

ORDER

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CENTRAL REGION

CE 4420.1A

7 Dec 72

SUBJ: ZONING, BUILDING, AND USE PERMITS

1. PURPOSE. This Order provides a uniform procedure for dealing with city, county, metropolitan, or other local governing agencies regarding permits and zoning changes required for the installation of air navigation facilities.
2. DISTRIBUTION. This Order is distributed to Branch level and above in the Regional Office, to Resident Engineers, and Airway Facilities Sectors.
3. APPLICABILITY. This Order applies to all persons engaged in programming, planning and execution of projects involving FAA construction of facilities, and Logistics Division personnel making site leases.
4. CANCELLATION. Order CE 4420.1.
5. POLICY. It is the policy of the Central Region:
 - a. To cooperate to the maximum extent possible with local zoning officials; however the Agency will not pay filing, advertising, recording fees, or any other fees related to zoning change transactions.
 - b. To require the construction contractor to obtain and pay for building permits and permits to construct driveway approaches.
 - c. To acquire permits from state or federal governmental units, however, the FAA is not subject to any permit fees.
6. PROCEDURES.
 - a. Careful consideration shall be given to locating the facility in areas that present the least objections from local residents. Many complaints can be resolved by moving the facility slightly and still remain within established criteria.
 - b. The Real Estate Contracting Officer, prior to negotiating a site lease will contact local zoning officials. He should advise them of the proposed establishment of an Air Navigational facility and determine what, if any, zoning restrictions apply. Should an adverse reaction result, the negotiator shall discontinue the discussion and refer the matter to Regional Counsel. After conferring with Regional Counsel continue with procedures in c, d, and e.

Distribution: R-3; 50 copies for
Resident Engineers
FAF-2 (normal)

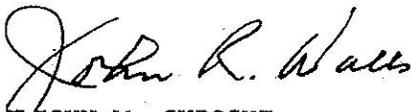
Initiated By: ACE-50

- c. If the facility can be located in only one place to meet criteria, this should be explained to the zoning officials; however, the FAA must be able to offer proof that the facility can be located only at a specified site.
- d. Every reasonable effort should be made to make the facility as inconspicuous as possible by landscaping, decorative treatment of the building by using face brick, special paint color, or meeting any other requirements if the cost is not prohibitive.
- e. If the FAA is asked to participate in the zoning hearing, the Chief, Airway Facilities Division or his designated representative should attend.

7. CORRESPONDENCE.

- a. In all cases, program officials will prepare a letter for the Airway Facilities Division Chief's signature addressed to zoning officials containing, but not limited to, the following:
 - (1) Description of facility including function and need.
 - (2) Plot description by metes and bounds.
 - (3) A statement to the effect that public funds may not be expended for filing, advertising, or recording fees for changes in local zoning.
 - (4) Reasonable suggestions to make the facility blend in with the surroundings.
 - (5) A request to waive the requirements of a formal application and any permit fees required by local ordinance.

8. FAILURE TO RESOLVE PROBLEM. If zoning or other officials continue to object after receipt of the Chief, Airway Facilities Division's letter, and subsequent discussions fail to resolve the problem - the matter shall again be referred to the Regional Counsel for resolution.


JOHN M. CYROCKI
Director