airport Zoning Act to redefine the term airport hazard area and extend airport approach zones from 3 miles to 10 miles in order to prevent the encroachment of new obstacles into instrument approach paths out to 10 miles from the operation zone. LB140 also revised outdated language and redefined terminology throughout the Act. These changes were implemented to bring the state airport zoning statutes into conformance with Federal Aviation Administration and Nebraska Department of Aeronautics standards.
3. The primary text changes to Article 18 include the following, as shown on the attached draft Article:
 - A. 18.002 - Adding a Definitions section to revise existing definitions and add new definitions for a number of terms including the airport hazard area;
 - B. 18.003 - Adding a Zone Descriptions section to establish and revise descriptions for the approach, operation, transition, and turning zones;
 - C. 18.004 - Adding a section to define the boundaries of the airport hazard area;
 - D. 18.005 - Amending language related to the height restrictions;
 - E. 18.006 - Amending the requirements for height permits within the airport hazard area and prohibiting the issuance of a height permit for structures or appurtenances that exceed the height restrictions as established in this article;
 - F. 18.007 - Adding a section relating to airport hazards;
 - G. 18.008 - Amending language relating to non-conforming structures;
 - H. 18.009 - Amending language relating to the marking of non-conforming structures;

- I. 18.011 - Establishing that four votes are required for action by the Zoning Board of Adjustment on matters relating to airport zoning regulations; and
 - J. Adopting the revised Lincoln Airport Zoning Map.
4. Any building or structure that does not conform to the changes at the time they are adopted will be considered a nonconforming use. The Planning Department is not aware of any buildings or structures that would be made nonconforming with these changes.
 5. The airport hazard area is defined by the limits of the approach, turning, transition, and operation zones. The height restriction for the approach zones is determined by the height of the planes forming the approach zones, which generally increases as the distance of the aircraft from the airport increases. All of the runways at the Lincoln Airport are classified as instrument runways. Based on that classification, the height limit of the approach zone at a distance of 3 miles from the end of the operation zone is 150 feet above the runway end elevation for which it is the approach. At 10 miles (the end of the approach zone) the height limit is approximately 889 feet above the runway end. Notwithstanding the above limits, a maximum height of 275 feet is permitted in the 275 Foot Maximum Height Zone located generally within Downtown Lincoln, as shown on the revised Airport Zoning Map.
 6. New impacts of these changes within the extended approach zones will primarily impact the tallest structures such as broadcast towers and wind turbines. Most water and cell towers and grain silos are below this height limit. The potential impact of these text changes will therefore be minimal on residential areas and most other development, because the height limit for areas beneath the extended approach zone height restriction from the 3 mile to 10 mile distance will far exceed the height of planned development in the majority of cases.
 7. The proposed text amendment is in conformance with the 2040 Comprehensive Plan, the Airport West Subarea Plan, and the City and County Zoning Ordinances.
 8. The Airport Board was briefed on these text changes on December 10. In conjunction with that Board meeting, the Lincoln Airport Authority advertised a Notice of Intent in the Lincoln Journal Star on December 11. Beginning on the same date, the City and County text changes were made available for public viewing on the Airport website and Lincoln Airport Authority Administrative Offices, and the public was notified of the acceptance of comments on the changes for 30 days. No comments were received by the Airport Authority on the text changes.
 9. The proposed changes will increase the protections for aircraft on approach to the Airport through implementation of the extended approach zone height restrictions. These changes will also assist in bringing the County airport zoning regulations into conformance with state statutes.

Prepared by:

Rachel Jones, Planner
441-7603 or rjones@lincoln.ne.gov

DATE: February 4, 2016

APPLICANT: Lincoln Airport Authority
P.O. Box 80407
Lincoln, NE 68501

OWNER: N/A

CONTACT: Jon Large
Lincoln Airport Authority
P.O. Box 80407
Lincoln, NE 68501

****PLANNING COMMISSION OF FEBRUARY 17, 2016****

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 17, 2016

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Sunderman, and Weber;
Scheer absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 16001;**
COUNTY TEXT AMENDMENT NO. 16002.

There were no ex parte communications disclosed.

Beecham moved approval of the Consent Agenda, seconded by Cornelius and carried 8-0:
Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer
absent.