

SECTION 2. This amendment shall be effective from and after its adoption.

ADOPTED this the 20th day of March 2000.

Upon motion of Commissioner Jim Miller, seconded by Commissioner Paul Johnson, the Board voted unanimously to approving the following:

AMENDMENT TO THE MOUNT AIRY FRINGE AREA ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF THE FRINGE AREA

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

SECTION 1. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map 5929-00-72-2908 of the Fringe Area are hereby amended by changing from Light Industrial L-I to Residential R-20 the zoning classification of the following described property.

SECTION 2. This amendment shall be effective from and after its adoption.

ADOPTED this the 20th day of March 2000.

Upon motion of Jim Miller, seconded by Gary York, the Board voted unanimously to adopt the following ordinance as presented, with an effective date of January 16, 2001:

AIRPORT HEIGHT ORDINANCE
COUNTY OF SURRY, NORTH CAROLINA

AN ORDINANCE OF THE COUNTY OF SURRY, NORTH CAROLINA,
REGULATING LAND WITHIN THE VICINITY OF THE MOUNT AIRY-SURRY
COUNTY AIRPORT, DEFINING TERMS USED HEREIN, PROVIDING
A METHOD OF ADMINISTRATION AND ENFORCEMENT, AND PROVIDING
PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

Article 1. Title

This Ordinance shall be known as the Airport Height Ordinance of Surry County, North Carolina.

Article 2. Authority

This Ordinance is adopted by the Surry County Board of Commissioners under authority and provisions of the General Statutes of North Carolina in Chapter 153A, Article 18.

Article 3. Jurisdiction

These regulations shall govern all land in the vicinity of the Mount Airy-Surry County Airport, which shall not include any land within the jurisdiction of any municipality.

Article 4. Purposes

The Airport Height District (AHD) is established as a regulatory district in the vicinity of the Mount Airy-Surry County Airport. The purposes of the AHD is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The regulations imposed in the AHD are designed to place height restrictions on buildings, structures, and trees.

- A. It is the intent of this Ordinance to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of the Mount Airy-Surry County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in a loss of life and property, and to encourage development which is compatible with airport use characteristics. To this end, the AHD designation is intended to coordinate the purpose and intent of this section with other regulations duly established by Surry County whose primary intent is to further the purposes set out above.

Article 5. Definitions and Word Interpretation

*Airport: shall refer to: Mount Airy-Surry County Airport.

*Airport Elevation: The highest point of an airport's useable landing area measured in feet above mean sea level. The Mount Airy-Surry County Airport elevation equals 1,248 MSL.

*Approach Surface: A surface 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 as set forth in Chapter Four, Airport Height Overlay District.

*Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

*Conical Zone: A conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of four thousand (4,000) feet.

*Hazard to Navigation: An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

*Height: For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal Surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.

*Horizontal Zone: The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of the end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

*MSL: Mean Sea Level

*Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of the Ordinance or amendment thereto.

*Non-Precision Instrument Runway: 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 planned or approved.

*Non-Precision Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet, at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

*Obstruction: Any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in Chapter Four, Airport Height Overly District.

*Person: 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.

*Primary Surface: A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet.

*Runway: A defined area on 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.

*Transition Surfaces: These surfaces extend outward at right angles ninety (90) degree angles to the runway centerline and extend 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 Zones: The transitional zones are the area beneath the transitional surfaces.

*Tree: Any object of natural growth.

*Visual Approach Zone: The inner edge approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

*Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Article 6. Districts

Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any district created by this section to a height in excess of the applicable height limitations herein established for each district in question as follows:

- A. Approach Zone - AHD-A: Runway 18 = slopes twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

Runway 36 = slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

- B. Transitional Zones - AHD-T: Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or 1,398 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.
- C. Horizontal Zone - AHD-H: Established at one hundred fifty (150) feet above the airport or at an elevation of 1,398 feet above mean sea level.
- D. Conical Zones - AHD-C: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to an elevation of 1,598 feet above mean sea level. There are four (4) conical zones (AHD-C-A, AHD-C-B, AHD-C-C, and AHD-C-D) one thousand (1,000) feet horizontally each and rise fifty (50) feet in elevation. The maximum height of any structure within the conical zone are as follows:

AHD-C-A	=	1,398 feet MSL
AHD-C-B	=	1,448 feet MSL
AHD-C-C	=	1,498 feet MSL
AHD-C-D	=	1,548 feet MSL

Article 7. Use Restrictions

Notwithstanding any other provisions of this section, no use may be made of land or water within any district established by this section in such a manner as to create electrical interference with navigational signals or radio communications between the

airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Article 8. Nonconforming Uses

1. Regulations Not Retroactive - The regulations prescribed by this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use.
2. Markings and Lighting - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Mount Airy-Surry County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

Article 9. Issuance of a Building Permit

The Inspections Department shall not issue a building permit within an AHD-A, AHD-T, AHD-H, or AHD-C area until it has been determined that the proposal upon which they are requested to act is in compliance with the terms of these regulations by the Zoning Administrator.

A. Future Uses:

Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no trees shall be planted in any district hereby created unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information particularly to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of horizontal zone and conical zone, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when, because of terrain, land contour or topographic features, such tree or

structure would extend above the height limits prescribed for such zones.

(3) In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structures less than one hundred (100) feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

(4) Amateur radio operators must comply with Part 97 of FCC regulations.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure or growth of any tree in excess of any height limits established by this Ordinance except as set forth in Article 7.

B. Existing Uses:

No permit shall be granted that would allow the establishment or creation of an obstruction, or 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 such a permit shall be granted.

C. Nonconforming Uses, Abandoned or Destroyed:

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned for 180 days, or more than sixty percent (60%) has been torn down, physically deteriorated or decayed, said structure or tree shall lose its non-conforming status and at such time shall be brought into compliance with this Ordinance.

D. Variances:

For no reason shall any variance be granted from the regulations of this Ordinance.

Article 10. Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for compliance permits shall be made to the Zoning Administrator. Applications required by this Ordinance shall be considered within thirty (30) days, at which time they will be granted or denied. Building permits shall not be issued without the granting of a compliance permit.

Article 11. Penalties

Violation of this Ordinance shall be a misdemeanor as provided by N.C.G.S. 153A-123 (b) and N.C.G.S. 144-4. This Ordinance may be enforced by injunction and order of abatement, and all other appropriate equitable remedies to insure compliance with this chapter as provided in N.C.G.S. 153A-123. Each day's continuing violation shall be considered a separate and distinct offense as provided in N.C.G.S. 153A-123 (g).

Article 12. 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.

Article 13. Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this are declared to be severable.

Upon motion of Fred O'Neal, seconded by Gary York, the Board voted unanimously to adopt the following ordinance, as presented, with an effective date of April 1, 2001:

SURRY COUNTY BOARD OF COMMISSIONERS
RESOLUTION ADOPTING AN ORDINANCE LEVYING A TAX
ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-TERM
LEASE OR RENTAL OF MOTOR VEHICLES

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2 (S.L. 2000-2) and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the last tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals affecting certain vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Surry County Board of Commissioners do enact and ordain:

ORDINANCE LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM
RETAIL SHORT-TERM LEASE OR RENTAL OF MOTOR VEHICLES

SECTION 1. Definitions. The following definitions shall apply to this Ordinance:

"Customer" shall mean any person that leases or rents a vehicle on a short-term lease or rental basis.

"General Statutes" shall refer to the North Carolina General Statutes, and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

"Gross Receipts" shall mean the total lease or rental price charged to a customer for the short term lease or rental of vehicles, including fuel charges, administrative fees, mandatory maintenance agreements, and the rental of optional equipment such as child seats, furniture blankets, or hand trucks, excluding sales taxes and excluding the taxes imposed by this Ordinance.