

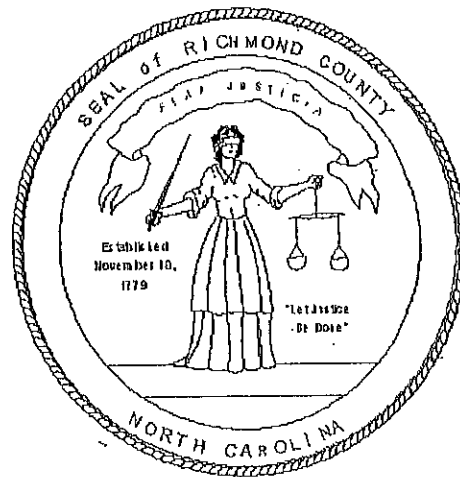
# Appendix D: Richmond County Airport Hazard Overlay District

PROPOSED AMENDMENTS  
For Public Hearing -  
Richmond County Board of Commissioners

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September 9, 2002

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## AIRPORT HAZARD ZONING REGULATIONS RICHMOND COUNTY



Richmond County, North Carolina

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Richmond County Board of Commissioners

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**Section I. Title and Purpose**

**A. Enactment**

The Board of Commissioners of Richmond County, North Carolina, pursuant to authority conferred by and in accord with the requirements of Article 4 of chapter 63 of the General Statutes of North Carolina having given due consideration to the nature of flying operations to be conducted at the airport, the nature of terrain surrounding the airport, the height of objects around the airport and possibility of lowering such and having prepared a comprehensive plan for future development and operation of the airport, said plan being approved by the Federal Aviation Administration does hereby ordain and act into law the following sections

**B. Title**

These regulations shall be know as the Airport Hazard Zoning Regulations of Richmond County, North Carolina.

**C. Jurisdiction**

On and after the effective date of this ordinance, the regulations herein shall have full force and effect within the bounds of the Richmond County Airport Hazard Zoning Area as delineated on the Richmond County Airport Zoning Map on file in the county Planner's office and the Airport Manger's office and as adopted by the Richmond County Board of Commissioners.

**D. Purpose**

The purpose of this ordinance is to regulate the development, growth, or construction of objects that may become hazards to air traffic utilizing the Rockingham-Hamlet Airport and that would endanger the lives and property of users of the airport and of occupants of land in its vicinity.

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**Section II - Definitions**

**ADMINISTRATIVE AGENCY.** The administrative agency responsible for enforcement of this ordinance is the Richmond County Planning Department.

**AIRPORT.** The Rockingham / Hamlet Airport.

**AIRPORT ELEVATION.** Richmond County Airport Elevation is 358 feet above mean sea level (msl).

**APPROACH SURFACE.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES.** These zones are set forth in Section VIII of this Ordinance

**BOARD OF ADJUSTMENT.** The Richmond County Board of Adjustment as defined in the Ordinance Creating the Richmond County Planning Board and Board of Adjustment adopted March 14, 2000 as amended

**BUILDING HEIGHT LIMITATION.** Shall be defined as the elevation above mean sea level above, which no structure shall be permitted to be erected or constructed or allowed to grow

**CONICAL SURFACE.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**HAZARD TO AIR NAVIGATION.** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEIGHT.** For the purpose of determining the height limits in all zones set forth in this Section and shown on the Airport Hazard Zoning Map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

**HORIZONTAL SURFACE.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

**LARGER THAN UTILITY RUNWAY.** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

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MEAN SEA LEVEL. The sea surface height averaged across all the oceans of the globe.

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

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 an FAA planning document or military service military airport planning document.

OBSTRUCTION. Any structure, growth, or other subject, including a mobile object, which exceeds a limiting height set forth in of this Ordinance.

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

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing all Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other 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; for military runways or 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 is set forth in Section VII of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

STRUCTURE. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TRANSITIONAL SURFACES. These surfaces extend outward 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 aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits

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of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE. Any object of natural growth.

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.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures

Section III - Use Restrictions

Notwithstanding any other provisions 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, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section IV - Nonconforming Uses

1. Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or trees not conforming to the regulations as of the effective date of this Ordinance, or amendments thereto, or otherwise interfere with the continuance of 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 Administrating Agency to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

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Section V – Permits

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1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been granted by the Richmond County Planning Department. Each applicant for a permit shall submit a FAA Form 7460-1 (attached) indicating the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the FAA Form 7460-1 as submitted shall be marked approved by the Richmond County Planning Department. The approved application shall be submitted with all other pertaining materials to the Richmond County Building Inspection Department for appropriate building permits. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section V, 4.

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seven-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain; land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by Section VIII.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction 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

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3. Nonconforming Uses Abandoned or Destroyed - Whenever the Planning Department 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 property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.
5. Obstruction 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 install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary

#### Section VI - Enforcement

It shall be the duty of the County Planning Department to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the County Planning Department upon form(s) designated for that purpose. Applications required by this Ordinance to be submitted to the County Planning Department shall be promptly considered and granted or denied. Applications requiring action or consideration by the Board of Adjustment shall be transmitted forthwith by the Planning Department.

#### Section VII. Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Rockingham / Hamlet Airport. Such zones are shown on the Airport Hazard Zoning Map located in the Richmond County Planning Department, and is made part of this ordinance by reference. 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 surfaces and zones are hereby established and defined as follows

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1. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway 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 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. 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 is the continuation of the centerline of the runway.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than  $\frac{1}{4}$  Mile Non-precision Instrument Approach Zone - The inner edge of this 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 is the continuation of the centerline of the runway.
5. Runway Larger Than Utility With A Visibility Minimum As Low As  $\frac{3}{4}$  Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
8. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others 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.

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9. Conical Zone - The conical zone is 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.

#### Section VIII: Airport Zone Height Limitation

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

1. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward 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. Utility Runway Non-precision Instrument Approach Zone - Slopes twenty (20) feet outward for each foot upward 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.
3. Runway Larger Than Utility Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward 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.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than ¼ Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward 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.
5. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward 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.
6. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward 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; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

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7. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 358 feet above, mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
8. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 508 feet above mean sea level.
9. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
10. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

#### Section IX. Board of Adjustment

The Richmond County Board of Adjustments as created by Ordinance adopted on March 13, 2000 by the Richmond County Board of Commissioners, as amended will hear and decide any issue regarding requests of variance or appeal of any order or determination of the administering agency, as defined herein. In addition to the procedures laid out in the *Ordinance Creating the Richmond County Planning Board and Board of Adjustment* for variance and appeals, the requirements in Section V, 4 of this Ordinance will be observed.

#### Section X Judicial Review

Any person aggrieved by any decision of the Board of Adjustment, may appeal to the Superior Court as provided in Article 4, Section 63-34 of Chapter 63 of the Public Laws of North Carolina. Such petition shall be presented to the court within thirty (30) days after the decision is filed in the Office of the Board.

#### Section XI Penalty

Each violation of this ordinance or any order or ruling of the administrative agency or the Board of Appeals shall constitute a misdemeanor and shall be punishable by a fine of not more than \$50.00 or imprisonment for not more than 30 days or both. Each day such violation continues to exist shall constitute a separate offense.

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Section XII. 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, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section XIII. Severability

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

Section XIV. Effective Date

This ordinance shall be full force and effect on the date of adoption by the Board of Commissioners of Richmond County.

Section XV. Adoption Date

This original version of this ordinance was adopted by the Board of Commissioners of Richmond County on April 17, 1999, and the amendments thereto were adopted on the 2<sup>nd</sup> day of September, 2002

Kenneth R. Robinette, Chairman  
Richmond County Board of Commissioners

Clerk to the Board  
NORTH CAROLINA, RICHMOND COUNTY  
I, a Notary Public of the County and state aforesaid, certify that Marian S. Savage personally appeared before me this day and acknowledge that she is Clerk to the Board of Commissioners of Richmond County, North Carolina, a body politic, and that by authority duly given and as an act of the Board of Commissioners of Richmond County, North Carolina, the foregoing instrument was signed in its name by Kenneth R. Robinette, Chairman, sealed with its official seal and attested by Marian S. Savage as its Clerk.

Witness my hand and official stamp or seal, this 10<sup>th</sup> day of September,  
  
Sandra A. Elliott  
Notary Public

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Notary Public  
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NORTH CAROLINA  
RICHMOND COUNTY

The foregoing certificate(s) of Sandra A. Elliott, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

PATSY T. MCDONALD, REGISTER OF DEEDS  
By Deputy Register of Deeds