

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 745

An Act to amend the Code of Virginia by adding sections numbered 15.1-491.03 and 36-99.10:1, relating to airport overlay zones.

[S 401]

Approved April 11, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 15.1-491.03 and 36-99.10:1 as follows:

§ 15.1-491.03. Aircraft noise attenuation features in buildings and structures within airport noise zones.

The governing body of any county, city or town in whose jurisdiction, or adjacent jurisdiction, is located a licensed airport or United States government or military air facility, may enforce building regulations relating to the provision or installation of acoustical treatment measures in residential buildings and structures, or portions thereof, for which building permits are issued after January 1, 1995, in areas affected by above average noise levels from aircraft due to their proximity to flight operations at nearby airports. In establishing such regulations, the governing body may adopt one or more noise overlay zones as an amendment to its zoning map and may establish different measures to be provided or installed within each zone, taking into account the severity of the impact of aircraft noise upon such buildings and structures within each zone. Any such regulations or amendments to a zoning map shall provide a process for reasonable notice to affected property owners. Any regulations or amendments to a zoning map shall be adopted in accordance with this chapter. A statement shall be placed on all subdivision plots and site plans approved after January 1, 1995, giving notice that a parcel of real property either partially or wholly lies within an airport noise overlay zone. No existing use of property which is affected by the adoption of such regulations or amendments to a zoning map shall be considered a nonconforming use solely because of such regulations or amendments. The provisions of this section shall not affect any local aircraft noise attenuation regulations or ordinances adopted prior to the effective date of this act, and such regulations and ordinances may be amended provided such amendments shall not alter building materials, construction methods, plan submission requirements or inspection practices specified in the Virginia Uniform Statewide Building Code.

§ 36-99.10:1. Standards for installation of acoustical treatment measures in certain buildings and structures.

The Board of Housing and Community Development shall promulgate regulations by October 1, 1994, for installation of acoustical treatment measures for construction in areas affected by above average noise levels from aircraft due to their proximity to flight operations at nearby airports. Such regulations shall provide for implementation at the option of a local governing body pursuant to the provisions of § 15.1-491.03.