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SENATE BILL NO. 401

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government)
(Patron Prior to Substitute—Senator Holland, C.A.)

Senate Amendments in [] — February 10, 1994

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

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 adopt reasonable regulations relating to the provision or installation of acoustical treatment measures in [~~residential and institutional~~ residential] buildings and structures, or portions thereof, to be constructed 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 adopted pursuant to this statute shall become a part of the city's building code and shall conform with the regulations contained in the Uniform Statewide Building Code. 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.

§ 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 standards 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 standards shall provide for implementation at the option of a local governing body pursuant to the provisions of § 15.1-491.03.

2. That the provisions of this act shall not affect any local aircraft noise attenuation regulations or ordinances adopted prior to the effective date of this act.

ENGROSSED

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