

ARTICLE III. ZONING

Sec. 41-200. Intent of article.

This article is intended to afford protection to the flight paths utilized in connection with Marine Corps Station Cherry Point and Coastal Carolina Regional Airport; to ensure the harmony and compatibility of development in proximity to said facilities with the operations of same; to minimize conflict arising from incompatible uses in close proximity to said facilities; and to minimize the risk to the health, safety and welfare of the citizens of the county due to the operations of said facilities and the potential for aviation related accidents.

(Res. of 7-6-21)

DIVISION 1. ZONING ADMINISTRATIVE PROVISIONS

Sec. 41-201. Permit application procedures.

- (1) *Application for zoning permit.* All applications for zoning permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration and evidence of Craven County Board of Health's approval of the sewage disposal system. The application shall include such other information as may be required by the planning director including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families or rental units the building is designed to accommodate; conditions existing on the lot; for property located within the airport zone the elevation of all structures and utility lines taller than 50 feet as determined by a licensed surveyor; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this article.

One copy of the plans shall be returned to the applicant by the planning director after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Should the planning director disapprove an application for a zoning permit, the reasons for disapproval shall be listed on the application. The second copy of the plans, similarly marked, shall be retained by the planning director.

- (2) *Expiration of zoning permit.* A zoning permit shall expire one year after the issuance if the work authorized thereby has not been substantially commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefore shall immediately expire and be deemed void.
- (3) *[Records.]* The planning department shall maintain a record of all zoning permits and a summary of all permits issued shall be available to the public.

(Res. of 7-6-21)

Sec. 41-202. Zoning and special use permit approval.

- (1) *Permits issuance.* Zoning permits and special-use permits are issued under this article only when a review of the application submitted, including any required plans contained therein, indicates that the development will comply with the provisions of this article if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in section 6.12 [sic], all development shall occur strictly in accordance with such approved plans and applications.

-
- (2) *Who may submit permit applications.* Applications for approvals under this article may be made by, and shall only be issued to, a developer.
- (3) *Applications to be complete.*
- (a) All applications for zoning or special-use permits must be completed, and any required fees paid, before the county is required to consider the application.
 - (b) An application is complete when it contains all of the information that is necessary for the county to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this article, accompanied by any required fees.
 - (c) The planning director shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In cases where a minimal amount of information is necessary to enable the planning director to determine compliance with this article, such as applications for zoning permits to construct single-family or two-family houses, the planning director shall develop standard forms that will expedite the submission of the necessary plans and other required information.
- (4) *Staff consultation after application submitted.*
- (a) Upon receipt of a formal application for a zoning or special-use permit, the planning director shall review the application and confer with the applicant to ensure that the applicant understands the planning staff's interpretation of the applicable requirements of this article, that the applicant the application represents precisely and completely what the applicant proposes to do.
 - (b) If an application is for a special-use permit, the planning director shall place the application on the agenda of the appropriate board when the applicant indicates that the application is as complete as he intends to make it. However, if the planning director believes that the application is incomplete, he shall recommend to the appropriate board that the application be denied on that basis.
- (5) *Zoning permits.*
- (a) A completed application form for a zoning permit shall be submitted to the planning director by filing a copy of the application with the planning director.
 - (b) The planning director shall issue the zoning permit unless he finds, after reviewing the application, that:
 - 1. The requested permit is not within his jurisdiction according to the table of permissible uses, or
 - 2. The application is incomplete, or
 - 3. If completed as proposed in the application, the development will not comply with one or more requirements of this article (not including those requirements when a variance has been granted or those the applicant is not required to comply with under the circumstances specified in section 41-203 (nonconforming situations).
- (8) *Completing developments in phases.*
- (a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of this article shall apply to each phase as if it were the entire development.
 - (b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this article that will be satisfied with respect to each phase or stage.

-
- (c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the planning director, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit.
- (9) *Maintenance of common areas, improvements, and facilities.* The recipient of any zoning or special-use permit, or his successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this article or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

(Res. of 7-6-21)

Sec. 41-203. Nonconforming situations.

- (1) *General.* After the original effective date of this article land or structures, or the uses of land or structures which would be prohibited under the regulations for the zone in which it is located and which were existing prior to the effective date of this article, shall be considered as nonconforming. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their continual use. Nonconforming structures or uses may be continued provided they conform to the provisions of this article. In the airport zone, all single-family residential uses and associated accessory uses existing on the date of adoption of this article shall be exempt from all nonconforming requirements of this section, including those for which building permits have been issued.
- (2) *Definitions.* Unless the context clearly indicates otherwise, the terms defined below are used in this section and elsewhere in this article in the following manner:
- (a) *Nonconforming situation* means a situation that occurs when, on the effective date of this article or any amendment hereto, an existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the regulations applicable to the zone in which the lot or structure is located.
- (b) *Nonconforming use* means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the permitted use regulations applicable to the zone in which the property is located.
- (c) *Nonconforming building or structure (dimensional nonconformity)* means a nonconforming situation that occurs when the height, design, building material or lighting of a building does not conform to the regulations applicable to the zone in which the property is located.
- (d) *Nonconforming project* means any structure, development or undertaking that is incomplete at the effective date of this article and would be inconsistent with any regulation applicable to the zone in which it is located if completed as proposed or planned.
- (3) *Completion of nonconforming projects.* The construction or erection of any nonconforming project may be completed provided all construction is done pursuant to a validly issued building permit.

-
- (4) *Extension or enlargement of nonconforming situations.*
- (a) Except as specifically provided in this subsection, it shall be a violation for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
 - (b) Subject to this subsection (4), a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. However, subject to subsection (5) of this section, a nonconforming use may not be extended to additional buildings or to land outside the original building.
 - (c) Subject to subsection (3), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if ten percent or more of the earth products had already been removed at the effective date of this article.
 - (d) Where a nonconforming situation exists, the equipment or processes may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
 - (e) Physical alteration of structures or the placement of new structures on open land are prohibited if they result in:
 - 1. An increase in the total amount of space devoted to a nonconforming use; or
 - 2. Greater non-conformity with respect to dimensional restrictions such as height limitations, or density requirements.
 - (f) Minor repairs to and routine maintenance of property where nonconforming situations exist is permitted and encouraged.
 - (g) Notwithstanding subsection (5), any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size. In particular, a mobile home may be replaced with a larger mobile home, and a "single-wide" mobile home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in subsection (6), "abandonment and discontinuance of nonconforming situations."
 - (h) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
 - 1. A letter of intent is received by the planning department within six months from the time of such destruction;
 - 2. A building permit is obtained from the planning department within one year from the time the damage or destruction took place;
 - 3. The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one;
 - 4. The reconstructed building shall eliminate height limitation, building material and/or lighting nonconformities if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building.
 - (i) Whenever the planning department determines that a nonconforming structure has been more than 80 percent torn down, no permit shall be granted that would allow such structure to exceed the applicable

height limits as specified in section 41-253 or otherwise deviate from the zoning and height control ordinance regulations.

(5) *Change in type of nonconforming use.*

- (a) A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
- (b) A nonconforming use may be changed to another nonconforming use only by approval of the board of adjustment. The board shall issue such approval if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the approval is applied for and that the proposed use will not adversely affect safe aircraft operations. If a nonconforming use is changed to any use other than a conforming use without obtaining approval pursuant to this paragraph, that change shall constitute a discontinuance of the nonconforming use, and the property involved may thereafter be used only for conforming purposes.
- (c) A nonconforming accessory use of a building may only be changed to another nonconforming accessory use or building according to subsection (b) above. Changes in a principal use are also considered as changes to any accessory use or building.
- (d) If a nonconforming use and a conforming use, or any combination of a conforming and nonconforming use, or any combination of nonconforming uses exist in one lot, the use made of the property may be changed substantially (except to a conforming use), only in accordance with approval issued by the board of commissioners. The board shall issue such approval if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the approval is applied for.

(6) *Abandonment and discontinuance of nonconforming situations.*

- (a) When a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.
- (b) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building or one space in a nonconforming mobile home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

And so, if a mobile home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of that mobile home for 180 days terminates the right to replace it.

- (c) When a structure or operation made nonconforming by this article is vacant or discontinued at the effective date of this article, the 180-day period for purposes of this subsection begins to run at the effective date of this article.

(7) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure within the territorial jurisdiction of division 3 of this article is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the manager of the Coastal Carolina Regional Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. This requirement shall not apply to trees located outside the transition zone. Such markers and lights shall be installed, operated, and maintained at the expense of the Coastal Carolina Regional Airport Authority

(Res. of 7-6-21)

Secs. 41-204—41-220. Reserved.

DIVISION 2. CHERRY POINT MARINE CORPS AIR STATION ZONING ORDINANCE

SUBDIVISION I. GENERALLY

Sec. 41-221. Territorial applicability.

The regulations set forth in this division shall be applicable within the following area of Craven County:

BEGINNING at a point on the center line of N.C. Highway 101, said point being the intersection of the January 31, 1989, Town of Havelock extraterritorial jurisdiction boundary line (said line being located approximately at the intersection of Shop Branch (a tributary of Hancock Creek) and N.C. Highway 101) as shown on the official Town of Havelock zoning map dated January 1982; thence east along the center line of N.C. Highway 101 to a point, said point being the intersection of the center line of N.C. Highway 101 and the center line of N.C. Highway 306; thence north along the center line of N.C. Highway 306 for a distance of 2,000 feet to a point located on the center line of N.C. Highway 306; thence easterly along a line perpendicular to the center line of N.C. Highway 306 for a distance of 1,000 feet to a point; thence north along a line parallel to the center line of N.C. Highway 306 for a distance of 6,400 feet to a point, said point being located on a line drawn perpendicular to the center line of N.C. Highway 306; thence westerly along a line perpendicular to N.C. Highway 306 to a point, said point being the intersection of the line perpendicular to N.C. Highway 306 and the center line of N.C. Highway 306; thence north along the center line of N.C. Highway 306 to a point, said point being the intersection of the center line of N.C. Highway 306 and the center line of the Pine Cliff Recreation Area access road if extended; thence northwest along the center line of the Pine Cliff Recreation Area access road to its intersection, if extended, with the mean high water level of the southern shore of the Neuse River; thence west along the mean high water level of the southern shore of the Neuse River to its intersection, if extended, with the Town of Havelock extraterritorial boundary as shown on the Town of Havelock official zoning map dated January 1982 as updated in April of 2019; thence southwest along a line conterminous with the Town of Havelock extraterritorial boundary line as shown on the Town of Havelock official zoning map dated January 1982 as updated in April of 2019 to its intersection with the center line of N.C. Highway 101, the POINT OF THE BEGINNING.

Also included within the territorial jurisdiction of this division are those additional areas depicted on the map entitled "Craven County Official Zoning Map" dated March 30, 2004, and prepared by Craven County Planning Department, said map being incorporated herein by reference for a more detailed and particular description of all areas subject to this division. Copies of said map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the clerk to the board of commissioners in accordance with G.S. 153A-50, shall be admissible into evidence and shall have the same force and effect as would the original map.

This division shall be known as the "Marine Corps Air Station Zoning Ordinance of Craven County," and may be cited as the "zoning ordinance".

(Res. of 7-6-21)

Sec. 41-222. Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meanings herein set forth when used in this division. If a word or phrase used in this division is not defined by this section, elsewhere in this division or elsewhere in this chapter, to the extent such word or phrase is defined in G.S. ch. 160D, the definition contained in G.S. ch. 160D shall control.

Airport means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes, including, but not limited to, the Cherry Point Marine Corps Air Station.

Airport elevation means the highest point of airport's landing area measured in feet above mean sea level.

Airport environs means that area which has been identified as being significantly impacted by airport noise and accident potential.

Construction means the erection or alteration of any structure either of a permanent or temporary character.

Day-night average sound level (Ldn) is a basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24-hour time period, with a ten-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

DBA means the unit of corrected noise level measured in accordance with the "A-weighting scale" which replicates the response characteristics of the ear.

Decibel is a unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound. Abbreviated dB.

Dwelling unit means a structure or portion of a structure designed or occupied as self-contained living quarters for one family.

Family means one or more persons related by blood, marriage or adoption, and living together as a single housekeeping unit.

Forestry means the cultivation and harvesting of trees. The term shall not include the retail sale of trees or similar products.

Height means the overall height of a structure, including any appurtenance thereon, and for the purpose of determining the height limitations set forth herein, the datum shall be mean sea level elevation unless otherwise specified.

Lot means the least fractional part of subdivided lands, which have been duly recorded, having fixed boundaries, an assigned number, letter or other name through which it may be identified.

Mobile home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

Multifamily dwelling means a structure which contains three or more dwelling units.

Nonconforming use means any structure, growth or use of land which was lawfully in existence prior to the enactment of the regulations and which does not conform to these regulations.

Person means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Planning department means the county's planning department which has been designated by the board of commissioners to administer airport zoning regulations.

Single-family dwelling means a detached structure which is designed for or occupied exclusively as a residence for one family.

Structure means any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, utility poles, and overhead transmission lines.

Use means the purpose for which land or a building is arranged, designed, occupied, or maintained.

(Res. of 7-6-21)

SUBDIVISION II. USE RESTRICTIONS

Sec. 41-223. General.

No person shall commence or proceed with development within the territorial application of this division without first receiving approval from the county.

Notwithstanding any provision of this division, the permitted land use for any property within the airport environs area shall be defined as set forth in table 1.

(Res. of 7-6-21)

Sec. 41-224. Key to table 1.

- (1) Accident potential zones (APZ's) are divided into three types along primary flight paths. The clear zone is an area which possesses a high potential for accidents. APZ 1 is the area normally beyond the clear zone which possesses a significant potential for accidents. APZ 2 is an area normally beyond APZ 1 which has a measurable potential for accidents.
- (2) Airport noise zones are hereby established as follows:

Airport noise zone	Ldn values
1	Less than 65
2	65 to 75
3	Greater than 75

- (3) Airport environs zones are hereby established as follows:

Area	Characteristics
A	Clear zone
B3	Accident potential zone 1 and noise zone 3
B2	Accident potential zone 1 and noise zone 2
B1	Accident potential zone 1 and noise zone 1

C1	Accident potential zone 2 and noise zone 2
C2	Accident potential zone 2 and noise zone 1
3	Noise zone 3
2	Noise zone 2
1	Potential noise zone

(4) Development.

- (a) *Acceptable development.* The provisions of this article are appropriate without modifications.
- (b) *Special development.* The land uses set forth in this article are appropriate; however, certain conditions or safeguards need to be imposed to protect the public interest.
- (c) *Unacceptable development.* The land uses permitted by this article are incompatible with and prohibited by the airport environs zone in which the property is located.

Zones	
3, B3 and A	No residential development
B1 and B2	Maximum density one dwelling unit per five acres
2, C1 and C2	Maximum density not to exceed two dwelling units per acre
1	Maximum density not to exceed three dwelling units per acre

Table 1: Land Use Objectives

Yes = Acceptable Development

= Special development permitted by table 2

No = Unacceptable development and prohibited

Land Use Category	Airport Environs Areas									
	A	B3	B2	B1	C2	C1	3	2	1	
Residential										
Single-family dwellings (including mobile homes)	No	No	*22, 15	*22	*14, 15	*14	No	*14, 15	*23	
Two-family dwellings; multifamily dwellings; mobile home parks or courts	No	No	No	No	No	No	No	*15	*23	
Group quarters; residential hotels; transient lodge	No	No	No	No	No	No	No	*15	Yes	
Industrial/manufacturing										
Food and kindred products; textile mill products	No	No	No	No	*10	Yes	*3	*10	Yes	
Apparel; chemicals and allied products activities; petro refining and related rubber and misc. plastic products	No	No	No	No	No	No	*3	*10	Yes	
Lumber and wood products; furniture and fixtures; paper and allied products; printing and publishing; stone, clay and glass products; primary metal industries; fabricated metal products; product assembly; motor freight; warehousing	No	*3	*10	Yes	*10	Yes	*3	*10	Yes	

Professional, scientific and control instruments	No	No	No	No	*10	No	*3	*10	Yes
Transportation, communication, and utilities									
Railroad	*2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Highway and street right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Automobile parking	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Communications	*2	*3	*10	Yes	*10	Yes	*3	*10	Yes
Utilities (except aboveground transmission lines).	*1	*3	*10	Yes	*10	Yes	*3	*10	Yes
Aboveground transmission lines	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Commercial/retail trade									
Wholesale trade; building material; hardware; farm equipment (retail); auto, marine, aviation (retail)	No	*3	*10	Yes	*10	Yes	*3	*10	Yes
General merchandise (retail); food retail; apparel and accessories (retail)	No	No	No	No	*11	Yes	*4	*11	Yes
Furniture; home furnishing (retail)	No	No	No	No	*10	No	*4	*11	Yes
Eating and drinking establishments	No	No	No	No	No	No	*12	*4	Yes
Personal and business services									
Finance; real estate; insurance; personal services; business services; professional services; indoor recreation services	No	No	No	No	*4	Yes	*12	*4	Yes
Repair services; contract construction services	No	*4	*11	Yes	*11	Yes	*4	*11	Yes
Automobile service stations	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public and quasi-public services									
Government Services	No	No	No	No	*11, 16	*18	*4	*11	Yes
Educational services; cultural activities; nonprofit organizations	No	No	No	No	No	No	No	*12	Yes
Medical and other health services	No	No	No	No	No	No	*4	*12	Yes
Cemeteries	No	*5	*5	*5	*5	*5	Yes	Yes	Yes
Landfills	No	No	No	No	No	No	No	No	Yes
Outdoor recreation									
Playground; neighborhood parks	No	No	No	No	*17	*17	No	Yes	Yes
Community and regional parks	No	*6	*6	*6	*6	*6	Yes	Yes	Yes
Nature exhibits	No	*4	*11	Yes	*11	Yes	*4	Yes	Yes
Spectator sports including arenas	No	No	No	No	No	No	No	Yes	Yes
Golf courses; riding stables	No	*7, 8	*7, 8	*7, 8	*7, 13	*7, 13	*20	Yes	Yes
Water based recreational areas	No	*7	*7	*7	*7	*7	*20	Yes	Yes
Resorts and group camps	No	No	No	No	No	No	*21	Yes	Yes
Entertainment assembly; Amphitheatre; music shell	No	No	No	No	No	No	No	No	Yes
Resource production, extraction and open land									
Agriculture including livestock grazing	*1	*9	*22, 15	*22	*15	Yes	*19	*15	Yes

Livestock farms; animal breeding	No	No	*22, 15	*22	*15	Yes	No	*15	Yes
Agriculture related activities	No	*9	*22, 15	*22	*15	Yes	No	*15	Yes
Forestry activities	*2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fishing activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mining activities (no blasting)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Underdeveloped areas; unused land areas; permanent open space; water areas	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Demolition landfill containing inert Materials	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 2: CONDITIONS FOR DEVELOPMENT
(For this table, NLR means noise level reduction)

1. No structures (except airfield lighting), buildings or aboveground utility communications lines shall be located in the clear zone.
2. Permitted only within height constraints.
3. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA, A-weighted (dBA) reception, office, retail and employee lounge areas.
4. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA throughout the facility.
5. Chapels are not permitted.
6. Development is subject to the condition that spectator stands are not built as part of this land use operation.
7. Development is subject to the condition that clubhouses are not built as part of this land use operation.
8. Development is subject to the condition that concentrated rings with classes larger than 25 are not built as part of this land use operation.
9. Residential structures are not permitted.
10. Compatible development is conditioned on design and construction providing for a NLR of 25 dBA in reception, office, retail and employee lounge areas.
11. Compatible development is conditioned on design and construction providing for a NLR of 25 dBA throughout the facility.
12. Compatible development is conditioned on design and construction providing for a NLR of 35 dBA throughout the facility.
13. Development is subject to the condition that concentrated rings with classes larger than 50 are not built as part of this land use operation.
14. Development is subject to the condition that maximum density not exceed two dwelling units per acre.
15. Compatible development is conditioned on dwelling design and construction providing for a NLR of 30 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.

-
16. Development is subject to the condition that meeting places, auditoriums and the like for gatherings are not built as part of this land use operation.
 17. Development is subject to the condition that the park is oriented toward forest trails and similar activities which do not concentrate groups of people greater than 50 within the park. Playgrounds are not permitted.
 18. Development is subject to the condition that meeting places, auditoriums and the like for a gathering of more than 50 people are not built as part of this land use operation.
 19. Compatible development is conditioned on residential unit design and construction providing for a NLR of 35 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.
 20. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA in the clubhouse.
 21. Compatible development is conditioned on design construction providing for a NLR of 30 dBA in permanent structures.
 22. Development is subject to the condition that maximum density not exceed one dwelling unit per five acres.
 23. Development is subject to the condition that maximum density not exceed three dwelling units per acre.

(Res. of 7-6-21)

Secs. 41-225—41-230. Reserved.

SUBDIVISION III. USES INTERFERING WITH AIRCRAFT

Sec. 41-231. General.

It is unlawful to establish, maintain or continue any use within the airport hazard area in such a manner as to interfere with the operations of aircraft. The following requirements shall apply to all lawfully established uses within the airport hazard area:

- (1) All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from an airport or in a vicinity thereof as determined by the airport operator.
- (2) No operations of any type shall produce smoke, glare or other visual hazards within the zoning area.
- (3) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.
- (4) No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the zoning area.

(Res. of 7-6-21)

SUBDIVISION IV. LIGHTING

Sec. 41-232. General.

Notwithstanding the provisions of any other section or division, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Advisory Circular 70-7460-1 Series and amendments thereto on that structure. In addition, the owner shall construct high intensity white obstruction lights on a high structure which exceeds 749 feet above mean sea level.

(Res. of 7-6-21)

SUBDIVISION V. HAZARD MARKING AND LIGHTING

Sec. 41-233. General.

In granting any permit or variance under this division, the county may, if it deems such action advisable to effectuate the purposes of this division and reasonable under the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit Craven County or the United States government, at its own expense, to install, operate and maintain thereon, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Res. of 7-6-21)

SUBDIVISION VI. DISCLOSURE STATEMENT

Sec. 41-234. Disclosure requirements by property owners.

No person shall sell, lease, nor offer for sale or lease any property subject to this Part unless the prospective buyer or lessee has been given the following notice:

Air Installation Compatible Use Zone Disclosure

The property subject to this contract/lease is situated within the following zones of the Air Installation Compatibility Use Zone (AICUZ) of the Marine Corps Air Station (MCAS) Cherry Point:

_____ Clear Zone (CZ): Greatest potential for accidents and highest noise exposure

_____ Accident Potential Zone 1 (APZ 1): Significant potential for accidents

_____ Accident Potential Zone 2 (APZ 2): Measurable potential for accidents

_____ Noise Exposure Level N3 (75 ldn or Higher): Area of significant impact

_____ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate impact

_____ Noise Exposure Level N1 (below 65 ldn): Area of some impact

Craven County has placed certain use restrictions on the development of property within the MCAS AICUZ footprint. Before purchasing or leasing this property or commencing improvements of any type on the property, you should consult the Craven County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, Craven County provides information for methods to reduce noise levels for existing or planned development. I, _____, owner of the subject property, hereby certify that I have informed the prospective purchaser/lessee that the subject property is located in an Air Installation Compatibility Use Zone.

Owner

Owner

As a prospective purchaser/lessee of the subject property, I hereby certify that I have been informed that the subject property is subject to the above requirements of Craven County's Marine Corps Air Station Zoning Ordinance.

(Res. of 7-6-21)

Sec. 41-235. Disclosure requirements for approval of subdivision plats.

No preliminary or final plat approval under Craven County's Subdivision Ordinance shall be given for any property subject to this division unless such plat contains a notice in form substantially as follows:

Air Installation Compatible Use Zone Disclosure

The property depicted on this plat is situated within the following zones of the Air Installation Compatibility Use Zone (AICUZ) of the Marine Corps Air Station (MCAS) Cherry Point:

- _____ Clear Zone (CZ): Greatest potential for accidents and highest noise exposure
- _____ Accident Potential Zone 1 (APZ 1): Significant potential for accidents
- _____ Accident Potential Zone 2 (APZ 2): Measurable potential for accidents
- _____ Noise Exposure Level N3 (75 ldn or Higher): Area of significant impact
- _____ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate impact
- _____ Noise Exposure Level N1 (below 65 ldn): Area of some impact

Craven County has placed certain use restrictions on the development of property within the MCAS AICUZ footprint. Before purchasing this property or commencing improvements of any type on the property, you should consult the Craven County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, Craven County provides information for methods to reduce noise levels for existing or planned development.

(Res. of 7-6-21)

Sec. 41-236. Disclosure requirements for issuance of improvement permits.

No permit or license for any improvement on any property subject to this division shall be issued by Craven County until the applicant thereof has acknowledged in writing the following disclosure:

Air Installation Compatible Use Zone Disclosure

The property for which a (insert type of permit) has been requested is situated within the following zones of the Air Installation Compatibility Use Zone (AICUZ) of the Marine Corps Air Station (MCAS) Cherry Point:

- _____ Clear Zone (CZ): Greatest potential for accidents and highest noise exposure
- _____ Accident Potential Zone 1 (APZ 1): Significant potential for accidents

(Supp. No. 11)

Created: 2021-10-15 11:27:23 [EST]

_____ Accident Potential Zone 2 (APZ 2): Measurable potential for accidents

_____ Noise Exposure Level N3 (75 ldn or Higher): Area of significant impact

_____ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate impact

_____ Noise Exposure Level N1 (below 65 ldn): Area of some impact

Craven County has placed certain use restrictions on the development of the property within the MCAS AICUZ footprint. Before purchasing the above property or commencing improvements of any type on the property, you should consult the Craven County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, Craven County provides information for methods to reduce noise levels for existing or planned development.

I, _____, owner of the subject property, hereby certify that I have informed that the subject property is located in an Air Installation Compatibility Use Zone.

Owner

Owner

(Res. of 7-6-21)

Sec. 41-237. Disclosure requirements through tax records.

- (1) The Craven County Tax Assessor shall include a disclosure in form substantially as follows on the Craven County Geographic Information System for properties subject to this article:

Air Installation Compatible Use Zone Disclosure

The property is situated within the following zones of the Air Installation Compatibility Use Zone (AICUZ) of the Marine Corps Air Station (MCAS) Cherry Point:

_____ Clear Zone (CZ): Greatest potential for accidents and highest noise exposure

_____ Accident Potential Zone 1 (APZ 1): Significant potential for accidents

_____ Accident Potential Zone 2 (APZ 2): Measurable potential for accidents

_____ Noise Exposure Level N3 (75 ldn or Higher): Area of significant impact

_____ Noise Exposure Level N2 (65 to 74 ldn): Area of moderate impact

_____ Noise Exposure Level N1 (below 65 ldn): Area of some impact

Craven County has placed certain use restrictions on the development of the property within the MCAS AICUZ footprint. Before purchasing the above property or commencing improvements of any type on the property, you should consult the Craven County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, Craven County provides information for methods to reduce noise levels for existing or planned development.

- (2) The Craven County Tax Assessor shall include a disclosure in form substantially as follows in all tax notices or billing statements for properties subject to this article:

Air Installation Compatible Use Zone Disclosure

This property is situated within the Air Installation Compatibility Use Zone (AICUZ) of the Marine Corps Air Station (MCAS) Cherry Point. Craven County has placed certain use restrictions on the development of the

property within the MCAS AICUZ footprint. Before commencing improvements of any type on the property, you should consult the Craven County Planning Department to determine what restrictions have been placed on the subject property. For properties identified as being within Noise Exposure Level Zones, Craven County provides information for methods to reduce noise levels for existing or planned development. Lastly, before selling or leasing this property, the owner of this property must give to prospective purchasers and lessees certain notices concerning the fact that this property is within the Air Installation Compatibility Use Zone and subject to certain development restrictions.

(Res. of 7-6-21)

Sec. 41-238. Disclosure requirements on public roads and rights-of-way.

The planning director shall, in cooperation with the State of North Carolina and other entities having legal jurisdiction over public roads and public rights-of-way, place on the outermost boundaries of the territorial jurisdiction of this division public information signs indicating that the area entered is subject to the provisions of this division.

(Res. of 7-6-21)

**SUBDIVISION VI. MCAS CHERRY POINT AIR INSTALLATION COMPATIBLE USE ZONE
FOOTPRINT**

Sec. 41-241. Improvement permits, disclosures to buyers of certain land.

- (a) The areas designated as B-3, B-2, C-3 and C-2 on the map entitled "MCAS Cherry Point Air Installation Compatible Use Zone (AICUZ) Footprint" are hereby designated areas of concern because of high noise and potential aircraft crash hazards in the Cherry Point Marine Base area of Craven County.
- (b) Prior to the Craven County division of environmental health issuing an improvement permit, the permittee shall execute a disclosure statement provided by the Craven County division of environmental health that said permittee has been shown a map of said area designated as an area of concern and has been advised of the high noise level and the potential aircraft crash hazards in said area.
- (c) The Craven County division of environmental health shall post, in a conspicuous place, the map or diagram of the areas specified in this section as areas of concern as shown on the map entitled "MCAS Cherry Point AICUZ Footprint" and there shall also be placed on file with the clerk of the Board of Commissioners of Craven County a copy of said map for inspection by the public.

(Res. of 7-6-21)

Secs. 41-242—41-250. Reserved.

***DIVISION 3. COASTAL CAROLINA REGIONAL AIRPORT ZONING AND HEIGHT
CONTROL ORDINANCE***

Sec. 41-251. General.

- (1) *Jurisdiction.* The regulations set forth in this division shall be applicable within the area depicted on a map entitled "Craven County, North Carolina Zoning Boundary Map," on file and available for inspection during normal business hours at the office of the clerk to the board of county commissioners and the Craven County Planning Department. Copies of said map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the clerk to the board of commissioners in accordance with G.S. 153A-50, said copy shall be admissible into evidence and shall have the same force and effect as would the original map.
- (2) *Interpreting permitted uses.* If a use is not specifically listed in any of the districts listed in this division, then said use is expressly prohibited.
- (3) *Title.* This division shall be known as "Craven County, North Carolina Coastal Carolina Regional Airport Zoning and Height Control Ordinance" and may be cited as the "Zoning and Height Control Ordinance".

(Res. of 7-6-21)

Sec. 41-252. Definitions.

- (1) *General.* For the purpose of this division certain terms or words used herein shall be interpreted as follows:
- (2) *Tense and number.*
 - (a) The present tense includes the future tense and the future tense includes the present tense.
 - (b) The singular number includes the plural number and the plural number includes the singular number.
- (3) *Word interpretations.*
 - (a) The word "may" is permissive.
 - (b) The words "shall" and "will" are mandatory.
 - (c) The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
 - (d) The word "lot" includes the words plat or parcel.
- (4) *Definitions.* Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meanings herein set forth when used in this division. If a word or phrase used in this division is not defined by this section, elsewhere in this article or elsewhere in this chapter, to the extent such word or phrase is defined in G.S. ch. 160D, the definition contained in G.S. ch. 160D shall control.

Accessory use. A use incidental to, and on the same lot as, a principal use. Examples of accessory uses include, but are not limited to, detached garage, storage shed, deck, carport, swimming pool.

Airport. The Coastal Carolina Regional Airport.

Airport elevation. The highest point of an airport's usable landing area measured in feet from sea level.

Airport height restriction zones. The definitions of these zones are set forth in section 41-253 of this division.

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 airport height restriction zones limitations set forth in subsection 41-253(3) of this division. In plan view the perimeter of the approach surface coincides with the perimeter of the approach zone.

Building restriction line (BRL). The BRL is the area as shown on the Coastal Carolina Regional Airport Layout Plan, as adopted by the Coastal Carolina Regional Airport Authority, in existence on the date of adoption of this Part, or as subsequently amended by the Coastal Carolina Regional Airport Authority.

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.

Construction. The erection or alteration of any structure either of a permanent or temporary character.

Duplex dwelling unit. A structure which contains two dwelling units.

Excepted height limitations. Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure to a height up to 50 feet above the surface of the land. This exception would only apply to construction or maintenance of structures outside of the approach surface.

Family. Two or more persons related by blood, marriage or adoption, and living together as a single housekeeping unit.

Forestry. The cultivation and harvesting of trees. The term shall not include the retail sale of trees or similar products.

Gathering. A residential or nonresidential structure, group of structures, or designated open area designed for occupancy or use by 25 or more people for any purpose, and whether for public or private uses including places of employment. The size of the gathering structure or open area shall be determined by any of the following: zoning permit, building permit, or fire code regulations.

Group care facility. An establishment qualified for a license by the State of North Carolina for the provision of resident services of seven or more individuals of whom one or more are unrelated, and who are either handicapped, aged, disabled, or who are runaway, disturbed, or emotionally deprived children and who are undergoing rehabilitation or extended care, and who are provided services to meet their needs. For the purposes of this definition included are group homes for all ages, halfway houses, boarding home for children, and convalescent and nursing homes.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. The overall height of a structure, including any appurtenance thereon, and for the purpose of determining the height limitations set forth herein, the datum shall be mean sea level elevation unless otherwise specified.

Home occupation. A commercial activity that (i) is conducted by a person on the same lot (in the airport zone/airport development - mixed-use zone) where such person resides; and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood. Home occupations may be located on detached structures provided that the use conforms to limitations imposed by this division and does not exceed 400 square feet in total floor area or 25 percent of the primary structure whichever is less.

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if one or more of the following conditions exist: (i) goods, stock in trade, or other commodities are displayed; (ii) any on-premises retail sales occur; (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation; (iv) the use creates objectionable noise, fumes, odor, dust or electrical interference; or (v) more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a non-exhaustive list of enterprises that may be home occupations if they have met the above criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, teacher, or similar professions; (ii) workshops, greenhouses, or kilns; (iii) dressmaking or hairdressing studios.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation or at a height of 169 feet above mean sea level, 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.

Lot. The least fractional part of subdivided lands, which have been duly recorded, having fixed boundaries, an assigned number, letter or other name through which it may be identified. "Lot" also means any other individual tract or parcel of land, even if not part of a subdivision.

Manufactured home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

Manufactured home lot. A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of this Part.

Manufactured home park or courts. A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent.

Manufactured home/recreational vehicle space. A plot of land within a MH/RV park designed for the accommodation of a single manufactured home/recreational vehicle.

Manufactured home/recreational vehicle stand. That portion of the manufactured home/recreational vehicle space designed for and used as the area occupied by the MH/RV proper.

Multifamily dwelling. A structure which contains three or more dwelling units.

Nonconforming use. Any structure use of land which was lawfully in existence prior to the enactment of the regulations and which does not conform to these regulations.

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.

Nonresidential. Any building/structures over 50 feet in height.

Obstruction. Any structure other object, including a mobile object, which exceeds a limiting height set forth in subsection 41-253(4) of this division. Trees outside the transition zones are exempt.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an 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: means 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 41-253 of this division. The

elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Professional service. Work done for others, predominantly on the premises of the office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants, beauticians, massage therapists, real estate services. The display and sale of goods is not the primary function of the service.

Public facilities. Any facility, including but not limited to buildings, property, recreation areas, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.

Quasi-public service. A service provided by an entity that although private in ownership and/or membership, provides for a necessity or convenience for the general public and not any specific person or group of persons. Such facilities or structures owned or operated by a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.

Residential hotel. A building or group of buildings providing lodging for persons, with or without meals, and intended and used for the accommodation of transient lodgers in suites designed in such a fashion that reflects the intended use for transient lodgers and not for permanent residential accommodation. Suites may have one or more rooms in addition to bathrooms, water closet compartments, laundry, pantry, foyer, communicating corridor, closets, or any dining alcove. Kitchen areas separate from the living or sleeping areas shall be provided and cooking may be done only in the kitchen area. The definition of residential hotels shall not include housing units, but may include services ordinarily provided by hotels, such as maid, desk, and laundry services.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

Runway protection zone (RPZ). The RPZ's function is to enhance the protection of people and property on the ground. This is achieved through airport owner control over RPZs. Such control includes clearing RPZ areas (and maintaining them clear) of incompatible objects and activities. This area is identified within the Coastal Carolina Regional Airport's Airport Layout Plan.

Single-family dwelling. A detached structure which is designed for or occupied exclusively as a residence for one family.

Structure. Any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, utility poles, and overhead transmission lines.

Transitional surfaces. Surfaces extended outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven 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 surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured seven feet outward for each foot upward beginning at the sides of and at 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.

Use. The purpose for which land or a building is arranged, designed, occupied, or maintained.

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.

(Res. of 7-6-21)

Sec. 41-253. Zoning and height restrictions.

- (1) *General.* Notwithstanding any other provisions of this division, no structure may be built within any zoned area established by this division which in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport. In the interest of aviation and public safety, the Coastal

Carolina Regional Airport Authority will ensure that all aircraft operating within the zonal areas of this division comply with the Federal Aviation Administration requirements for normal flight activity in the immediate vicinity of the airport.

- (2) *Airport height restriction zones map attached.* In order to carry out the provisions of this division, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Coastal Carolina Regional Airport. Such zones are shown on the Craven County Zoning and Height Control Map consisting of one sheet, prepared by Holland Consulting Planners, Inc., and dated July 1, 2006, which is by reference made a part of this division. A lot located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various height restriction zones are hereby established and defined as follows:
- (a) *Utility runway non-precision instrument approach zone (runway 13 and runway 31).* 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 of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (b) *Non-precision instrument approach zone (runway 22).* 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 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.
 - (c) *Precision instrument runway approach zone (runway 4).* 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.
 - (d) *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.
 - (e) *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.
 - (f) *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the horizontal zone at a slope of 20 to one for a distance of 4,000 feet.
- (3) *Airport height zone restrictions.* Except as otherwise provided in this division, no structure shall be erected, altered, or maintained in any zone created by this division, 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:
- (a) *Utility runway visual approach zone.* Slopes 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.
 - (b) *Non-precision instrument approach zone.* 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.
 - (c) *Precision instrument runway approach zone.* 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; thence slopes outward 40 feet horizontally for each

-
- foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (d) *Transitional zone.* Slopes seven 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 19.0 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven 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. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at 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.
 - (e) *Horizontal zone.* Established at 150 feet above the airport elevation or at a height of 169.0 feet above mean sea level.
 - (f) *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, 369.0 feet above mean sea level.
 - (g) *Excepted height limitations.* Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure to a height up to 50 feet above the surface of the land. This exception would only apply to construction or maintenance of structures outside of the approach surface.
- (4) *Airport zoning and height control zones.* In order to carry out the provisions of this division, there are hereby created and established certain zones for the purpose of regulating zoning to prohibit uses which may be hazardous to the safe operation of aircraft. Such zones are shown on the Craven County Zoning and Height Control Map consisting of one sheet, prepared by Holland Consulting Planners, Inc., and The LPA Group of North Carolina, P.A., and dated July 1, 2006, which is by reference made a part of this division. A lot located in more than one zoning and height control zone is considered to be only in the zone with the more restrictive limitation; the airport zone is more restrictive than the airport development - mixed-use zone. The various zoning and height control zones are hereby established and defined as follows:
- (a) *Airport zone.* This zone is intended to be applied to properties which lie within the runway protection zones (RPZ), building restriction line, and all property owned by the airport. The zone is intended to regulate the development of land uses which are incompatible with safe airport operation.
 - (b) *Airport development—Mixed-use zone.* This zone allows the development of mixed land uses which will not be hazardous or in any way detrimental to safe airport operation. The purpose of the zone is to protect the safety and welfare of the airport and the residents of Craven County.
- (5) *Airport zoning and height control zone restrictions.* Airport and airport development-mixed use zones shall allow permitted uses as defined by this section. All uses not specifically allowed as permitted uses are prohibited unless allowed as a special use as specified in subsection (a)(2) of this subsection.
- (a) *Airport zone.*
 - 1. *Airport zone permitted uses.* The following uses are permitted by right unless the use would violate the height limitations as defined in subsection (4):
 - a. All agricultural uses including the commercial raising of animals or fowl which would not adversely affect safe airport operations.
 - b. Landscape nursery, cemetery, and low intensity or open recreation areas, which do not include buildings or structures.

-
- c. Roadways, parking areas, and storage yards when located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.
 - d. Game preserve or reservation.
 - e. Pipeline.
 - f. Underground utility wire.
 - g. Airports and accessory uses.
 - h. Government uses.
2. *Airport zone special uses.* In addition to the permitted uses, all uses permitted by right in the airport development - mixed-use zone shall be allowed as special uses within the airport zone except for multi-family dwellings, manufactured home parks, single-family dwelling units, or gatherings not accessory to airport use or function. All special uses shall be compatible with future expansion of airport infrastructure and safe airport operations and ensure that it does not violate the height limitations as defined in subsection (4). A special use permit may be approved or denied by the board of commissioners based on these criteria. Section 41-254 provides the procedures and requirements for special use approval.
 3. *Additional airport zone use limitations.* The following limitations shall apply to all uses within the airport zone:
 - a. No glare-producing materials shall be used on the exterior of any building or structure located within the airport zone.
 - b. The requirements of this subsection shall not be construed to require a property owner to remove, lower, or make other changes or alterations of any structure which legally existed prior to the effective date of this division. However, such structure shall be considered nonconforming if such structure is in conflict with these regulations.
 - c. The Coastal Carolina Regional Airport Manager shall have the opportunity to review applications for rezoning, subdivision, or site plan approval prior to a decision by the approving authority. In approving such applications for rezoning, subdivision, or site plan approval, the approving authority may consider recommendations from the airport manager.
 - d. Nonconforming uses may be continued subject to the regulations found elsewhere in this division. However, no building permit shall be issued which would allow a greater hazard (for example: more units, or brighter lighting) to airport safety than existed at the time of adoption of this division.
 - e. The following lighting is specifically prohibited:
 - (i) Any moving, pulsating, flashing, rotating, or oscillating light, which may interfere with air traffic other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements.
 - (ii) Flood lights, spotlights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction.
 - (iii) Any light which constitutes a "misleading light" within the meaning of Federal Aviation Administration regulations.

-
- f. Any electronic impulse or signal which interferes with communications between aircraft and the airport, or which h interferes with established navigational aids is prohibited.
 - g. Structures and signs of a height which obstructs the takeoff and landing of aircraft, as determined by the Federal Aviation Administration, are prohibited.
- (b) *Airport development—Mixed-use zone.*
- 1. *Airport development—Mixed-use zone permitted uses.* The following uses are permitted as a use-by-right unless the use would violate the height limitations as defined in subsection (4) and are not classified as a gathering:
 - a. *Residential (including accessory uses):*
 - Single-family dwellings (including manufactured homes);
 - Duplex;
 - Manufactured home subdivisions;
 - Multifamily dwellings;
 - Manufactured home parks or courts;
 - Manufactured home/recreational vehicle stand;
 - Group care facility;
 - Residential hotels including transient lodges.
 - b. *Transportation, communication, and utilities:*
 - Railroad;
 - Airport and accessory uses;
 - Highway and street right-of-way;
 - Airport dependent industrial uses including, but not limited to, air cargo facilities, air transportation facilities, and aircraft assembly and/or service facilities;
 - Automobile parking;
 - Roadways, parking areas, and storage yards, when located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach;
 - Communications;
 - Utilities (except above ground transmission lines);
 - Pipeline;
 - Underground utility wire.
 - c. *Public and quasi-public facilities:*
 - Government services;
 - Quasi-public service corporation activities not otherwise prohibited;
 - Cemeteries.
 - d. *Outdoor recreation:*

Nature exhibits;
Spectator sports including arenas;
Golf courses; riding stables;
Water based recreational areas;
Game preserve or reservation;
Entertainment gathering;
Amphitheater;
Music shell;
Private marinas, public/semi-public as defined by 15A NCAC 7H.

e. *Resource production, extraction and open land:*

Agriculture including livestock grazing;
Livestock farms; animal breeding;
Agriculture related activities (excluding stock auction land);
Forestry activities;
Fishing activities;
Landscape nursery, cemetery, and low intensity or open recreation areas which do not include buildings or structures;
Undeveloped areas;
Unused land areas;
Permanent open space;
Water areas.

f. *Personal and business services:*

Finance;
Real estate;
Insurance;
Personal services;
Business services;
Professional services;
Indoor recreation services;
Repair services;
Contract construction services;
Medical, healthcare, and other health services.

g. *Industrial/manufacturing:*

Food and kindred products;

Textile mill products;
Apparel;
Chemicals and allied products activities;
Petro refining and related rubber and miscellaneous plastic products;
Lumber and wood products;
Furniture and fixtures;
Paper and allied products;
Printing and publishing;
Stone, clay and glass products;
Primary metal industries;
Fabricated metal products;
Product assembly;
Motor freight;
Warehousing;
Professional, scientific and control instruments.

h. *Commercial/retail trade:*

Wholesale trade;
Building material and supplies;
Hardware;
Farm equipment (retail);
Auto, marine, aviation (retail);
General merchandise (retail);
Food retail;
Apparel and accessories (retail);
Furniture;
Home furnishing (retail);
Eating and drinking establishments;
Marinas, commercial;
Automobile service stations.

2. *Airport development—Mixed-use zone limitations.* The following uses are specifically prohibited:
- a. Correctional facilities or jails.
 - b. Radio and television broadcasting facilities.
 - c. Landfills or quarries.

-
- d. Above ground bulk storage of explosive, hazardous, or flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash.
 - e. Storage yards for oxides, coal, stone, concrete mixing supplies, asphalt plants, building supplies and dismantled vehicles.
 - f. Any gathering located in a RPZ as delineated on the Coastal Carolina Regional Airport Layout Plan.
3. *Additional airport development—Mixed-use zone use limitations.* The following limitations shall apply to all uses within the airport development mixed-use zone:
- a. No glare-producing materials shall be used on the exterior of any building or structure located within the airport development mixed use zone.
 - b. The requirements of this section shall not be construed to require a property owner to remove, lower, or make other changes or alterations of any structure which legally existed prior to the effective date of this division. However, such structure shall be considered nonconforming if such structure is in conflict with these regulations.
 - c. The Coastal Carolina Regional Airport Manager shall have the opportunity to review applications for rezoning, subdivision, or site plan approval prior to a decision by the approving authority. In approving such applications for rezoning, subdivision, or site plan approval, the approving authority may consider recommendations from the airport manager.
 - d. Nonconforming uses may be continued subject to the regulations found elsewhere in this division. However, no zoning permit shall be issued which would allow a greater hazard (for example, brighter lighting) to airport safety than existed at the time of adoption of this division.
 - e. The following lighting is specifically prohibited:
 - (i) Any moving, pulsating, flashing, rotating, or oscillating light, which may interfere with air traffic other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements.
 - (ii) Flood lights, spotlights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction.
 - (iii) Any light which constitutes a "misleading light" within the meaning of Federal Aviation Administration regulations.
 - f. Any electronic impulse or signal which interferes with communications between aircraft and the airport, or which interferes with established navigational aids is prohibited.
 - g. Structures and signs of a height which obstructs the takeoff and landing of aircraft, as determined by the Federal Aviation Administration are prohibited.
 - h. The height limitations as defined herein.
 - i. The prohibited use limitations as defined herein.

(Res. of 7-6-21)

Sec. 41-254. Special use permits.

- (1) *Objectives and purpose.* Special uses add flexibility to this division. Subject to high standards of planning and design, certain property uses are allowed in the zones established within this division where those uses would not otherwise be applicable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain zones can be developed to minimize any bad effects they might have on surrounding properties. Approval of a special use permit is made the duty of the board of adjustment.

The uses for which special use permits are required are set forth specifically in this division, along with a detailed description of the procedures which must be followed in the approval of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

- (2) *Procedure for special use permit granted by the board of adjustment.* Special use permits may be issued by the planning director, or his designee, after approval by the board of adjustment, for uses designated in this division as special uses and after planning board review and recommendations. The petition for a special use permit and the accompanying plans shall be submitted to the planning director at least three weeks prior to the board of adjustment meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it as specified in this section. The board of adjustment shall consider the application using the quasi-judicial process set forth in the chapter.
- (3) *Findings of fact.* The special use permit, if approved, shall include approval of plans as may be required. In approving the permit, the board of adjustment and planning board shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:
- (a) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
 - (b) That the use meets all required conditions and specifications;
 - (c) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
 - (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The special use shall demonstrate conformance to the land use plan or other plan in effect at the time.
- (4) *Prohibited uses.* As a condition(s) of the issuance of a special use permit, the following are prohibited:
- (a) Any moving, pulsating, flashing, rotating, or oscillating light, which may interfere with air traffic other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements.
 - (b) Flood lights, spotlights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction.
 - (c) Any light which constitutes a "misleading light" within the meaning of Federal Aviation Administration regulations.
 - (d) Any electronic impulse or signal which interferes with communications between aircraft and the airport, or which interferes with established navigational aids.
 - (e) Structures and signs of a height which obstructs the takeoff and landing of aircraft, as determined by the Federal Aviation Administration.
 - (f) A gathering or residential special use located in a RPZ as delineated on the Coastal Carolina Regional Airport Layout Plan.

(5) *Approval/disapproval.* In approving the special use permit, the board of adjustment may require such conditions in addition and in connection therewith as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this division. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted and also on the special use permit approving, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicant for the special use permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements for each special use permit will be fulfilled, the petitioner for the special use permit may be required to enter into a contract with Craven County providing for the installation of the physical improvements required as a basis for the issuance of the special use permit. Performance of said contract may be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by Craven County.

In addition to the conditions specifically imposed by the board of commissioners, special uses shall comply with the height, area, and parking regulations of the zone in which they are located.

In the event of failure to comply with the plans approved by the board of adjustment or with any other conditions imposed upon the special use permit, the planning director may utilize the enforcement provisions set forth in article I of this chapter. No building permits for further construction nor a certificate of compliance under this special use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

(6) *Regulations for special uses.* The following information must be submitted with the request for special use permit approval in the district specified:

- (a) *Site plan:* A site plan at the scale of one inch = 100 feet showing the location of all structures and lighting. Plans must show:
 - 1. *Structures:* Location of structures and the height of all proposed structures above mean sea level.
 - 2. *Lighting:* Lighting plan, inclusive of wattage, illumination, and location.
 - 3. *Construction materials:* Description of exterior construction materials for all structures.
- (b) *Airport certification:* Certification from the Coastal Carolina Regional Airport Manager or its designee that the proposed use does not propose a hazard to safe operation of the Coastal Carolina Regional Airport or aviation. This may include and be based on consultation with the United States Federal Aviation Administration.
- (c) *Other requirements:* The board of adjustment may provide additional requirements as it deems necessary in order to make the proposed project more compatible with adjacent areas and existing or proposed traffic patterns.

(Res. of 7-6-21)

Secs. 41-255—41-260. Reserved.