

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO AMEND SECTION 30-3.H.6, AIRPORT OVERLAY (APO) DISTRICT.

Be it ordained by the City Council of Fayetteville, North Carolina, that:

Section 1. Amendments to Section 30-3.H.6 (Airport Overlay District)

A. 30-3.H.6.c. District Standards (introductory paragraph only)

The introductory paragraph of subsection **30-3.H.6.c** is hereby amended as follows:

*The land uses allowed under the terms of this Ordinance shall continue to be allowed in the same manner as established by this Ordinance; however, upon the consideration of any petition for the rezoning of property within the APO, the City Manager, the Zoning Commission, and the City Council shall give considerable weight to the following factors when formulating their recommendations or decisions. **Notwithstanding the foregoing, the requirements in subsections (c)(3) through (c)(5) below shall apply to all new development within the APO as provided in subsection (b).***

B. 30-3.H.6.c.3. Structures

Subsection **30-3.H.6.c.3** is hereby amended as follows:

3. Structures

*Structures shall not be erected, altered or maintained and no tree shall be allowed to grow to a height in excess of the applicable height limits established and regulated by the Federal Aviation Administration (FAA), **including rooftop mechanical equipment and screens, antennas, exhaust stacks, light poles, and similar appurtenances, and prior to application for any Building Permit for any development subject to Site Plan approval, prior to Site Plan approval, and prior to application for any Building Permit the developer shall provide the City***

a copy of the FAA's acknowledgement of receipt of FAA Form 7460-1, Notice of Proposed Construction or Alteration, as required by Part 77 of the Federal Aviation Regulations (14 C.F.R Part 77). In the event the FAA's acknowledgement indicates the proposed development would provide an obstruction and/or a hazard to air navigation, the developer must provide either written consent from the Airport Director as related to the proposed development or seek a Variance under the provisions of this Ordinance. Notwithstanding the provisions of this section, height limitations shall not apply to any structure or any vegetation that is 35 feet or less in height, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits of the FAA. The FAA height limitations generally include the following:

- a. Approach Zone...*
- b. Transitional Zone...*
- c. Conical Zone...*
- d. Horizontal Zone...*

Temporary construction cranes and other temporary structures shall comply with applicable FAA notice requirements.

C. 30-3.H.6.c.4. Notice Required

Subsection **30-3.H.6.c.4** is hereby amended as follows:

4. Notice Required

Any site plan, Subdivision Plan, or Final Plat for land located within the APO that is submitted for review and approval under the terms of this Ordinance shall contain the following notice:

"Property shown on this plan/plat is within the City of Fayetteville Airport Overlay District".

In addition, any Site Plan for land located within the APO shall identify the maximum height

above grade for all proposed buildings and structures, including rooftop mechanical equipment and screens, antennas, exhaust stacks, light poles, and similar appurtenances, as applicable. Prior to approval of a Site Plan within the APO, the Administrator shall transmit the application materials to the Fayetteville Airport Director for review and comment when the proposed development includes one or more of the following features:

- a. One (1) or more stationary emergency/standby generators;*
- b. On-site fuel storage with an aggregate capacity of 1,320 gallons or greater;*
- c. Cooling towers, evaporative cooling, or other cooling systems reasonably expected to generate visible plumes/steam under typical operating conditions;*
- d. Outdoor lighting mounted greater than twenty-five (25) feet above grade; and/or*
- e. Any structure or appurtenance that requires FAA notice under 14 C.F.R. Part 77.*

D. 30-3.H.6.C.5. Lighting

Subsection **30-3.H.6.c.5** is hereby amended as follows:

5. Lighting

Any allowed use, subdivision, or other development located within the APO shall not include outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations, shall not create glare or other illumination that could be confused with airport lighting or that otherwise impairs pilot vision, and in no case shall lighting be in contradiction to the provisions of this Ordinance. Further, no use or development within the APO shall be established, operated, or maintained in a manner that (a) emits smoke, steam, dust, particulates, or other substances that impair aircraft visibility or interfere with aircraft operations; (b) creates electrical, electronic, or electromagnetic interference that

disrupts or degrades airport communications, radar, or navigation aids; or (c) attracts birds and water fowl in a manner that increases wildlife strike risk.

Section 2. It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk