SECTION 7.0 JETPORT OVERLAY ZONING DISTRICT -JPO

7.1 Purpose

The purpose of the Jetport Overlay District is to establish development standards around the Jetport that help protect public safety, maintain safe aircraft operations, and support the long-term use of the airport. The overlay identifies areas where certain types of development, building heights, and other land-use activities may need additional review because of their proximity to jetport operations.

7.2 Jetport Overlay District Zones

7.2.1 Zone 1: Safety Critical Zone – Corresponds with the Airport's 14 CFR Part 77 Primary Surface and Runway Protection Zones (RPZ) for the NCDOT-DOA accepted future runway environment

Zone 1 is restricted to no development or places of public assembly. Compatible land uses are airport-related, open space, or agricultural, provided they do not penetrate any applicable protected airspace.

7.2.2 Zone 2: Transitional Zone – Corresponds with the Airport's 14 CFR Part 77 Transitional Surface and Approach Surfaces out to a distance of 10,000 feet from existing and NCDOT-DOA accepted future runway ends.

Zone 2 restricts residential density, institutional uses, places of assembly, high occupancy commercial uses, and outdoor gathering areas. Prohibited uses in Zone 2 include wildlife attractants, hazardous materials, glare that may affect pilots, smoke / steam / thermal plumes, or tall structures that could penetrate applicable protected airspace.

7.2.3 Zone 3: Airport Compatibility Zone – Corresponds with the Airport's 14 CFR Part 77 Horizontal Surface

Zone 3 permits most industrial, commercial, and agricultural uses. Residential, institutional, and places of assembly would require additional review and density requirements.

7.2.4 Zone 4: Outer Compatibility Zone

Zone 4 permits all land uses, but would restrict development that would create wildlife hazards, glare, steam, or environments that could affect a pilot's ability to navigate safely.

7.3 Review Procedures

A. Zoning administrator may send any development proposal within the Jetport Overlay Zoning District to the Harnett County Regional Jetport Board, the director of the Harnett Regional Jetport, and/or the consulting firm for review.

B. Non-residential projects shall be reviewed by the contracted consulting firm to ensure compliance regulations for height, glare, smoke, steam, thermal plumes, electronic interferences, or other potential conflicts.

C. All uses shall follow the FAA height regulations.

7.4 Use Types

7.4.1 General Applicability

A. Any use not specifically designated as either a permitted, Special Use, or Conditional Zoning in a zoning or the use appears to fit into two or more categories, the proposed use may be classified the same as the most similar use listed. In utilizing this type of classification method, the Zoning Administrator shall utilize the following factors: types of activities that will occur, types of equipment, and processes that will be used; density; intensity of development; building and site arrangement; environmental effects; anticipated traffic amount, parking demands; noise; light; vibration; odor; hours of operation; frequency, number, and existence of residents, customers, or employees; and impacts on adjacent structures, uses, or lands created by the proposed use. Uses not listed or classified as a similar use may be included by following the amendment process described elsewhere in this Ordinance.

B. Existing nonresidential development applying for permits to expand shall follow the requirements indicated in the "Table of Use Types & Regulations".
C. Use regulations shall apply to those uses marked with an asterisk (*) in the Table of Use Types & Regulations below, and are applicable to each use, as listed. Compliance with use regulations is mandatory and required prior to issuance of a Certificate of Occupancy.
D. Uses shall follow the underlying zoning district as well as the additional regulations listed below. If not specifically listed below, the use shall follow the table and regulations in Article V.

E. Uses not listed below shall be subject to all other applicable sections of this ordinance.

7.4.2 Table of Use Types & Regulations

	Zone 1	**Zone 2**	**Zone 3**	**Zone 4** (see underlying Zoning district)
Existing Residential	P	P	P	P
New Residential Dwelling Units		P*	P	P
Major Subdivision		CZ*	P*	P
Minor Subdivision, Residential		P*	P	P
Minor Subdivision, Non-Residential		P*	P	P
Multifamily			S	S
Public Schools / Universities		CZ	P	P
Privates Schools		CZ	P	P
Child Care Facility			S	S

	Zone 1	Zone 2	Zone 3	Zone 4 (see underlying Zoning district)
Religious Structures		S	P	P
Social Halls, Lodges, Fraternal Organizations, Clubs, and Similar Activities			S	S
Outdoor Entertainment Venue			S	P
Landfill/Waste Facility				
Industrial & Light Industrial	P*	CZ	P*	P*
Commercial	P*	P*/ CZ	P*/ CZ	P*/ CZ
Communication Tower			S	S
Agriculture	P	P	P	P

Note: P - Permitted by Right
S - Special Use Permit via the Board of Adjustment
CZ- Conditional Zoning District
* - Use Regulations Apply

8 Use Regulations Use Regulations

The following section is a list of specific restrictions. Any uses located within the Jetport Overlay Zoning District shall comply with the FAA height restrictions.

7.4.1 Minor Subdivisions, Residential

Except as otherwise specifically provided in this Ordinance, all minor subdivisions shall comply with all other applicable sections and requirements herein.

A. Zone 1

1. Residential minor subdivisions shall be prohibited within Zone 1.

B. Zone 2

1. The minimum lot size shall be 40,000 square feet. All minor subdivisions featuring lots smaller than 40,000 square feet shall petition the Planning Board for an exception.
2. All minor subdivisions with three or more lots, or utilizing the Planning Board exception process shall be reviewed by the Harnett Regional Jetport Advisory Board.

8.3.2 Minor Subdivisions, Non-residential

Except as otherwise specifically provided in this Ordinance, all minor subdivisions shall comply with all other applicable sections and requirements herein.

A. Zone 1

1. Non-residential minor subdivisions shall be prohibited within Zone 1 unless directly related to the Harnett Regional Jetport, as determined by the director of the Harnett Regional Jetport.

B. Zone 2

1. The minimum lot size shall be 40,000 square feet. All minor subdivisions featuring lots smaller than 40,000 square feet shall petition the Planning Board for an exception.

2. The Harnett Regional Jetport Advisory Board shall review and provide a recommendation on all minor subdivisions utilizing the conditional rezoning process.

7.4.3 Major Subdivisions

A. Zone 1

1. Major subdivisions shall be prohibited within Zone 1.

B. Zone 2

2. The Harnett Regional Jetport Advisory Board shall review and provide a recommendation on all major subdivisions.

C. Zone 3

1. The minimum lot size shall be 30,000 square feet.
2. All major subdivisions proposed lots smaller than 30,000 square feet shall petition the Planning Board for an exception
3. The Harnett Regional Jetport Advisory Board shall review and provide a recommendation on all major subdivisions.

7.4.5 Industrial

A. Zone 1

1. Industrial development shall be prohibited within Zone 1 unless directly related to the Harnett Regional Jetport, as determined by the director of the Harnett Regional Jetport.

B. Zone 3

Industrial or Light Industrial uses shall be permitted if the underlying zoning districts allows the proposed use. Otherwise, a Conditional Zoning is required.

C. Zone 4

Industrial or Light Industrial uses shall be permitted if the underlying zoning districts allows the proposed use. Otherwise, a Conditional Zoning is required.

7.4.5 Commercial

A. Zone 1

D. Commercial development shall be prohibited within Zone 1 unless directly related to the Harnett Regional Jetport, as determined by the director of the Harnett Regional Jetport.

E. Zone 2

Commercial uses shall be permitted if the underlying zoning districts allows the proposed use. Otherwise, a Conditional Zoning is required.

F. Zone 3

G. Commercial uses shall be permitted if the underlying zoning districts allows the proposed use. Otherwise, a Conditional Zoning is required.

H. Zone 4

Commercial uses shall be permitted if the underlying zoning districts allows the

proposed use. Otherwise, a Conditional Zoning is required.

7.6 Jetport Height Control

7.6.1 Application of the Height Control Regulations

7.6.1.1 New Uses or Construction

After March 16, 1998, all new construction or use of land shall conform to the height requirements for the district in which it is to be located.

7.6.1.2 Existing Conforming Situations

After March 16, 1998, land or structures which then conform to the regulations for the district in which it is located, may be continued, provided that any structural alterations or change in use shall conform with the regulations herein specified.

7.6.1.3 Existing Nonconforming Situations

After March, 16, 1998, pre-existing lots, or structures which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. Nonconforming structures or uses may be continued, provided they conform to the provisions of this Section.

7.6.2 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any airport zone established by this Section 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. The owner of any existing nonconforming structure or tree or other vegetation is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Harnett County Airport Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Harnett County.

7.6.3 Jetport Zones

In order to carry out the provisions of this Section, there are hereby created and established certain airport zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Harnett County Jetport . Such zones are shown on the "Harnett Regional Jetport Height Control Map", . An area located in more than one (1) of the following airport zones is considered to be only in the airport zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

7.6.3.1 Non-precision Instrument Approach Zone (for runway larger than utility with a visibility minimum less than or equal to ¾ mile) – Runway 23 End

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.

7.6.3.2 Precision Instrument Approach Zone – Runway 05 End

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.

7.6.3.3 Primary Zone

The primary zone is a uniform zone that is 1,000 feet wide, centered along the runway, and extends 200 feet beyond each runway end.

7.6.3.4 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

7.6.2.5 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet 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.

7.6.2.6 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward from there for a horizontal distance of 4,000 feet.

7.6.4 Airport Zone Height Limitations

Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport zone created by this Section 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:

7.6.4.1 Non-precision Instrument Approach Zone (for runway larger than utility with a visibility minimum less than or equal to ¾ mile) – Runway 23 End

Slopes 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.

7.6.4.2 Precision Instrument Approach Zone – Runway 05 End

Slopes 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. For an additional 40,000 feet following the inner 10,000 foot section, the surface slopes 40 feet outward for each foot upward.

7.6.3.3 Primary Zone

The primary zone is a flat zone and the elevation at any point is the same as the elevation of the nearest point on the runway centerline.

7.6.4.4 Transitional Zones

Slopes 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 199 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 at the same elevation as the approach surface, and extending to where they intersect the conical surface.

7.6.4.5 Horizontal Zone

Established at 150 feet above the airport elevation, or in the case of HRJ, a height of 351 feet above mean sea level.

7.6.4.6 Conical Zone

Slopes 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, (551 feet above mean sea level).

7.6.4.7 Excepted Height Limitations

Nothing in this Section 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.

7.6.5 Permits

7.6.5.1 Future Uses

Except as specifically provided in A. and B. below, no material change shall be made in the use of land which results in creation of an aviation hazard, no structure shall be erected or otherwise established, and no tree shall be planted in any airport zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate 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 permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with this Ordinance.

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 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 5,300 feet from each end of the runway, no permit shall be required for any tree or structure less than 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 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, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Section except as set forth in Subsection "Excepted Height Limitations" of Section "Airport Zone Height Limitations."

7.6.5.2 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 March 16, 1998 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.

7.6.5.3 Nonconforming Uses Abandoned or Destroyed

Whenever the Airport Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent (80%) torn down (or damaged more than 80 percent (80%) of the current Harnett County tax value), 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.

7.6.5.4 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 Section, may apply to the Board of Adjustment for a variance from such regulations in accordance with the provisions of this Ordinance. The Procedure for application and review of variance requests can be found in Article XII "Interpretations, Amendments, Hearing Procedures, Appeals, & Variances".

7.6.5.5 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. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Harnett County, at its own expense, to install, operate and maintain the necessary markings and lights.

7.6.5.6 Airport Zone Disclosure Statement

The following statement shall be included on all development related plats/plans for those properties located in "Airport Zones", as described by this Article. In no case shall a permit be issued for a plat/plan unless such statement is included thereon. "All or a portion of property shown on this plat/plan is within a Harnett County Regional Jetport Airport Zone, subject to the height requirements for such zones, as regulated by the Harnett County Unified Development Ordinance."