

CHAPTER 6 AIRPORT HAZARD

AIRPORT HAZARD ZONING ORDINANCE

Rockingham County Airport

Wentworth, North Carolina

(Adopted 11/26/1984)

ARTICLE I ENACTMENT LANGUAGE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE ROCKINGHAM COUNTY AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE ROCKINGHAM COUNTY AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

Whereas, it is hereby found that an airport hazard endangers the lives and property of users of the Rockingham County Airport and property or occupants of land in its vicinity, and also if the obstruction type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Rockingham County Airport and the public investment herein. Accordingly, it is declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Rockingham Airport;
- (2) that it is necessary in the interest of the public health, public safety, and general welfare convenience that the creation or establishment of airport hazards be prevented; and
- (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which Rockingham County may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ORDAINED BY THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY AS FOLLOWS:

ARTICLE II SHORT TITLE

This Ordinance shall be known and may be cited as the “**Rockingham County Airport Hazard Zoning Ordinance**”.

ARTICLE III DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

AIRPORT - Rockingham County Airport;

AIRPORT ELEVATION - 694 feet above mean sea level;

AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft;

STRUCTURE - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines;

TREE - Any object of natural growth;

NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto;

HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified;

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them;

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length;

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA airport layout plan that has been approved, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority;

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

NON-PRECISION 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, and for which no precision approach facilities are planned or indicated on a FAA planning document or military service's military airport planning document;

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline; and

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in FAR Part 77.

ARTICLE IV AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on the Rockingham County Airport Hazard Zoning Map consisting of one sheet, prepared by Lott Parrish and Associates and dated October 4, 1983 which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) **Runway Larger Than Utility Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- (2) **Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width

of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runaway.

- (3) **Transitional Zones** - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.
- (4) **Horizontal Zone** - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (5) **Conical Zones** - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

ARTICLE V AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) **Runway Larger Than Utility Visual Approach Zone** - Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) **Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone** - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

- (3) **Transitional Zones** - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 694 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline. (Amended 11/5/1990)
- (4) **Horizontal Zone** - One hundred and fifty (150) feet above the airport elevation or a height of 844 feet above mean sea level. (Amended 11/5/1990)
- (5) **Conical Zone** - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (6) **Excepted Height Limitations** - Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to twenty (20) feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

ARTICLE VI USE RESTRICTIONS

Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

ARTICLE VII NONCONFORMING USES

- (1) **Regulations not Retroactive** - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

- (2) **Marking and Lighting** - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate officials to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of Rockingham County Airport Authority.

ARTICLE VIII PERMITS

- (1) **Future Uses** - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.
 - (a) However, a permit for a tree or structure of less than 75 feet of vertical height above ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
 - (b) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- (2) **Existing Uses** - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or

than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- (3) **Nonconforming Uses Abandoned or Destroyed** - Whenever the appropriate official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (4) **Variances** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations in accordance with Article XIV of the Zoning Ordinance. All applications for variances will be subjected to an airspace analysis by the Federal Aviation Administration.
- (5) **Hazard Marking and Lighting** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Rockingham Airport Authority at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

ARTICLE IX ENFORCEMENT

It shall be the duty of the Zoning Administrator (herein referred to as "administrative agency") to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the administrative agency upon a form furnished by the said agency. The administrative agency shall hear and decide all permits under G. S. 63-32 (a). Applications required by this Ordinance to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the administrative agency.

ARTICLE X APPEALS, JUDICIAL REVIEW, PENALTIES, AND REMEDIES

Appeals, judicial review, penalties, and remedies for the Airport Hazard Ordinance will be handled in accordance with Articles XIV, XV and XVI of the Zoning Ordinance.

ARTICLE XI CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

ARTICLE XII SEVERABILITY

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

ARTICLE XIII EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage. Adopted and passed by the Rockingham County Board of Commissioners 11/26/1984.