



APPENDIX 3.11: Sample City/Council Military Zoning Overlay

1.0 General Purpose & Intent

- (A) In accordance with applicable Kentucky state law and the “Strategies and Recommendations” of the 2022 Fort Knox Compatible Use Study, the purposes of the Fort Knox Military Zoning Overlay (MZO) regulations are to protect community compatibility, assist Fort Knox in the preservation of its operational Capability, and to promote public health, safety, and general welfare.
- (B) The intent of the zoning overlay is to promote compatibility between Fort Knox Army Installation(FK) operations and the use and development of property off-post, by ensuring that City/County of _____ and RPC officials coordinate regarding on- and off-post land uses that may impact military operations or quality of life in the community.
- (C) The further intent of the MZO is to apply a consistent program of regulation and coordination with other jurisdictions that participated in the development of the Compatible Use Study and that also are parties to the intergovernmental agreement creating the Fort Knox Regional Planning Committee and fixing its authority and responsibilities (the RPC Intergovernmental Agreement).
- (D) These purposes are achieved by the adoption of:
 - (1) Reasonable land use regulations generally consistent with other local governments coordinating with Fort Knox through consistent regulations
and the RPC Intergovernmental Agreement;
 - (2) Reasonable requirements for notice and coordination between the City/County of _____ and the Fort Knox RPC;
 - (3) Requirements applicable only to new development proposed after the adoption date of the City/County of _____ MZO.

2.0 Authority & Regional Coordination

- (A) The MZO is adopted pursuant to Kentucky state law, including but not limited to _____.
- (B) In addition, the City/County is a party to the RPC Intergovernmental Agreement, which specifies additional commitments to coordinate with Fort Knox, the RPC, and

other parties to the agreement. To the extent there is a conflict between the terms of the RPC Intergovernmental Agreement and state law, state law shall govern.



3.0 Applicability of the Military Zoning Overlay

- (A) The MZO applies within the municipal boundaries of the City/County of _____.
- (B) The Military Zoning Overlay (MZO) does not apply to any land use or structure approved prior to the effective date of the MZO.
- (C) If a parcel of land subject to the MZO is located partially but not entirely within a documented military zoning overlay, the MZO applies only to that portion of the parcel located within the designated area.
- (D) In addition to the standards set forth in the MZO, all uses and structures must comply with all other applicable local, State, and Federal regulations, including _____ Code of Federal Regulations.
- (E) Compliance with the MZO does not exempt an applicant from complying with other requirements of the City/County code of ordinances.

4.0 Definitions

These terms have the following meaning for purposes of enforcing and interpreting the MZO.

ACCIDENT POTENTIAL ZONE (APZ) II: APZ-II is beyond APZ-I and possesses less aircraft accident potential than APZ-I, but the potential is still high enough to warrant land use restrictions. LRAFB APZ-II is depicted in Figure 1.

AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ) STUDY: The most recent AICUZ Study or Studies, which identify the Clear Zones and Accident Potential Zones associated with Fort Knox Army Installation; maps the noise contours associated with aircraft operations; and identifies types of development considered incompatible with aircraft operations at Fort Knox Installation. The most recent Installation Compatible Use Zone Study was completed in 2018.

AIRCRAFT NOISE ZONES: Areas that may be affected by noise associated with current aircraft operations are set forth in the ICUZ Study, in addition to the Compatible Use Plan Study.

AIRPORT OBSTRUCTION OR INTERFERENCE: Any structure, object, or use of land the RPC Official determines will impede operations at Fort Knox, in any manner described below.



- (1) A structure or land use, or its anticipated impacts, that will protrude above the planes or surfaces as contained in Title 14, Part 77 CFR [Code of Federal Regulations];
- (2) A structure or land use, or its anticipated impacts, that will interfere with pilot vision, communication, radar, or otherwise interferes with the safe and effective operation of military aircraft;
- (3) Structures are proposed to extend within 10 feet of approach/departure or transitional surfaces;
- (4) A structure or land use, or its anticipated impacts, that will produce steam, dust, smoke, light emissions, glare, or other visual impairments, has explosive characteristics, or otherwise interferes with pilot vision or the operation of military Aircraft;
- (5) A structure or land use, or its anticipated impacts, that will produce electrical emissions that interfere with navigation equipment or radio communication between aircraft, Fort Knox, or other air traffic control facility; or
- (6) A structure or land use, or its anticipated impacts, that will attract wildlife into a Department of Defense Airport Imaginary Surface, pursuant to 14 C.F.R. 77.21, which the RPC Official determines may create a hazard to military operations.

CITY/COUNTY OF _____ COORDINATING OFFICIAL: The City/County designee for purposes of coordinating with the RPC Official, Fort Knox officials, and other parties on matters related to military compatibility, as provided herein.

IMAGINARY SURFACE LOW ELEVATION NOTIFICATION AREA: Lands within the contours of the “Imaginary Surface Low Elevation Notification Area” in Figure 4.

IMAGINARY SURFACE UPPER ELEVATION NOTIFICATION AREA: Lands within the contours of the “Imaginary Surface Upper Elevation Notification Area” in Figure 4.

LAND USE NOTIFICATION AREA: Lands within the contours of the “Land Use Action Notification Area,” designated in Figure 3.

FORT KNOX REGIONAL PLANNING COMMITTEE (RPC): The regional planning commission created pursuant to the RPC Intergovernmental Agreement.

MILITARY COMPATIBILITY ADMINISTRATIVE GUIDELINES: Administrative standards maintained by the Fort Knox Regional Planning Committee to facilitate cooperation and land planning oversight between the members of the Committee. The guidelines may be revised



from time to time through processes adopted by the RPC. The RPC Official maintains the most current edition of the guidelines, which are available upon request.

MILITARY ZONING OVERLAY: Lands within a mapped military impact area as listed in the Fort Knox Compatible Use Implementation Plan.

POTENTIAL INCOMPATIBLE LAND USE ACTIONS: The following land uses or structures proposed within the MZO:

1. The following land uses when proposed on lands situated within the Land Use Notification Areas in Figure 3:
 - a. Private and general aviation airports, runways, helipads, and other aviation facilities;
 - b. Landfills;
 - c. Concentrated animal feeding operations;
 - d. Renewable energy facilities;
 - e. Open pit mining and sand or gravel dredging operations;
 - f. Manmade waterbody impoundments or wetlands of one (1) acre or more; and
 - g. Any other land use or structure City/County Coordinating Official and RPC Official determine, after consultation with Fort Knox, to pose a potential threat to or encroachment on military operations at the Fort Knox Army Installation.
2. The following City or County applications, as applicable:
 - a. Rezoning and other regulatory or plan amendments that change the permitted uses of property;
 - b. Revisions to this Ordinance;
 - c. Variances;
 - d. Special exceptions; and
 - e. The subdivision of land into three (3) or more parcels for residential purposes.

RPC INTERGOVERNMENTAL AGREEMENT: A cooperative agreement between the City /County and other agencies proximate to and supportive of Fort Knox. The RPC Intergovernmental Agreement includes protocols for compliance with the requirements of the MZO, _____, as well as other cooperative efforts between the parties and state law. The RPC Intergovernmental Agreement may be amended from time to time and is maintained by the Fort Knox Regional Planning Committee.

RPC Official: The designee of the Fort Knox Regional Planning Committee who acts as a liaison



with the City/County of _____ Coordinating Official for the purposes of coordination under the provisions of the MZO and the RPC Intergovernmental Agreement. The RPC Official reviews and, as applicable, provides comments related to Potential Incompatible Land Use Actions in the City/County and as otherwise required by the MZO, RPC Intergovernmental Agreement, and the Military Compatibility Administrative Guidelines.

5.0 Administration

- (a) The City/County of _____ Department of Planning and Zoning is responsible for implementing the provisions of the MZO.
- (b) The City/County will coordinate with the RPC Official to inform property owners within unincorporated areas near the City/County of _____ that approval Lincoln Trail Area Development District or RPC regulations may be required.

6.0 City/County Coordinating Official

The City Council/Fiscal Court designates the Director of the Planning and Zoning Department, or their designee, as the City/County of _____ Coordinating Official for purposes of the MZO and to support, or if designated expressly by the Council, to serve as the City's/County's designated member to the Fort Knox Regional Planning Committee.

7.0 Compatible Use Standards

7.1. Generally

- (a) Structures and uses proposed within the City/County of _____ MZO proposed on or after the effective date of this section, must comply with the requirements herein prior to final City/County approval.
- (b) The director of the Engineering and Planning Department will maintain the official maps included in this section on file at the City, including in GIS format, as adopted by the City Council/ Fiscal Court.
- (c) City/County officials and property owner applicants may use the official maps to establish
the degree to which a property is located within an impact zone included in the MZO, as addressed in this section.
- (D) The maps in this section are for general reference purposes only and the official Maps on file control and shall be interpreted as provided in the City/County zoning code.
- (E) Coordination between the City/County and the RPC required under this section



shall be pursuant to the terms of the RPC Intergovernmental Agreement and RPC administrative guidelines.

7.2. Accident Potential Zone 2

- (A) Certain parcels or portions thereof within the MZO are located within GAAF Accident Potential Zone 2, as indicated in the Compatible Use Implementation Plan.
- (B) According to the AICUZ Studies and current Army guidance, certain land uses in Accident Potential Zone 2 are not compatible with Fort Knox air operations, given increased potential for aircraft accidents in these areas.
- (C) Therefore, unless expressly exempt, all development proposed in the MZO, within APZ 2, must be consistent with Land Use Compatibility Recommendations for APZs.

7.3. Aircraft Noise Zone

- (A) Certain parcels or portions thereof within the City/County MZO are located within an GAAF Aircraft Noise Zone as indicated in the Fort Knox Compatible Use Implementation Plan, which encompasses only lands within the 70-75 dB (A-weighted DNL/CNEL levels) noise zones established by the 2018 ICUZ Study.
- (B) According to the AICUZ Study and current Army guidance, certain land uses in the noise zone may not be compatible with GAAF air operations, given the noise sensitivity of some land uses.
- (C) Therefore, unless expressly exempt, all development proposed within the MZO, in the GAAF Aircraft Noise Zone, must be consistent with Recommended Land Use Compatibility for Noise Zones.

Figure 2: Aircraft Noise Zones (70-75 dB)

7.4. Limitations on Incompatible and Potential Incompatible Land Use Actions

- (A) Generally. Certain land uses and structures by their very nature or location may present threats to GAAF airspace operations, and therefore, are considered a “Potential Incompatible Land Use Action,” which are subject to this Section 7.4. However, whether this is the case, requires an expert determination by the RPC Official, as provided in this subsection.
- (B) Airport Obstructions or Interference prohibited. Potential Incompatible Land Use Actions that the RPC Official determines create an Airport Obstruction or



Interference shall be prohibited within the areas indicated as listed in the Compatible Use Implementation Plan.

7.5. Limitations on Height of Structures

- (A) Applicability. This section applies to all buildings and structures proposed to be established, expanded, or replaced within the City/County MZO.
- (B) Proposed Structures within Imaginary Surface Notification Areas. This section applies to new structures proposed within the Imaginary Surfaces illustrated in Figure 4, within the corporate limits of the City/County.
 - (1) The City/County will not approve the following structures until a determination by the RPC Official has been made that the structure will not create an Airport Obstruction or Interference.
 - (a) Structures 50' or greater from grade proposed on lands situated under the Imaginary Surface Low Elevation Notification Area in the Fort Knox Compatible Use Implementation Plan); and
 - (b) Structures 200' or greater from grade proposed on lands situated under the Imaginary Surface Upper Elevation Notification Area in Figure 4 (between the red and yellow boundaries).
 - (2) No determination by the RPC Official is required for structures below the 50' and 200' height thresholds as provided above. Therefore, only generally applicable City/County height restrictions, if any, apply in these circumstances.
 - (3) However, any proposed structure within the MZO the RPC Official determines creates an Airport Obstruction or Interference is prohibited by this section.

8.0 Application Notice of Military Impacts

In addition to the requirements of sections 1.0 through 7.0, the City/County will provide notice on application forms for development approvals, consistent with the Military Compatibility Guidelines, indicating that occupants of the land to be developed may experience the effects of GAAF military activities within the MZO areas identified in the Fort Knox Compatible Use Implementation Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL/FISCAL COURT OF THE CITY/COUNTY OF _____, THAT THE ZONING CODE OF THE CITY/COUNTY BE AMENDED AS PROVIDED HEREIN AND FURTHER THAT:



No Delegation of Local Authority

Nothing herein is intended to, and should not be interpreted to, authorize or require approval by the RPC or GAAF of a development or land use action proposed in the City/County.

The Ordinance is not intended to delegate authority to the RPC or GAAF to approve or deny developments or land use actions in the City/County. As drafted, the Ordinance does provide that the City/County will rely on the expert determinations of the RPC Official as to whether a Potential Incompatible Land Use Action or particular tall structure would, in fact, create an Airport Obstruction or Interference.

Severability

If any section, subsection, or clause of the MZO shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses, shall not be affected thereby.

Codification

Sections 1.0 through 8.0 of this Ordinance shall be codified as and become and be made a part of the City/County Code, Title 18, Zoning, or Title 17, Subdivisions, as applicable.

The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word; provided, however, that unnumbered section shall not be codified.

The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Effective Date

The MZO shall be effective from and after _____, 202_____.

MAYOR/JUDGE/EXECUTIVE

ATTEST:



CITY CLERK/COUNTY CLERK