



**Loudoun County**

VIRGINIA

WHERE TRADITION MEETS INNOVATION

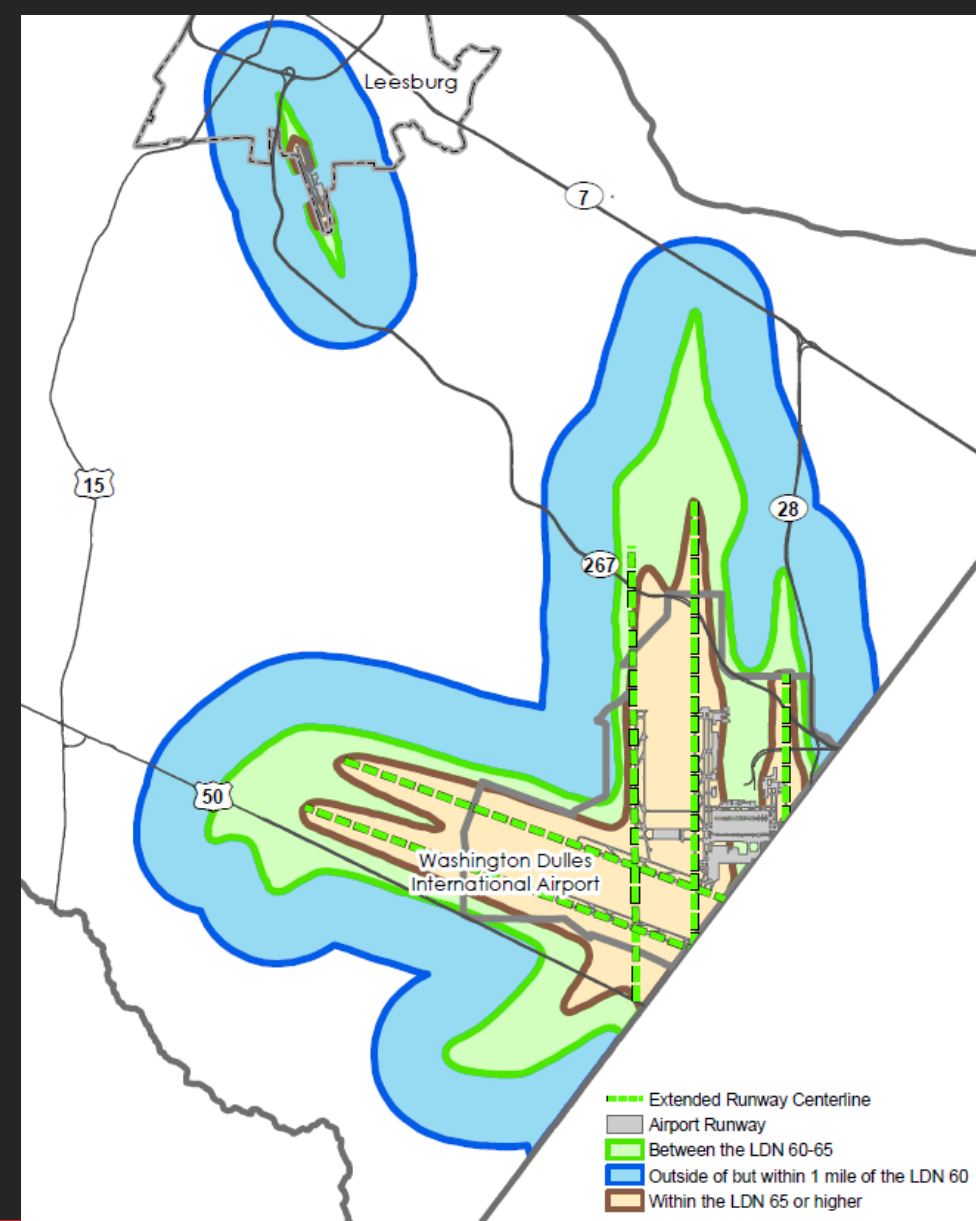
# An Overview of Loudoun County's Airport Impact Overlay District

Prepared for Virginia Housing  
Commission

Affordable Housing and  
Landlord/Tenant Workgroup  
June 5, 2024

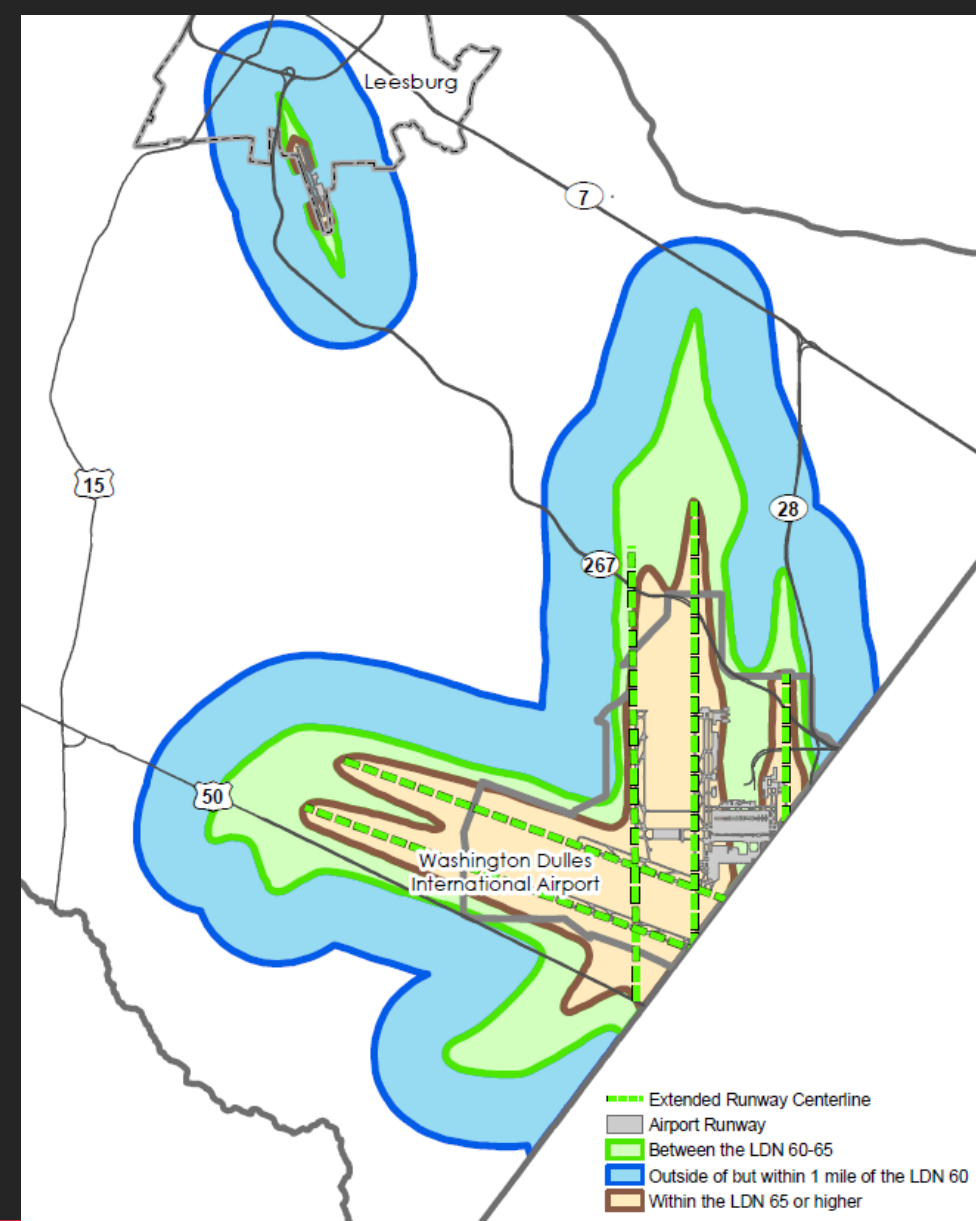
# Background

- The Airport Impact Overlay District (AIOD) is part of the Loudoun County Zoning Ordinance.
- AIOD consists of:
  - An overlay district map, which is part of the Loudoun County Zoning Map; and
  - Zoning Ordinance regulations governing development within the overlay district.



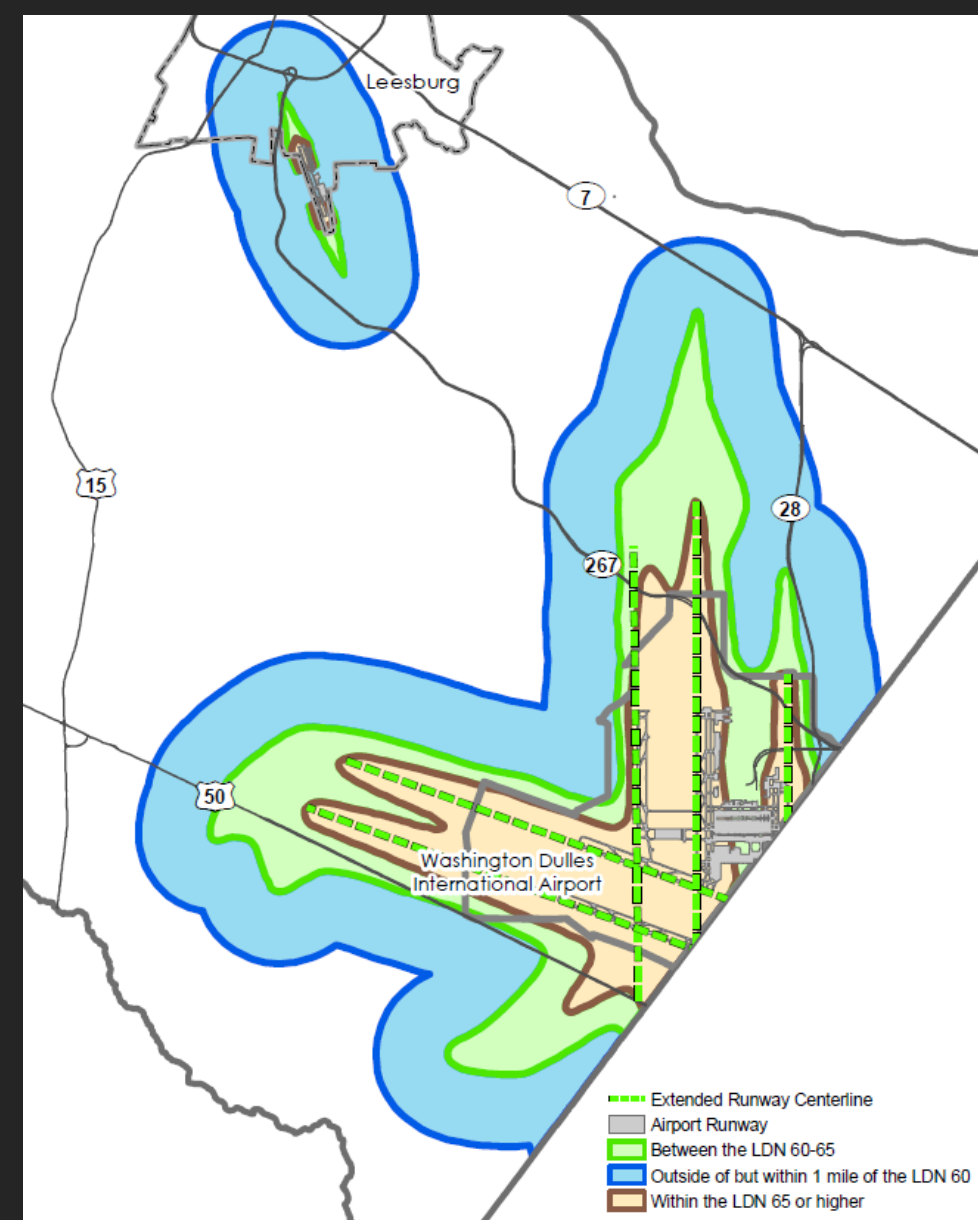
# Background

- Loudoun County adopted the AIOD in 1993 based on noise studies for Washington Dulles International Airport (1992) and Leesburg Executive Airport (1985).
- AIOD is authorized by Virginia Code § 15.2-2295.
- Primary purpose of AIOD is to regulate siting of noise sensitive uses (residential); it also includes disclosure or notification requirements.



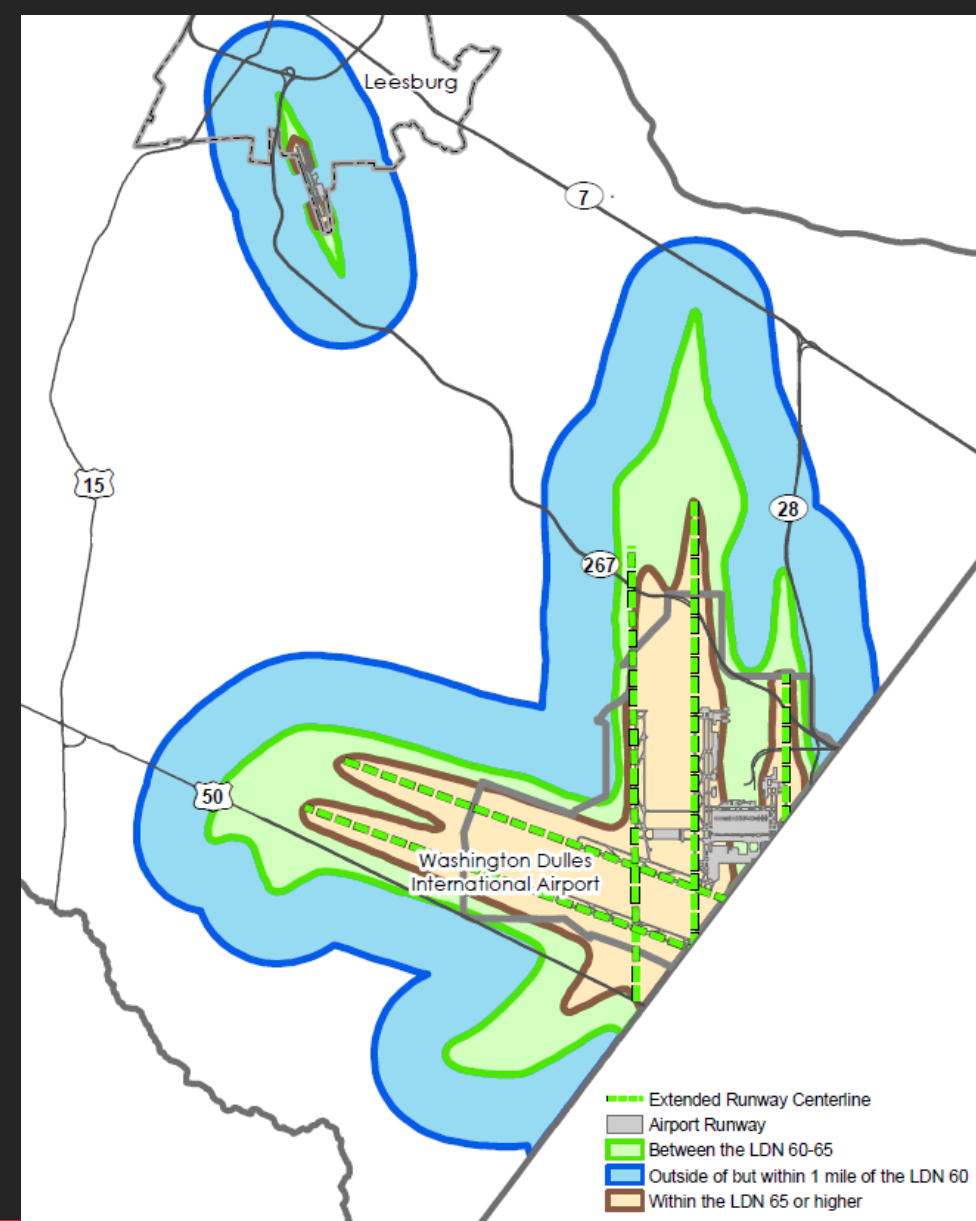
# Background

- AIOD includes three aircraft noise impact areas, which generally correspond to the aircraft noise contours identified in the study.
- The impact area designations indicate the approximate level of noise residents may hear from airport traffic.



# Aircraft Noise Impact Areas

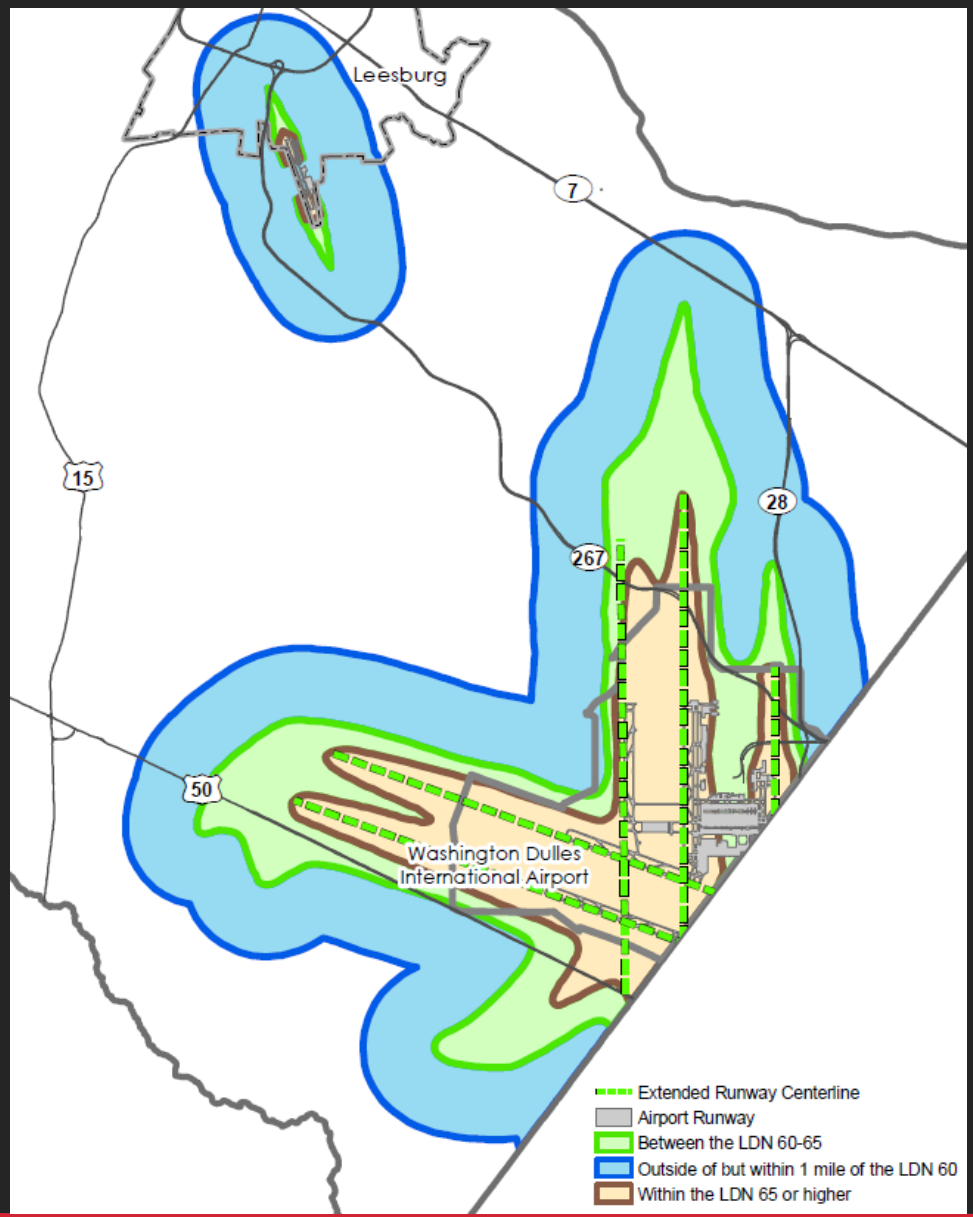
- Ldn 65 or higher: Tan area generally closest to the airport; properties within this area experience the greatest noise levels caused by airplane overflights.
- Ldn 60-65: Green areas close to the airport.
- Within 1 mile of Ldn 60 ("One Mile Buffer"): Blue area; properties farthest from the airport, but still within the AIOD.



# Definition of "Ldn"

As defined in the Loudoun County Zoning Ordinance:

The term for "yearly day-night average sound level", which means the 365-day average, in decibels, for the period midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m.



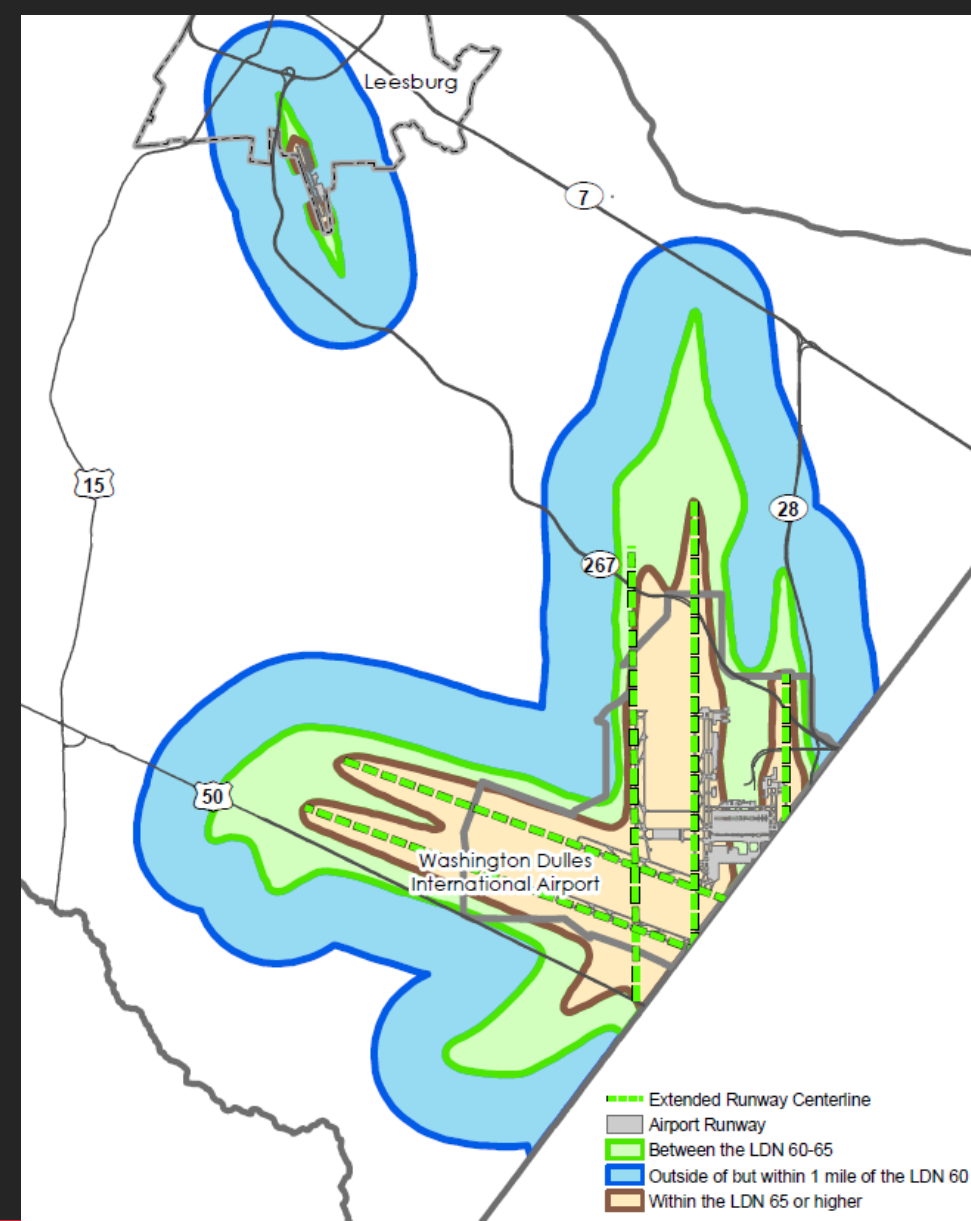
# Regulations prior to Jan. 17, 2023

Ldn 65 or Higher: New residential development was **prohibited**.

Ldn 60-65:  
Residential development required

- **disclosure**;
- **acoustical treatments**; and
- **avigation easement**.

One-Mile Buffer:  
Residential development required a **disclosure** with each sale.



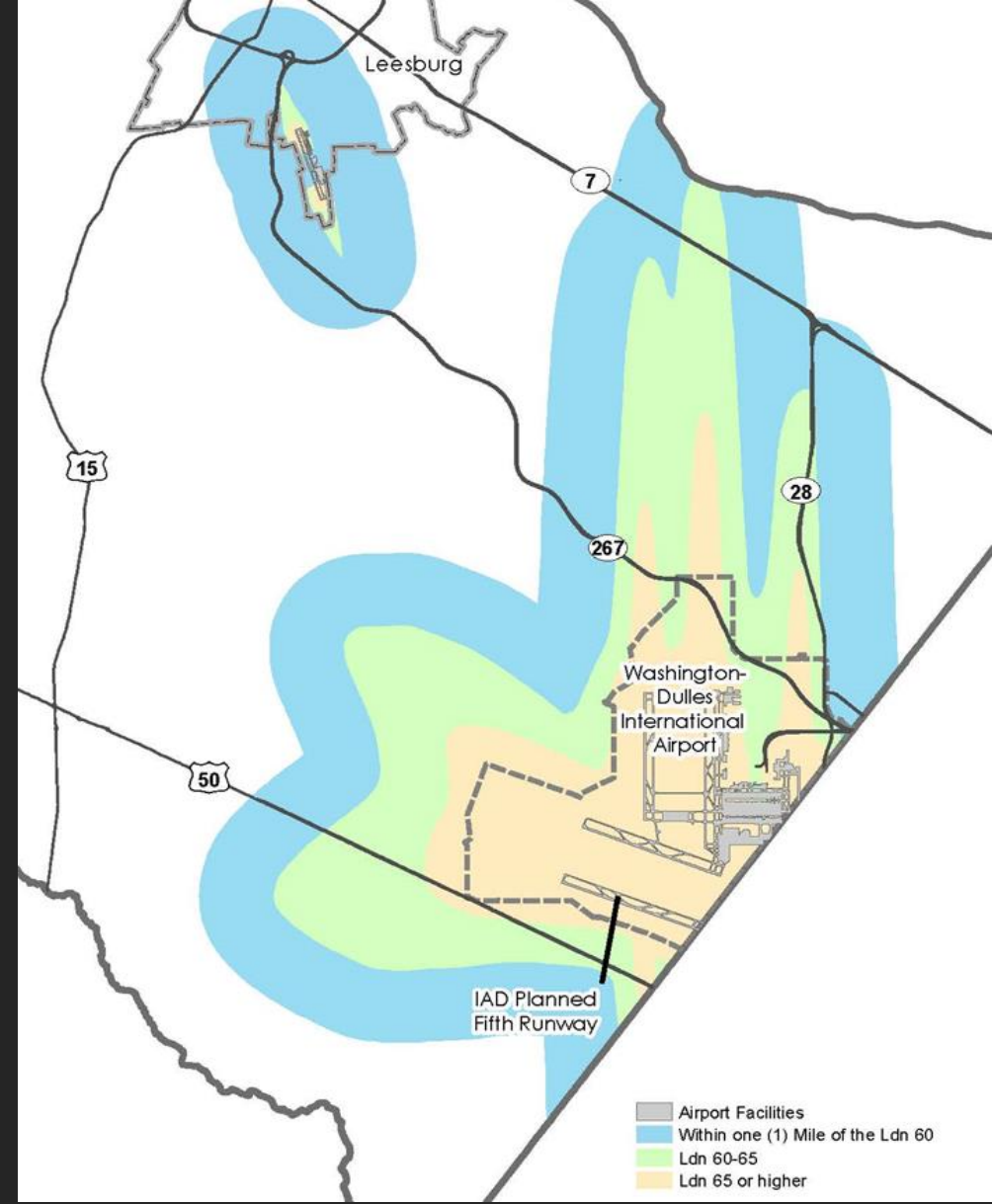
# Required disclosures prior to Jan. 17, 2023

- Written disclosure by "applicant" (i.e. developer) to all prospective purchasers that property is located in an area that will be impacted by aircraft noise and overflights.
- Disclosure to be included in:
  - Sales contracts, brochures and promotional documents;
  - HOA documents; and
  - All subdivisions and site plans and deeds of conveyance.
- Although disclosure was required in all deeds, there was no explicit requirement for disclosure by subsequent owners upon resale.



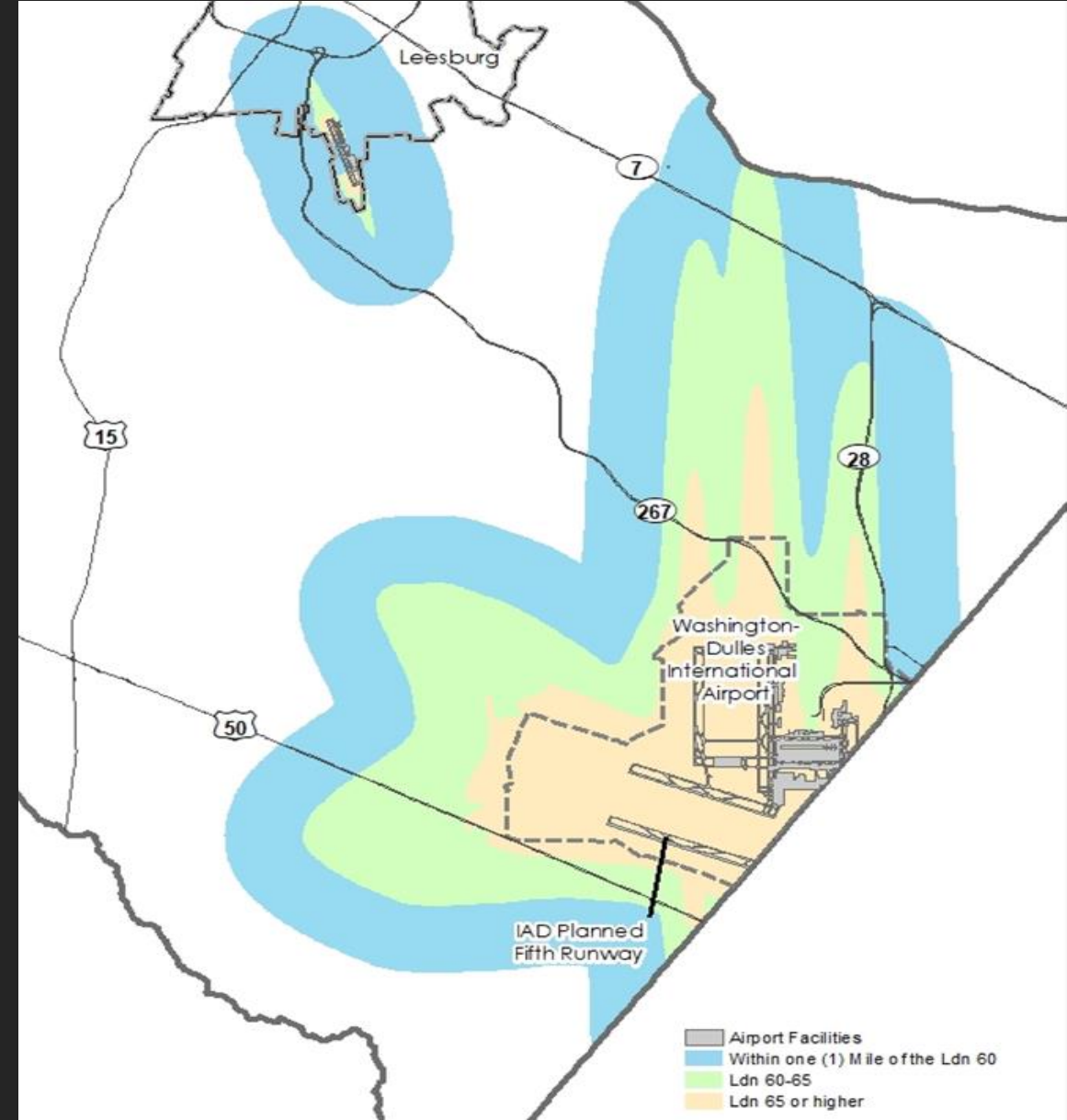
# Dulles 2019 Noise Study

- **2019** – Updated aircraft noise contours published for Dulles based on a new noise study (2019 Noise Contours).
- **2021** – Loudoun County Board of Supervisors initiated comprehensive plan review to consider incorporation of the 2019 Noise Contours into the County's General Plan.
- **2022** – The Board formally initiated amendments to AIOD map and regulations after year-long planning, study and drafting process.



# 2023 AIOD Amendments

- Jan. 17, 2023 – Following a six-month public hearing and engagement process, the Board of Supervisors adopted amendments to the County's General Plan and the AIOD map and regulations.
  - Primary purpose of amendments was to update the AIOD map based upon the 2019 Noise Contours.
  - Corresponding comprehensive plan and zoning text amendments were also implemented.
  - Regulatory requirements within each aircraft noise impact area remained substantially unchanged.



# 2023 AIOD Amendments -- Disclosures

- Disclosure requirements were updated to explicitly require disclosure by "every subsequent owner" of property within AIOD to all prospective purchasers and to require disclosure in a form approved by the Zoning Administrator.
  - The disclosure amendments were prompted by public comment from residents within the AIOD who indicated either that they did not receive notice of potential aircraft noise impacts when purchasing their homes, or that notice received was not meaningful.
  - The Zoning Administrator developed template disclosure language to ensure consistent notice for all homebuyers.

# 2023 AIOD Amendments -- Notifications

- December 2023 – 2023 AIOD Amendments were incorporated into a comprehensive update of the Loudoun County Zoning Ordinance.
  - At that time, the term "disclosure" was changed to "notification" in an effort to avoid confusion with mandatory real estate disclosures prescribed in Title 55.1 of Virginia Code.

# Effect of SB354 and HB467

During 2024 session, General Assembly added new provision to the Code of Virginia:

*§ 15.2-983.1. Establishment by localities of certain real estate contract disclosures prohibited.*

No locality shall have the authority to establish or enforce a mandatory disclosure requirement for a real estate licensee, any party to a contract for the sale or listing of residential real property, or any authorized agent of such party. For purposes of this section, "mandatory disclosure" means any notification required to be made by a homeowner or his authorized agent to a potential or actual buyer or his authorized agent. Prohibited mandatory disclosures include mandatory notifications in contracts, contract amendments or addenda, advertising, other promotional materials, and subsequent deeds after the initial deed is recorded, related to the sale of residential real estate.

# Effect of SB354 and HB467

Code § 15.2-983.1 invalidates Loudoun's notification requirement as applied to "every subsequent owner" of lots within AIOD.

- Loudoun County Zoning Ordinance § 1.02.I expressly acknowledges that in the event a Zoning Ordinance provision conflicts with state law, state law governs.
- As such, the County will not attempt to administer or enforce the notification requirement for home sales by "subsequent owners" (i.e., sales after the initial deed is recorded).
- **However**, the need for meaningful notice of aircraft noise impacts in the area surrounding Dulles Airport still exists.

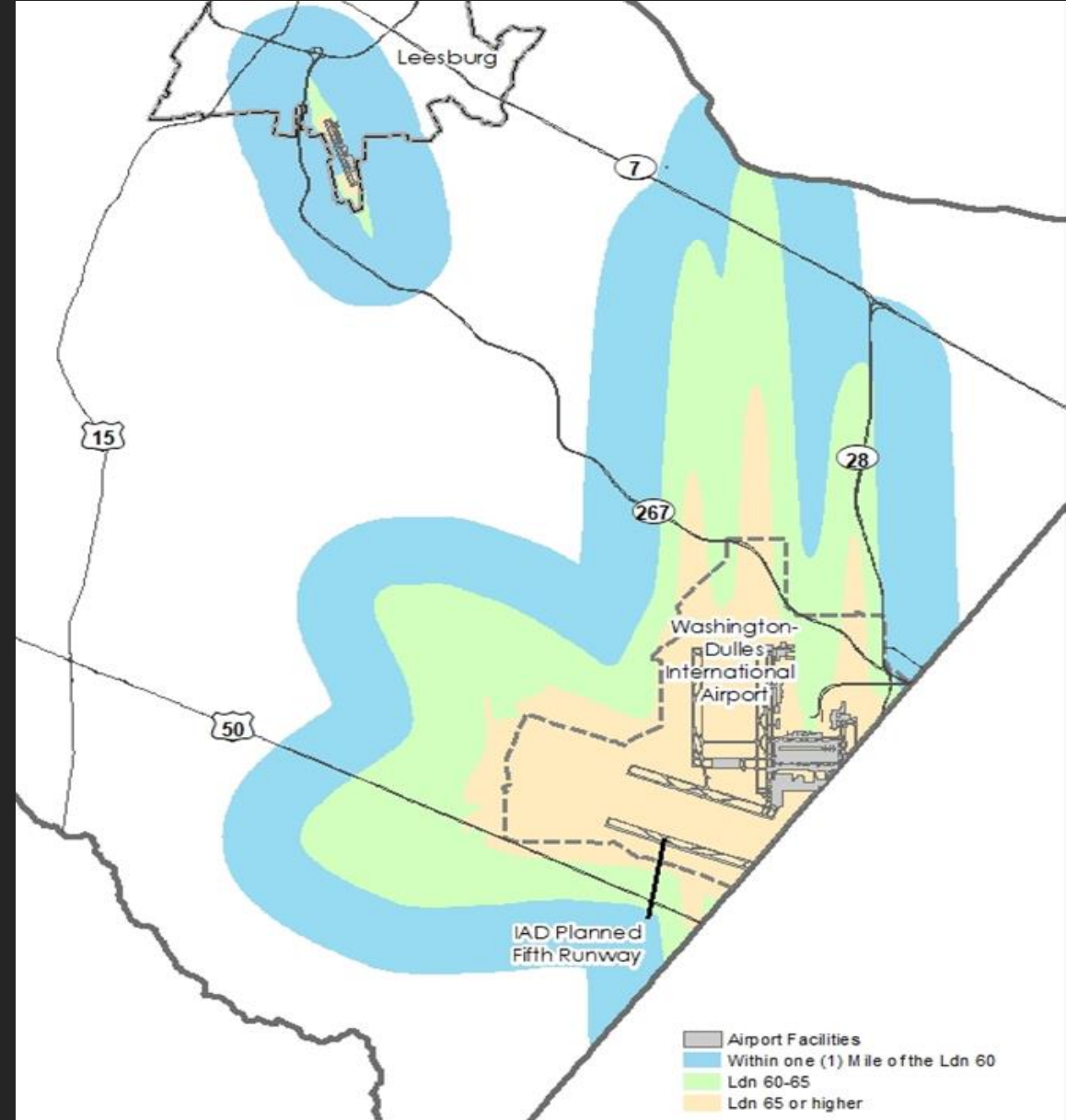
# Proposal to Amend Virginia Code § 55.1-704

Loudoun County supports MWAA's proposal that would effectively add Dulles Airport to the real estate disclosure already required by Code § 55.1-704:

The owner of residential real property located in any locality in which a **(i)** military air installation **or (ii) federally owned international airport operating on at least 10,000 acres** is located shall disclose to the purchaser whether the subject parcel is located in a noise zone or accident potential zone, or both, if so designated on the official zoning map by the locality in which the property is located. Such disclosure shall be provided to the purchaser on a form provided by the Real Estate Board on its website. Such disclosure shall state the specific noise zone or accident potential zone, or both, in which the property is located according to the official zoning map.

# Proposal to Amend § 55.1-704

- Code § 55.1-704 requires sellers to disclose that residential property is located in the noise zone for a military air installation, ***if the noise zone is designated on the official zoning map of the locality.***
- AIOD is part of Loudoun County's official Zoning Map.
- As such, the regulatory framework to add Dulles Airport to the disclosure required by § 55.1-704 already exists.





# Questions?

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