

CHAPTER 25. ZONING

DIVISION H. OVERLAY DISTRICTS

Article XLVIII. Airport Overlay (APO) Districts

- § 25-481. Purposes
- § 25-482. Special definitions.
- § 25-483. Airport safety zones.
- § 25-484. Airport safety zone height limitations.
- § 25-485. Light and lighting devices.
- § 25-486. Permits and Variances.
- § 25-487. Nonconforming uses.

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVIII. Airport Overlay (APO) Districts

§ 25-481. Purpose.

The purpose of this article is to prevent obstructions from interfering with the airways surrounding the airports in the county in light of the following public policies:

A. It is necessary in the interest of the public health, safety and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented.

B. The creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports.

C. Augusta County derives economic development and enhanced interstate commerce from its airports when such airports and their surrounding vicinity are held strictly to the highest possible safety standards.

D. The prevention of obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

§ 25-482. Special definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

A. "Airport": Any airport licensed by the Virginia Department of Aviation or any United States government or military air facility.

B. "Airport elevation": The highest point on any usable landing surface expressed in feet above mean sea level.

C. "Approach surface": A surface, whose design standards are referenced in this article, 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 approach zone height limitation slope set forth in subparagraph D of this section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

D. "Approach, transitional, horizontal, and conical zones": The airspace zones as set forth in this article.

E. "Conical surface": A surface, whose design standards are referenced in this article, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

F. "Hazard to air navigation": An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

G. "Height": For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

H. "Horizontal surface": A horizontal plane, whose design standards are referenced in this article, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

I. "Nonconforming use": Any preexisting structure or object of natural growth which is inconsistent with the provisions of this article or any amendment to this article.

J. "Obstruction": Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in this article.

K. "Permit": A document issued by Augusta County allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this article.

L. "Primary surface": A surface, whose design standards are referenced in this article, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

M. "Runway": A specified area on an airport prepared for landing and takeoff of aircraft.

N. "Transitional surfaces": Surfaces, whose design standards are referenced in this Article, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

O. "Zone": All areas provided for in this article, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces determined in accordance with this article.

§ 25-483. Airport safety zones.

In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area and airspace of Augusta County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to an airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in this article. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

A. "Airport zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

B. "Approach zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

C. "Transitional zone": A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

D. "Conical zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28, and 77.29, Sub E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

§ 25-484. Airport safety zone height limitations.

Except as otherwise provided in this article, in any zone created pursuant to this article no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in this article at any point.

The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29, Sub E (Airspace, of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

§ 25-485. Light and lighting devices.

No light or lighting device shall be erected, used or maintained which copies, imitates or otherwise resembles standard airport or runway lighting fixtures or devices so as to interfere with the operation of aircraft within any zone created pursuant to this article, unless erected, used or maintained by or for an airport.

§ 25-486. Permits and variances.

A. Except as provided in this section, no structure shall be erected or otherwise established in any zone created by this article unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this section. No permit for a structure inconsistent with this section shall be granted unless a variance has been approved as provided in this section.

B. 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 or any amendments thereto other than with relief as provided for in this section.

C. Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this article, except with the relief as provided for in this section.

D. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this section may apply for a variance under article LIX of this chapter. The application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.

E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the board of zoning appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

F. Applications for permits and variances shall be made on forms available from the Community Development Department, with such forms allowing for enough specific detail such that proper analysis can be given the request.

§ 25-487. Nonconforming uses.

A. Unless specifically provided otherwise herein, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this article 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 article, and is diligently prosecuted.

B. Notwithstanding the provision of paragraph A, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

Sections 25-488 through 25-490 reserved.