

30

Regular Meeting  
City Council - Fayetteville, N. C.  
March 14, 1960

The regular meeting of the City Council was held at the City Hall at 8 P.M. on March 14, 1960.

Present: Mayor George B. Herndon  
G. W. Ray, City Manager  
Councilmen: J. W. Pate, Jr.  
Sol C. Rose  
E. L. Massei  
J. O. Tally, Jr., City Attorney

Absent: Councilman: Eugene Plummer

Having been duly advertised for public hearing at this time, and there being no opposition present, on motion of Councilman Pate, seconded by Councilman Massei, the following amendment to the zoning ordinance was unanimously approved:

Revision of Article IX of the Zoning Ordinance:

Section I. The second paragraph of Article IX Ordinance of the City of Fayetteville beginning with the words "in case, however, . . ." and ending with the words ". . . of the City Council." is hereby deleted.

Section II. In place of said paragraph of said Article IX of said ordinance, there is hereby inserted the following paragraph:

"In case, however, of a protest against any such change or amendment signed by the owners of twenty per cent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto, either in the rear thereof, or on either side thereof, extending one-hundred (100') feet therefrom, or of those directly opposite thereto extending one-hundred feet (100') from the street frontage of such opposite lot, such change or amendment shall not become effective except by favorable vote of 3/4 of all the members of the City Council."

Section III. This ordinance shall be effective from and after its adoption.

Public hearing having been duly advertised and there being no opposition present on motion of Councilman Massei, seconded by Councilman Rose, the following amendment to the zoning ordinance was unanimously approved:

Zone to Residence 10 the following:

Bordeaux, Sec. IV, Lots 1 thru 66; Sec. VII, Lots 7 thru 21, 23 thru 45, and 47 thru 61; Sec. VI, Lots 1 thru 4, 6, 45 and 46.

The Mayor called a public hearing that has been advertised for this time on an amendment to the zoning ordinance that would regulate and restrict the heights and structures and objects of natural growth at the Fayetteville Municipal Airport. Mr. E. G. Brisson requested that the Council not adopt this ordinance as he feels that it will restrict the land to the point that it will not be as valuable as it has been for residential development. Mr. Brisson stated that he purchased this land in 1940 with the idea of making a housing development and possibly constructing a television tower in that area. Mr. Brisson was informed that under the ordinance he could build anything up to 40 feet and this restriction has been in effect since the adoption of the old ordinance in 1941.

On motion of Councilman Rose, seconded by Councilman Pate, the following ordinance was unanimously adopted:

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE FAYETTEVILLE, NORTH CAROLINA, MUNICIPAL AIRPORT BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES, DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

In the pursuance of the authority conferred by Chapter 63 of the General Statutes of North Carolina and for the purpose of promoting the health, safety and general welfare of the inhabitants of Fayetteville, North Carolina, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Fayetteville, North Carolina, Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein;

31

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, as follows:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Airport Zoning Ordinance of the City of Fayetteville, North Carolina."

Section 2. Definitions. As used in this ordinance, unless the context otherwise requires:

- (1) "Airport" means the Municipal Airport (named Grannis Field) of the City of Fayetteville, North Carolina.
- (2) "Airport hazard" means any structure or tree or use of land which obstructs the air-space required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.
- (3) "Non-conforming use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulations.
- (4) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.
- (6) "Landing area" means the area of the Airport used for the landing, take-off, or taxiing of aircraft.
- (7) "Tree" means any object of natural growth.

Section 3. a. Airport Zoning Map and Zones. In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the Airport Zoning Map, date 8/25/59, of the Municipal Airport, of the City of Fayetteville, North Carolina, attached hereto is hereby incorporated into this ordinance and made a part thereof. Said map is also recorded in Plat Book 23, page 10, Cumberland County, North Carolina, Registry.

- (1) The Established Elevation of the Airport is:  
189.33 feet MSL.

- (2) The Airport reference point is established at a location described as follows:

From the south end of the NNE/SSW runway go north 2210' along the center line of the NNE/SSW runway, thence perpendicular to the center line of the NNE/SSW runway go southeast 1100' to a point designated as the A.R.P.

b. Zones. In order to carry out the purposes of this ordinance, airport approach surface zones, horizontal surface zones, conical surface zones, and transitional surface zones are hereby established as hereinafter defined and as shown on the attached Airport Zoning Map.

- (1) Approach Surface Zones. The approach surface zone is an inclined plane located directly above the approach area. The dimensions of the approach area, are measured horizontally. The approach areas for each particular runway are symmetrically located with respect to the extended runway center lines and have lengths and widths as shown on the attached Airport Zoning Map, which also shows the slopes of the respective approach surface zones.
- (2) Horizontal Surface Zone. The horizontal surface zone is a plane, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as indicated on the attached Airport Zoning Map.
- (3) Conical Surface Zone. The conical surface zone extends upward and outward from the periphery of the horizontal surface zone with a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface zone, the conical surface extends for a horizontal distance as shown on the attached Airport Zoning Map.
- (4) Transitional Surface Zones. The transitional surface zones are inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of the runway. The transitional surface zones, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line.