

# DUPLIN COUNTY

## AIRPORT LAND USE AND HEIGHT RESTRICTION ORDINANCE

**Adopted by Duplin County  
August 1, 2022**

**Effective August 1, 2022**

This Ordinance repeals and replaces the Airport Height Restriction Ordinance previously adopted by the Board of Commissioners on 2 June 2003, which became effective 30 June 2003, as well as the Airport Land Use and Height Restriction Ordinance previously adopted by the Board of Commissioners on 6 April 2009, which became effective 1 May 2009.

**Prepared by:**

**The Duplin County Planning Board  
and  
The Duplin County Airport Commission**



**Enactment**

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

**Preamble**

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

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

**Whereas**, all applicable requirements of the General Statutes of North Carolina (N.C.G.S.) have been met,

**Now, Therefore Be It Ordained by the County Commissioners of the County of Duplin as follows:**

**Article I - Authority**

**Section 10**

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

**Article II - Jurisdiction**

**Section 20**

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

**Article III - Title**

**Section 30**

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

**Article IV - Interpretations**

**Section 40**

Tense and Number

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

**Section 41**

Word Interpretations

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

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "County" shall mean the County of Duplin, North Carolina.
- (4) The words "Airport Commission" shall refer to the Duplin County Airport Commission.
- (5) The words "Planning Board" shall refer to the Duplin County Planning Board.
- (6) The words "County Commissioners" shall refer to the Duplin County Board of Commissioners,
- (7) The words "used" or "occupied" includes intended, designed and arranged.

**Section 42**

Definitions

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

- (1) *Title 14 CFR - Aeronautics and Space* means the Federal Aviation Regulation.
- (2) *Airport* means the Duplin County Airport (KDPL).
- (3) *Airport Elevation* means the highest point of an airport's usable landing area measured in feet (tenths) from Mean Sea Level (MSL) as published by the Federal Aviation Administration (FAA).
- (4) *Airport Obstruction* means any living or man-made structure or tree, including a mobile object, which exceeds the limiting height restrictions set forth in Article VI of this Ordinance. May be referred to simply as *Obstruction* in this Ordinance.
- (5) *Airport Operation Area* refers to all zones established in this Ordinance.
- (6) *Airport Reference Point* means the center-point of an airport, located at the geometric center of all usable runways, as published by the FAA. The Airport Reference Point (ARP) is computed as a weighted average of the end of runway coordinates
- (7) *Approach Surface* means a surface defined by 14 CFR Part 77 and longitudinally centered on the extended runway centerline, extending outward from the end of the primary surface. The elevation of the inner edge of this approach surface coincides with the elevation of the runway end, and it extends upward at the same slope as the Approach Zone height limitation slope set forth in Article VI of this Ordinance.
- (8) *Approach, Primary, Transitional, Horizontal, And Conical Zones*. These zones are set forth in Article VI of this Ordinance. In plan the perimeter of the zones coincides with the perimeter of the Part 77 imaginary surfaces.

- (9) *Avigation Easement* means ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to the operation of aircraft to and from the airport. Also includes the right to remove Airport Obstructions on said property.
- (10) *Climb gradient* means an FAA-published sloping surface regulating aircraft on initial departure from a runway.
- (11) *Conical Surface* means a surface defined by 14 CFR Part 77 and extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (1) for a horizontal distance of 4,000 feet.
- (12) *Decision Altitude (DA)* means the FAA-published altitude expressed in feet MSL at which a decision must be made during either a precision instrument approach or an instrument approach with vertical guidance to either continue the approach or to execute a missed approach.
- (13) *Dimensional Nonconformity* means a situation that occurs when the lot line does not conform to the regulations applicable to the zone in which the property is located.
- (14) *Enforcement Officer* shall mean an individual of the Duplin County Planning Department with authority to enforce this Ordinance.
- (15) *FAA* means the Federal Aviation Administration.
- (16) *Hazard to Air Navigation* means an Airport Obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (17) *Height* means the vertical distance from a reference plane to the highest point of a structure or tree, including any appurtenance. For the purpose of this Ordinance, the reference plane shall be Mean Sea Level (MSL) unless otherwise specified to be Above Ground Level (AGL).
- (18) *Height Limitations* means no structure or tree shall be erected, altered, allowed to grow or maintained in any Airport Height Zone, with a height in excess of the height established for such zone. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.
- (19) *Horizontal Surface* means a horizontal plane defined by 14 CFR Part 77 and situated 150 feet above the established airport elevation.
- (20) *Land Use Compatibility* means the use of land adjacent to the Duplin County Airport that does not endanger the health, safety, or welfare of the owners' occupants, or users of the land.
- (21) *Larger Than Utility Runway* means 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.

- (22) *Lot* means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds prior to the effective date of this Ordinance.
- (23) *Minimum Descent Altitude (MDA)* means the lowest FAA-published altitude, expressed in feet MSL, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of an instrument approach procedure where no vertical guidance is provided.
- (24) *Minimum Obstruction Clearance Altitude (MOCA)* means the lowest FAA-published altitude, expressed in feet MSL, in effect between fixes on VOR airways or en-route segments that meets obstacle clearance requirements for the entire route segment.
- (25) *NCDOA* means the North Carolina Department of Transportation, Division of Aviation
- (26) *Nonconforming Structure* means any structure or tree which does not conform to this Ordinance as of the effective date of these regulations.
- (27) *Nonconforming Use* means any structure or use of land which is inconsistent with the provisions of this Ordinance as of the effective date of these regulations.
- (28) *Non-Precision Instrument Runway* means 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.
- (29) *Open Space* means an area, land or water, generally lacking in manmade structures and reserved for enjoyment in its unaltered state.
- (30) *Permitted Use* means the associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'Y' Permitted Use in Land Use Matrix Table).
- (31) *Person* means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (32) *Precision Instrument Runway* means 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.
- (33) *Primary Surface* means a surface defined by 14 CFR Part 77 and longitudinally centered on a runway, encompassing the runway pavement and its environment. The width of the primary surface is set forth in Article VI of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

- (34) *Prohibited Use* means the associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'N' Prohibited Use in Land Use Matrix Table).
- (35) *Property Owners* means those listed as owners of property on the records of the Duplin County Tax Office.
- (36) *Runway* means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (37) *Runway End* means existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation published by the FAA.
- (38) *Special Use Permit*: A permit issued by the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Board (refer to 'S' Special Use in Land Use Matrix Table).
- (39) *Structure* means any object, including a mobile object, constructed or installed by human labor, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. Generally, but not always, refers to the primary structure on a lot, i.e. a building that houses the principal use on a lot.
- (40) *Takeoff Minimum* means the specified ceiling and visibility minima allowing visual avoidance of obstacles during the initial climb at the standard climb gradient.
- (41) *Transitional Surfaces* means surfaces defined by 14 CFR Part 77 that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) 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 horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- (42) *Tree* means any object of natural growth.
- (43) *Use* means the principal activity or function that actually takes place or is intended to take place on a parcel.
- (44) *Utility Runway* means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (45) *Variance* means a grant of permission by the County Planning Board that authorizes a land use, owing to conditions peculiar to the property, where a literal enforcement of the Ordinance would result in unnecessary and undue hardship, as defined by N.C.G.S. 160D-705(d).

(46) *Visual Runway* means a runway intended solely for the operation of aircraft using visual approach procedures.

(47) *Zoning Permit* means a permit issued by the Enforcement Officer that authorizes the recipient to make use of property in accordance with the requirements of the Ordinance.

## Article V - Land Use Regulations

### Section 50

#### Land Use Regulations Zones Established

In order to carry out this Ordinance, certain zones are hereby created and established, which include land lying within the Airport Safety Zones as they apply to the Duplin County Airport. Such zones are shown on the plan view of the Duplin County Airport Land Use Regulations Ordinance Map consisting of one (1) sheet, prepared by Duplin County and dated January 2022, and herein made a part of this Ordinance on Page 19. An area located in more than one (1) of the zones described herein is considered to be only in the zone with the more restrictive limitation. There are hereby created and established the following Airport Safety Zones:

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

- Runway 5:
  - Runway Protection Zone - Inner Width: 1,000 feet
  - Runway Protection Zone - Outer Width: 1,750 feet
  - Runway Protection Zone - Length: 2,500 feet
- Runway 23:
  - Runway Protection Zone - Inner Width: 1,000 feet
  - Runway Protection Zone - Outer Width: 1,510 feet
  - Runway Protection Zone - Length: 1,700 feet

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

- Sideline Safety Zone - Total Width: 2,000 feet

(3) *Airport Safety Zone 3 - Inner Safety Zone*: a rectangular shaped plane symmetrically centered along the extended runway centerline, extending from the Runway

Protection Zone (Zone 1) outward to the Inner Turning Zone (Zone 4) and Outer Safety Zone (Zone 5). The perimeter of this zone, as shown on the Duplin County Airport Land Use Regulations Ordinance Map, is as follows:

- Runway 5:
  - Inner Safety Zone - Inner Total Width: 1,000 feet
  - Inner Safety Zone - Length: 2,500 feet
- Runway 23:
  - Inner Safety Zone - Inner Total Width: 1,000 feet
  - Inner Safety Zone - Length: 3,300 feet

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

- Inner Turning Zone - Radius: 5,000 feet
- Inner Turning Zone - Sector Angle: 60 degrees

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

- Outer Safety Zone - Total Width: 2,000 feet
- Outer Safety Zone - Length: 5,000 feet

**Section 51**

Regulation Limitations

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



<b>Duplin County Airport Land Use Ordinance Regulated Land Use Guidance for Zones 1, 2, 3, 4, 5 *</b>					
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>
<b>Agriculture, Farming &amp; Animal Keeping</b>					
Crop Production - Dry and Irrigated Farming	S 1,2	S 1,2	Y	Y	Y
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	N	N	Y	Y	Y
Row-Crop Processing and Packaging, Wineries	N	N	Y	Y	Y
Animal Processing and Packaging	N	N	S 2,3	Y	Y
Truck Farming, Roadside Stands, Farmers Markets	N	N	S 2,3	S 2,4	S 2,5
Pasture and Rangeland Grazing	N	Y	Y	Y	Y
Animal Feed Lots (Commercial Hogs, Dairies)	N	N	Y	Y	Y
Animal Feed Lots (Commercial Poultry)	N	N	N	N	N
Game Preserves, Fish Farming	N	N	Y	Y	Y
Feed Lots, Stockyards, Animal Commodity Sales Yards	N	N	S2	S2	S2
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	N	N	S3	S4	S5
Equestrian Facilities, Exotic Animals	N	N	S3	S4	S5
<b>Public Use Facilities, Institutions &amp; Utilities</b>					
Civic-Use Convention Center, Auditorium, Concert Hall	N	N	N	N	N
Schools, Hospitals, and Correctional Facilities	N	N	N	N	N
Libraries, Museums, Churches, Day-Care, Social/Civic Clubs	N	N	N	N	N
Parks, Athletic Fields, Playgrounds, Picnic Areas	N	N	N	N	N
Cemeteries	N	N	Y	Y	Y
Public Utilities (Excludes Electric Power Plants, Lines)	N	N	S 1,2	S 1,2	S 1,2
Electric Power Plants and Overhead Transmission Lines	N	N	S 1,2	S 1,2	S 1,2
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	N	N	N	N	N
Recycling	N	S2	S 2,3	S 2,4	S 2,5
<b>Residential</b>					
Single-Family Residential	N	N	N	S 1,2,3	Y
Multi-Family Residential, Mobile Home Units / Parks	N	N	N	N	N
Group Homes, Convalescent Facilities, Nursing / Family Care	N	N	N	N	N
Apartments, Duplexes, Townhomes, Condominiums	N	N	N	N	N
Temporary Housing	N	N	N	N	N

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

<b>Duplin County Airport Land Use Ordinance Regulated Land Use Guidance for Zones 1, 2, 3, 4, 5 *</b>					
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>
<b>Commercial Recreational</b>					
Swimming Pools, Water Park, Water Slides	N	N	N	Y	Y
Gyms, Health Spas, Indoor Theaters, Auditoriums	N	N	N	N	S5
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	N	N	N	N	S5
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	N	N	N	N	N
Golf Courses, Tennis Courts	N	N	N	Y	Y
<b>Commercial Business, Retail &amp; Services</b>					
Aeronautical Businesses	N	Y	N	S 1,2	Y
General Retail Stores/Complexes, Restaurants, Convenient Stores	N	N	N	S4	Y
General Offices, Executive Offices, Research Facilities	N	S4	S3	S4	S5
Vehicle Sales, Building & Lumber Materials, Food-Beverage Sales	N	N	N	S4	S5
Appliance-Equipment Repair Facilities, Vehicle Wash	N	S4	S3	S4	S5
Shopping Malls, Shopping Centers, Home Improvement Centers	N	N	N	S4	S5
Banks, Financial Institutions	N	N	N	S4	S5
Gasoline Service Stations	N	N	N	N	Y
Modular Self-Storage Facilities, Mini Storage Units	N	S2	S3	S4	S5
Personal Health Clinics, Well-Being & Care Facilities	N	N	N	S4	S5
Motels, Hotels, Bed & Breakfast	N	N	N	S3	S4
RV Parks, Camping Areas	N	N	N	S3	S4
Mass Transit Facility / Depot	N	Y	N	S5	S5
Broadcast Studios	N	N	N	N	Y
<b>Commercial Industrial, Manufacturing &amp; Warehousing</b>					
Manufacturing Facilities, Industrial Plants, Warehousing	N	S4	N	N	S5
Warehouse, Wholesale, Distribution	N	S4	S3	S4	S5
Heavy Industrial/Manufacturing	N	N	N	N	S5
Light Industrial/Manufacturing	N	S4	S3	S4	S5
Petroleum and Chemical Product Dealers-Bulk Storage	N	N	S3	S4	S5
Mining- Sand, Gravel, Fill Dirt	N	N	N	S 1,2	S 1,2

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

Table Key (Abbreviations)
<p><u>(Y) Permitted Use:</u> The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.</p>
<p><u>(S) Special Use:</u> The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Special Uses Below).</p> <p>1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/NCDOA).</p> <p>2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.</p> <p>3 - Use intensity restricted to 5 or less persons per acre; or equivalent per household.</p> <p>4 - Use intensity restricted to 15 or less persons per acre; or equivalent per household.</p> <p>5 - Use intensity restricted to 15 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors.</p>
<p><u>(N) Prohibited Use:</u> The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.</p>

## Article VI - Height Restrictions

### Section 60

#### Height Restrictions Zones Established

In order to carry out this Ordinance, certain zones are hereby created and established, which include all of the land lying beneath the approach surfaces, primary surface, transitional surfaces, horizontal surface, and conical surface as defined by 14 CFR Part 77 and as they apply to the Duplin County Airport. Such zones are shown in plan and profile view on the Duplin County Airport Height Restriction Ordinance Map consisting of one (1) sheet, prepared by Duplin County dated January 2022, and herein made a part of this Ordinance on Page 20. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. There are hereby created and established the following Airport Height Zones:

- (1) *Airport Height Zone A - Runway With a Visibility Minimum as Low as ¾ Mile Non-Precision Instrument Approach Zone:* The approach zone is the area beneath the approach surface defined by 14 CFR Part 77 as it applies to the Duplin County Airport. This surface is runway-end specific; however, both runway ends at the Duplin County Airport share an identical criteria defined hereinafter. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly at a slope of 34 feet horizontally for every 1 foot vertically for a horizontal distance of 10,000 feet from the primary surface to a width of 4,000 feet. Its centerline is the continuation of the centerline of the runway.
- (2) *Airport Height Zone B - Primary Zone:* The primary zone is the area beneath the primary surface defined by 14 CFR Part 77 as it applies to the Duplin County Airport.

This zone extends 200 feet beyond each end of the runway, has a width of 1,000 feet, and is centered on the runway centerline.

- (3) *Airport Height Zone C - Transitional Zone:* The transitional zones are the areas beneath the 7 foot horizontal to 1 foot vertical transitional surfaces defined by 14 CFR Part 77 as they apply to the Duplin County Airport.
- (4) *Airport Height Zone D - Horizontal Zone:* The horizontal zone is the area beneath the horizontal surface defined by 14 CFR Part 77 as it applies to the Duplin County Airport. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones in those areas where the approach and transitional surfaces are below the horizontal surface, i.e. in those areas where the height limitation of the approach and transitional zones is more restrictive than the height imitation of the horizontal zone.
- (5) *Airport Height Zone E - Conical Zone:* The conical zone is the area beneath the conical surface defined by 14 CFR Part 77 as it applies to the Duplin County Airport. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom for a horizontal distance of 4,000 feet at a slope of 20 horizontally for every 1 foot vertically.

**Section 61**

Supplemental Provisions

Notwithstanding any other provision of this article, any structure or tree that exceeds the following height limitations within the jurisdictional limits of the County of Duplin shall be considered an obstruction:

- (1) A height of 499 feet AGL at the site of the object.
- (2) A height that is 200 feet AGL, or above the established Airport Elevation, whichever is higher, within 3 nautical miles of the established Airport Reference Point of the Duplin County Airport, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.
- (3) Any structure or tree that would either cause a Minimum Obstruction Clearance Altitude to be raised, or a Minimum Descent Altitude, a Decision Altitude, or Takeoff Minimums to be raised, or create a non-standard departure climb gradient for the Duplin County Airport.

**Section 62**

Restriction Limitations

No structure or tree shall be erected, altered, allowed to grow or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the Duplin County Airport Height Restriction Ordinance Map or referred to in *Section 60* or *Section 61* of this Ordinance. The property owner of a tree, determined to

be an airport obstruction, shall be responsible for bringing such tree into conformance with this Ordinance.

## **Article VII - Nonconformities**

### **Section 70**

#### Regulations Not Retroactive

This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any structure or tree not conforming to the land use regulations or height restrictions as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this Ordinance.

### **Section 71**

#### Existing Structures

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

### **Section 72**

#### Abandoned or Destroyed Structures

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

### **Section 73**

#### Temporary Structures

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

### **Section 74**

#### Marking and Lighting

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

## Article VIII - Permit Requirements

### Section 80

#### Permits Required - Existing Uses

Before any existing use or structure may be replaced or substantially altered within any area of the Airport Safety Zones or Height Zones, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport obstruction or that would permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of an existing structure shall be granted.

### Section 81

#### Permits Required - Future Uses

No change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted within any area of the Airport Safety Zones or Height Zones unless a permit in accordance with the provisions of this article has been applied for and granted by the Duplin County Planning Department. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.

No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with *Section 96*.

The Duplin County Building Inspector shall not issue a building permit for the construction of any new structure within the Airport Safety Zones established in *Section 50* or Airport Height Zones established in *Section 60*, and as depicted on the Duplin County Airport Land Use Regulations or Height Restriction Ordinance Maps unless approved by the Duplin County Airport Commission and the Enforcement Officer.

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

### Section 82

#### Permit Applications

A permit application, as required per *Section 80* or *Section 81*, shall accompany a preliminary plat to contain the information as indicated by the Duplin County Subdivision Regulation. A non-refundable application fee of \$100 shall be submitted with the permit application.

**Section 83**      Review by Airport Commission

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

**Section 84**      Violations and Penalties

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

**Section 85**      Revocation of Permit

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

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

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

## **Article IX - Legal Provisions**

**Section 90**      Enforcement

This Ordinance may be enforced by any one or more of the remedies authorized by common law or statute, including but not limited to those as set forth in N.C.G.S. 160D-404 and N.C.G.S. 153A-123, in order to prevent, correct, or abate a violation. Each day that this Ordinance is violated is a separate and distinct offense, such that civil penalties issued for violation of this Ordinance may accrue, with separate charges for each day of noncompliance. Any unpaid civil penalties issued for violation of this Ordinance may be recovered by the County in a civil action seeking payment of a debt owed by the violator. In the case that an injunction or abatement order is entered, the County shall have a lien on the property on which the violation occurred to recover the costs of abatement, pursuant to the provisions of N.C.G.S. 153A-123. The Enforcement Officer may also condition a permit, certificate, or authorization on the correction of a violation, payment of a civil penalty, and/or posting of a compliance security. In addition to the above-referenced remedies and penalties, the County may institute any other appropriate

equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

**Section 91**      Complaints

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

**Section 92**      Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**Section 93**      Severability

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

**Section 94**      Amendment

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

**Section 95**      County Commissioners Review

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

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



**Section 96**Variance and Exception

Upon advisement of the Enforcement Officer and Airport Commission, the Board of Adjustment, (as may be established and appointed by the Duplin County, NC Board of Commissioners pursuant to NCGS 160D-302) may issue variances and exceptions from the requirements of this Ordinance such that would not be contrary to the public interest, or the spirit and intent of this Ordinance, and where due to special conditions, a literal enforcement of the provisions of this Ordinance would result in an unnecessary hardship, as defined by N.C.G.S. 160D-705(d). In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this Ordinance. In granting a variance or exception to this Ordinance, the Planning Board must determine the following:

- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other lands or buildings.
- (2) The literal interpretations of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant.
- (4) Granting the variance required will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or buildings.
- (5) Any request for a variance to Article VI of this Ordinance shall be accompanied by a determination from the Federal Aviation Administration (FAA) stating whether the proposed construction or alteration would have a substantial adverse effect on the safe and efficient utilization of the navigable airspace. The FAA issues a Determination of Hazard to Air Navigation when the aeronautical study conducted by the FAA concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact. Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation.

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

**Section 97**Appeal

Any person aggrieved, or any taxpayer affected, by any decision of the Enforcement Officer made in the administration of the Ordinance, may appeal. The Airport Commission shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the Enforcement Officer responsible for administration or enforcement of this Ordinance. The Airport Commission decision is subject to review by the Duplin County Board of Commissioners.

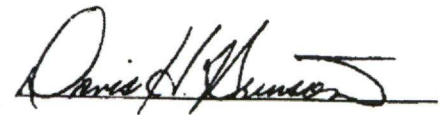
**Section 98**

Effective Date

This Ordinance shall become effective and be in full force from and after the First day of August 2022. Adopted by the Duplin County Board of County Commissioners on the First day of August 2022.



Chairman, Duplin County  
Board of Commissioners



Attest:  
Clerk

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*This Ordinance was amended to reflect the establishment of a County Board of Adjustment, as approved by the Duplin County Board of Commissioners following public hearing on March 6, 2023.*



- Legend:
- Airport Runway
  - Safety Zone 1
  - Safety Zone 2
  - Safety Zone 3
  - Safety Zone 4
  - Safety Zone 5
  - Airport Property Line
  - Aviation Easement
  - Tax Parcels
  - Roads

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

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

**Table Key (Abbreviations)**

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

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

1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA/NCDOA).

2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.

3 - Use intensity restricted to 5 or less persons per acre, or equivalent per household.

4 - Use intensity restricted to 15 or less persons per acre, or equivalent per household.

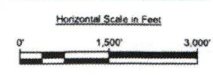
5 - Use intensity restricted to 15 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors.

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

- Notes:
- The North Carolina State Plane Grid System, U.S. Foot, North American Datum of 1983 (NAD83) is used.
  - Background Imagery, Tax Parcels and Road Centerlines from Duplin County GIS, 2020.

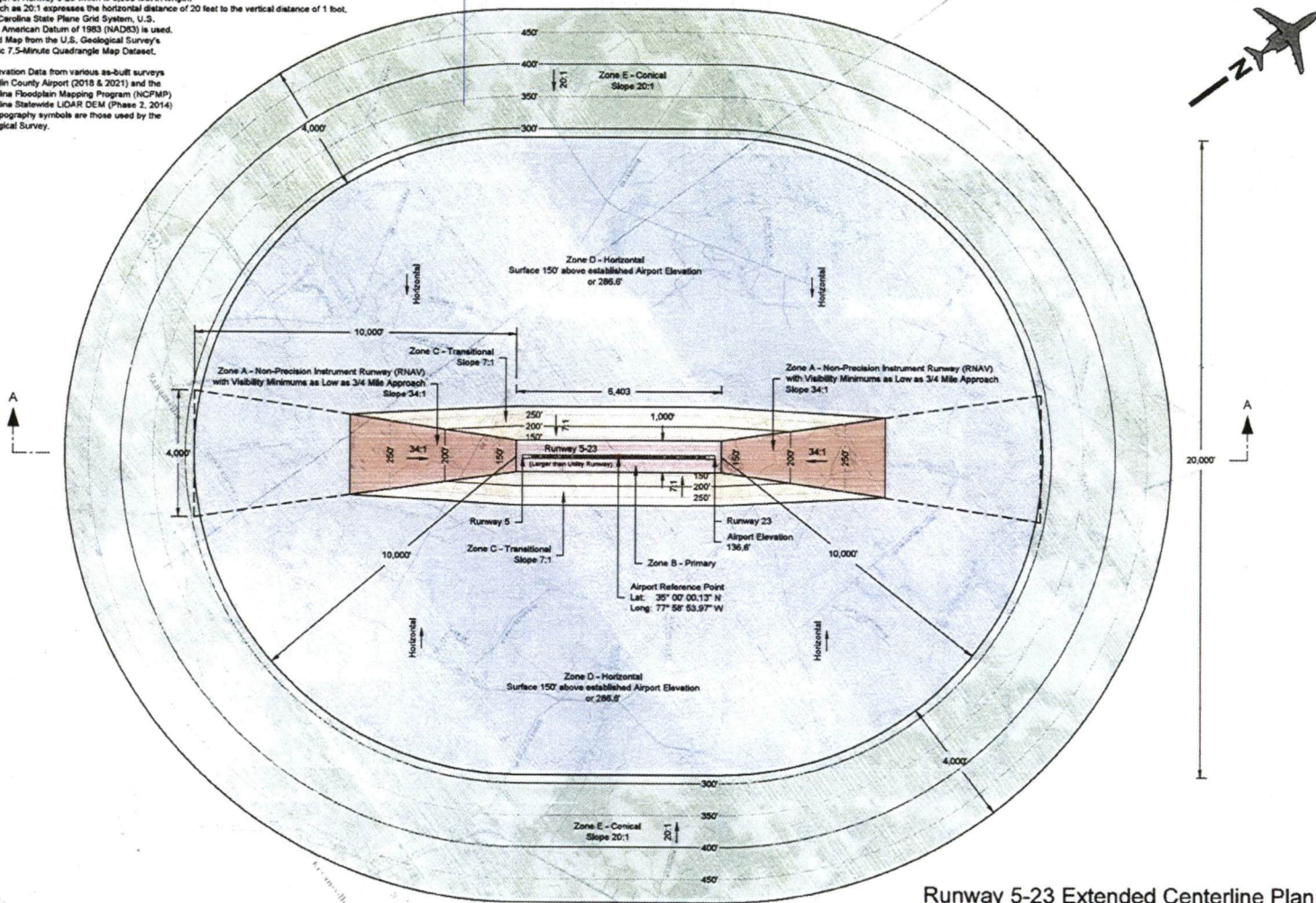
# Duplin County Airport

Land Use Regulations Ordinance Map



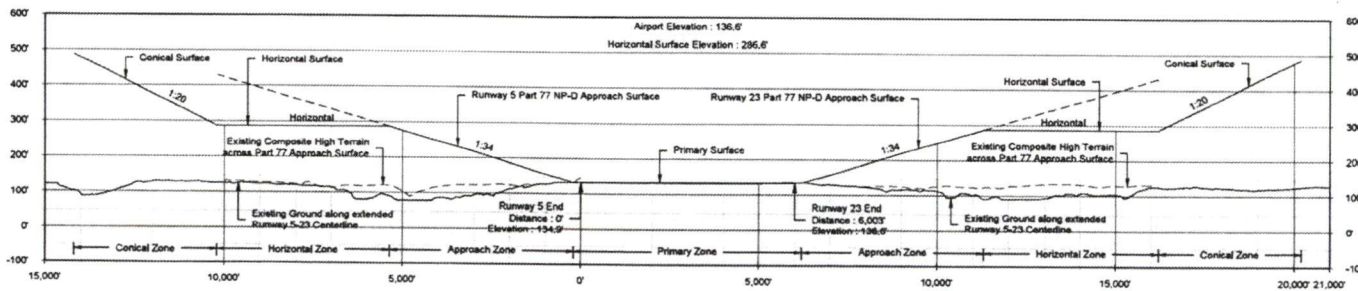
**Notes:**

1. The aerial contours illustrate the height limitations within each zone. They are based upon the current length of Runway 5-23 which is 6,003 feet in length.
2. A slope, such as 20:1 expresses the horizontal distance of 20 feet to the vertical distance of 1 foot.
3. The North Carolina State Plane Grid System, U.S. Feet, North American Datum of 1983 (NAD83) is used.
4. Background Map from the U.S. Geological Survey's Topographic 7.5-Minute Quadrangle Map Dataset, 2018.
5. Existing Elevation Data from various as-built surveys for the Duplin County Airport (2018 & 2021) and the North Carolina Floodplain Mapping Program (NCFMP) North Carolina Statewide LIDAR DEM (Phase 2, 2014)
6. Existing Topography symbols are those used by the U.S. Geological Survey.



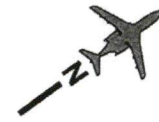
**Runway 5-23 Extended Centerline Plan**

Horizontal Scale: 1" = 2,500'



**Runway 5-23 Extended Centerline Profile (Section A - A)**

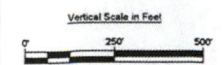
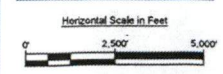
Horizontal Scale: 1" = 2,500'  
Vertical Scale: 1" = 250'



**Legend:**

- Existing Runway
- Height Zone A
- Height Zone B
- Height Zone C
- Height Zone D
- Height Zone E
- Topographic Contours
- Aerial Contours
- Expressway
- Secondary Highway
- Local Connector
- Local Road
- Interstate Route
- US Route
- State Route

**Duplin County Airport**  
Height Restriction Ordinance Map



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

Variance Application Checklist

Applicant \_\_\_\_\_

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

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

Date Approved \_\_\_\_\_

Approval Signature \_\_\_\_\_

Title \_\_\_\_\_

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

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

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