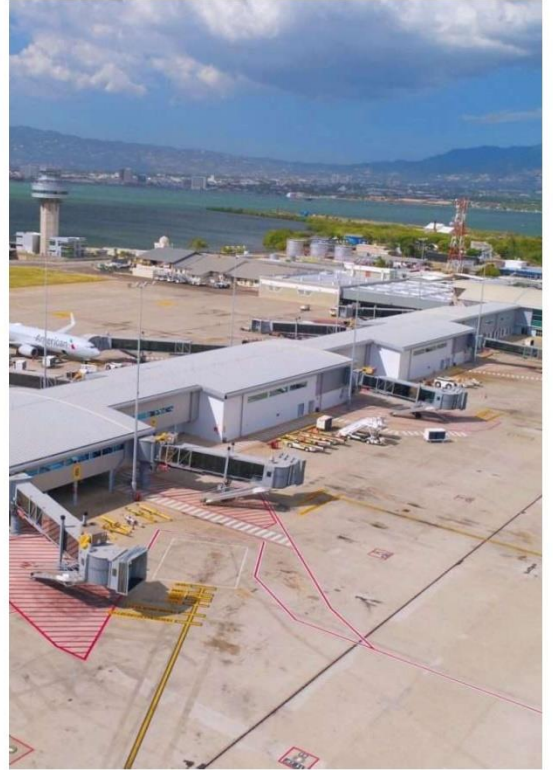


SUPPORT TO AIRPORT ZONING PLAN REPORT

VARIOUS ENVIRONMENTAL, ZONING & OTHER BASELINE STUDIES FOR THE NORMAN MANLEY INTERNATIONAL AIRPORT



OCTOBER 2020

Table of Contents

List of Tables.....	ii
List of Figures	iii
1 Introduction.....	1
1.1 General Approach	1
1.2 TOR Requirements: Support to Airport Zoning Adaptation Procedures.....	1
2 Recommended Zoning Policy & Land Use Overlay Map	2
2.1 Airport Zoning Overlay District	2
2.1.1 Application.....	3
2.1.2 Purpose and Intent.....	3
2.1.3 Relation to other zoning districts	3
2.1.4 General Provisions.....	3
2.1.5 District Boundaries:	4
2.2 Definitions	4
2.3 Zones and Surfaces.....	8
2.3.1 Establishment of Surface Zones.	8
2.3.2 Airport Zones and District Regulations:	8
2.4 Use Restrictions.....	13
2.4.1 Pre-Existing Non-Conforming Uses.....	13
2.4.2 Pre-Existing Permitted Use:.....	13
2.4.3 Obstruction Marking and Lighting.	14
2.5 Approvals and Permits.....	14
2.5.1 Permit Applications.	14
2.5.2 Variances	15
2.5.3 Administration.....	15
2.5.4 Appeals and Review.....	15
2.5.5 Penalties	16
2.5.6 Severability	16
3 Summary for Develop Proposed Zoning Policy & Land Use Map	17

List of Tables

Table 2.1: Dimensions and slopes of OLS (abridged).....	7
Table 2.2: Dimensions and slopes of obstacle limitation surfaces.....	7

List of Figures

Figure 2.1: NMIA Proposed Airport Overlay Zoning	2
Figure 2.2: Approach Obstacle Limitation:	6
Figure 2.3: NMIA Development Zone Map.....	6
Figure 2.4: OLS Surfaces Layout:	8
Figure 2.5: Airport Restricted Zones to establish Locality	8
Figure 2.6: NMIA Proposed Airport Overlay Zoning	9
Figure 2.7:Wildlife Hazard Restriction Zones.....	11

1 Introduction

1.1 General Approach

This report presents the procedures to implement the Airport Zoning plan and proposes recommendations to address existing or potential issues which were identified from the study titled “Analysis of Current Situation”.

1.2 TOR Requirements: Support to Airport Zoning Adaptation Procedures

Activity 5.2: Support to Airport Zoning Adaptation Procedures: The duration of this activity will be one month. During this period, the Contractor will support AAJ/ NMIA to develop the Order or the procedure to implement the Airport Zoning. The Contractor’s support will be technical and all the required technical reports or draws will be drafted.

2 Recommended Zoning Policy & Land Use Overlay Map

2.1 Airport Zoning Overlay District

The most common form of ordinance found during the research was an overlay zone in which an airport influence area was delineated and overlaid on a base zoning district, typically an industrial or airport district. The special restrictions detailed in the overlay provide an additional regulatory layer to the base zoning requirements. In general, uses allowed in the underlying district are permitted to the extent they are not restricted by the specific requirements of the overlay zone.

The overlay district is a more succinct set of rules specifically related to the NMIA which can be put into effect via Development Orders of the 3 Municipalities which the NMIA Airport Zone relates to namely, Kingston & St Andrew, Portmore and St. Thomas.

The purpose for this approach relates to the process for its adoption. A national set of ordinances should first be adopted by the JCAA, to establish a standard framework for individual airport policies to adhere to. This will ensure uniformity of policies, reducing time to enact laws to apply to other Airport Zones (drafting, review, stakeholder hearings, establishing consensus through debates for final adoption), as well as for the training of staff at the approval agencies to become familiar with airport issues to be able to administer the proposed Ordinances.

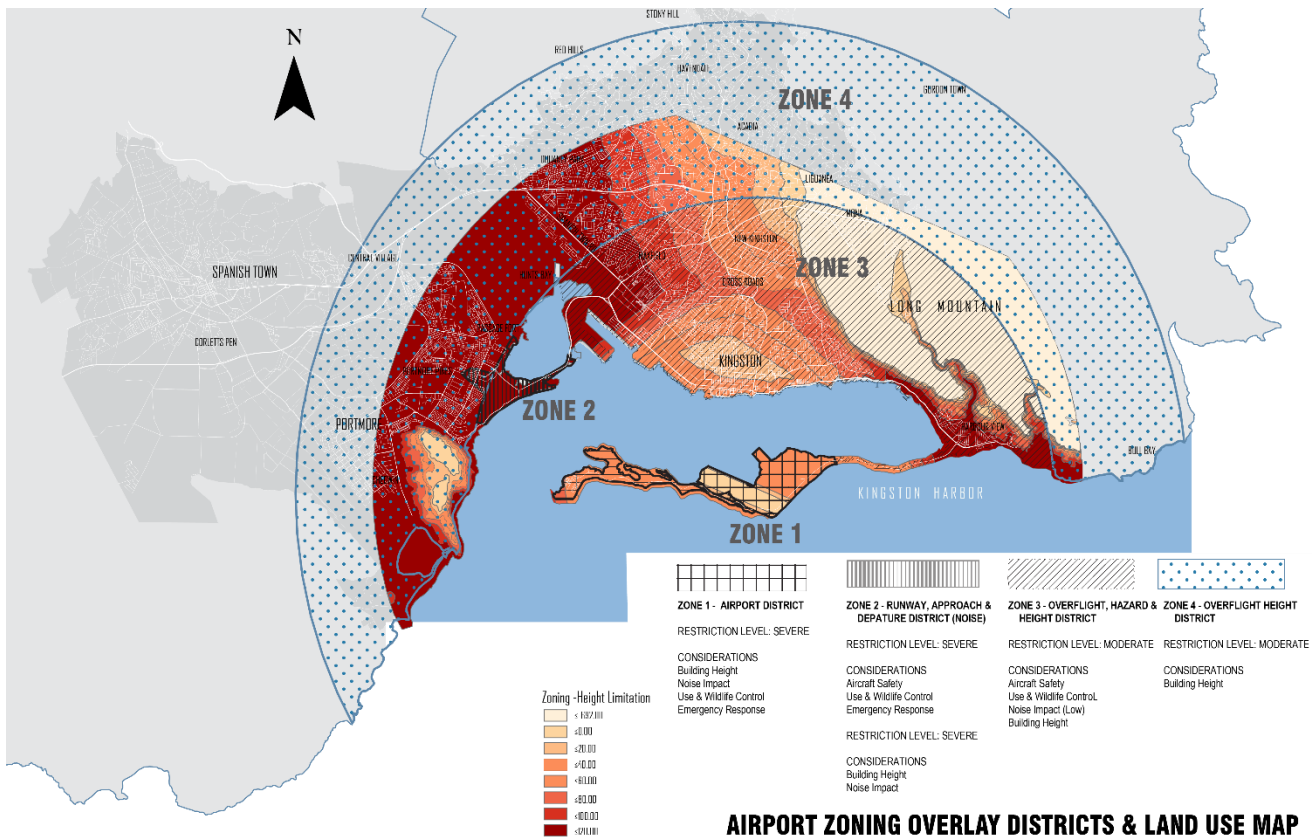


Figure 2.1: NMIA Proposed Airport Overlay Zoning

Certain dimensions [1-] and the designation of duties [2-] will be left to the aviation expertise of the Jamaica Civil Aviation Authority (JCAA) to determine measurements as well as to allocate resources/personnel where needed. It is for this reason, the ordinances have variables that have not been stated and emphasized in blue text like this: [dimensions, designation of duties and dollar amounts]

2.1.1 Application.

The regulations and standards contained in this chapter shall apply to all applications to:

1. Erect a new structure.
2. Add to or increase the height of an existing structure; and
3. Establish, erect, and/or maintain any use, structure, or object (natural or man-made) within the NMIA Airport Zoning Overlay District.

2.1.2 Purpose and Intent

The purpose and intent of the Airport Zoning Overlay District is to:

1. Create a district zone that considers safety issues around the NMIA which is read in conjunction with (overlaid on top of) other development controls;
2. Regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
3. Create a permitting process for certain uses, structures, and objects within said related zones.

2.1.3 Relation to other zoning districts

The Airport Zoning Overlay District shall not modify the boundaries of any other overlay zoning district. Where identified, the Airport Zoning Overlay District shall impose certain requirements on land use, construction and development in addition to those contained in the applicable underlying zoning district and/or applicable overlay zoning district for the same area.

2.1.4 General Provisions

1. Use Restrictions: Notwithstanding any other provision of this chapter, the following standards shall be in full force and effect within the airport overlay zoning district:
 - a. No glare producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the airport (zone 1).

There shall be neither display of signs which produce a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify airport lights (zones 1 and 2).

No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station (all zones).

No structure or use shall impair the visibility in the vicinity of the airport, or otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport, including the emission or discharge of smoke, steam or other obscuring phenomena which would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the airport (zones 1 and 2).

1. Notify Persons of Adverse Impacts; Non-liability of the Municipality: Persons constructing a structure or structural alteration within zones 1 and 2, shall be advised that such structure or structural alteration is situated in the area of the airport and may be subject to noise, dust, lights, and the arrival and departure of aircraft, which may cause damage to dwellings or other structures, or may adversely impact the health of animals. The municipality, its officers, agents, or employees will not be responsible for any adverse impacts of any description whatsoever as a result of aircraft or airport operations.

2. Airport Zones: All airport zones established by this chapter are shown on the airport zoning map on file with the municipality and adopted as part of this chapter.
3. Height Zones: All height zones previously established by the NMIA height limitation zoning ordinance are now included in this chapter and shown on the airport zoning map.
4. Height Limitations: Except as otherwise provided in this chapter, no structure, tree or growth shall be erected, altered, allowed to grow, or be maintained within any of the four (4) airport zones established by this chapter to an elevation in excess of the applicable elevation limitations as shown on the airport zoning map. The permitted elevation shall not exceed the elevation limitation numbers shown within the various zones/districts encompassed by this chapter.

2.1.5 District Boundaries:

1. District boundary lines are centerlines of highways, roads or pavements, section, division of section, tract, or lot lines, or extensions of such lines, as applicable, or as otherwise indicated.
2. When a district line divides a lot/parcel of record existing prior to the effective date hereof, in such a manner that a use is not permitted in the most restrictive district of such lot, but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:
 - a. The proposed use meets the underlying municipal zoning requirements;
 - b. The use complies with all applicable setback requirements;
 - c. A site plan, drawn to scale showing the location of the use and the district line on that lot/parcel, is submitted to the municipality and is reviewed and approved pursuant to the procedure contained herein.

Zone 1 shall be considered the most restrictive, and zone 4 shall be considered the least restrictive.

1. **Buildings to Conform With Regulations:** Except as otherwise provided in this chapter, no land, building, or structure shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein.
2. **Conflict:** The provisions of this chapter shall prevail over the zoning districts and regulations of the parish of Kingston & St. Andrew. However, the provisions of this chapter shall be considered minimum requirements. In zones 2, 3 and 4, where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict is with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinances shall govern and prevail.

2.2 Definitions

The terms that follow shall have the definitions indicated:

AIRPORT ELEVATION — The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation for NMIA is **3 metres**.

AIRPORT HAZARD — Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous.

AIRPORT HAZARD AREA — Any area of land or water upon which an airport hazard might be established if not prevented as provided

NMIA — Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon. The term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

APPROACH SURFACE (ZONE) — An imaginary surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach.

CONICAL SURFACE (ZONE) — An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet.

HEIGHT — To determine the height limits in all zones shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE (ZONE) — An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone is derived from the horizontal surface.

LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE — Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of airport zoning overlay.

NONPRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION — Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

PRECISION INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE (ZONE) — An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

RUNWAY — A defined area of an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACE (ZONE) — An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven feet horizontally to one foot vertically.

TREE — Any object of natural growth.

UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.

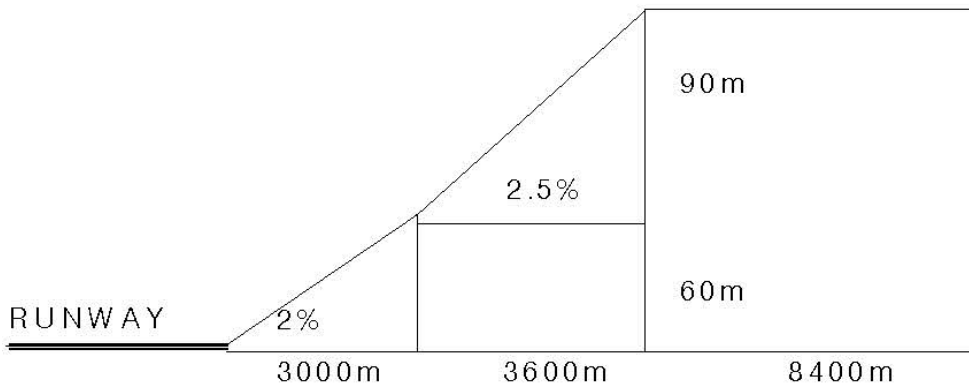


Figure 2.2: Approach Obstacle Limitation:¹

Sketch showing elevation of the approach obstacle limitation. Source: Airport Authority of Jamaica

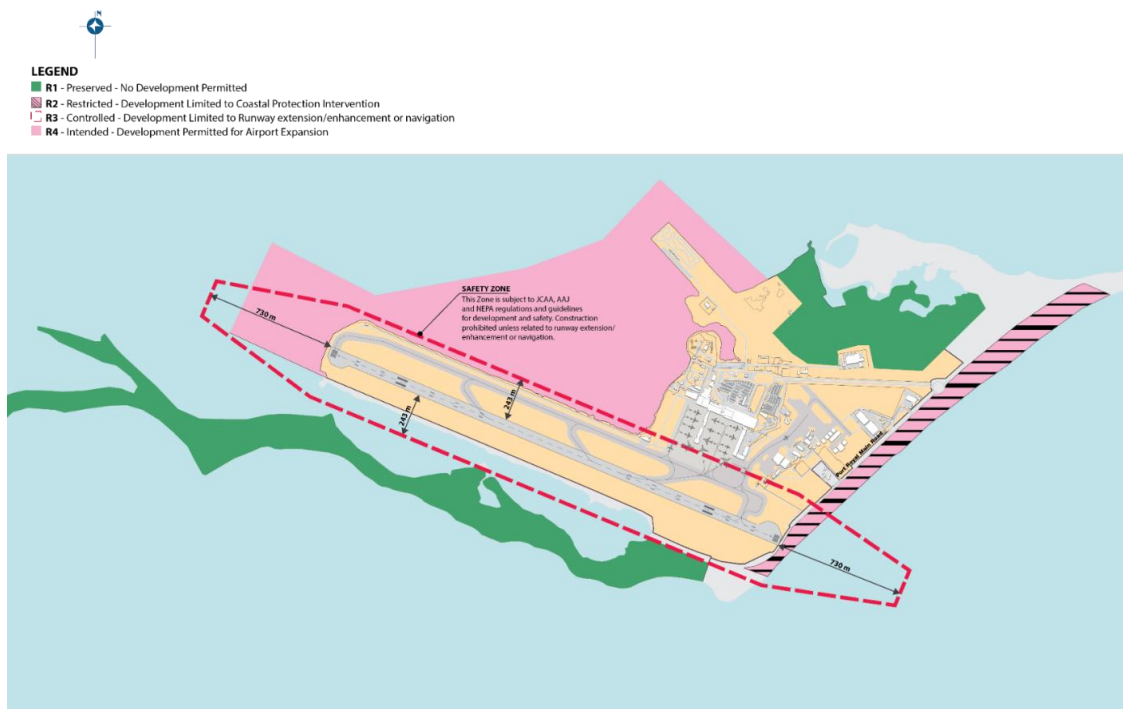


Figure 2.3: NMIA Development Zone Map

¹ International Finance Corporation. Norman Manley International Airport PPP. Master Plan – Final. May 24, 2013

Table 2.1: Dimensions and slopes of OLS² (abridged)

Runway Classification: Precision approach category	
Approach Runways	II or III Code Number
Surface and dimensions [a]	3,4
First section	
Length	3 000 m
Slope	2%
Second section	
Length	3 600 m [b]
Slope	2.5%
Horizontal section	
Length	8 400 m [b]
Total length	15 000 m

[a] All dimensions are measured horizontally unless specified otherwise.

[b] Variable length.

Table 2.2: Dimensions and slopes of obstacle limitation surfaces³

Runways meant for take-off			
Surface and dimensions [a]	Runway Classification		
	Code 1	Code 2	Code 3 or 4
TAKE-OFF CLIMB	•	•	•
Length of inner edge	60 m	80 m	180 m
Distance from runway end[b]	30 m	60 m	60 m
Divergence (each side)	10%	10%	12.5%
Final width	380 m	580 m	1 200 m, 1 800 m [c]
Length	1 600 m	2,500 m	15 000 m
Slope	5%	4%	2%

[a] All dimensions are measured horizontally unless specified otherwise.

[b] The take-off climb surface starts at the end of the clearway if the clearway length exceeds the specified distance.

[c] 1,800 m when the intended track includes changes of heading greater than 15° for operations conducted in IMC, VMC by night.

² *Aerodrome Design and Operations. International Standards and Recommended Practices. 5th Edition. July 2009. ICAO. Annex 14 Vol. 1*

³ *Aerodrome Design and Operations. International Standards and Recommended Practices. 5th Edition. July 2009. ICAO. Annex 14 Vol. 1*

2.3 Zones and Surfaces

2.3.1 Establishment of Surface Zones.

There are hereby created and established certain [imaginary] surface zones within the Airport Zoning Overlay District, depicted on, Figure 2.4 and illustrated on Airport Zoning Overlay District Map" as follows:

1. Take off Surface
2. Approach Surface.
3. Conical Surface.
4. Inner/Outer Horizontal Surface
5. Transitional Surface

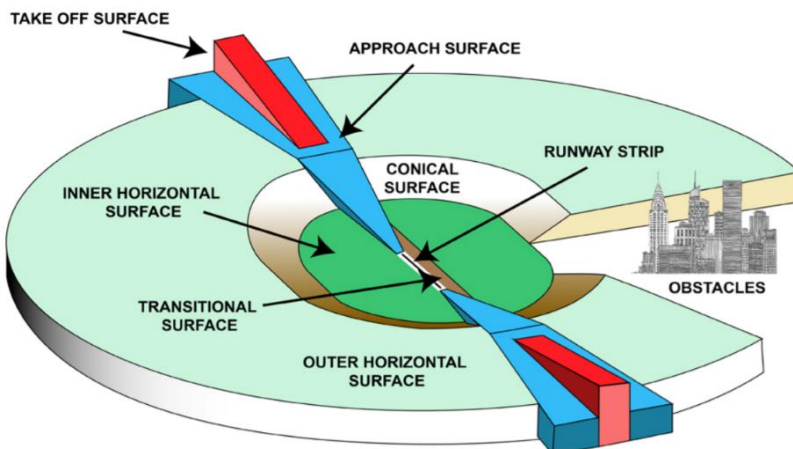


Figure 2.4: OLS Surfaces Layout:⁴



Figure 2.5: Airport Restricted Zones to establish Locality⁵

2.3.2 Airport Zones and District Regulations:

The regional site Assessment Map highlights the different issues that the airport is subjected to. From this assessment, the zoning map was created. In order to carry out the provisions of this chapter, there are hereby created and established four (4) zones as shown on the airport zoning map, consisting of one sheet, and made a part of this chapter by reference. For the purpose of this chapter, the lands and waters within three (3) statute miles from the boundaries of the airport are divided into four (4) districts defined as follows:

⁴ Aerodrome Safeguarding Workshop (Cairo, Egypt, 4-6 December 2017). Development of Sharm El Sheikh International Airport Obstacle Limitation Surfaces Consultancy Studies

⁵ International Finance Corporation. Norman Manley International Airport PPP. Master Plan – Final. May 24, 2013

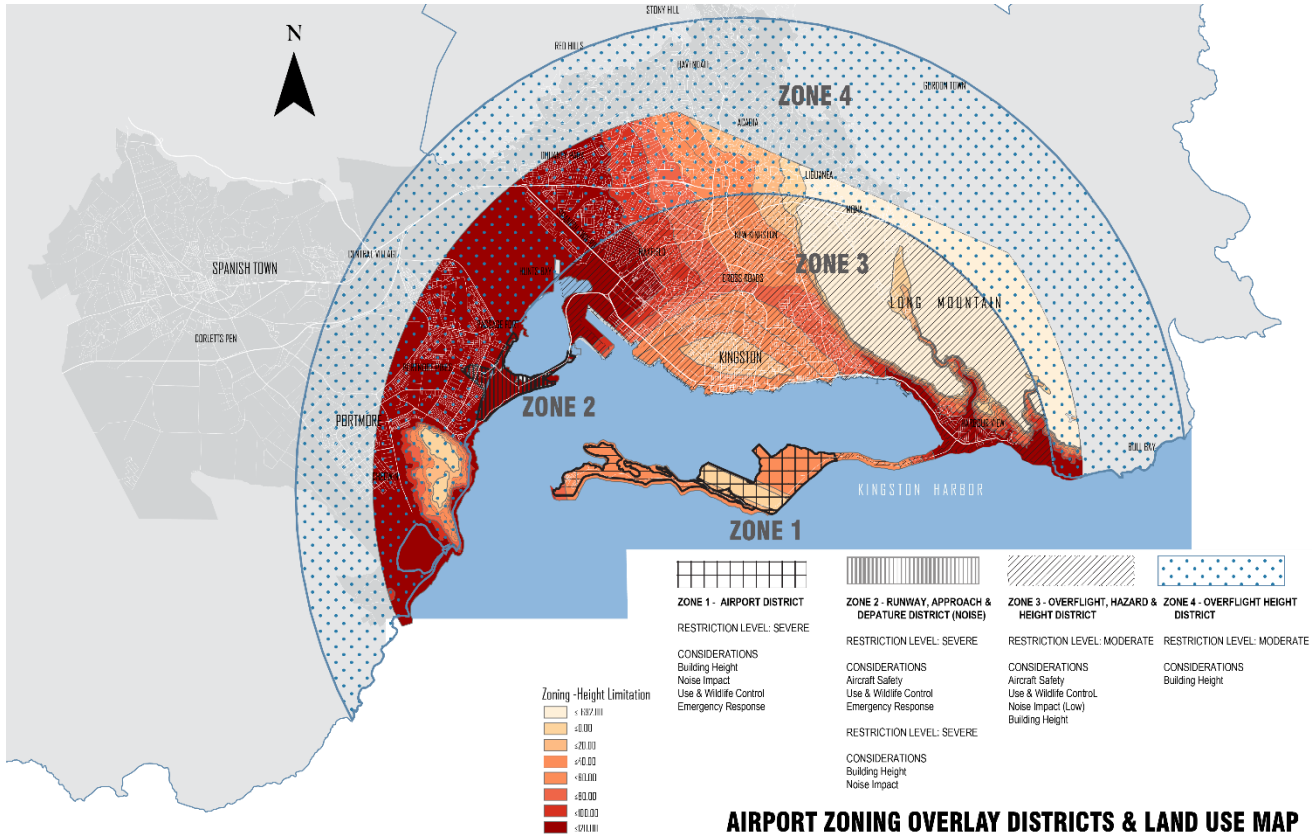


Figure 2.6: NMIA Proposed Airport Overlay Zoning

2.3.2.1 Zone 1 - Airport District:

The "airport district" is defined as all those lands controlled by the airport, either by fee ownership or by an easement, and intended to be used for airport purposes. The airport district is created to encompass areas that, due to the operation of aircraft, could be exposed to excessive noise, are within the aircraft approach and departure areas, or are in areas which are exposed to a greater risk of aircraft crashes (crash hazard area). The airport district is established to protect the approaches to the airport from incompatible land uses, and to preserve the airport's ability to serve its present and future air transportation needs. Any new building, or expansion, alteration, or enlargement of any existing building, structure, or property within this zone must be approved by the Municipality and the JCAA. Any construction, expansion, alteration, or enlargement must receive a favorable airspace review from the JCAA. The boundaries of the airport district are shown on the airport zoning map.

2.3.2.1.1 Permitted Uses and Structures:

ONLY uses and structures that are directly related to and necessary for the function and operation of the airport.

- a. Air cargo facilities. Air terminals. Aircraft hangars.
- b. Aircraft repair and maintenance buildings and facilities.
- c. Airport administration and maintenance buildings and facilities. Airport security, rescue, and firefighting buildings and facilities. Commercial uses directly related to airport operations.

- d. Fuel storage facilities and pumps. Intermodal facilities.
- e. Emergency response facilities.
- f. Public gatherings in conjunction with an airport related activity sponsored or approved by the airport.
- g. Runways, taxiways, aprons, and related lighting and air support apparatus. Other related airport uses and structures.

2.3.2.1.2 Dimensional Requirements:

The size, height, location, and placement of structures or objects shall comply with FAA design standards associated with critical aircraft data presented on the latest approved airport layout plan, [and shall comply with FAA federal air regulation part 77.25](#), "Objects Affecting Navigable Airspace - Civil Airport Imaginary Surfaces", by not penetrating any of the design or imaginary surfaces.

2.3.2.2 Zone 2 - Runway Approach and Departure District (Noise Control):

The purpose of this district is to establish land use requirements in areas that are typically overflown by aircraft during takeoff and landing maneuvers, and hence could be subjected to excessive noise and greater risk of aircraft crashes.

2.3.2.2.1 Permitted Uses:

1. Agriculture, including essential non-residential facilities.
2. Airport owned or operated facilities.
3. Commercial and governmental uses that are not places of public assembly.
4. Floriculture, horticulture, orchards, hatcheries, game farms - except aviaries.
5. Industrial.
6. Light recreational (non-spectator).
7. Mining and excavation.
8. Open space.
9. Parking lots and parking facilities with downlit lights.
10. Transportation routes, including roads and rail lines.

2.3.2.2.2 Prohibited Uses:

1. Any construction or activity that would encourage the concentration of bird or waterfowl populations.
2. Any detention/retention ponds, or any other body of water, either natural or artificial, without the expressed written approval of the JCAA/Municipality.
3. Any facility that, when ignited, would discharge smoke that would be a hazard to air navigation of aircraft in taking off and landing at the airport.
4. Any use that may be susceptible to being adversely affected by loud and extensive noise or would interfere with the safe operation of the airport.
5. Hospitals, churches, schools, theaters, amphitheatres, stadiums, athletic fields, and campgrounds, or other places of public assembly.

6. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.
7. Poultry production.
8. Residential uses.

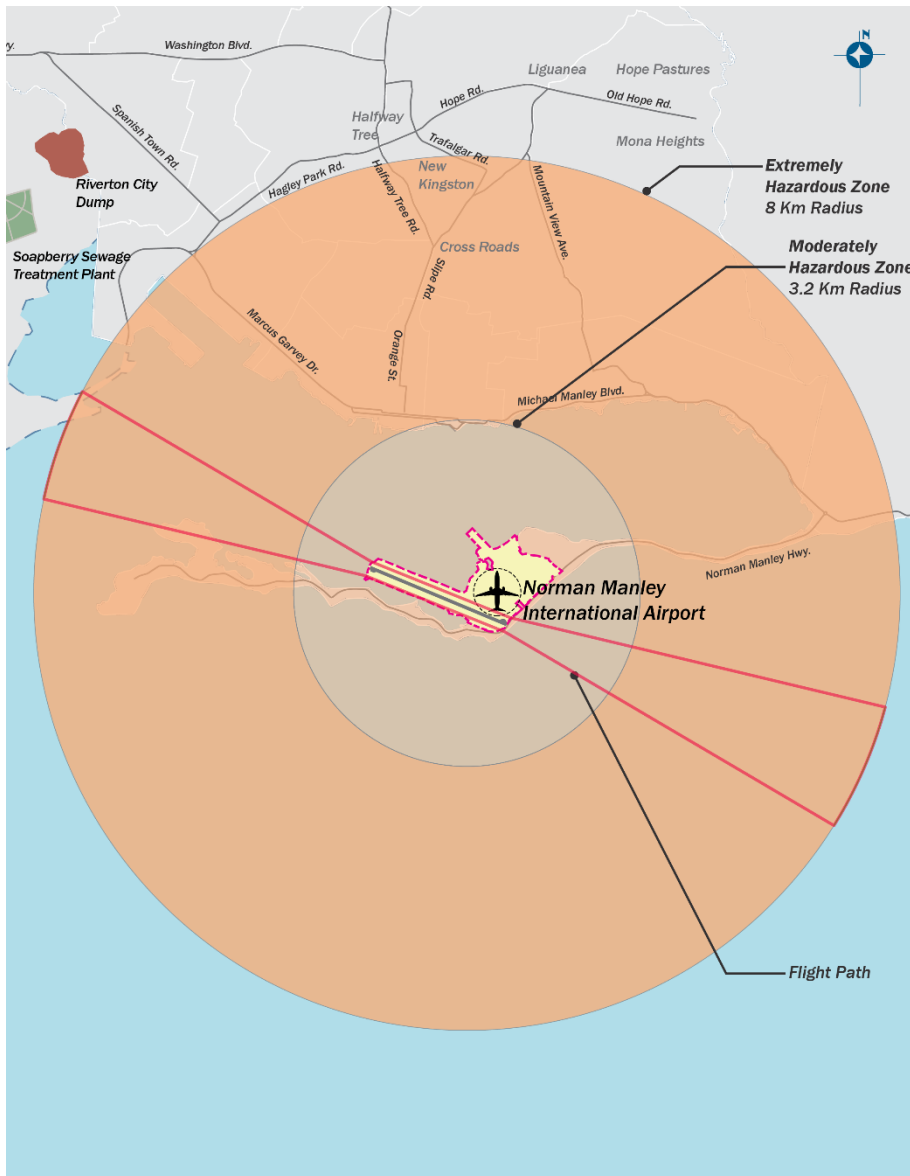


Figure 2.7: Wildlife Hazard Restriction Zones

2.3.2.2.3 Dimensional Requirements:

1. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
2. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
3. Lot Density: The maximum lot coverage allowed is fifty percent (50%) or as allowed by the underlying municipal zoning, whichever is more restrictive

2.3.2.2.4 Zone 3 - Overflight, Height and Wildlife Limitation District:

The purpose of this district is to minimize the conflict between allowed uses and the aircraft noise generated in this zone.

2.3.2.2.5 Permitted Uses:

All uses are allowed; provided, that the proposed development meets the following requirements:

1. No structures may exceed the height permitted by the airport zoning map.
2. The proposed use meets the underlying municipal zoning requirements.

2.3.2.2.6 Prohibited Uses:

Parcels falling within this district shall be prohibited from the construction or establishment of the following, in accordance with FAA advisory circular 150/5200-33A, relating to hazardous wildlife attractants on or near airports:

- a. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

2.3.2.2.7 Dimensional Requirements:

- a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
- b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.

2.3.2.3 Zone 4 – Overflight and Height Limitation District:

The purpose of this district is to protect the approaches to the airport from the construction or erection of structures that would constitute a hazard to air navigation, and from incompatible land uses.

2.3.2.3.1 Permitted Uses:

All uses are allowed provided that the proposed development meets all uses allowed by the underlying municipal zoning requirements.

2.3.2.3.2 Prohibited Uses:

Parcels falling within ten thousand feet (10,000') of the nearest point on the nearest runway shall be prohibited from the construction or establishment of the following, in accordance with FAA advisory circular 150/5200-33A relating to hazardous wildlife attractants on or near airports:

- a. Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

2.3.2.3.3 Dimensional Requirements:

- a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
- b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.

2.4 Use Restrictions

Notwithstanding any other provisions of this overlay district, no use shall be made of land or water within the Airport Zoning Overlay District in such a manner as to:

1. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
2. Make it difficult for pilots to distinguish between airport lights and others;
3. Impair visibility in the vicinity of the airport;
4. Create bird strike hazards; or
5. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).

2.4.1 Pre-Existing Non-Conforming Uses.

1. The regulations prescribed by Overlay Zoning District shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Zoning, or otherwise interfere with the continuance of a nonconforming use.
2. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once reverted to a conforming use, subject to the provisions of the Zoning Ordinance, may only be re-established consistent with the provisions of the Overlay Zone.

2.4.2 Pre-Existing Permitted Use:

1. Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this chapter, and if such is diligently prosecuted.
2. Because of the special nature of this district with its unique purpose and justification, the owner of any preexisting permitted use which, as a result of fire, explosion, or other casualty, is damaged or destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use of the same parcel, provided all of the following requirements are met:
 1. The preexisting permitted use complies with the height limitation imposed by this chapter, and a statement showing such compliance is approved by the municipality prior to any rebuilding, reconstruction, or rehabilitation.
 2. The preexisting permitted use shall not be rebuilt, reconstructed, or rehabilitated unless it conforms to the size, location, and use that existed immediately prior to its destruction.
3. Because of the special nature of this district with its unique purpose and justification, any preexisting permitted use, as described in this section, may be expanded, altered, or otherwise enlarged as long as all of the following requirements are met:
 1. The expansion, alteration, or enlargement meets the requirements of height limitation zoning, and a statement showing such compliance is approved by the municipality prior to the expansion, alteration, or enlargement.

2. The expansion, alteration, or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or taking off or creates or increases any potential hazard to any persons on the ground.
3. The expansion, alteration, or enlargement shall not exceed twenty five percent (25%) of the gross floor area of the structure in existence as of the [effective date hereof](#).

2.4.3 Obstruction Marking and Lighting.

Any permit or variance granted pursuant to the provisions of this Overlay Zoning may be conditioned according to the process described in Variances to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

2.5 Approvals and Permits

2.5.1 Permit Applications.

1. Applicants for a permit in the Airport Zoning Overlay District to:
 - a. Erect a new structure whose height surpasses that of surrounding structures;

Add to or increase the height of an existing structure; or

Establish, erect, and/or maintain any use, structure, or object (natural or man-made), in the Airport Zoning Overlay District:

shall first notify the JCAA by submitting **Notice of Proposed Construction or Alteration Form** to obtain an obstruction review of the proposal at least **amount of days** prior to applying for a permit. The JCAA's response must be included with this permit application for it to be considered complete. If the JCAA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the JCAA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in the Section on Variances.

2. **Exceptions.** In the following circumstances, notification of a permit and submission of Notice of Proposed Construction or Alteration Form shall not be required:
 1. In areas lying within the overlay zone for the NMIA, as depicted on the Airport Zoning Overlay District Map, no approval shall be required for any tree or structure less than 200 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
 4. In areas lying within the overlay zone for the NMIA, as depicted on the Airport Zoning Overlay District Map, no approval shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
 5. Applications to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

2.5.2 Variances

1. In addition to the provisions set forth in the Zoning Code relating to variances, any request for a variance shall include documentation in compliance with the Notice of Proposed Construction or Alteration Form. Determinations of whether to grant a variance will depend on the determinations made by the JCAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the JCAA has placed the proposed construction in:
 - a. **No objection.** The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - b. **Conditional determination.** The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures with regards to Obstruction marking and lighting.
 - c. **Objectionable.** The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
2. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this overlay district.

2.5.3 Administration

1. Regardless of the municipality in which this chapter is in effect, administration of this chapter shall be the **responsibility of the municipality**, unless otherwise specified.
2. The administration of this chapter requires the approval of the Municipality. The Municipality shall, **within amount of working days**, either approve or disapprove the proposed "development" as defined under **Permits Applications** of this chapter, based upon the provisions, standards, and requirements of this chapter.
3. If the proposed development is approved by the Municipality and meets the building requirements of the affected municipality, a building permit shall be issued by the municipality. If the proposed development is not approved by the Municipality, no building permit shall be issued by the affected municipality.
4. The Municipality shall have the right to remove, at the owner's expense, any use, object, or structure which was developed, constructed, placed or planted after the adoption of this chapter and found to be in violation of this chapter.

2.5.4 Appeals and Review

Any person aggrieved or affected by a decision or action of the department made in the administration of this chapter may appeal such decision or action to the **Appeals Board**, provided:

1. Such appeals are filed with the **Appeals Board** within thirty (30) calendar days following the administrative decision.

2. The appeal specifies the exact location of the parcel of land affected by the decision and the reason(s) for the appeal.

2.5.5 Penalties

In case of any violation of any provision of this chapter, the department may institute appropriate legal action or proceeding to enjoin a violation of this chapter.

1. Each violation of these regulations, or of any regulation, order, or ruling promulgated hereunder, shall constitute an airport hazard, and such hazard shall be removed by proper legal proceedings. In addition, the Municipality may institute in the **Circuit Court** an action to prevent and restrain, correct or abate any violation of these zoning regulations, or any regulation, order, or ruling made in connection with their injunction (which may be mandatory), or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of these zoning regulations as adopted, and orders and rulings made pursuant thereto.
2. Any person, firm, or corporation found guilty of violating any provision(s) of this chapter shall, upon conviction thereof, forfeit not less than **amount of dollars** nor more than **amount of dollars** for such offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

2.5.6 Severability

If any of the provisions of this chapter, or the application thereof to any persons or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

3 Summary for Develop Proposed Zoning Policy & Land Use Map

The most commonly used form of ordinance found during the research was an overlay zone in which an airport influence area was delineated and overlaid on a base zoning district, typically an industrial or airport district. The special restrictions detailed in the overlay provide an additional regulatory layer to the base zoning requirements. In general, uses allowed in the underlying district are permitted to the extent they are not restricted by the specific requirements of the overlay zone. The overlay district is a more succinct set of rules specifically related to the NMIA which can be put into effect via Development Orders of the 3 Municipalities which the NMIA Airport Zone relates to (namely: Kingston & St Andrew, Portmore and St. Thomas).

The overlay zoning divides the airport's imaginary and land surfaces into 4 zoning districts, namely,

1. Airport district
2. Runway Approach and Departure District (Noise Control):
3. Overflight, Height and Wildlife Limitation District
4. Overflight and Height Limitation District

These 4 zones outlines specific ordinances, their purpose/intent, relation to other zoned areas, permitted and prohibited uses; use restrictions; approvals and permits; administration; appeals and review; penalties and severability.