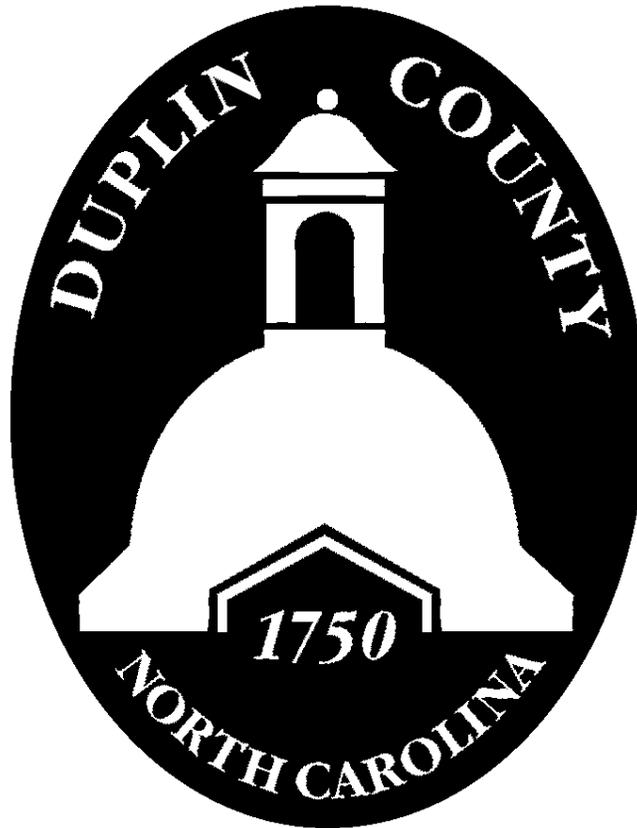


DUPLIN COUNTY AIRPORT  
AIRPORT LAND USE AND HEIGHT RESTRICTION ORDINANCE



PREPARED BY:

THE DUPLIN COUNTY PLANNING BOARD  
AND  
THE DUPLIN COUNTY AIRPORT COMMISSION

EFFECTIVE: MAY 1, 2009

ENACTMENT

This is an ordinance establishing Land Use Regulations for airport safety and Height Restriction Zones within the vicinity of the Duplin County Airport and providing for the administration, enforcement and amendment thereof;

PREAMBLE

WHEREAS, in the opinion of the Duplin County Board of Commissioners to further promote the health, safety, and general welfare of the residents of Duplin County, it is necessary and advisable to adopt regulations pertaining to the compatibility of land uses within the vicinity of the Duplin County Airport, and;

WHEREAS, the Duplin County Planning Board in conjunction with the Duplin County Airport Commission has developed this ordinance with due consideration and has submitted final recommendations to the Duplin County Commissioners, and;

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met,

**NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF DUPLIN AS FOLLOWS:**

**ARTICLE I - AUTHORITY**

SECTION 10

The provisions of this ordinance are adopted under authority granted by North Carolina General Statute 153A-121, pursuant to the authority conferred under Chapter 63 of the North Carolina General Statutes, Article 4.

**ARTICLE II – JURISDICTION**

SECTION 20

This ordinance shall be applicable to the area designated within Duplin County in the vicinity of the Duplin County Airport as shown on maps entitled Duplin County Airport Land Use and Height Restriction Ordinance Maps as maintained by the Duplin County Airport Commission and herein made a part of this ordinance.

**ARTICLE III – TITLE**

SECTION 30

This ordinance shall be known as and referred to as the Duplin County Airport Land Use and Height Restriction Ordinance of Duplin County, North Carolina.

## **ARTICLE IV – INTERPRETATIONS**

### SECTION 40

#### Tense and Number

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

### SECTION 41

#### Word Interpretations

For the purposes of this Ordinance, the following words shall be interpreted as specified below:

- (1) The word “may” is permissive,
- (2) The words “shall” and “will” are mandatory.
- (3) The word “County” shall mean the County of Duplin, North Carolina.
- (4) The words “Airport Commission” shall refer to the Duplin County Airport Commission.
- (5) The words “Planning Board” shall refer to the Duplin County Planning Board.
- (6) The words “County Commissioners” shall refer to the Duplin County Board of Commissioners,
- (7) The word “person” shall include firm, organization, association, company, trust, corporation or other entity.
- (8) The words “used” or “occupied” includes intended, designed and arranged.

### SECTION 42

#### Definitions

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) Airport means the Duplin County Airport (KDPL).
- (2) Airport Elevation means the highest point of an airport’s usable landing area measured in feet (tenths) from mean sea level.
- (3) Airport Obstruction means any living or man-made structure or tree which obstructs the aerial approaches of the airport exceeding the maximum height of structures permitted in the airport operation area or is otherwise hazardous to its use for landing or taking off.
- (4) Airport Operation Area refers to all zones established in this Ordinance.

- (5) Avigation Easement means ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to the operation of aircraft to and from the airport. Also includes the right to remove Airport Obstructions on said property.
- (6) Conditional Use (Special) Permit: A permit issued by the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Board (refer to 'C' Conditional Use in Land Use Matrix Table).
- (7) Enforcement Officer shall mean an individual or individual of Duplin County Planning Department with authority to enforce this ordinance.
- (8) FAA means Federal Aviation Administration.
- (9) FAR means Federal Aviation Regulation.
- (10) Dimensional Nonconformity means a situation that occurs when the lot line does not conform to the regulations applicable to the zone in which the property is located.
- (11) Height means the vertical distance from the ground elevation to the highest point of a structure or tree, including any appurtenance thereon expressed as feet above mean sea level (MSL).
- (12) Height limitations means no structure or tree shall be erected, altered, allowed to grow or maintained in any airport surface zone, with a height in excess of the height established for such zone. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation
- (13) Land Use Compatibility means the use of land adjacent to the Duplin County Airport that does not endanger the health, safety, or welfare of the owners' occupants, or users of the land.
- (14) Lot means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds prior to the effective date of this Ordinance.
- (15) Nonconforming Structure means any structure or tree which does not conform to this Ordinance as of the effective date of these regulations.

- (16) Nonconforming Use means any structure or use of land which is inconsistent with the provisions of this Ordinance as of the effective date of these regulations.
- (17) Open Space means an area, land or water, generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
- (18) Permitted Use means the associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'Y' Conditional Use in Land Use Matrix Table).
- (19) Precision Instrument Runway means a runway end having instrument approach procedure utilizing air navigation facilities with horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved or planned.
- (20) Prohibited Use means the associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'N' Conditional Use in Land Use Matrix Table).
- (21) Property Owners means those listed as owners of property on the records of the Duplin County Tax Office.
- (22) Runway End means existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation.
- (23) Structure means any object, constructed or installed by human labor, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. The primary structure on a lot, or a building that houses a principal use.
- (24) Use means the principal activity or function that actually takes place or is intended to take place on a parcel.
- (25) Variance means a grant of permission by the County Planning Board that authorizes a person, owing to conditions peculiar to the property, in which a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

- (26) Zoning Permit means a permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of the Ordinance.

SECTION 43

Land Use and Height Restriction Zones Established

In order to carry out this Ordinance, certain zones are hereby created and established, which include land lying beneath the Airport Safety Zones as they apply to the Duplin County Airport. Such zones are shown in plan view on the Duplin County Airport Land Use Ordinance Map consisting of two sheets, prepared by Duplin County, and dated March 2009, and by Duplin County, and dated March 2009. An area located in more than one (1) of the zones described herein is considered to be only in the zone with the more restrictive limitation. There are hereby created and established the following Airport Safety Zones:

- (1) Airport Safety Zone 1 – Runway Protection Zone (RPZ): a trapezoid shaped plane symmetrically centered along the extended runway centerline, flaring outwards from a point 200’ beyond each runway end. The perimeter of this zone as shown on the Duplin County Airport Land Use Ordinance Map is as follows:

Runway Protection Zone – Inner Width: 1,000’  
Runway Protection Zone – Outer Width: 1,750’  
Runway Protection Zone – Length: 2,500’

- (2) Airport Safety Zone 2 – Sideline Safety Zone: a rectangular shaped plane symmetrically centered along the runway centerline, extending to the edge of the Inner Turning Zone (Zone 4). The perimeter of this zone, as shown on the Duplin County Airport Land Use Ordinance Map, is as follows:

Sideline Safety Zone – Total Width: 2,000’

- (3) Airport Safety Zone 3 – Inner Safety Zone: a rectangular shaped plane symmetrically centered along the extended runway centerline, extending from the outer Runway Protection Zone (Zone 1) outward to the Inner Turning Zone (Zone 4) and Outer Safety Zone (Zone 5). The perimeter of this zone, as shown on the Duplin County Airport Land Use Ordinance Map, is as follows:

Inner Safety Zone – Inner Total Width: 1,000’  
Inner Safety Zone – Length: 2,500’

- (4) Airport Safety Zone 4 – Inner Turning Zone: a triangle shaped plane forming a 60 degree sector symmetrically centered along the extended runway centerline, diverging from a point 200’ beyond the runway end. The perimeter of this zone, as shown on the Duplin County Airport Land Use Ordinance Map, is as follows:

Inner Turning Zone – Radius: 5,000’  
Inner Turning Zone – Sector Angle: 60 degrees

- (5) Airport Safety Zone 5 – Outer Safety Zone: a rectangular shaped plane symmetrically centered along the extended runway centerline, extending outward from the Inner Safety Zone (Zone 3) and the outer radius of the Inner Turning Zone (Zone 4). The perimeter of this zone, as shown on the Duplin County Airport Land Use Ordinance Map, is as follows:

Outer Safety Zone – Total Width: 2,000’  
Inner Safety Zone – Length: 5,000’

#### SECTION 44

#### Regulation Limitations

Such applicable land use limitations are hereby established for each of the Airport Safety Zones in order to prevent incompatible land uses which would compromise aeronautical activity at the Duplin County Airport, to protect people and property on the ground in case of an accident, to limit population and building density in the runway approach areas, to create sufficient open space, and to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duplin County Airport, and minimize injury to the occupants of aircraft involved in accidents. The following land use limitations within Zones 1, 2, 3, 4 and 5 shall apply to those portions of the parcel contained within the underlying zones as indicated on the attached Duplin County Airport Land Use Ordinance Map.

<b>Duplin County Airport Land Use Ordinance Regulated Land Use Guidance for Zones 1, 2, 3, 4, 5 *</b>					
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>
<b>Agriculture, Farming &amp; Animal Keeping</b>					
Crop Production - Dry and Irrigated Farming	C 1,2	C 1,2	Y	Y	Y
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	N	N	Y	Y	Y
Row-Crop Processing and Packaging, Wineries	N	N	Y	Y	Y
Animal Processing and Packaging	N	N	C 2,3	Y	Y
Truck Farming, Roadside Stands, Farmers Markets	N	N	C 2,3	C 2,4	C 2,5
Pasture and Rangeland Grazing	N	Y	Y	Y	Y
Animal Feed Lots (Commercial Hogs, Dairies)	N	N	Y	Y	Y
Animal Feed Lots (Commercial Poultry)	N	N	N	N	N
Game Preserves, Fish Farming	N	N	Y	Y	Y
Feed Lots, Stockyards, Animal Commodity Sales Yards	N	N	C2	C2	C2
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	N	N	C3	C4	C5
Equestrian Facilities, Exotic Animals	N	N	C3	C4	C5
<b>Public Use Facilities, Institutions &amp; Utilities</b>					
Civic-Use Convention Center, Auditorium, Concert Hall	N	N	N	N	N
Schools, Hospitals, and Correctional Facilities	N	N	N	N	N
Libraries, Museums, Churches, Day-Care, Social/Civic Clubs	N	N	N	N	N
Parks, Athletic Fields, Playgrounds, Picnic Areas	N	N	N	N	N
Cemeteries	N	N	Y	Y	Y
Public Utilities (Excludes Electric Power Plants, Lines)	N	N	C 1,2	C 1,2	C 1,2
Electric Power Plants and Overhead Transmission Lines	N	N	C 1,2	C 1,2	C 1,2
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	N	N	N	N	N
Recycling	N	C2	C 2,3	C 2,4	C 2,5
<b>Residential</b>					
Single-Family Residential	N	N	N	C 1,2,3	Y
Multi-Family Residential, Mobile Home Units / Parks	N	N	N	N	N
Group Homes, Convalescent Facilities, Nursing / Family Care	N	N	N	N	N
Apartments, Duplexes, Townhomes, Condominiums	N	N	N	N	N
Temporary Housing	N	N	N	N	N

<b>Duplin County Airport Land Use Ordinance Regulated Land Use Guidance for Zones 1, 2, 3, 4, 5 *</b>					
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>
<b>Commercial Recreational</b>					
Swimming Pools, Water Park, Water Slides	N	N	N	Y	Y
Gyms, Health Spas, Indoor Theaters, Auditoriums	N	N	N	N	C5
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	N	N	N	N	C5
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	N	N	N	N	N
Golf Courses, Tennis Courts	N	N	N	Y	Y
<b>Commercial Business, Retail &amp; Services</b>					
Aeronautical Businesses	N	Y	N	C 1,2	Y
General Retail Stores/Complexes, Restaurants, Convenient Stores	N	N	N	C4	Y
General Offices, Executive Offices, Research Facilities	N	C4	C3	C4	C5
Vehicle Sales, Building & Lumber Materials, Food-Beverage Sales	N	N	N	C4	C5
Appliance-Equipment Repair Facilities, Vehicle Wash	N	C4	C3	C4	C5
Shopping Malls, Shopping Centers, Home Improvement Centers	N	N	N	C4	C5
Banks, Financial Institutions	N	N	N	C4	C5
Gasoline Service Stations	N	N	N	N	Y
Modular Self-Storage Facilities, Mini Storage Units	N	C2	C3	C4	C5
Personal Health Clinics, Well-Being & Care Facilities	N	N	N	C4	C5
Motels, Hotels, Bed & Breakfast	N	N	N	C3	C4
RV Parks, Camping Areas	N	N	N	C3	C4
Mass Transit Facility / Depot	N	Y	N	C5	C5
Broadcast Studios	N	N	N	N	Y
<b>Commercial Industrial, Manufacturing &amp; Warehousing</b>					
Manufacturing Facilities, Industrial Plants, Warehousing	N	C4	N	N	C5
Warehouse, Wholesale, Distribution	N	C4	C3	C4	C5
Heavy Industrial/Manufacturing	N	N	N	N	C5
Light Industrial/Manufacturing	N	C4	C3	C4	C5
Petroleum and Chemical Product Dealers-Bulk Storage	N	N	C3	C4	C5
Mining- Sand, Gravel, Fill Dirt	N	N	N	C 1,2	C 1,2

**Table Key (Abbreviations)**

**(Y) Permitted Use:** The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

**(C) Conditional Use:** The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Conditional Uses Below).

- 1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/NCDOA).
- 2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.
- 3 - Use intensity restricted to 5 or less persons per acre; or equivalent per household.
- 4 - Use intensity restricted to 15 or less persons per acre; or equivalent per household.
- 5 - Use intensity restricted to 15 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors.

**(N) Prohibited Use:** The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

\* Note: Reference Duplin County Airport Land Use Ordinance Map for Location of Zones.

**ARTICLE V – HEIGHT RESTRICTIONS**

**SECTION 50**

**Zones Established**

In order to carry out this ordinance, certain zones are hereby created and established by FAR Part 77, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Duplin County Airport. Such zones are shown in plan and profile view on the Duplin County Airport Height Restriction Ordinance Map consisting of one (1) sheet, prepared by Duplin County dated March 2009. 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) *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 at a slope of 50 feet horizontally for every 1 foot vertically for a horizontal distance of 10,000 feet, then at a slope of 40 feet horizontally for every 1 foot vertically to a width of 16,000 feet for a

horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (2) *Primary Zone.* The primary zone is the area beneath the primary surface. This zone extends 200 feet beyond each end of the runway, has a width of 1,000 feet, and is centered on the runway centerline.
- (3) *Transitional Zones.* The transitional zones are the areas beneath the 7 foot horizontal to 1 foot vertical transitional surface.
- (4) *Horizontal Zone.* The horizontal zone is 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. This zone contains the Horizontal Surface, which is located 150 feet above the established airport elevation.
- (5) *Conical Zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. This zone contains the Conical Surface, which contains a slope of 20 horizontally for every 1 foot vertically.

## **ARTICLE VI – HEIGHT LIMITATIONS**

### SECTION 60

#### Height Limitations

No structure or tree shall be erected, altered, allowed to grow or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the Duplin County Airport Height Restriction Ordinance Map or referred to in Section 43 of this Document. The property owner of a tree, determined to be an airport hazard, shall be responsible for bringing such tree into conformance with this ordinance.

## **ARTICLE VII – NONCONFORMITIES**

### SECTION 70

#### Nonconforming Uses – Regulations Not Retroactive

This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change 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, or intended use

of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this ordinance.

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to allow the installations operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Duplin County Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Duplin County Airport. Reference FAA Advisory Circular 70-7460-1 for further guidance.

## SECTION 71

### Existing Structures

Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land use limitation.

**Abandoned Structures:** Whenever the Duplin County Building Inspector determines that a nonconforming structure has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure to otherwise deviate from the zoning regulations.

**Temporary Structures:** Temporary structures constructed or erected incidental to a development, and solely used for the designated purpose, can only remain while needed and for a maximum of one year.

## **ARTICLE VIII - PERMIT REQUIREMENTS**

## SECTION 80

### Permits Required – Existing Uses

Before any existing use or structure may be replaced or substantially altered within any area of the Airport Safety or Height Restriction Zones, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use when the application for a permit is made. Except as indicated, all applications for a permit for replacement change or repair of an existing, structure shall be granted.

SECTION 81

Permits Required – Future Uses

No change shall be made in the use of land or increasing or establishing a structure or tree unless a permit therefore shall have been applied for and granted by the County Planning Department. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.

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 94.

The Duplin County Building Inspector shall not issue a building permit for the construction of any new structure within the Airport Safety or Height Restriction Zones established in SECTION 43, and as depicted on the Duplin County Airport Land Use or Height Restriction Ordinance Map unless approved by the Duplin County Airport Commission and the enforcement officer.

No permit of any type shall be issued for any development, building permit or activity subject to parcel areas underlying Airport Safety Zones Zone #1 and Zone #2 herein defined, until the Duplin County Airport has an opportunity to be awarded an avigation easement by the property owner(s) in a form prescribed by the Airport Commissioners, and as recorded in a form acceptable to the Duplin County Planning Board.

SECTION 82

Permit Applications

A permit application, as required per SECTION 80, shall accompany a preliminary plat to contain the information as indicated by the table in Section 309 of the Duplin County Subdivision Regulation. A non-refundable application fee of \$100 shall be submitted with the permit application.

SECTION 83

Review by Airport Commission

No permit regulated by this ordinance shall be issued by the Enforcement Officer unless approved by the Duplin County Airport Commission, or its designee.

SECTION 84

Violations

Permits shall be valid until revoked. The Enforcement Officer may periodically inspect the structure(s), trees and land use to determine continued compliance with this ordinance. If the land use or obstruction is in violation, the Enforcement Officer shall advise the owner in writing of the violations and of action necessary to bring the obstruction or land use into compliance. Failure by the owner to correct violations within 120 days of

notification shall constitute grounds for revocation of the permit. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

SECTION 85

Revocation of Permit

Valid permits may be revoked by the Enforcement Officer for any of the following reasons:

- (1) Incorrect or misrepresented information on the permit application.
- (2) Failure to construct structure in accordance with application and permit.
- (3) Any other violation of this ordinance.

In the event the permit is revoked, the Enforcement Officer shall advise the owner in writing of the status of the permit, the action necessary to correct the violation and of the enforcement techniques available to the County to remedy continued violation. When the Enforcement Officer determines that the structure or land use has been brought back into compliance with this ordinance, the Enforcement Officer shall reinstate the permit.

**ARTICLE IX - LEGAL PROVISIONS**

SECTION 90

Enforcement

The ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123.

SECTION 91

Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Enforcement Officer stating the cause and basis for the complaint. The Enforcement Officer shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

SECTION 92

Severability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 93

Amendment

Petitions for amendment may be filed with the Duplin County Planning Department by any citizen of the County, any county department or agency, the Duplin County Planning Board or Board of Commissioners.

SECTION 93.1

County Commissioners Review

The provisions and requirements of this ordinance may be amended by the County Commissioners according to the procedure set forth:

- (1) County Planning Board Review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the Planning Board. The Planning Board shall have 45 days in which to review the proposed amendment and to make recommendation to the County Commissioners. If the Planning Board, or designee, fails to report to the Commissioners within 45 days, it shall be deemed to have approved the proposed amendment.
- (2) Airport Commission Review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed and recommended for approval by the Airport Commission.
- (3) Commissioners Review - No amendment shall become effective until after being adopted by the County Commissioners.

SECTION 94

Variance and Exception

Upon advisement of the Enforcement Office and Airport Commission, the County Planning Board may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance, the Planning Board may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance. In granting a variance or exception to this ordinance, the Planning Board must determine the following:

- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other land or buildings.
- (2) The literal interpretations of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant.
- (4) Granting the variance required will not confer on the applicant any special privilege that is denied by this ordinance to other- lands or buildings.

- (5) Any request for a variance to the Height Restrictive portion of this Ordinance shall be accompanied by a finding from the Federal Aviation Administration as to the impact the variance may have on the safe, efficient use of the airport and its airspace.

*Issuance of a variance shall not set precedence and each case shall be reviewed independently of others.*

SECTION 95

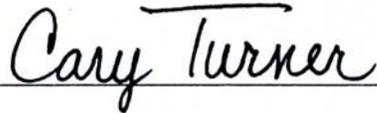
Appeal

The Airport Commission shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the enforcement officer responsible for administration or enforcement of this ordinance. The Airport Commission decision is subject to review by the Duplin County Board of Commissioners.

SECTION 96

Effective Date

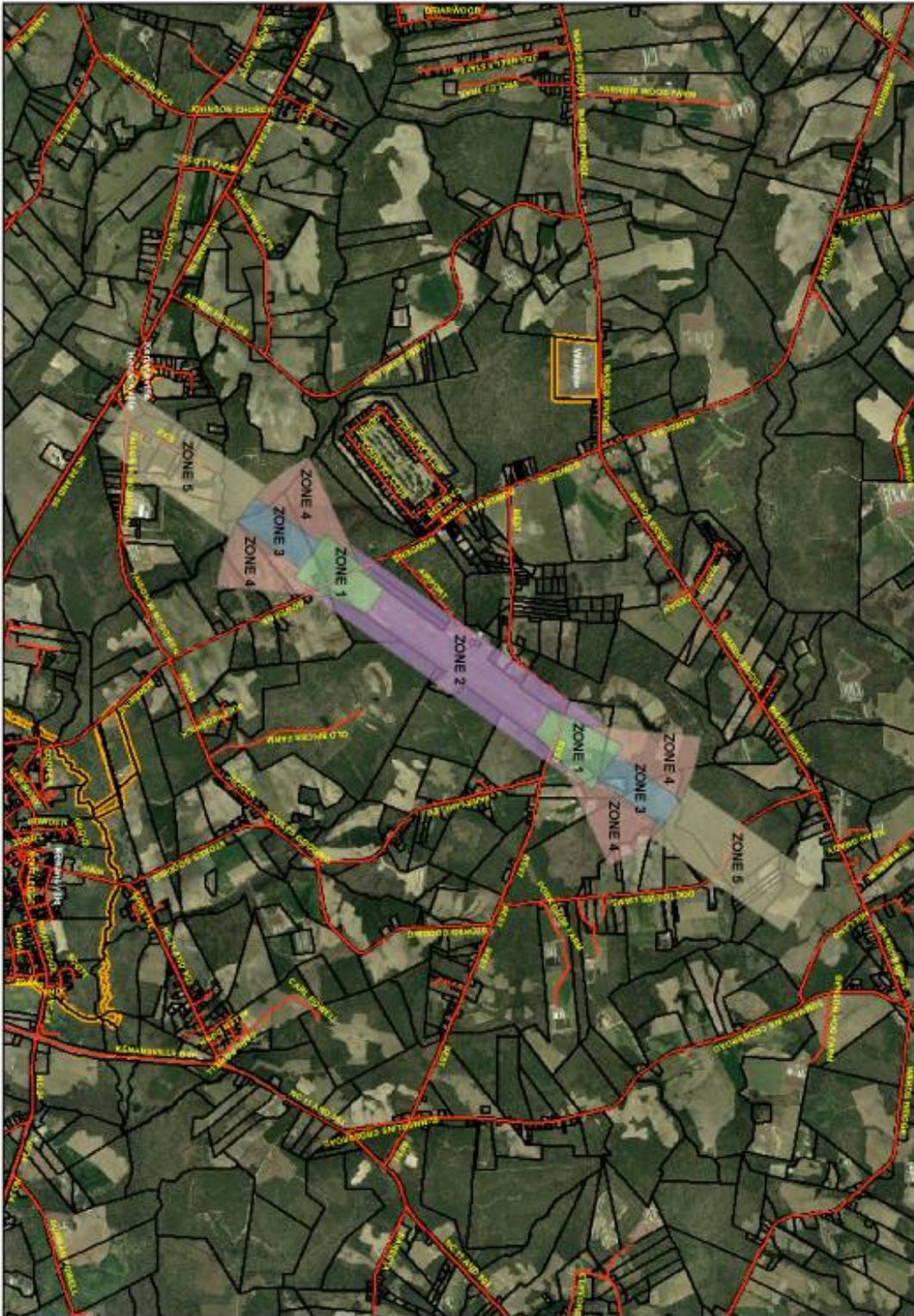
This ordinance shall become effective and be in full force from and after the 1st day of MAY, 2009. Adopted by the Duplin County Board of County Commissioners on 6th day of April, 2009.

  
\_\_\_\_\_

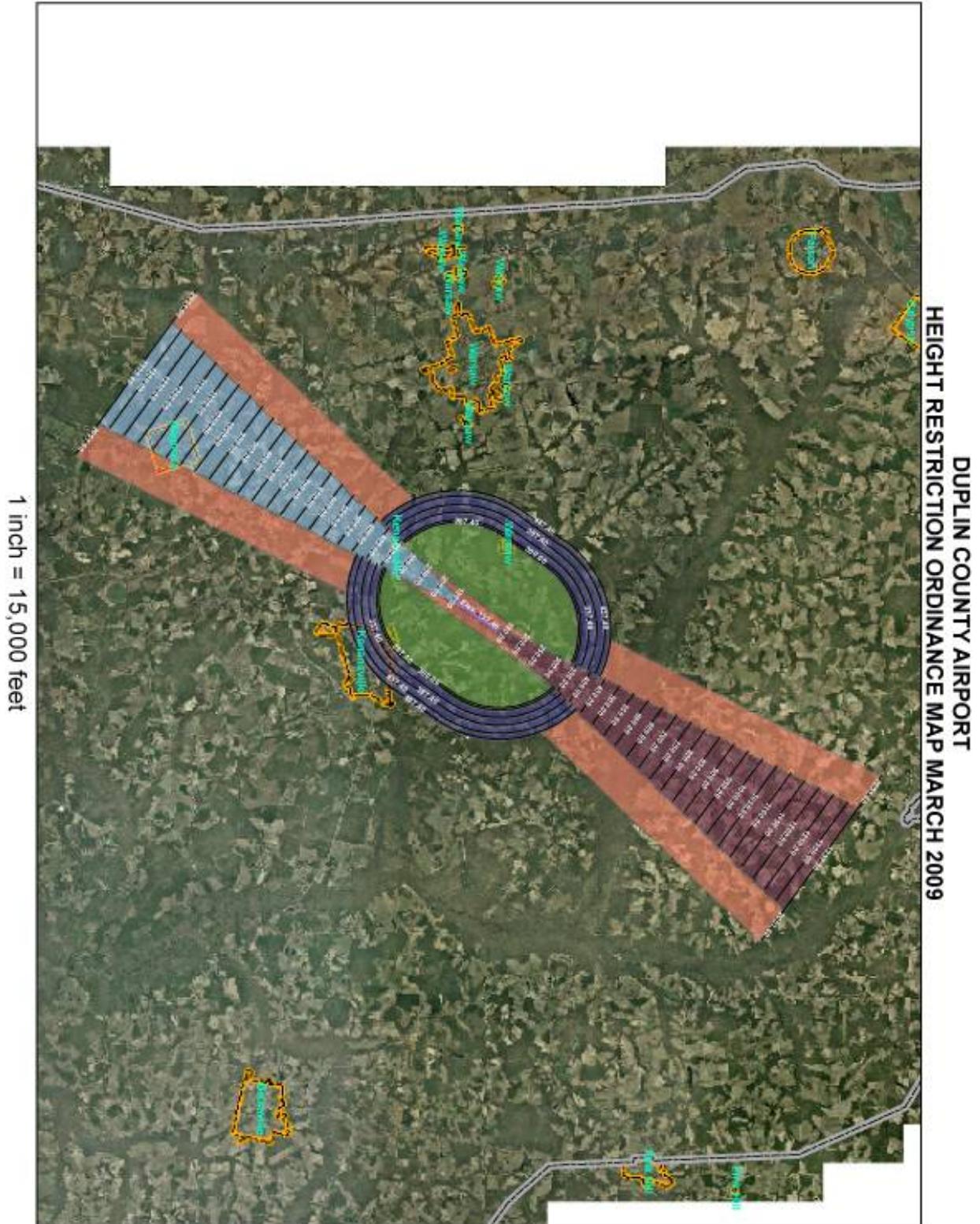
Chairman, Duplin County  
Board of Commissioners

ATTEST:   
Clerk \_\_\_\_\_

DUPLIN COUNTY AIRPORT  
LAND USE ORDINANCE MAP MARCH 2009



1 inch equals 4,000 feet



Duplin County, North Carolina  
 Airport Land Use and Height Restriction Ordinance

VARIANCE APPLICATION CHECKLIST

Applicant \_\_\_\_\_

File Number \_\_\_\_\_

Date Submitted \_\_\_\_\_

Date Approved \_\_\_\_\_ Approval Signature \_\_\_\_\_

Title \_\_\_\_\_

**Please submit the following items where relevant.**

ITEM	COMPLETE	INCOMPLETE	WAIVER REQUESTED	NOT APPLICABLE
1. A professionally prepared survey of the property showing lot dimensions and all existing and proposed dimensions between all structures, property lines and elevations of all structures.				
2. A detailed description of the intended land use.				
3. A statement identifying the specific reason(s) why the intended land use ordinance applied is an unnecessary hardship.				
4. An approved FAA Form 7460-1 stating the impact an intended variance may have on the safe, efficient use of the Airport and its Airspace. (Only required for Variance Application of Height Restriction Ordinance portion.)				

**Note: Please submit this checklist with your package.**