

Ordinance PL2010-09

AN ORDINANCE to amend The Code of the Town of Ashland, Chapter 21, "Zoning", Article XXV, "Supplemental Regulations", by adding Sec. 21-300 "Hanover County Airspace."

The purpose of this ordinance is to establish rules and regulations for development within the area around the Hanover County Airport, as shown on the "Hanover County Airspace Map."

WHEREAS, the Town Council has held a public hearing on the 18th day of January 2011, advertised as required by Virginia Code Section 15.2 – 2204.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Ashland, Virginia that Section 21-300 "Hanover County Airspace" shall be amended to read, as follows:

Sec. 21-300 Hanover County Airspace Map Area.

Definition: Airspace

Hanover County Airspace Map area: The area around the Hanover County Airport, including the Town of Ashland for which standards and notification requirements for objects affecting navigable airspace are applicable. This area is specifically shown on a map entitled "Hanover County Airspace Map", which is made a part hereof and a copy of which shall be maintained in the offices of the Planning Department.

Requirement:

No proposed structure or altered structure may create a hazard for the Hanover County Airport for existing, future or planned Airspaces.

Prior to construction, site plan review or building permit application, whichever occurs first, the owner of property on which construction of a new structure or the alteration of an existing structure where such construction or alteration:

- (a) exceeds one hundred and forty feet above ground level, or;
- (b) is within 20,000 feet of the Hanover County Airport and exceeds a 100:1 surface slope from any point on the runway;

Must submit to the Administrator of the Federal Aviation Administration (FAA), with a copy to the Department of Planning, an Obstruction Evaluation and Airport Airspace Analysis, Form 7460-1 (or current form), Notice of Proposed Construction or Alteration. Non-conforming structures located on the same property as a proposed structure or on another property shall not be considered when determining whether the construction or alteration of a structure would create a hazard for the Hanover County Airport for existing, future or planned Airspaces. The request submitted to the Administrator of the FAA shall seek an evaluation of the proposed structure or alteration (1) with the nonconforming structure in place and (2) assuming that the nonconforming structure did not exist.

If the increase in height caused by the construction or alteration would create a hazard for the Hanover County Airport for existing, future or planned Airspaces, the construction or alteration shall not be permitted.

Any permitted structure required to submit an Obstruction Evaluation and Airport Airspace Analysis, which does not create a hazard, must file an obstruction survey within thirty (30) days of completion of the structure or related facility; if the structure or related facility is in operation prior to the expiration of that thirty-day period, the survey shall be submitted on the day that operation begins. The obstruction survey must meet the Accuracy Code '2C' or better as defined in Appendix 3 of FAA Order 8260.19D CHG 1 dated July 11, 2008, or the latest change. FAA Form 7460-2 (or current form) shall be filed with the FAA.

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced: August 17, 2010
Advertised: Planning Commission:
Herald Progress: August 26, 2010 and September 2, 2010
Town Council:
Herald Progress: February 3, 2011 and February 10, 2011

Public Hearing: Planning Commission: September 8, 2010
Town Council: January 18, 2011

Adopted: January 18, 2011
Effective: January 18, 2011

