SECTION 7: LAND USE EVALUATION

7.1 INTRODUCTION

This land use evaluation will accomplish the following:

- Identify existing and future land uses in the Airport environs;
- Document existing land use, future land use, and zoning around the Airport and in the neighboring communities;
- Identify potential incompatible land use areas and recommend specific land use planning policies; and
- Address deficiencies in local zoning ordinances related to Florida Statute, Chapter 333, Airport Zoning.

7.2 EXISTING LAND USE

The existing land use surrounding North Perry Airport can be described as follows:

- Existing land uses north of the Airport include a mix of residential (primarily single family housing) commercial, institutional, and inter-mixed with recreational/open land use.
- The areas east of the Airport are primarily residential with some denser residential and commercial uses. Florida's Turnpike corridor is located approximately one (1) mile to the east of the Airport. Land use for the Turnpike is designated as transportation. Further to the east, land use is primarily residential.
- Land uses to the west of the Airport consist of institutional, residential, and commercial inter-mixed with recreational/open land use.
- Land uses south of the Airport are primarily residential inter-mixed with some commercial land use.

The generalized existing land uses in the vicinity of North Perry Airport are depicted in Figure 7.1.

7.3 LAND USE PLANNING GUIDANCE

The following sections describe federal, state, county and local land use planning regulations and policies for airports. The information summarizes basic concepts, agency responsibilities, and where appropriate, agency authority. Staff planners responsible for aviation compatible land use planning and regulation should be provided with current copies of these documents.
FIGURE 7.1
EXISTING LAND USE

Source: Field Inspection by Montgomery Consulting Group, Inc., March 2007
7.3.1 FEDERAL LAND USE PLANNING GUIDANCE

The federal government has several areas that provide guidance for airport compatibilities, including:

- **14 CFR Part 77, Objects Affecting Navigable Airspace** — Requires that a notice of construction or alteration to or around an airport be given to the FAA. It establishes the standards for determining obstructions in navigable airspace and provides for the aeronautical study of obstructions to determine their effect on the safe and efficient use of navigable airspace. The notice of construction is the only regulatory function contained in Part 77. In general, this requirement applies to any construction or alteration which would be greater in height than a slope outward from an airport runway until the slope reaches 200 feet above the runway. Beyond the sloped area, any construction or alteration exceeding 200 feet above the ground requires notice to the FAA. Figure 7.3 illustrates this area for airports in Broward County.

- **14 CFR Part 151, Federal Aid to Airports** — Prescribes the policies and procedures for administering the Federal-aid Airport Program under the Federal Airport Act for the acquisition of runway clear zones.

- **40 CFR Part 258, Criteria for Municipal Solid Waste Landfills, Subpart B, Location Restrictions** — Requires that landfill owners or operators within 5,000 feet of runways where “piston-type” aircraft operate, 10,000 feet of turbojet operations, demonstrate the unit is designed and operated so it does not pose a bird hazard to aircraft.

7.3.2 STATE OF FLORIDA LAND USE PLANNING GUIDANCE

The State of Florida has several areas that provide guidance for airport compatibilities, including:

- **Florida Statute (FS), Chapter 333** - Addresses airport zoning to protect the capability and capacity of the state’s public aviation transportation system, as well as the State’s investment in the aviation transportation system, while preserving the public’s health, safety, and welfare. FS, Chapter 333 is included in Appendix C.

In general, FS, Chapter 333:

- Grants local governments the authority to enforce airport noise compatibility controls;
- Specifies hazards and limits the height of structures near airports;
- Identifies permit requirements for structures exceeding federal obstruction standards;
- Sets forth procedures to adopt airport zoning regulations;
- Delineates guidelines regarding land use near airports; and
- Provides other administrative guidance.

FS, Chapter 333 specifically limits residential development and educational facilities in areas contiguous to airports, and provides alternatives to establish airport noise exposure areas where land use controls should be applied—either by joint municipality agreements, in accordance with the provisions of FS, Chapter 163, or by ordinance or resolution duly adopted to create an airport zoning board.
FS, Chapter 163 - The State of Florida’s 1985 Growth Management Act (also known as the Local Government Comprehensive Planning and Land Development Regulation Act) requires that all local jurisdictions in the State prepare a comprehensive plan to guide future growth and development. In 1993, the State of Florida passed legislature that requires a transportation element in the comprehensive plan elements of Part II, Chapter 163 for each local government in urbanized areas. The purpose of FS, Chapter 163 is to use and strengthen the role, processes, and power of local governments in establishing and implementing comprehensive planning programs. FS, Chapter 163.3177 is also included in Appendix C.

In general, Chapter 163:

- Facilitates the adequate and efficient provision of transportation;
- Encourages cooperation among and between counties and municipalities; and
- Assures coordination of the planning and development activities of local government, regional agencies and State government.

FS, Chapter 163 establishes optional and required elements for local comprehensive plans including elements for:

- Capital improvements showing locations and intention to meet growth needs for public facilities;
- Coordination of comprehensive plan with neighboring government’s comprehensive plans;
- Future land use designating proposed distribution, location, and extent of uses with standards for the density or intensity of use;
- Intergovernmental coordination showing consideration of its effect after adoption on development in adjacent local jurisdictions;
- Ports, aviation, and related facilities required for all local governments; and
- Transportation to address aviation, rail, and seaport facilities, access to, compatibility with, and aviation development and land use compatibility around airports.

The transportation element of the comprehensive plans addresses land use compatibility around airports, projected airports, and aviation developments. The City of Pembroke Pines has met this requirement for North Perry Airport. Appendix D contains the current description of the City of Pembroke Pines transportation element regarding North Perry Airport. Broward County has incorporated North Perry Airport and Ft. Lauderdale/Hollywood International Airport in the county’s comprehensive plan. Appendix D contains pertinent sections of the Transportation Element of Broward County’s comprehensive plan.
The following Florida Administrative Code rules assist in defining standards for land use planning around airports.

- **Rule Chapter 9J-5, Florida Administrative Code, Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance** – Establishes the minimum criteria for the preparation, review, and determination of compliance for local government comprehensive plans and directs the state land planning agency to consider land use compatibility issues in the vicinity of airports in coordination with the Department of Transportation.

- **Rule Chapter 14-60, Florida Administrative Code, Department of Transportation, Airport Licensing and Zoning** – Describes and establishes the standards, practices, requirements, and procedures implementing the Department of Transportation’s statutory obligations for licensing airports (Chapter 330) and protection of navigable airspace (Chapter 333).

- **Rule Chapter 17-701, Florida Administrative Code, Department of Environmental Protection, Solid Waste Management Facilities** – In the interest of public health and airport safety, this rule prohibits the location of solid waste management facilities within specific distances from runways at any airport licensed by the state, owned or operated by the Federal government, or subject to regulation by the FAA.

### 7.3.3 COUNTY GUIDANCE

The Broward County Charter established the Broward County Planning Council, which has the responsibility, among other duties, for preparing a county-wide land use plan. The Charter also requires that all local land use plans conform to the *Broward County Land Use Plan* (considered the County’s official land use plan), which is effective upon adoption by the County Commission. The Planning Council is tasked with reviewing each local municipality’s land use plan for consistency with the *Broward County Land Use Plan*. The Broward County Code of Ordinances specifically addresses airspace obstructions, the location of sanitary landfills, and other potential bird attraction areas in relation to airport operations.

In 2003, Broward County added a requirement to review development permits for residential properties proposed to be located within a specified area of an existing or proposed runway of any County-owned airport. The review area includes the area that extends five miles along the direct centerline of the runway with a width that is ½ the length of the runway.

Permit approval for residential properties is conditional on the recording of a notification of potential aircraft over flight and noise impact. The County’s Department of Planning and Environmental Protection, Development Management Division is the clearinghouse for review of all applications, though BCAD is provided with the applications for comment within the notification area. Site plan reviews are conducted for properties in unincorporated Broward County, and plats are reviewed county-wide. BCAD is included in this review. Figure 7.2 illustrates the notification area applicable to this ordinance.

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1. *Broward County Code of Ordinances, Section 39.359.3*
BCAD staff is tasked with reviewing applications for development that may impact FAR Part 77 surfaces. FAA Form 7460 is used to request determination of potential obstructions to air navigation. The Fort Lauderdale-Hollywood International Airport Determination Map, including North Perry Airport and other surrounding airports, is shown in Figure 7.3 and illustrates the areas in Broward County that are required for FAA Form 7460 determination. BCAD coordinates this review with FAA.

Additionally, as part of its role to encourage land use compatibility with airport development, BCAD annually sends information to adjacent communities regarding FS, Chapter 333 and FAR Part 77. This process of educating adjacent communities should be continued and include North Perry Airport’s neighboring communities of the City of Pembroke Pines, City of Miramar, and City of Hollywood, focusing on areas of concern regarding North Perry Airport.
FIGURE 7.3
BCAD FAA 7460 DETERMINATION MAP

Source: BCAD Records
7.3.4 COMPARISON OF COUNTY AND LOCAL MUNICIPALITY COMPREHENSIVE PLANS

County and local municipality comprehensive plans are coordinated to support the goals and objectives with adjacent communities’ comprehensive plans. Both the Broward County Comprehensive Plan and the City of Pembroke Pines Comprehensive Plan contain the transportation element in which North Perry Airport is discussed. Neighboring communities such as the City of Miramar and the City of Hollywood do not incorporate North Perry Airport discussions into their comprehensive plans. Therefore, the guidance directed for the future growth of North Perry Airport and surrounding areas is determined primarily from Broward County’s and the City of Pembroke Pines’ comprehensive plans.

The City of Pembroke Pines Comprehensive Plan – Transportation Element describes the current state of North Perry Airport; however, the information contained is based on observations and information obtained in 1997, shortly after the previous master plan update was completed. The City of Pembroke Pines should be encouraged to update the transportation elements pertaining to North Perry Airport following the completion of this master plan update to reflect changes and planned improvements.

Similarly, Broward County’s Transportation Element should incorporate the findings and planned improvements into the County’s comprehensive plan. Table 7.1 provides a general side-by-side comparison of the City of Pembroke Pines Comprehensive Plan – Transportation Element and the Broward County Comprehensive Plan – Transportation Element.
### TABLE 7.1
GENERAL COMPARISON OF EXISTING COMPREHENSIVE PLANS – TRANSPORTATION ELEMENT REGARDING NORTH PERRY AIRPORT

<table>
<thead>
<tr>
<th>City of Pembroke Pines</th>
<th>Broward County</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Land uses along the airport property border are described as incompatible but notes that Broward County has undertaken initiatives to identify and reduce incompatibility at North Perry Airport.</td>
<td>▪ Coordinate with the Federal Aviation Administration, to ensure navigational aids are maintained and, where necessary, replaced or relocated.</td>
</tr>
<tr>
<td>▪ In terms of safety and the neighboring community, six of the Airport's eight Runway Protection Zones (RPZs) fall outside property, overlaying roads and commercial and residential properties.</td>
<td>▪ Conduct obstruction surveys annually to locate and identify existing obstructions that impact navigable airspace.</td>
</tr>
<tr>
<td>▪ Broward County Aviation Department conducts regular surveys for obstructions that affect airspace in the Airport’s runway approaches, and fixed objects including towers and light poles are marked with obstruction lights as required by FAA regulations.</td>
<td>▪ Continue to implement programs to prevent or address obstructions as defined by Federal Aviation Regulations (FAR) Part 77 within navigable airspace at Fort Lauderdale-Hollywood International Airport and North Perry Airport.</td>
</tr>
<tr>
<td>▪ An aircraft noise analysis completed in 1980 by Greiner Engineering Sciences, Inc. (based on 279,000 annual operations) indicated that the only occurrences of noise exposure levels greater than 65 DNL or greater are within Airport property boundaries.</td>
<td>▪ Review all proposed developments shown on site plans in the unincorporated area within 20,000 feet of existing County-operated airports to identify potentially incompatible land uses, including new residential uses within noise impact areas, landfills, and other wildlife hazards/attractants, and lights and glare impacts and keep advised of adjacent communities plans for developments within this area that could affect the safe operation of County-owned airports.</td>
</tr>
<tr>
<td>▪ The City of Pembroke Pines coordinates the North Perry Master Plan with Broward County, the Broward County Metropolitan Planning Organization (currently known as the Broward County Planning Council), and the Florida Department of Transportation, District IV.</td>
<td>▪ Continue to control development and ensure land uses compatible with airport operations within Runway Protection Zones.</td>
</tr>
</tbody>
</table>

Sources:
Broward County Comprehensive Plan
City of Pembroke Pines Comprehensive Plan
7.3.5 LOCAL MUNICIPALITY GUIDANCE

Municipal codes, including county ordinances, are the tools that can be used to manage land uses to minimize impacts to obstructions to air navigation. Appendix E provides a comparison between the existing ordinances for each municipality near North Perry Airport and the land use compatibility planning guidelines contained in FS, Chapter 333.

7.4 FUTURE LAND USE MAP

The Broward County Planning Council has the responsibility, among other duties, of preparing a countywide future land use map (FLUM). The Broward County Charter requires that all local future land use plans within the County conform to the Broward County’s FLUM. Under the Charter, the Broward County Land Use Map becomes the official land use plan within the County and is effective within all jurisdictions upon adoption by the County Commission. The FLUM is typically updated twice each year.

Since the Broward County Charter designates that the Broward County Planning Council prepare the land use plan covering all jurisdictions, the Broward County Land Use Plan serves as a basis for the land use element of the comprehensive plan for each of the local jurisdictions in the County. Although each local government is required to prepare a land use plan for its jurisdiction, this local land use element must be consistent with the Broward County Land Use Plan.

 Portions of the Broward County FLUM near North Perry Airport are illustrated in Figure 7.4. This exhibit depicts a general mix of residential, commercial, community facilities, and recreation and open space, in the areas near North Perry Airport. The future land use at North Perry Airport and surrounding municipalities can be summarized as follows:

- The Airport is identified as transportation use.
- To the north of the Airport, land is planned to be used primarily for residential with some commercial, recreation and utility uses. The planned land uses in the City of Miramar, located south of the Airport, are primarily residential with small areas for commercial and community facilities.
- To the east of the Airport, land is planned to be used primarily for residential purposes, with some commercial and community facilities. The Florida Turnpike corridor is located east of the Airport. Further east, land uses are planned to be residential, commercial, and light industrial.
- Directly west of the Airport is a large community facility with some commercial, residential, and commercial recreation land uses.
FIGURE 7.4
FUTURE LAND USE MAP

Source: Broward County Planning Council, December 12, 2006
A comparison of the existing land use compared to the future land use map indicates that future land use is largely consistent with the existing land use near North Perry Airport and in the nearby communities. The future land use map indicates some recreational space surrounding the Airport. It should be brought to the attention of the Broward County Planning Council that there FLUM dated 2006 indicates the parcel of land north of Runway 18L is planned as recreational space. While there is currently no development in this area, it should be noted that any future development considerations would infringe upon the imaginary runway protection zones which lie over the area.

7.5 ZONING

Zoning is the most typical tool used to promote land use compatibility near airports. Zoning is typically based on a comprehensive plan developed to consider the needs of a community. Each individual municipality is responsible for establishing its own zoning districts and related ordinances, which designates the use permitted on each parcel.

Generalized zoning in the Airport’s neighboring area is depicted in Figure 7.5. Broward County, the City of Pembroke Pines, City of Hollywood, and the City of Miramar have each adopted zoning ordinances. Each municipality controls zoning within its jurisdictional boundary, while the County controls zoning in the unincorporated areas. In general, conventional zoning in the areas surrounding the North Perry Airport do not differ substantially from existing generalized land use patterns. The City of Pembroke Pines Zoning Map does not incorporate a transportation designation. The Airport and Broward Community College are zoned for limited agricultural development. Otherwise, the existing land uses, zoning, and future land uses are similar for areas immediately adjacent to the Airport.

7.5.1 COMPATIBILITY WITH FLORIDA STATUTE, CHAPTER 333

Appendix E provides a comparison of the existing zoning ordinances from the municipalities near to North Perry Airport with the recommended land use compatibility planning guidelines contained in FS, Chapter 333.

Specifically, each municipality should have specific zoning ordinances addressing each of the following:

- Permit requirements or variances for structures exceeding federal obstruction standards;
- Requirements for obstruction marking and lighting;
- Notification of construction and valid aeronautical evaluation;
- Airport compatibility zoning regulations;
- Prevention of obstructions to air navigation (i.e., smoke, glare, etc.);
- Location of sanitary landfills that will not constitute a bird hazard to air navigation;
- Construction (or reconstruction) of residential or educational facilities in noise sensitive areas; and
- Construction limitations within runway protection zones.

The City of Pembroke Pines has included most of the FS, Chapter 333 recommendations in its existing zoning ordinances. The City of Hollywood and the City of Miramar have not incorporated these compatibility ordinances into their ordinances. Broward County has incorporated many of the FS, Chapter 333 recommendations into their ordinances.
FIGURE 7.5
GENERALIZED ZONING MAP

Sources: Compiled zoning maps from the City of Pembroke Pines, City of Miramar, City of Hollywood, Broward County and Montgomery Consulting Group, Inc.
7.6 COMPATIBLE LAND USE PLANNING

FAA has identified compatible land uses with aircraft noise using average day and night sound (DNL) levels. Table 7.2 describes the land use (residential, public use, commercial use, manufacturing and production, and recreational) by the yearly day-night average sound levels.

In general, FAA deems all land use compatible below 65 dB DNL. Additional compatibility includes:

- Outdoor sports are deemed compatible below 75 dB DNL.
- Commercial uses are deemed compatible below 70 dB DNL.
- Industrial uses are deemed compatible below 70 dB DNL (and higher with soundproofing).
- Residential uses are deemed compatible below 65 dB DNL.
- Hospitals and schools are deemed compatible below 65 dB DNL.
- Government services are deemed compatible below 70 dB DNL.

7.7 LAND USE CHANGES – ON AIRPORT

The majority of the airport’s property is used for aviation-related activities, and this should be the primary land use now and in the future. The northwest corner parcel on Airport property at University Drive and Pines Boulevard has previously been classified as non-aviation related has commercial usage. The corner of University Drive and Pembroke Road has had non-aviation related uses in recent years. This Master Plan Update recommends this southwest corner parcel be expanded via the relocation of Airport Road, be permanently labeled non-aviation related land-use, and be developed as commercial property, deemed the highest and best use for this corner property as noted on sheet 13 of 15 of the Airport Layout Plan Set. Commercial property development will provide additional revenues to support the North Perry Airport.
### TABLE 7.2

**LAND USE COMPATIBILITY* WITH YEARLY DAY/NIGHT AVERAGE SOUND LEVELS**

<table>
<thead>
<tr>
<th>Land use</th>
<th>Yearly day-night average sound level ($L_{dn}$) in decibels</th>
<th>Below 65</th>
<th>65–70</th>
<th>70–75</th>
<th>75–80</th>
<th>80–85</th>
<th>Over 85</th>
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</thead>
<tbody>
<tr>
<td>Residential</td>
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<tr>
<td>Residential, other than mobile homes and transient lodgings</td>
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<tr>
<td>Mobile home parks</td>
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<td>Y N N N N N</td>
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<tr>
<td>Transient lodgings</td>
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<tr>
<td>Public Use</td>
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<td>Schools</td>
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<tr>
<td>Hospitals and nursing homes</td>
<td></td>
<td>Y 25 30 N N N N</td>
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<tr>
<td>Churches, auditoriums, and concert halls</td>
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<td>Y 25 30 N N N N</td>
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<td>Governmental services</td>
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<tr>
<td>Transportation</td>
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<tr>
<td>Parking</td>
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<td>Y Y Y(2) Y(3) Y(4) Y(4) N</td>
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<tr>
<td>Commercial Use</td>
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<td>Offices, business and professional</td>
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<td>Y Y 25 30 N N N</td>
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<tr>
<td>Wholesale and retail—building materials, hardware and farm equipment</td>
<td>Y Y Y(2) Y(3) Y(4) N</td>
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<td>Retail trade—general</td>
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<td>Y Y 25 30 N N N</td>
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<td>Utilities</td>
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<td>Communication</td>
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<tr>
<td>Manufacturing and Production</td>
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<tr>
<td>Manufacturing, general</td>
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<tr>
<td>Photographic and optical</td>
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<td>Y Y 25 30 N N N</td>
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<tr>
<td>Agriculture (except livestock) and forestry</td>
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<tr>
<td>Livestock farming and breeding</td>
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<td>Mining and fishing, resource production and extraction</td>
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<tr>
<td>Recreational</td>
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<tr>
<td>Outdoor sports arenas and spectator sports</td>
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<td>Y Y(5) Y(5) N N N N</td>
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<td></td>
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<tr>
<td>Outdoor music shells, amphitheaters</td>
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<td>Y N N N N N N</td>
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<tr>
<td>Nature exhibits and zoos</td>
<td></td>
<td>Y Y N N N N N N</td>
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<tr>
<td>Amusements, parks, resorts and camps</td>
<td></td>
<td>Y Y Y N N N N</td>
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<td></td>
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<tr>
<td>Golf courses, riding stables and water recreation</td>
<td>Y Y Y 25 30 N N N</td>
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</tbody>
</table>

**Source:** FAA 14 CFR 150, Appendix A, Noise Exposure Maps

Numbers in parentheses refer to notes.

*The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

**Key to Table 1:**
- Y (Yes)=Land Use and related structures compatible without restrictions.
- N (No)=Land Use and related structures are not compatible and should be prohibited.
- NLR=Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
- 25, 30, or 35=Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.