

**AN ORDINANCE TO AMEND THE WAKE COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO ADD THE AIRPORT OVERLAY DISTRICT REGULATIONS**

SECTION I

Article 3, Part 7, Section 3-70 of the Wake County Unified Development Ordinance is unchanged by this ordinance amendment, but is included herein because of its general relevance to overlay districts.

**Article 3 Zoning Districts
Part 7 Overlay Districts
3-70 General**

3-70-1 Overlay districts are overlaid on general zoning district classifications to alter some or all of the underlying district regulations in order to address special situations or accomplish specific planning or zoning goals.

3-70-2 Overlay district regulations apply in combination with underlying general zoning district regulations and all other applicable standards of this ordinance.

3-70-3 When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

3-70-4 Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

SECTION II

The Wake County Zoning Ordinance is hereby amended by adding a new Section 3-75 as shown below.

3-75 AIRPORT OVERLAY DISTRICT

3-75-1 Purpose

(A) The Airport Overlay District (AO) is established as an overlay district of all general zoning districts located within Wake County's jurisdiction that are in the general vicinity of the Franklin County Airport. The purpose of the AO district is to protect the airport environs from encroachment of incompatible land uses that would present hazards to users of the airport or to persons residing or working in the airport vicinity. The supplemental regulations imposed in the AO district are designed to place a height restrictions of 1,050 feet on buildings and structures, as well as some limitations on uses and lighting within this area.

(B) It is the intent of this section:

- (1) to prevent creation of conditions hazardous to aircraft operation,
- (2) to prevent conflict with land development which may result in a loss of life and property, and
- (3) to encourage development this is compatible with airport use characteristics within the intent and purpose of zoning.

To this end, the AO designation, when applied to a base zoning district classification, is intended to coordinate the purpose and intent of this section with other regulations duly established by the Wake County Unified Development Ordinance whose primary intent is to further the purposes set out above.

3-75-2 Definitions

For purposes and intent of this section, the following definitions and terms are to be considered:

- * **Airport.** Within this section, shall refer to the Franklin County Airport.
- * **Hazard to Navigation.** An obstruction determined to have a substantial adverse effect on the safe and efficient use of the navigable airspace.
- * **Height.** For the purpose of determining the height limits in the AO district, the datum shall be mean sea level elevation unless otherwise specified.
- * **MSL.** Mean Sea Level
- * **Obstruction.** Any structure or other object, including a mobile object, which exceeds a height of 1,050 feet within the portion of Wake County where this Airport Overlay district applies.
- * **Runway.** A defined area at an airport prepared for landing and takeoff of aircraft along its length.
- * **Structure.** An object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

3-75-3 Height Limitations

Except as otherwise provided in this section, no structure shall be erected, altered or maintained in the AO district created by this section at an elevation in excess of 1,050 feet above mean sea level.

3-75-4 Use Restrictions

(A) Notwithstanding any other provisions of this section, no use may be made of land or water within the AO district in such a manner as to:

- (1) Create electrical interference with navigational signals or radio communications between the airport and aircraft,
- (2) Make it difficult for pilots to distinguish between airport lights and others,
- (3) Result in glare in the eyes of pilots using the airport,
- (4) Impair visibility in the vicinity of the airport,
- (5) Create bird strike hazards, or
- (6) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- (B) Amateur radio operators must comply with Part 97 of the Federal Communications Commission (FCC) regulations.
- (C) All outdoor lighting must be shielded in such a manner that no direct glare from the light source can be seen from above. This restriction does not apply to warning lights such as those installed on towers, tall buildings, etc., to mark obstructions to aircraft.

3-75-5 Nonconforming Uses

(A) Regulations Not Retroactive

The regulations prescribed by this section shall not be construed to require the removal, lowering or alteration of any structure not conforming to the AO district regulations as of the effective date of this section, or to otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section.

(B) Markings and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure may be required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Franklin County Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Franklin County Airport Commission.

(C) Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this section.

(D) Nonconforming Uses Abandoned or Destroyed

Whenever the Planning Director determines that a nonconforming structure has been abandoned, or more than 80% destroyed, physically deteriorated or decayed, no permit shall be granted that would allow such structure to be repaired, replaced or to continue to exist at a height that would exceed the AO height limit of 1,050 feet above mean sea level.

3-75-6 Issuance of Permits

The Planning Director shall not issue any permit for development within the AO district until it has been determined that the proposal is in compliance with the regulations contained in this section.

Except as specifically provided herein, no change shall be made in the use of land, nor shall any structure be erected or otherwise established unless an appropriate permit, which includes a confirmation of compliance with the AO regulations, has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use or structure would conform to the regulations herein prescribed. No permit for a use

inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with subsection 3-75-7 below.

Any permit or variance granted may be conditioned to require the owner of the structure, or proposed structure, to install, operate or maintain, at the owner's expense, such markings and lights as may be deemed necessary to ensure aircraft safety as determined by the FAA, the Franklin County Airport manager, and/or the Franklin County Airport Commission. If deemed proper by the Board of Adjustment, this condition may require the owner to permit the Franklin County Airport Commission, at its own expense, to install, operate and maintain the necessary markings and lights.

3-75-7 Variances

Any person desiring to erect a structure, or increase the height of an existing structure, or use property not in compliance with the regulations prescribed in this section may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 19-26, Zoning Variances.

The application for a variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities or the safe and efficient use of navigable airspace. Such variances shall be allowed where the Board of Adjustment reaches positive findings of facts as outlined in Section 19-26-7 and a determination is made that the variance will not create a hazard to air navigation.

Additionally, no application for a variance to the requirements of this section may be considered by the Board of Adjustment unless a copy of this application has been furnished to the Franklin County Airport manager and/or the Franklin County Airport Commission for advice as to the aeronautical effects of the variance. If the airport manager and/or the airport commission do not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny the variance request.

SECTION III

This amendment shall become effective upon the Federal Aviation Administration approval of the Franklin County Airport Runway Expansion Plan.

SECTION IV

This amendment shall become effective upon the Federal Aviation Administration approval of the Franklin County Airport Runway Expansion Plan.

Commissioner _____ made a motion that the above ordinance be adopted. Commissioner _____ seconded the motion, and upon vote, the motion carried this 21st day of May 2007.

This Instrument Approved as to Form

Wake County Attorney

Date

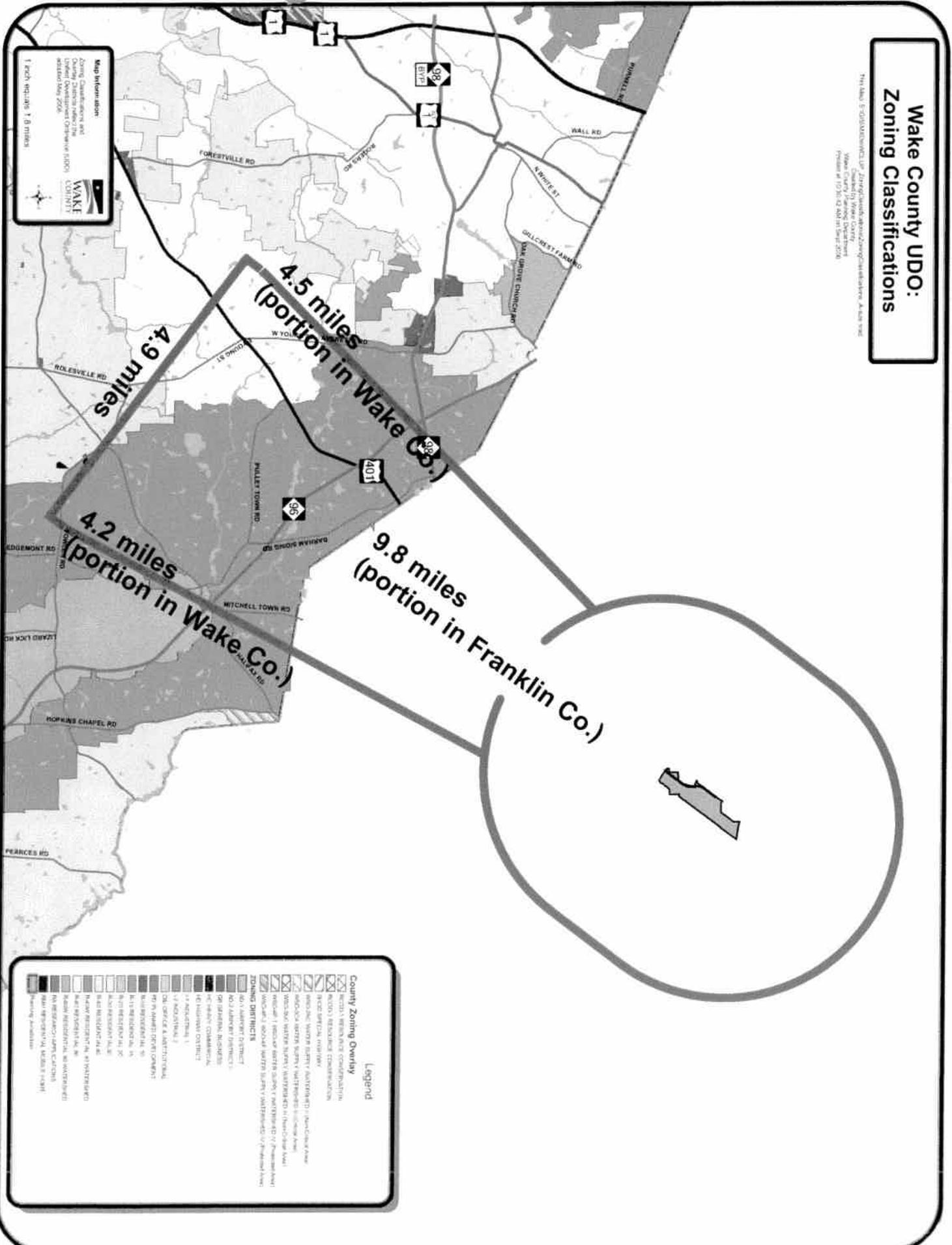
OA-01-07

4

05/21/07 BOC Date

Wake County UDO: Zoning Classifications

The Wake County Urban Development Ordinance (UDO) is the primary regulatory tool used to manage the growth and development of Wake County. The UDO is a comprehensive set of rules that governs the use of land and buildings in the county. It is designed to ensure that development is consistent with the county's long-term vision and goals. The UDO is updated periodically to reflect changes in the county's needs and priorities. The current version of the UDO was adopted in 2010 and is effective as of 1/1/2011.



Map Information:
Zoning Classification and County Districts were last updated May 2016.
1 inch equals 1.5 miles

Legend

County Zoning Overlay

- ☒ NC 150 - RESIDENTIAL OVERLAY
- ☒ NC 151 - RESIDENTIAL OVERLAY
- ☒ NC 152 - RESIDENTIAL OVERLAY
- ☒ NC 153 - RESIDENTIAL OVERLAY
- ☒ NC 154 - RESIDENTIAL OVERLAY
- ☒ NC 155 - RESIDENTIAL OVERLAY
- ☒ NC 156 - RESIDENTIAL OVERLAY
- ☒ NC 157 - RESIDENTIAL OVERLAY
- ☒ NC 158 - RESIDENTIAL OVERLAY
- ☒ NC 159 - RESIDENTIAL OVERLAY
- ☒ NC 160 - RESIDENTIAL OVERLAY
- ☒ NC 161 - RESIDENTIAL OVERLAY
- ☒ NC 162 - RESIDENTIAL OVERLAY
- ☒ NC 163 - RESIDENTIAL OVERLAY
- ☒ NC 164 - RESIDENTIAL OVERLAY
- ☒ NC 165 - RESIDENTIAL OVERLAY
- ☒ NC 166 - RESIDENTIAL OVERLAY
- ☒ NC 167 - RESIDENTIAL OVERLAY
- ☒ NC 168 - RESIDENTIAL OVERLAY
- ☒ NC 169 - RESIDENTIAL OVERLAY
- ☒ NC 170 - RESIDENTIAL OVERLAY
- ☒ NC 171 - RESIDENTIAL OVERLAY
- ☒ NC 172 - RESIDENTIAL OVERLAY
- ☒ NC 173 - RESIDENTIAL OVERLAY
- ☒ NC 174 - RESIDENTIAL OVERLAY
- ☒ NC 175 - RESIDENTIAL OVERLAY
- ☒ NC 176 - RESIDENTIAL OVERLAY
- ☒ NC 177 - RESIDENTIAL OVERLAY
- ☒ NC 178 - RESIDENTIAL OVERLAY
- ☒ NC 179 - RESIDENTIAL OVERLAY
- ☒ NC 180 - RESIDENTIAL OVERLAY
- ☒ NC 181 - RESIDENTIAL OVERLAY
- ☒ NC 182 - RESIDENTIAL OVERLAY
- ☒ NC 183 - RESIDENTIAL OVERLAY
- ☒ NC 184 - RESIDENTIAL OVERLAY
- ☒ NC 185 - RESIDENTIAL OVERLAY
- ☒ NC 186 - RESIDENTIAL OVERLAY
- ☒ NC 187 - RESIDENTIAL OVERLAY
- ☒ NC 188 - RESIDENTIAL OVERLAY
- ☒ NC 189 - RESIDENTIAL OVERLAY
- ☒ NC 190 - RESIDENTIAL OVERLAY
- ☒ NC 191 - RESIDENTIAL OVERLAY
- ☒ NC 192 - RESIDENTIAL OVERLAY
- ☒ NC 193 - RESIDENTIAL OVERLAY
- ☒ NC 194 - RESIDENTIAL OVERLAY
- ☒ NC 195 - RESIDENTIAL OVERLAY
- ☒ NC 196 - RESIDENTIAL OVERLAY
- ☒ NC 197 - RESIDENTIAL OVERLAY
- ☒ NC 198 - RESIDENTIAL OVERLAY
- ☒ NC 199 - RESIDENTIAL OVERLAY
- ☒ NC 200 - RESIDENTIAL OVERLAY

ZONING DISTRICTS

- ☒ R-1 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-2 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-3 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-4 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-5 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-6 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-7 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-8 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-9 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-10 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-11 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-12 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-13 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-14 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-15 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-16 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-17 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-18 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-19 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-20 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-21 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-22 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-23 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-24 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-25 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-26 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-27 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-28 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-29 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-30 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-31 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-32 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-33 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-34 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-35 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-36 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-37 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-38 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-39 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-40 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-41 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-42 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-43 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-44 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-45 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-46 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-47 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-48 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-49 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-50 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-51 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-52 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-53 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-54 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-55 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-56 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-57 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-58 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-59 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-60 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-61 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-62 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-63 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-64 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-65 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-66 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-67 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-68 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-69 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-70 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-71 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-72 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-73 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-74 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-75 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-76 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-77 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-78 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-79 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-80 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-81 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-82 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-83 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-84 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-85 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-86 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-87 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-88 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-89 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-90 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-91 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-92 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-93 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-94 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-95 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-96 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-97 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-98 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-99 - SINGLE-FAMILY RESIDENTIAL
- ☒ R-100 - SINGLE-FAMILY RESIDENTIAL