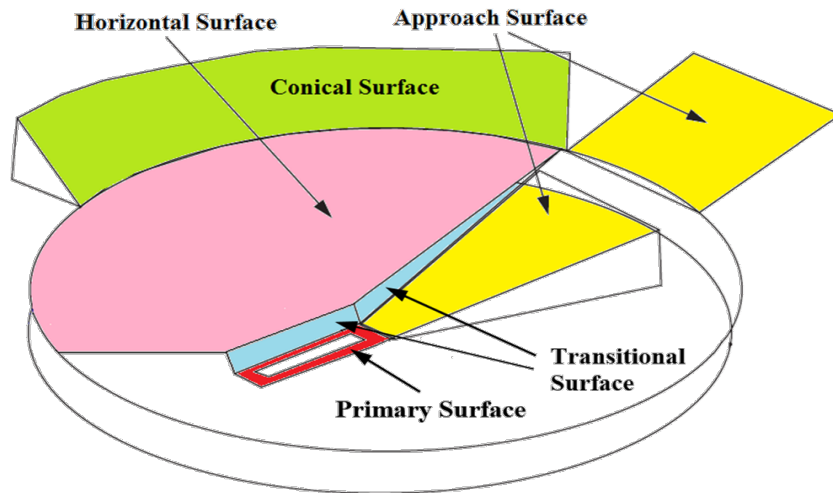


6.5. AIRPORT OVERLAY

- A. **Purpose.** The Airport Overlay (AO) district is intended to protect the airspace around and near the Charlotte-Monroe Executive Airport (“Airport”) from the encroachment of in-compatible land uses, which present hazards to users of the Airport as well as to persons residing or working in the Airport vicinity. It is the intent of this section to restrain influences, which are averse to the airport property and safe conduct of aircraft. This section is designed to prevent the creation of conditions hazardous to Airport operation, to prevent conflict with land development, which may result in loss of life and property and to encourage development that is compatible with the Airport uses characteristics within the intent and purpose of zoning. To this end, AO district designation, when overlaid onto a basic zoning district classification, is intended to coordinate the purpose and intent of this section with other regulations in the UDO. This section is intended to conform with Federal Regulation 14 CFR Part 77 - Safe, Efficient Use, and Preservation of the Navigable Airspace.
- B. **Applicability.** The AO district applies to designated land in the vicinity of the Airport. The AO designation specifically applies to the administration and enforcement of the areas surrounding the Airport by regulating or restricting the height and location of where structures and trees may be erected or allowed to grow.
- C. **Definitions.** For the purposes of this section, the following terms are generally defined. All other technical terms used in this section will be as defined in Federal Regulation 14 CFR Part 77.
1. Airport. The Charlotte-Monroe Executive Airport.
 2. Airport Elevation. The highest point of the Airport’s useable landing area measured in feet above mean sea level (682.6 feet surveyed).
 3. Height. Value used in determining the impact of an obstruction.
 4. Nonconformity. Any structure, object of natural growth, or use of land, which is inconsistent with the provisions of this UDO or any amendment thereto existing prior to the effective date of this section.
 5. Obstruction. Any structure, either human-made or of natural growth, including a mobile object, which exceeds a limiting height set forth in this section.
 6. Zoning Administrator. The City of Monroe’s Director of Planning and Development.

Figure 1: Airport Zone Depiction/Definitions (Source: Federal Regulation 14 CFR Part 77)



Primary Surface	A surface longitudinally centered on a runway, which extends 200 feet beyond each end of that runway. At the Airport, the measurements of this surface are 7,400 feet by 1,000 feet.
Approach Surface	A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. At the Airport, the inner edge of the approach surface is 16,000 feet, and the horizontal distance 10,000 feet at a slope of 50 to 1, with an additional 40,000 feet at a slope of 40 to 1.
Horizontal Surface	A horizontal plane 150 feet above the established Airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of at the airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by length of runway. At the Airport, the radius of the arcs is 10,000 ft.
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.
Transitional Surface	Surfaces that extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

D. **Airport Zones.** In order to carry out the provisions of this section, all appropriate surfaces (and land underneath said surfaces) defined in Federal Regulation 14 CFR Part 77 are hereby incorporated by reference and applied to the Airport. Such surfaces are depicted in Figure 1.

E. **Airport Zone Height Limitations.** No structure shall be erected, altered or maintained,

and no trees shall be allowed to grow, in any zone created by this section, to a height which projects above the upper surface of any such zone. An obstruction located in more than one zone is considered to be only in the zone with the more restrictive height limitation. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of up to 100 feet above the surface of the land.

- F. **Use Restrictions.** Notwithstanding any other provisions of this section, no use may be made of land or water within any 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 the 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.
- G. **Nonconformity.** The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any nonconformity, or otherwise interfere with the continuance of a nonconformity. Nothing contained in this section shall require any change in the construction, alteration or intended use of any nonconformity, the construction or alteration of which was begun prior to the effective date of this section and is diligently being pursued. No permit provided for in section I may be issued if it would allow the establishment or creation of an obstruction, or allow a nonconformity to become a greater hazard to air navigation than it was on the effective date of this section, or any amendments thereto, or than it is when the application for a permit is made. Whenever the Zoning Administrator determines that a nonconformity has been abandoned or is physically deteriorated or decayed, no permit provided for in section k may be issued if doing so would allow the nonconformity to exceed the applicable height limit or otherwise deviate from the regulations of this section. Notwithstanding this section, and if specified in a Federal Aviation Administration (FAA) Notice of Determination, the owner of any existing nonconformity shall install, operate and maintain markers or lights pursuant to the standards described in FAA Advisory Circular 70-7460-1L indicating to aircraft operators in the vicinity of the Airport the presence of an obstruction.
- H. **Permits .** Except as specifically provided in (1), (2), and (3) 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 the AO district unless a permit therefore is first issued. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to allow the City to determine whether the use, structure or tree would conform to the Federal Regulations referenced in this section and include the proper documentation as determined by the City. No permit for a use inconsistent with the provisions of this section may be issued unless a variance has been approved in accordance with subsection I (variances) below.

1. 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 100 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.
 2. 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 100 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
 3. In 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 100 feet above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.
 4. 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.
- I. **Variations.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in compliance with the regulations prescribed in this section may apply to the Board of Adjustment (BOA) for a variance from such regulations. The application for a variance shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variations may be allowed where it is found that a literal application or enforcement of the regulations

will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this section. Additionally, no application for a variance to the requirements of this section may be considered by the BOA unless a copy of the application, along with the FAA Notice of Determination, has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond within 30 days after receipt, the BOA may act on its own to grant or deny said application.

- J. **Obstruction Marking and Lighting.** Any permit or variance granted pursuant to this section may, if such action is deemed advisable to effectuate the purpose of this section, and reasonable in light of the circumstances, be conditioned 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 to comply with the standards described in FAA Advisory Circular 70-7460-1L.
- K. **Enforcement.** It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed in this section. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this section to be submitted to the Zoning Administrator shall be promptly considered by the Zoning Administrator or the BOA.
- L. **Sanitary Landfill.** Various studies and observations have concluded that sanitary landfills typically attract wildlife, specifically birds, which can create potential hazards to aircraft operations near airports, particularly during takeoff and landing. In order to mitigate this hazard, the following regulations shall apply with regard to location of landfills:
1. No landfill shall be located within 10,000 feet from a runway of the Airport.
 2. Landfills located further than 10,000 feet, but within five miles of a runway of the Airport will be reviewed on a case-by-case basis by the Airport Manager, in coordination with the Zoning Administrator. If, in the opinion of the Airport Manager, the landfill poses a threat to safe aircraft operations, then the landfill shall be considered an incompatible land use, and shall not be allowed on the property where it is deemed to pose such a threat.
- M. **Conflicts.** In the event of conflict between any AO district regulation in this section and any other UDO regulation 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.

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