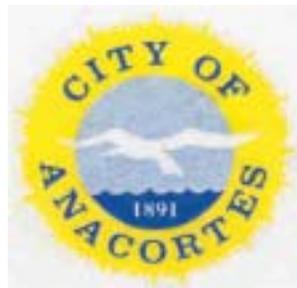


# **ANACORTES AIRPORT SUB-AREA PLAN**



**MARCH 29, 2005**

**This version was created by incorporating City Council recommendations from the  
March 28, 2005 City Council meeting**



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## I. INTRODUCTION

The City of Anacortes (the “City”) and the Port of Anacortes (the “Port”) propose to establish certain vested land uses and related activities in relation to aeronautical uses on the Port’s property at the Anacortes Airport, subject only to the terms and conditions set forth herein, for the duration of the Development Agreement attached hereto as Appendix “A”. In addition, the City proposes to adopt and implement a Sub-Area Plan for the Anacortes Airport and development regulations for development of land within the sub-area.

Because of the Development Agreement, these development regulations would apply only to conditionally permitted uses during the term of the Agreement, and after the expiration of the Development Agreement, then to all land uses within the sub-area. As part of the Development Agreement, to this end, the City and the Port agree as follows:

1. The Port’s Operational, Safety, and Perimeter Fences shall be installed in the location as set forth in Exhibit “A” of the Development Agreement;
2. A Native Growth Protection Easement shall be established by the Port for the Panhandle Reserve and Rockwell Reserve Areas shown in Exhibit “A” of the Development Agreement within a reasonable timeframe, recognizing the processes required by the FAA to establish such an easement over an area that is presently subject to FAA grant assurances;
3. The trees within the Anacopper Future Process Area shall be allowed to be topped to meet the FAR Part 77 obstruction removal requirements without mitigation; but however, if the Port elects to remove any such obstruction trees within the Anacopper Future Process Area, then such removal shall be subject to the mitigation requirements set forth in Exhibit “D” of the Development Agreement. The reasonable mitigation will provide sufficient vegetation to maintain the buffer/screening effect of this area.
4. No development within the Anacopper Future Process Area is anticipated to occur until the City and the Port complete a future land use planning process, including the adoption of reasonable zoning entitlements for aeronautical and aeronautical related uses, and reasonable mitigation thereof. In order to ensure that this process occurs and is completed prior to development pressures occurring, the parties agree that, upon the request of the Port, the City shall, in consultation with the Port, initiate and reasonably conclude a comprehensive plan and development regulation adoption process, to allow reasonable aeronautical uses and aeronautical related land uses within the Anacopper Future Process Area, subject to reasonable mitigation, development standards/regulations and approval processes. Until such time as the planning process is complete, aeronautical uses and aeronautical uses only, shall be permitted as a conditional use following the process set forth in AMC section 17.10.069.100 - .105, to seek a conditional use and subject to reasonable environmental mitigation and compliance with wetland regulations. This process shall be compliant with law and part of the City’s annual Growth Management Act batching process. The City’s consultation with the Port is intended by the parties to be a participatory process by each party with the goal of developing jointly



proposed new comprehensive policies and development regulations for the Anacortes Future Process Area.

The Port owns certain property (the "Property"), identified in Exhibit "A" of the Development Agreement, wherein the Anacortes Airport, a Public Use Airport and an Essential Public Facility, is located within the city limits of the City and upon which is also located certain aeronautical uses, aeronautical related uses, other land uses in support of such uses, and land available for similar development. The Property, upon which the Port's Anacortes Airport is located, was purchased with grants from the Federal Aviation Administration (the "FAA"). The grants contain assurances required of and from the Port obligating that the Anacortes Airport be available for public use for aeronautical purposes and that fair consideration be given to the interest of the community.

There are FAA regulations concerning safety and operational issues at the Anacortes Airport over which neither the Port nor the City may have any control or authority. Over the past decade, the Port and the City have been engaged in discussions concerning the appropriate balance between the (i) safety of airport users and the public, (ii) needs of the surrounding community, (iii) the development and operation of the Anacortes Airport, and (iv) compliance with Federal Aviation Regulations ("FAR"), including Part 77, relating to obstructions on and off the Anacortes Airport. The Port and the City have been able to agree on a land use plan and an obstruction removal plan that meets the requirements of the FAA, the needs of the Port, and the desires of City. The purpose of this Sub-Area Plan is to define the goals and policies related to such future uses of the Property; provide for the adoption of a Development Agreement as allowed by state law thereby vesting certain land uses, subject to certain and definite mitigation; and to provide for the zoning and related development standards for development on the Property within the Sub-area following the expiration of the Development Agreement.

It is anticipated that the City and the Port shall engage in a future planning process for the Anacortes Future Process Area. In the interim, and pursuant to the Development Agreement, within the Anacortes Future Process Area, the Port, subject only to the landscaping and wetland mitigation requirements set forth in the Development Agreement, shall be entitled and allowed to remove or top FAR Part 77 obstructions, subject to the mitigation plan approved as part of the Development Agreement.



## **II. SCOPE OF PROPOSED AIRPORT ACTIVITIES**

The Port is required to construct certain fencing and perform certain tree topping or removal for the safety and protection of the users of the Anacortes Airport located on the Property. In addition, the Port is required to ensure that certain aeronautical uses and aeronautical related uses occur on the Property as required by certain FAA grant assurances binding and affecting property owned by the Port.

Accordingly, the City and the Port seek to provide for the protection of the Anacortes Airport and aeronautical uses and aeronautical related uses within the AZ Zone as required by FAA grant assurances and provide for a reasonable buffer from certain adjacent properties, along with reasonable development standards related to the Port Property. This buffer is the 75 ft setback buffer within the Rockwell Reserve and Panhandle Reserve Areas identified in Exhibit "D" of the Development Agreement attached hereto, and referred to herein as the "Rockwell Reserve and Panhandle Reserve Areas".



### **III. COMPREHENSIVE PLAN, GOALS AND POLICIES**

The City Comprehensive Plan is designed to provide general policy guidance for the growth and development of the City of Anacortes. It incorporates, by this reference the City of Anacortes Transportation Plan, 2000; the Skagit County County-Wide Regional Comprehensive Plan Policies, 1992/96; the Countywide Air, Rail, Water, and Port Transportation System Study, 1996 (with reference to the Anacortes Airport as a general aviation facility being deleted, and with the ferry traffic figures corrected as has been done in the Transportation Element Update); and the Skagit Regional Transportation Plan, April 1996, as they may be updated from time-to-time.

#### **A. General Goals Include:**

- Goal 1: Create and maintain a healthy, aesthetically pleasing, high-quality environment that maximizes the opportunity for all citizens to share the social, psychological, physical, and economic benefits of Anacortes/Fidalgo Island.
- Goal 3: Promote compatible land use and improve visual appearance in each and every zoning district.
- Goal 7: Encourage continued and improved interaction with other agencies to better coordinate area-wide activities.
- Goal 11: Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

#### **B. The Transportation/Circulation Section States That:**

Access to Anacortes is available through all major transportation modes: air, water, rail and highway...

##### **AIR**

An airport is located in the west-central area of Anacortes. Further,

- Goal 4: Improve air, road, rail, and water public transit in and out of Anacortes.

#### **C. Sub-Area Plan Goals:**

The purpose of this plan is to blend these goals and policies with the goals and policies of the Growth Management Act in relation to the protection of Essential Public Facilities (which include airports), and the rights and authorities of the Port, pursuant to Chapter 14.07 RCW and Chapter 14.08 RCW.

Accordingly, the goals of this Sub-Area Plan include:



(1) To undertake an update of regional transportation planning as this relates to a Regional Air Transportation Plan that further defines the role of the Anacortes Airport and its future part in the regional transportation plan in Skagit County to meet the aviation needs of the City and the surrounding communities in a manner consistent with the goals of the Washington State 2005 Transportation Plan, and the 1994 Port of Anacortes Airport Master Plan, recognizing that both the City and the Port have the authority to update and amend their various plans without the approval of the other, except as may be otherwise agreed to.

Specifically, a 20 year plan should be developed and updated for inclusion in the 2005 City Comprehensive Plan and the 2005 RTPO Plan update that is consistent with the Port of Anacortes' existing Airport Master Plan. Critical to achieving this goal, is the adoption of the Development Agreement which provides certainty as to the permitted uses and related reasonable and appropriate mitigation for the term of the Development Agreement.

(2) Recognizing the limits on the Port's authority or ability to regulate aircraft operators' activities, the parties recognize the desirability of defining what the Port can and cannot facilitate in terms of regulating or managing aircraft operators' activities, and the FAA enforcement of operator compliance with FAA regulations. To this end, as a goal of this Sub-Area Plan, the Port should lead a process in reviewing how the operators' activities at the Anacortes Airport and the adjacent uses can achieve greater compatibility within state and federal requirements, and within the authority and ability of both the City and the Port. This study should assess and address the safety risks and benefits of the zoning of land adjacent to the Anacortes Airport, including the zoning of and development of adjacent non-Port property within 5,000 ft of the Anacortes Airport.

(3) Develop a joint Port/City integrated approach to a City operated park and trails system in appropriate areas adjacent to Anacortes Airport that will not interfere with or be incompatible with aeronautical operations at the Anacortes Airport.

(4) A fundamental purpose of this Sub-Area Plan is to ensure, among other things, the following:

- a. Subject to FAR Part 77, penetrations do not exist on the Anacortes Airport.
- b. That the entire airport is zoned for aeronautical use.
- c. Provide for the development of light manufacturing and/or light industrial and related uses on Port owned property, together with reasonable development standards related to such uses.
- d. Provide for a permanent buffer with limitations on development or land alterations within said buffer from properties near existing underdeveloped areas of the Port's Property.
- e. Provide for reasonable environmental mitigation of development on Port property.



(5) In order to ensure that this process occurs and is completed prior to development pressures occurring, the parties agree that, upon the request of the Port, the City shall, in consultation with the Port, initiate and reasonably conclude a comprehensive plan and development regulation adoption process, to allow reasonable aeronautical uses and aeronautical related land uses within the Anacopper Future Process Area, subject to reasonable mitigation, development standards/regulations and approval processes. Until such time as the planning process is complete, aeronautical uses and aeronautical related uses only shall be permitted as a conditional use following the process set forth in AMC Section 17.10.069.100 - .105, to seek a conditional use and subject to reasonable environmental mitigation and compliance with wetland regulations. This process shall be compliant with law and part of the City's annual Growth Management Act batching process. The City's consultation with the Port is intended by the parties to be a participatory process of each party with the goal of developing jointly proposed new comprehensive policies and development regulations for the Anacopper Future Process Area.



## **IV. PROPOSED AIRPORT ZONING**

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### CHAPTER XXXX AERONAUTICALZONE DISTRICT (AZ)

- 17.XX.010 PURPOSE**
- 17.XX.020 PERMITTED USES**
- 17.XX.030 PERMITTED ACCESSORY USES**
- 17.XX.040 CONDITIONAL USES**
- 17.XX.050 MINIMUM LOT SIZE**
- 17.XX.060 MINIMUM SETBACK REQUIREMENTS**
- 17.XX.070 MAXIMUM DENSITY**
- 17.XX.080 MAXIMUM LAND COVERAGE**
- 17.XX.090 MAXIMUM BUILDING HEIGHT**
- 17.XX.100 OFF-STREET PARKING REQUIREMENTS**
- 17.XX.110 SPECIAL REQUIREMENTS**
- 17.XX.120 CUMULATIVE IMPACT**
- 17.XX.130 BINDING SITE PLAN FLEXIBILITY**

#### **17.XX.010 PURPOSE**

The geographical area of this zone shall consist of all property owned by the Port of Anacortes at the Anacortes Airport as of the date of adoption of this Ordinance. If any Port of Anacortes property lines do not coincide with existing zone boundaries, any land outside said Port property lines shall become part of the adjacent zone.

The AZ (Aeronautical Zone) is designed to provide for a Public Use Airport, which is owned and operated by the Port of Anacortes. The purpose of the AZ Zone is to also ensure that the siting and development of the Anacortes Airport and aeronautical related facilities and uses are an Essential Public Facility, as defined in Chapter 36.70A RCW.

To regulate the location and extent of improvements in a manner that acknowledges both the Port's authorities to engage in and maintain aeronautical uses and aeronautical related uses, including maintenance of the same and protection of the airspace from intrusions and other hazards, and the City's authority to impose reasonable mitigation for the impacts of the development of Port Property, as allowed by law.

#### **17.XX.020 PERMITTED USES**

- (A) Airport operational facilities, fueling facilities, hangars, airport terminal facilities, fencing structures up to 8 ft, and buffers. In addition, any light manufacturing use or uses involving processing or storage of goods provided the processes or equipment employed, or goods stored, processed, or sold shall be limited to those uses which are not



- objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, glare, refuse matter, or water carried waste..
- (B) “AERONAUTICAL USE”, which is defined and shall mean those uses such as (i) aircraft hangars, (ii) aircraft tie-downs, (iii) aircraft parking areas, taxi areas, and maneuver areas, (iv) aircraft storage, (v) light manufacturing, as defined in the Anacortes zoning code, provided such individual facilities do not exceed 12,500 square ft of interior floor area, (vi) aircraft related businesses, (vii) offices use, bathrooms, parking, and other such uses in support of the aeronautical uses; provided that any of the structures that may house any of the foregoing uses shall not exceed 35 ft in height, and, in addition, (viii) maintenance of any of the foregoing uses and related facilities and improvements, including paved areas, drainage ways, etc. This term shall not include any living or sleeping quarters. All aeronautical uses shall be a permitted use within the Aeronautical Area (as the term is defined in the Development Agreement) without further mitigation or approval, except as may be specified in the Development Agreement.
  - (C) Removal of any obstruction for compliance with FAR Part 77 requirements.
  - (D) Aircraft operations on the ground and in the air, including takeoff, landing, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes and purposes of aircraft and related issues. Such uses shall not be subject to any City mitigation requirements, notwithstanding any other provisions of the Anacortes Municipal Code.

Other than the Port’s Perimeter Fence and Operational Safety Fence, to be located as shown on Exhibit “A” of the Development Agreement, and the removal of FAR Part 77 obstructions, as shown on Exhibit “C” of the Development Agreement, there shall be no permitted uses allowed within the Anacopper Future Process Area, except through the conditional use process until after completion of the planning process for that area. The construction of the fences and the FAR Part 77 obstruction removals in the Anacopper Future Process Area, shall be subject to the landscaping and wetland mitigation contained in the Development Agreement, or plans approved by the City.

#### **17.XX.030 PERMITTED ACCESSORY USES**

Any use customarily incidental to the permitted principal use. No residential use is permitted, except for caretaker quarters through the conditional use process.

#### **17.XX.040 CONDITIONAL USES**

- (A) Buildings and structures over 35 ft in height, but 50 ft or less in height; caretaker units.
- (B) Overnight facilities for use by pilots.
- (C) Restaurants.
- (D) Light manufacturing exceeding 12,500 square ft of interior floor area per use.



- (E) Any building or structure excluded from being located within the Rockwell Reserve and Panhandle Reserve Areas, provided that the City may deny such permit if the criteria for a conditional use permit are not met.
- (F) Within the Anacopper Future Process Area, as defined in the Development Agreement, any use that is listed as a permitted use within the Aeronautical Area as defined in the Development Agreement shall be a conditionally permitted use within the Anacopper Future Process Area, subject to the imposition of reasonable mitigation and compliance with wetland regulations.
- (G) Within the North Aviation Area, as defined in the Development Agreement, any use (other than ongoing airport operations) that is listed as a permitted use within the Aeronautical Area as defined in the Development Agreement shall be a conditionally permitted use within the North Aviation Area.

**17.XX.050 MINIMUM LOT SIZE**

No minimum.

**17.XX.060 MINIMUM SETBACK REQUIREMENTS**

Within the AZ Zone, all structures shall be set back as follows:

- (A) Aeronautical Area, as defined in the Development Agreement: No setback from the buffer areas. Due to the proximity of the aircraft operations areas to the existing property line of the Anacortes Airport, a 10 ft setback on all other parts of the Aeronautical Area. If additional property is added to the Aeronautical Area, then the setback will be subject to change.
- (B) Anacopper Future Process Area and North Aviation Area, as defined in the Development Agreement; the setback will be determined as part of the conditional use process.

Notwithstanding the foregoing, within the Rockwell Reserve and Panhandle Reserve Areas, airport and aeronautical/aviation safety features, walking trails, and landscaping are permitted; Within the 10 ft setback area, airport and aeronautical/aviation safety features, fencing structures up to 8 ft, and landscaping uses are permitted. Provided further, within the Anacopper Future Process Area and the North Aeronautical Area airport and aeronautical/aviation safety features, fencing structures up to 8 ft and landscaping, uses are permitted subject to the mitigation contained in the Development Agreement.

The exception set forth above for fences should be interpreted to mean that fences (along with landscaping) are permitted within the setback. Even if a fence is considered a “structure” under the Building Code due to a height over 6 ft, it is still a “fence” under the exception and could be placed within the setback without a variance, conditional use permit, or any other discretionary permit required; provided, however, that compliance with an approved mitigation plan, required under section 17.\_\_\_\_.110 (E), shall be required. For example, airport property and/or facility security fencing over 6 ft in height may be located along the perimeter of the property, or where



deemed necessary by the entity operating an airport, to ensure adequate security of airport premises, but shall be subject to mitigation as provided herein.

This setback or buffer area is mitigation for development outside of the setback/buffer area, in addition to wetland and land clearing mitigation requirements.

**17.XX.070 MAXIMUM DENSITY**

No maximum.

**17.XX.080 MAXIMUM LAND COVERAGE**

The maximum land coverage by buildings shall be 60% of the parcel size, as identified by the Port, with such parcel size including any buffer or setback area not already allocated to another parcel. For the purposes of calculating the buildable area as required (open space requirement), the Port may allocate any portion of the 75 ft buffer area within the Rockwell Reserve and Panhandle Reserve Areas that has not already been allocated to any portion of the Aeronautical Area being developed.

**17.XX.090 MAXIMUM BUILDING HEIGHT**

The maximum building height is 35 ft; provided, however, that buildings over 35 ft, but less than 50 ft or under, shall be subject to approval through the conditional use process and related criteria. Buildings above 50 ft are prohibited.

**17.XX.100 OFF-STREET PARKING REQUIREMENTS**

Off-street parking shall be provided in accordance with specifications in section 17.46, "Parking". This requirement can be reduced or waived upon approval of the City Planning Director where evidence shows that fewer spaces are needed because of special circumstances arising from the nature of the proposed use, existing unallocated spaces on airport property, and any other special circumstance.

**17.XX.110 SPECIAL REQUIREMENTS**

- (A) For uses other than Aeronautical uses (aircraft operations, repair and related activities), odor, dust, smoke, cinders, fumes, noise, vibration or light shall be investigated by the City based on a complaint or when detected by appropriate and certified test equipment approved by the City and the Port when operated by a technician certified to use such equipment located in an adjacent residential zone.
- (B) Any uses that are legally permitted by the City and specifically allowed by the airport sponsor on the date of the adoption of this zoning, which become non-conforming uses upon adoption of this chapter, shall be "grandfathered" until such time as the use is abandoned by the operator. Any non-conforming structure shall be "grandfathered" until such time as the structure is abandoned by the owner of the structure or that such structure is destroyed by fire, storm, or "act of God" (more than 75% of the occupied space of the structure is no longer capable of re-occupancy for the use and purpose prior



to the act causing the destruction) and is not repaired within one year of destruction. Any destruction of a structure that is proximately caused as a result of any act that would be considered a crime, such as arson, malicious mischief, or other crimes, shall not be considered destroyed for these purposes, unless such structure is not repaired or replaced within two (2) years of destruction. Upon any of those such occurrences that cause the use and/or structure to no longer be of legal non-conforming use, the use shall no longer be allowed and any such structure shall be brought into conformity with this chapter, including compliance with the requirements of any applicable development agreement; or if no such agreement is applicable, then the then published setbacks and all other limitations, except that runways, taxiways, navigational aids and lighting shall not become non-conforming under any circumstance other than through changes to FAR regulations.

- (C) All development at the Anacortes Airport is subject to all applicable impact fees and general facility charges at the time of building permit issuance.
- (D) Fences: Because of the special security needs to prevent accidents to children, pedestrians, pilots, passengers, and animals, fencing of types and at locations as required by FAA regulations, or as determined necessary by the Port, are hereby authorized subject to mitigation as required in the Development Agreement.
- (E) Landscaping: Due to establishment of the Rockwell Reserve and Panhandle Reserve Areas as defined in the Development Agreement, landscaping shall not be mandatory or required within the Aeronautical Area of the Development Agreement.. The City Planning Director allow for the removal of loose debris, including trash, leaves, twigs, and other foreign objects which are prone to being spread by the wind, without mitigation. All landscaping within the sub-area shall be required to be designed to minimize hazards. It is the intent of this section to allow the Port significant flexibility in complying with City landscaping requirements.

#### **17.XX.120 CUMULATIVE IMPACT**

The cumulative impact of development of the property within the sub-area shall be reviewed through the SEPA processes related to such development. This SEPA review process may be phased, focusing only on one developable area at a time, deferring areas identified as future process areas to later SEPA review.

#### **17.XX.130 BINDING SITE PLAN FLEXIBILITY**

Reserved.

#### **NEW ZONING/SUBDIVISION LANGUAGE (Airport)**

##### **17.41 – Landscaping**

Add to 17.41.020(G):

Add the following language prior to the table:



The requirements of this section shall not apply to the AZ zone, which shall be governed by the applicable Development Agreement between the Port and the City. In the event of the expiration of the Development Agreement, the following shall apply:

AZ Zone to “Zoning Classifications” and 10% to “Percent of Gross Site Area to be landscaped.

Add the following language to the text:

Notwithstanding any other provision of this section in the AZ Zone, these requirements shall not apply if the City has approved a separate landscaping plan submitted by the Port for Port owned property.

No landscaping, screening or fencing, except for security fencing, shall be located within the runway object free area, the taxiway object free area, the runway protection zone, or the taxiway/taxiway run-up turnout.

No landscaping, screening or fencing, except for security fencing, shall be located such that it intrudes into either the approach surface or the transitional surface, or otherwise interferes with aircraft operation either on the ground or in the air, or creates any hazard to such operating aircraft.

The height of the landscaping, screening or fencing shall not penetrate the FAR Part 77 Surface, shall not interfere with the Precision Approach Path Indicators, and the screening itself shall be adjusted to accommodate the segmented circle.

*Add to 17.41.040(A):*

Add the following language prior to the table:

The requirements of this section shall not apply to the AZ Zone, which shall be governed by the applicable Development Agreement between the Port and the City. In the event of the expiration of the Development Agreement, the following shall apply:

*Add to 17.41.040:*

Add the following language to the text prior to Subsection (A):

Notwithstanding any other provision of this section in the AZ Zone, these requirements shall not apply if the Port records a Native Growth Protection easement in a form approved by the City; no screening



requirements shall be required other than the landscaping requirements set forth in AMC 17.41.020.

No landscaping, screening or fencing, except for security fencing, shall be located within the runway object free area, the taxiway object free area, the runway protection zone, or the taxiway/taxiway run-up turnout.

No landscaping, screening or fencing, except for security fencing, shall be located such that it intrudes into either the approach surface or the transitional surface, or otherwise interferes with aircraft operation either on the ground or in the air, or creates any hazard to such operating aircraft.

The height of the landscaping, screening or fencing shall not penetrate the FAR Part 77 Surface, shall not interfere with the Precision Approach Path Indicators, and the screening itself shall be adjusted to accommodate the segmented circle.

Add a section C to 17.41.040:

Tree topping and/or tree clearing within the Rockwell Reserve and Panhandle Reserve Areas, wetland, and wetland buffer areas and the Anacopper Future Process Area to satisfy FAR Part 77 requirements, is permitted and approved, provided that such tree topping and/or tree removal is subject to the mitigation requirements set forth in the Development Agreement and wetland mitigation for activity in wetland areas. Land clearing outside of the Rockwell Reserve and Panhandle Reserve Areas is allowed, subject to any mitigation requirements applicable to land clearing in that area set forth in the Development Agreement or an approved mitigation plan.

Existing trees and shrubs within the entire AZ Zone, except for hazard trees, as determined by the Port, that interfere with safe aircraft operation, and invasive species, shall be retained until such time as a building permit or clearing permit is issued for development in a specific area, and then only the area reasonably required for the specific project, as determined by the project proponent, shall be cleared; but shall be subject to the replacement requirements above, or an alternative plan approved by the City Planning Director.

**ADD TO 16.10.010 OF THE SUBDIVISION CODE:**

Airport Zone add "Binding Site Plans Allowed".