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Document No. 5134
SOUTH CAROLINA AERONAUTICS COMMISSION
CHAPTER 4

Statutory Authority: 1976 Code Sections 55-1-1 et seq., 55-5-80 (A), 55-5-80 (N), and 55-5-280 (D)

- 4-1. Definitions. (New)
- 4-2. Requirements, Limitations, and Eligibility. (New)
- 4-3. Capital Improvement Program. (New)
- 4-4. Airport Grant Program. (New)
- 4-5. South Carolina Aeronautics Commission Grant Assurances. (New)
- 4-6. Request for Review. (New)
- 4-7. Purpose and Applicability. (New)
- 4-8. Airport Maps and Master Planning. (New)
- 4-9. Airport Master Plans. (New)
- 4-10. Zoning Required. (New)
- 4-11. Process for Land Use Review. (New)
- 4-12. Land Use Decisions of Governing Bodies Must Consider and Respond to the Division’s Comments. (New)
- 4-13. Notice to the Division. (New)
- 4-14. Enforcement and Legal Action. (New)
- 4-15. Private Airport Approval. (New)
- 4-16. Variance. (New)

Synopsis:

The South Carolina Aeronautics Commission developed Regulation 4-1 through 4-16 to establish uniform procedures for grants from the State Aviation Fund and for the protection of public investment in public use airports and airport property from obstructions, safety hazards, and incompatible land uses in close proximity to such airports.

Section by Section Discussion:

Regulation Number	Type of Change	Purpose
4-1	New - Addition	Adds uniform definitions to be applied in all of the regulations
4-2	New - Addition	Addresses requirements, limitations, and eligibility for grants from the State Aviation Fund
4-3	New - Addition	Addresses requirements for public use airports to develop a Capital Improvement Plan
4-4	New - Addition	Outlines the type and scope of airport grants that are available from the State Aviation Fund
4-5	New - Addition	Describes the grant assurances that are required for State Aviation Fund grant recipients
4-6	New - Addition	Request for review and reconsideration of applicants who are denied Aviation Fund grants
4-7	New - Addition	Describes the scope, authority, and general requirements for the protection

		of airports and airport property from obstructions, addresses local government zoning authority to address incompatible activities near airports
4-8	New - Addition	Addresses the creation of airport maps and land use planning
4-9	New - Addition	Addresses requirements for Airport Master Plans
4-10	New - Addition	Addresses statutory requirement for zoning near airports
4-11	New - Addition	Codifies existing procedures for land use review near airports
4-12	New - Addition	Addresses statutory requirement for local governments to respond to comments by the Division of Aeronautics
4-13	New - Addition	Addresses the statutory requirement to notify the Division of Aeronautics of proposed land use or zoning changes near airports
4-14	New - Addition	Outlines enforcement and legal action allowed by Title 55
4-15	New - Addition	Sets forth procedure for approval of private airports near public use airports
4-16	New - Addition	Provides for a variance procedure
Appendices A-C	New - Addition	Incorporates FAA guidance into review of compatible and incompatible land uses surrounding airports

The Notice of Drafting was published in the *State Register* on July 22, 2022.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

PART A
DEFINITIONS

4-1. Definitions.

(A) The following definitions apply to this regulation 4-1 through 4-16 and appendices. Other definitions contained in Section 55-1-5 of the Code are also applicable to this regulation. The meaning of any other terms that are not defined shall be consistent with their definition in FAA regulations, Advisory Circulars,

and in FAA or Aeronautics Commission policy, guidance, criteria, or as commonly understood in applicable industry standards.

(B) Definitions:

(1) “Aircraft Operation” means the movement of aircraft on the ground or in the air any time for the purpose of flight or air navigation, including the piloting of aircraft.

(2) “Airport” means any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose.

(3) “Airport Hazard” means a condition, occurrence, or activity that endangers the lives and property of users of an airport and/or occupants of land and other persons in the airport’s vicinity. An “Airport Hazard” also includes any obstruction which, in effect reduces the size of the area available for the landing, taking off, and/or maneuvering of aircraft, thus tending to reduce or impair the utility of the airport and the public investment in it.

(4) “Airport Land Use Compatibility Zoning” means airport zoning regulations governing the use of land on, adjacent to, or in the vicinity of airports. The purpose of “Airport Land Use Compatibility Zoning” is to discourage land uses around airports that are considered to be incompatible with the normal operations of an airport (such as residential, schools, churches) and to encourage uses that are more compatible (such as industrial or commercial uses).

(5) “Airport Land Use Zones” are areas where land uses are incompatible with aircraft operations, including, but not limited to, lands affected by airport noise, aviation safety zones, high density development near airports, or activities where normal takeoff, departure, approach, or landing profiles or criteria are or would be adversely affected. Airport Land Use Zones are also described in detail in Appendices A, B, and C.

(6) “Airport Layout Plan” means a plan that depicts existing facilities and planned development for an airport. The Airport Layout Plan also depicts airspace.

(7) “Airport Master Plan” means a comprehensive plan of an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.

(8) “Airport Safety Zones” are those lands and waters on or near a public use airport which include airport property and surrounding adjacent and contiguous properties where aircraft operations, including taxi, takeoff, landing, approach, arrival, and departure would be adversely affected as a result of:

(a) A condition exists that interferes with, or has a reasonable potential to interfere with aircraft operations;

(b) A condition that poses an increased risk to aviation safety;

(c) The persistence of a condition such as an obstruction that would cause aircraft takeoff, landing, or approach criteria to be adversely affected;

(d) The existence of a condition that would constitute a nuisance to an aircraft operation; or

(e) The planned or actual concentration of residential or commercial structures in close proximity to the flight path of arriving or departing aircraft.

Airport Safety Zones are described in greater detail in Appendices A, B, and C.

(9) “Airport Zone” means a zone that is centered about the runway and primary surface, with the floor set by the approach surfaces. Specific Airport Zones include but may not be limited to those set forth in Appendices A, B, and C.

(10) “Approach Zone” means a zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

(11) “Building Permit” means an official document or certificate issued by a governing authority to build or construct on land or make changes, alterations, or modifications to an existing building.

(12) “Capital Improvement Plan” (CIP) is a document that identifies critical airport development for a five-year period. The FAA requires that each airport that receives funding under the Airport Improvement Program update and submit this plan each year. The plan then serves as the basis for the planning and distribution of federal funding for airports. This plan coincides with the Airport Layout Plan.

(13) “CLUE Tool” means the Compatible Land Use Evaluation tool developed and administered by the Aeronautics Commission and the Division of Aeronautics. The CLUE tool is an online platform accessible via the internet to members of the public, zoning and planning agencies, and Division staff for the purpose of evaluating the suitability of land uses, including but not limited to obstructions in the vicinity of public use airports in South Carolina.

(14) “Compatible Use” means a land use or activity that is not an incompatible use as defined herein. Types of compatible uses are further described in Appendix C herein.

(15) “Commission” means the South Carolina Aeronautics Commission (SCAC), which shall assist and oversee the operation of the Division.

(16) “Conditional Finding” means a determination by the Commission that a proposed use in an Airport Safety Zone or Airport Land Use Zone that is deemed to be incompatible with an airport or aeronautical operations may be allowed in the sole discretion of the Commission so long as necessary and appropriate conditions are in place to protect the airport, the public investment in the airport, the safety of aircraft operations, and the safety of persons and property on the ground.

(17) “Cost Recovery” means the actual cost of removal or abatement of an airport hazard, including administrative and legal costs and attorney’s fees.

(18) “Department of Defense Accident Potential Areas” means an area at a military airfield which is beyond the Runway Protection Zone (also referred to by the Department of Defense (DOD) as the clear zone) where there is either a significant or measurable potential for aircraft accidents. In such areas, the DOD has criteria to address incompatible land use.

(19) “Division,” unless otherwise indicated, means the Division of Aeronautics of the South Carolina State Fiscal Accountability Authority (or its successor as provided for in state law).

(20) “Governmental Entity” means a county, municipality, or political subdivision of this state.

(21) “Incompatible Uses” means land uses in the vicinity of an airport that would constitute:

(a) An airport hazard as defined herein and in Section 55-9-250 of the South Carolina Code of Laws, as amended.

(b) Any condition constituting an imminent and foreseeable hazard as set forth in Section 55-5-80 of the South Carolina Code of Laws, as amended.

(c) A violation of this regulation, and any applicable federal, state or local law, ordinance, regulation, or federal or state approved airport design or airport land use criteria, or

(d) Any activity that is not allowed in Appendices B and C of this regulation.

(22) “National Plan of Integrated Airport System” (NPIAS) means an inventory of United States airports maintained by the Federal Aviation Administration (FAA) that are considered to be part of the national transportation system. These airports are eligible to receive federal grants under the Airport Improvement Program (AIP) and other congressionally approved funding programs.

(23) “Obstruction” means any existing or proposed object, terrain, or structure construction or alteration that exceeds federal obstruction standards contained in 14 C.F.R. part 77, subpart C and any such object, terrain, or structure, or combination thereof that, in the opinion of the Division, has the reasonable potential to adversely affect aircraft flight operations or present a threat or hazard to aviation safety. The term includes:

(a) Any object of natural growth or terrain;

(b) Permanent or temporary construction or alteration, including equipment or materials used, and any permanent or temporary apparatus; or

(c) Alteration of any permanent or temporary existing structure by a change in the structure’s height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

(24) “Part 77 Object Identification Surfaces” means the Primary Surface, Horizontal Surface, Conical Surface, and Transitional Surface as defined below:

(a) “Primary Surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond either end of the runway; but when the runway has no specially prepared surface, or planned hard surface, the primary surface ends at the physical ends of the runway. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline. Primary surface widths vary with the classification of the runway; however, the width is uniform throughout and is based on the most precise approach existing or planned for either end of that runway.

(b) “Horizontal Surface” means a horizontal plane 150 feet above the established Airport Elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Surface of each runway.

(c) “Conical Surface” means a zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical zone. The Conical Surface extends upward and outward from the outer limits of the Horizontal Surface for a horizontal distance of 4,000 feet. The slope of the conical surface is 20:1 (5 percent) measured in a vertical plane.

(d) “Transitional Surface” means a surface extending outward and upward, at right angles to the runway centerline and runway centerline extended, from the sides of the Primary Surface and the Approach Surfaces. The slope is 7:1 (14.3 percent) and the surface extends until it intersects the Horizontal or Conical Surface.

(25) ”Person” means any individual, association, co-partnership, firm, company, corporation, or other association of individuals.

(26) “Political Subdivision” means the local government of any county, city, municipality, town, village, or other subdivision or agency thereof, or any district, special purpose district, or other such agency authorized to establish or operate airports in the state.

(27) “Public Airport” means an airport for public use, publicly owned, and under the control of a Political Subdivision.

(28) “Public Use Airport” means an airport which is open for use by the public without prior permission, regardless of ownership.

(29) “Runway Approach Slope” means the path that an airplane follows on its final approach to land on a runway.

(30) “Runway Protection Zone” means an area at ground level beyond the runway end to enhance safety and protection of people and property on the ground.

(31) “South Carolina Airport Development Program” (SCADP) means the program that provides funding assistance to South Carolina airports for planning, capital, and maintenance.

(32) “Structure” means any object constructed, erected, altered, or installed, including, but not limited to, buildings, towers, smokestacks, utility poles, power generating equipment, antennae, and overhead transmission lines.

(33) “Substantial Modification” means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of a structure exceeds 50 percent of the market value of the structure.

(34) “Transitional or Transition Zone” means generally a zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional or transition surfaces. The Transitional zone is the area (includes an area also referred to as the modified transitional zone) out to approximately a mile beyond each runway end and to approximately a quarter mile to each side of the runway, excluding the area within Zone A and Zone B1.

(C) For most of the zones defined or referenced above, the specific geometric standards for these zones are found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations, as amended. Additional FAA definitions incorporated herein are contained in Exhibit A. Should the terms used in this regulation require further definition and understanding, the definition and usage of such terms in FAA regulations, Advisory Circulars, and policies shall be utilized to effectuate further interpretation of this regulation.

PART B
SOUTH CAROLINA AIRPORT DEVELOPMENT PROGRAM

FOR PROJECTS FUNDED BY THE STATE AVIATION FUND

4-2. Requirements, Limitations, and Eligibility.

(A) General Requirements. The State Aviation Fund is created by Section 55-5-280 of the South Carolina Code of Laws, as amended, and the aforementioned statute authorizes this regulation. This regulation sets forth the requirements for eligibility and procedures for disbursement from the State Aviation Fund including applications, grants, obligations, and use of the State Aviation Fund, which is administered per the South Carolina Airport Development Program (SCADP) of the South Carolina Aeronautics Commission and by the Division of Aeronautics. The SCADP is designed to provide state funding assistance for planning, capital improvements, maintenance, and approach aids to publicly owned, public use airports. The State Aviation Fund (the Fund) is created pursuant to Section 55-5-280 of the South Carolina Code of Laws, and its use is governed by statute and this regulation. In addition, the administration of the Fund, including disbursements, may also be outlined in guidance and procedures adopted by the SCAC and the Division of Aeronautics.

(B) Limitations. The consideration, ranking, and award of grants and grant applications by the South Carolina Aeronautics Commission (SCAC) and the Division of Aeronautics is a discretionary function of state government, and no obligation or requirement exists to award a specific grant in whole or in part. The SCAC and the staff of the Division are not required to award a grant even if the applicant presents an administratively complete application. Submitting an application, receiving a Notice of Grant Award, or receipt of funds from the State Aviation Fund does not confer any rights or privileges to an applicant. Whether a grant is issued may depend on factors such as the availability of funds, the existing or planned commitments of the Fund, the ranking of eligible projects in order of priority, the merit or need for a particular proposed project, the completeness of a grant application, conformance with SCAC policy and applicable FAA guidance and regulations, and other relevant factors in the sole discretion of the SCAC.

(C) Eligibility. The requirements for project eligibility to obtain state funding assistance from the State Aviation Fund include compliance with the following:

(1) The airport must be included in the South Carolina Statewide Aviation System Plan (SCASP). This requirement does not apply to counties that do not have a public airport but are seeking to locate and construct a public airport.

(2) The airport must be publicly owned and open to the public.

(3) All project work must be available for public use.

(4) The airport must submit a state application with necessary attachments requesting funding assistance on forms or methods provided by and acceptable to the SCAC.

(5) For airports that are in the National Plan of Integrated Airport Systems (NPIAS), capital improvement requests must be shown on the approved Airport Layout Plan (ALP) and the airport's five-year Capital Improvement Program (CIP) as submitted to SCAC and FAA. For NPIAS unclassified and non-NPIAS airports, capital improvement requests must be shown on the approved Airport Layout Plan (ALP) and coordinated with the SCADP Program Manager in advance of the grant request.

(6) The airport must be in compliance with State and Federal grant assurances or have a waiver on file with the Division.

(7) The airport must not have any outstanding financial obligations to the SCAC unless there is an open grant that is currently underway.

(8) The Airport must have a current Airport Master Plan or Airport Layout Plan acceptable to the Division on file with the Division.

4-3. Capital Improvement Program.

(A) Capital Improvement Plan. The Capital Improvement Program (CIP) is a five-year work plan that is required for each publicly owned, public use airport in the State of South Carolina seeking grants from the State Aviation Fund, unless prior coordination takes place with the SCADP Program Manager. The elements of a CIP, at a minimum should include:

(1) Each airport sponsor shall develop a list of desired airport improvement projects for each of the next five state or federal fiscal years.

(2) The list should contain all proposed improvement projects that require state, federal, and/or local funds, and should include both capital and maintenance projects.

(3) In order to enhance the value of the CIP, the airport sponsor should make every effort possible to make the first two fiscal years of the CIP as accurate as possible.

(4) The remaining three fiscal years should include projects based on forecasts of airport needs. The CIP is updated each year by the airport sponsor and must be submitted to the SCAC Airport Development Office no later than the date specified by the Division

(B) Capital Improvement Submittal. An Airport Sponsor shall submit an annual Capital Improvement Submittal in a format acceptable to the SCAC, and per the requirements of Section 4-4 (c) (4) below.

4-4. Airport Grant Program.

(A) Airport Revenue. The State Aviation Fund is created pursuant to Title 55 of the South Carolina Code; the availability of Funds depends on allocations from South Carolina's annual state budget. South Carolina's fiscal year is July 1 through June 30. Funding for the South Carolina Aeronautics Commission and South Carolina Airport Development Program comes from a variety of sources including the General Fund, Aviation Fuel Tax, Airline Property Tax, special allocations into the Fund, and FAA Airport Improvement Program Grants. The availability of grant funding is dependent on the amount of money in the fund available for allocation to eligible projects in a given fiscal year, and it is further dependent on the number of requests and applications for funding airport projects. The SCAC reserves the right to change its grant programs based upon the availability of resources.

(B) Specific SCADP Grant Programs. Subject to state funding and Commission prioritization, the SCAC provides state funding assistance for eligible airport projects as described in the available programs below. The SCAC has selected contractors performing work under these programs using South Carolina procurement guidelines. The contractors are under contract with the SCAC to provide one or more of the following operations or projects:

(1) Automatic Weather Observing System (AWOS) Maintenance/Monitoring Program. The South Carolina Aeronautics Commission owns and maintains AWOS facilities at public use airports throughout the state. The SCAC provides maintenance and monitoring of these systems. Airport sponsors are responsible

for utility bills (telephone and electricity) associated with these systems. The addition of AWOS systems at individual airports is an eligible capital improvement project.

(2) Airfield Maintenance. Eligible Airport sponsors may request assistance for the airfield maintenance projects listed below. This program is administered on a first-come, first-served basis assuming availability of revenue to support the request. SCAC provides limited funding for maintenance projects with matching requirements from the airport sponsor. The percentage of the local match is set by Commission policy that may be amended from time to time.

(a) Pavement Maintenance (such as crack sealing, pavement rejuvenation sealing, pavement marking and cleaning)

(b) Vegetation Management (such as tree clearing, slope mowing, and herbicide treatment)

(c) Stormwater facility maintenance (such as detention pond maintenance, culvert repair, catch basin repair, storm sewer repair)

(d) Airfield Electrical (such as runway and taxiway edge light repairs and airport owned electrical equipment (e.g. PAPI's, REIL's). Runway and taxiway edge light bulb replacement (other than light emitting diode lights (LED's)) and repairs due to neglect are not eligible for SCAC funding. However, replacement of runway and taxiway LED edge light fixtures is eligible if the failure is a result of normal wear and tear.

(e) Chemical Program. The SCAC provides herbicides and pesticides to airport sponsors. The airport sponsor must provide a South Carolina licensed applicator who will properly apply the products at the airport sponsor's cost.

(3) Airport Safety Programs. The following programs are provided by SCAC staff at no cost to airport sponsors:

(a) Airport Safety Inspections. These inspections are reported to the FAA through the FAA Form 5010, Airport Master Record.

(b) Compatible Land Use Evaluation (CLUE) Assistance and CLUE Tool Administration. The Commission operates an open access online tool for the purpose of identifying compatible and incompatible land uses in the vicinity of airports.

(c) Other safety related services may be provided for as approved by the Commission. These services may include, but are not limited to the items listed below.

1. Unmanned Aircraft Systems utilized for obstruction evaluation, aerial imagery, construction support, and emergency management support.

2. Foreign Object Debris (FOD) products or services that protect aircraft from damage caused by debris on airport surfaces such as pavement.

3. Emergency services support

(C) SCAC Grant Programs. SCAC provides grants from the State Aviation Fund for a variety of eligible airport capital improvement and maintenance projects that do not fall under the SCADP described in Paragraph E, Section 2.

(1) Types of Grants.

(a) FAA Grant Match. The Airport Improvement Grant administered by the FAA has a grant program that provides 90% funding for eligible projects, leaving 10% to be funded by the airport sponsor. The SCAC offers 5% grants to reduce the sponsor's share to 5%. If Congressionally approved match amounts change, the Aeronautics Commission can amend the state match. Other grants may be offered from time to time based upon the availability of funds and the existence of specific grant programs. Funding directed to specific airports or for specific projects shall be managed through the SCAC's grant program.

(b) State/Local Grants. For projects that are either not eligible for FAA funding or where FAA funds have been expended, airport sponsors can apply for State/Local grants. All State/Local grant requests must be shown on the sponsors 5-year CIP and/or coordinated with SCAC prior to submitting the grant application. Each grant program follows the guidance found in the South Carolina Airport Development Program Policies and Procedures Manual, as amended, which is approved by the Commission. The Manual also provides information regarding the grant funding levels and applicable percentage splits. Such grants may include, but are not limited to, Capital Project Grants, Maintenance Grants, Terminal Building Grants, Aviation Infrastructure Revitalization Grants, and South Carolina Commercial Service Grants.

(2) Airport Eligibility. Airports eligible to receive SCAC grants are all publicly owned, public use airports located in the state of South Carolina. The SCAC reserves the right to change its grant program for commercial service airports based upon the presence of actual commercial passenger service by scheduled FAA Part 121 air carriers.

(3) Project Eligibility. For consistency, the SCAC applies current FAA guidance to determine project eligibility, except that revenue producing projects (e.g. fuel tanks, hangars, parking lot revenue systems, etc.) are not eligible.

(a) Typical eligible projects include:

1. Primary and secondary runways (tertiary runways excluded)
2. Taxiways
3. Aprons
4. Airfield lighting
5. Parking lots
6. Entrance roads
7. Airfield and landside pavement marking
8. Terminals (public areas only)
9. Planning (Master plan, terminal area, environmental)
10. Other projects meeting the goals and objectives of the SCAC may be eligible with prior review and approval of the SCAC.

(4) Grant Request Process. The SCAC grant program is administered using a process acceptable to the Division. Applicants seeking grants shall comply with the requirements and instructions for such grant requests set forth by the Division. The Division maintains grant application forms available on its website for download. At the discretion of the Division, the application process may be via electronic or printed means to update and submit SCAC grant requests, application materials, project associated documents, and correspondence (such as plans, specifications, reports, etc.), and Capital Improvement Plans. The SCAC reserves the right to make administrative changes to the grant request process that, in its discretion, will promote standardization and efficient use of public resources consistent with the objectives of Title 55 of the South Carolina Code of Laws.

(a) Capital Improvement Plan (CIP) – Where required, airport sponsor funding requests, whether they are FAA grants, state/local grants, or projects funded through the SCADP start with the CIP. The CIP is a five-year plan that must be updated each year. This plan details all anticipated projects (capital, maintenance, planning, etc.) for each airport sponsor along with estimated costs. For a project to be considered for SCAC funding, it must be shown on the CIP or previously coordinated with the SCADP Program Manager. The CIP must be submitted to the SCAC by December 31st of each year.

(b) Project Prioritization - Projects submitted on the CIP will be prioritized using the SCAC project prioritization process as approved by the Commission with the latest South Carolina Aviation System Plan and ranked from highest to lowest. The SCAC scoring and ranking system utilizes the following factors in prioritizing projects for funding from the State Aviation Fund.

1. Safety and security projects

2. Environmental studies

3. Airport classification and demand

4. Sponsor responsibilities

5. Other relevant factors as determined by the SCAC include but are not limited to planning, master plans, airport minimum standards, compatibility zoning, federal funding match, land acquisition, airport maintenance, capacity enhancements, preservation and rehabilitation of existing facilities, obstruction and lighting issues, and new or replacement navigational and visual aids to improve safety.

6. The SCAC reserves the right to incorporate subfactors into each class of its ranking system.

(c) Sponsor/SCAC CIP Conference - Between August 1st and December 1st, SCAC will coordinate with each airport sponsor to schedule a meeting to discuss the upcoming year's project(s). The purpose of this meeting will be to discuss project scope, eligibility, priority, and availability of funding.

(d) Grant Application

1.FAA Grant Match. For projects that are providing a grant match for associated FAA grants, the sponsor may apply for an SCAC grant after the FAA grant has been offered and accepted.

2.Other Grants. All other grant requests may be submitted to SCAC after the Sponsor/SCAC CIP Conference. Grant requests must be submitted using an online grant management tool or on forms acceptable to the Division,

(e) Grant Approval. Grant requests must be approved for funding by the South Carolina Aeronautics Commission. Requests will be approved based upon project eligibility, project priority, and availability of funding.

(f) Grant Offer. After grant approval by the Commission, SCAC will prepare the grant offer. Sponsor acceptance of the grant offer binds the sponsor to grant assurances for the usable life of the project which is generally twenty years or as otherwise specified or determined by the Commission.

(g) Grant Reimbursement. After SCAC grants have been approved and the grant offer accepted and returned to SCAC, the sponsor may apply for reimbursement for associated project costs. Grant reimbursement requests are submitted in a manner and or on forms acceptable to the Division.

(h) Eligible Project Costs

1. Consultant fees (design, bidding services, construction administration, field investigations, and planning, and related services)

2. Construction costs

3. Permit fees

4. Review fees

5. Land acquisition including administrative and legal costs

6. Other eligible costs approved by SCAC

(i) Required Documentation. Documentation should be uploaded to SCAC along with the grant reimbursement request via SCAC's online tool or on forms acceptable to the Division.

1. Request for Reimbursement cover sheet

2. Tabulation of project costs and associated payments

3. Proof of project costs, including but not limited to contractor pay applications, consultant invoices, permit fees, title transfer, or other associated costs

4. Proof of payment may include but not be limited to cancelled checks, electronic transfer statement, and credit card statements

(j) SCAC Review and Approval. Requests for reimbursement will be reviewed by SCADP staff for accuracy and approved or returned for correction within 30 days of receipt.

(5) Educational Grants. The SCAC offers discretionary grants to organizations for educational programs, opportunities, and events that promote education related to aviation, aeronautics, and aerospace in South Carolina. The Commission expects applicants to demonstrate a significant outside financial commitment such as matching funds, other financial commitments, and fundraising to accompany an SCAC educational grant application. The Commission may set specific criteria for its educational grants; however, the applicant is expected to demonstrate how the proposed grant will result in educational programs, opportunities, and events that have a real potential to provide academic, occupational, and professional experience for the benefit of South Carolinians, particularly youth and early career students. Such grants

are to be made on forms acceptable to the Commission. The Commission reserves the right to set educational grant cycles. Any awards are contingent and subject to the availability of funding.

4-5. South Carolina Aeronautics Commission Grant Assurances.

As a condition to accepting and receiving a grant from the SCAC, the Airport Sponsor or other grantee is bound by covenants that are incorporated as grant assurances issued with the SCAC. The purpose of such assurances is to protect public investment in aeronautical infrastructure and to ensure that public funds are used for aeronautical purposes to develop, construct, and maintain the state's public airports, to provide sufficient buffers between non-aeronautical uses and the state's public airports, and to effectuate the statutory mission of the Aeronautics Commission. Such grant assurances shall include the following subjects where applicable:

(A) Covenants shall become effective upon the Sponsor's acceptance of state aid for a project or any portion thereof, through the SCAC, and shall constitute a part of the Grant Agreement.

(B) Such covenants shall remain in full force and effect throughout the useful life of the facilities developed under a project, but in any event not to exceed twenty (20) years from the date of acceptance of state aid for such project. In the event that the Airport and the facilities covered by a project are not maintained as such for public use for the full twenty (20) years, the Sponsor agrees upon demand to promptly reimburse the SCAC for the amount of the grant.

(C) If a grant is conditioned upon a repayment schedule of any or all of the awarded funds, the Sponsor agrees to be bound by such additional grant assurances as may be required by the SCAC and set forth in a separate schedule to these assurances

(D) An Airport Sponsor or Grantee shall:

(1) Begin substantial work toward completion of the Project within a reasonable time after acceptance of the grant offer, but no later than one (1) year from the notice of award by the SCAC.

(2) Conduct planned operations and complete the project in accordance with the terms of the project schedule, scope of work, grant agreement, and grant assurances governing the project, applicable policies and procedures required by the SCAC, and applicable statutes, regulations, and fiscal policies of the state of South Carolina, and any applicable local ordinances.

(3) A Grantee shall conduct and complete the project in accordance with the plans and specifications incorporated into the grant application and any plans and specifications submitted to the SCAC relating to the grant, including any revisions or modifications approved in writing by the SCAC. The Sponsor or Grantee must further agree to copy the SCAC as to all construction progress reports, payment applications, and completion documents and related correspondence.

(4) A Sponsor or Grantee shall also submit all planning and construction documents to the SCAC for review and approval; and

(5) A Sponsor or Grantee shall notify the SCAC, in writing, in a timely manner, and with appropriate support documentation and/or electronic files, of any significant changes to the airport so that it may be incorporated into the SCAC's records and/or databases, including the South Carolina Airport System Plan. Significant changes include, but are not limited to:

(a) New, upgraded, deactivated, or repurposed airfield pavement and lighting,

- (b) Land acquisition or releases, including easements,
- (c) Major obstruction clearing,
- (d) New, upgraded, or downgraded instrument procedures, and
- (e) New, revised, or expanded airport related zoning ordinances.

(E) An Airport Sponsor or Grantee agrees that it will safely and efficiently operate the Airport subject to a grant for the use and benefit of the public on fair and reasonable terms without discrimination.

(F) An Airport Sponsor or Grantee shall suitably operate and maintain the Airport and all facilities thereon or connected therewith which are necessary for airport and aeronautical purposes and will not permit any activity which could interfere with its use for aeronautical purposes other than temporary periods of snow, flood, or other climatic conditions which could interfere detrimentally with such operation and maintenance. Essential facilities, including airfield lighting systems, when installed, will be operated in such manner as to assure their availability to all users of the Airport.

(G) An Airport Sponsor or Grantee will not enter into any transactions which could deprive it of any of the rights and powers necessary to perform any or all of the covenants required by the SCAC, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the applicable statutes, ordinances, regulations, and policies to assume such obligations, and the SCAC consents to such transfer. In addition, an Airport Sponsor or Grantee shall not permit any property subject to a grant or grant assurances to become subjected to a lien, judgment, or other encumbrance. Under such circumstances, the Airport Sponsor or Grantee shall take immediate action to ensure that such encumbrance is removed or satisfied. If an arrangement is made for management or operation of the Airport by any agency or person other than the Sponsor, the Sponsor will reserve sufficient powers and authority to ensure that the Airport will be operated and maintained in accordance with the applicable statutes, ordinances, regulations, policies, grant assurances, covenants, and obligations.

(H) Any misrepresentation or omission of a material fact by the Airport Sponsor or Grantee concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting an offer of a grant shall terminate the obligation of the SCAC, and it is understood and agreed by the Sponsor in accepting a grant offer from the Commission that if a material fact has been misrepresented or omitted by the Sponsor, the SCAC, on behalf of the State of South Carolina, may demand and recover from the Sponsor all grant payments made, plus interest at the legal rate prevailing at the date of demand.

(I) The Airport Sponsor or Grantee shall maintain insurance in force at all times covering property damage on the project to cover any and all losses. The amount of the coverage, per claim, shall, at a minimum, be equal to the total cost of the project.

(J) The Airport Sponsor or Grantee shall maintain clear, safe, and viable approaches to the airport in including substantial conformity with appropriate criteria, as applicable, set forth in the following airspace standards:

- (1) 14 CFR Part 77 Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended;
- (2) Advisory Circular 150/5300-13B, Airport Design, or successor guidance; or other guidelines approved in writing or amended by the SCAC or the FAA.

(3) FAA Order 8260.3D, United States Standard for Terminal Instrument Procedures (TERPS) or successor guidance.

(4) Other FAA, SCAC, or recognized industry standards, criteria, or policy that is applicable to a particular project.

(K) Failure on the part of the Sponsor to take appropriate action that is satisfactory to the Commission to remove or address any and all obstructions in the approaches, in a manner that ensures safety and protects public investment in the airport, may result in the withholding of any payment of the funds awarded or committed in a Grant Agreement for a grant and project until such time as action is taken satisfactory to the SCAC to correct or abate the conditions determined by the SCAC to compromise safety or the utility of the airport.

(L) Consistent with R.4-10, Airport Sponsors receiving grants from the State Aviation Fund shall enact a zoning ordinance on all land surrounding the airport under its jurisdiction and to coordinate the same with adjacent jurisdictions so as to conform, at a minimum, to these regulations, where applicable, and other authority and/or criteria of:

(1) Section 55-1-1 et. seq. of the South Carolina Code of Laws, as amended, particularly Chapters 9 and 13 of Title 55 of the Code.

(2) Part 77 of the Federal Aviation Regulations addressing the Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended;

(3) FAA Advisory Circular 150/5300-13B, Airport Design, or successor guidance;

(4) FAA Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports, or successor guidance; and

(5) FAR Part 150, Airport Noise Compatibility Planning, as amended.

(M) The criteria in the ordinances shall address and limit the following items:

(1) The height of objects around airports,

(2) Communication, visibility, and bird strike hazards,

(3) Incompatible land uses in the Runway Protection Zone (RPZ) and the Transition Zone (TZ); and if applicable, incompatible land uses within the 65 DNL noise contour.

(4) Airport-related zoning ordinances shall have at least one attached scaled map that clearly illustrates the relevant airspace and land use zones. Airport Sponsors shall submit to SCAC the current zoning ordinance(s) and attached map(s) related to the airport that have been approved by the local government(s) having jurisdiction on lands surrounding the airport, including pertinent signatures, seals, and dates of ordinances readings.

(N) The Airport Sponsor shall develop procedures and coordinate with jurisdictions adjacent to their public use airport(s) necessary to comply with Section 55-13-5 of the South Carolina Code of Laws, as amended, regarding land use in the vicinity of the Sponsor's airports.

(O) Airport Sponsors shall submit an Airport Layout Plan (ALP) to SCAC for approval and maintain a current ALP, showing existing and future landing areas and associated taxiways, pertinent approach surface dimensions and slopes, Runway Protection Zones, and building areas. The Sponsor will conform to the current ALP in any future improvements or changes at the Airport. The Sponsor shall furnish SCAC a current Airport Layout Plan and property plats in all of the following formats, or they shall provide appropriate documentation in an alternate format acceptable to the SCAC:

(1) Paper of at least 24-inch by 36-inch size sheet(s);

(2) Portable Document Format (PDF) electronic file(s);

(3) GIS shape-file(s) or geodatabase in South Carolina State Plane coordinates;

(4) CAD DWG file(s) in South Carolina State Plane coordinates (International feet).

(5) The Sponsor shall be responsible for furnishing to the SCAC such documents, data, and/or electronic files as is necessary to keep the ALP, State Airport System Plan, and related SCAC records and databases up to date.

(P) The Sponsor will furnish a set of "As Built Plans" or "Record Drawings" for each grant funded project to the SCAC within ninety (90) days after completion of such project. The Sponsor shall submit these documents, at a minimum, in both paper and PDF electronic file formats and, if requested, CAD DWG file format or other format required by the Commission.

(Q) If applicable, the Airport Sponsor shall provide a qualified Resident Inspector who will be responsible for the approval of all materials and workmanship and will maintain a daily project diary, submit weekly progress reports to the SCAC, and maintain and provide documentation and certification to the SCAC that the work and materials comply with the plans and specifications. The requirement for a Resident Inspector does not apply to projects under the direct control and supervision of an independent South Carolina Registered Professional Engineer, South Carolina Licensed Architect, or construction manager hired by the Sponsor, in which event the Sponsor agrees to contractually obligate the independent Professional Engineer, Architect, or construction manager to assume responsibilities, including, but not limited to, quality assurance as to materials and workmanship, and certification to SCAC that work and materials comply with plans and specifications.

(R) If applicable, as a condition precedent to the award of any contract for a grant from the SCAC, the grantee is responsible to ensure that an Affidavit of Non-Collusion consistent with the requirements of South Carolina Code Section 39-3-10, et seq. as amended, 39-5-10, et seq. as amended, and Federal Law 15 U. S. Code, Section 1, as amended, is filed with the SCAC prior to acceptance of grant funds. The Affidavit is designed to ensure that any bids received by the Sponsor under this grant shall be competitive and free of collusion. Such affidavit shall be executed by or on behalf of any person, firm, association, or corporation submitting a bid on any such contract to be awarded. The sworn statement shall certify that such a person, firm, association, or corporation submitting a bid on any such contract to be awarded has not, either directly or indirectly, entered into an agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract. The sworn statement shall be in the form of an affidavit executed and sworn to be the bidder before a person who is authorized by the laws of the state to administer oaths. The original of such sworn statement shall also include a provision to the effect that all legal formalities required for the proper execution of affidavits have been met. It shall not be a defense to such charge of perjury that said formalities required for the proper execution of affidavits pursuant to state law have been complied with. Thereafter, in any prosecution against any person, firm, association, or corporation for perjury committed in the submission of said affidavits, it shall not be a defense to such charge of perjury that said formalities were not in fact complied with. The Airport

Sponsor, as part of this grant, agrees to require an affidavit of non-collusion of the prospective bidder in a form suitable to the SCAC.

(S) The Airport Sponsor shall also covenant and agree to disburse funds derived from the SCAC solely in aid of a project on the terms and conditions stated in these regulations and a Grant Agreement. The Airport Sponsor will obtain an audit to comply with the Single Audit Act of 1984, Public Law 98-502 and the implementing guidelines set forth in Office of Management and Budget Circular A-128 for any fiscal year in which any project funds are expended. The Sponsor shall forward to the SCAC a copy of the resulting audit reports along with a plan for corrective action for any findings or questioned costs related to the project within thirty (30) days after the audit report is issued.

(T) Should the Airport Sponsor not commence significant activities to accomplish a project funded by a grant within one (1) year from the date of the grant award, the SCAC in its sole discretion may revoke the grant award and reallocate the funds as determined by the SCAC.

(U) The Airport Sponsor agrees to complete the project subject to a grant and submit a payment request to the SCAC within four (4) years of the execution of the Grant Agreement.

(V) The Airport Sponsor shall request final reimbursement pursuant to a grant within ninety (90) calendar days after final project acceptance.

(W) The Airport Sponsor shall agree and covenant that all work performed under a grant shall be conducted and completed in compliance with all local, state, and federal laws and regulations that are applicable to any and all phases of a project.

(X) The Airport Sponsor shall agree that the covenants, grant assurances, and grant applications shall be binding on itself, successors and assignees, and further covenants that it has the legal authority to enter into a Grant Agreement.

(Y) The SCAC may also include additional covenants, conditions, and grant assurances that it deems necessary.

4-6. Request for Review.

Should an applicant who has submitted an administratively complete application be denied a grant in whole or in part, or should a grant award be revoked or modified, the applicant or grantee may submit a request for reconsideration or review to the Executive Director of the SCAC setting forth the specific reasons, facts, and newly discovered information supporting such request. The request for reconsideration or review shall be filed within thirty (30) days of the decision of the SCAC to deny, revoke, or modify such grant. The Executive Director shall submit the recommendation of the Division to the SCAC for consideration. Review by the SCAC is discretionary; however, should it choose to review the staff recommendation, the SCAC shall consider the factors set forth in this regulation and in the information submitted by the applicant. The decision of the SCAC shall be final; however, such decision does not determine the rights and privileges of an applicant or grantee, and thus does not constitute a contested case pursuant to the South Carolina Administrative Procedures Act, Section 1-23-10, *et. seq.* of the South Carolina Code of Laws as amended.

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PART C

SOUTH CAROLINA AERONAUTICS COMMISSION REGULATION FOR THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY

4-7. Purpose and Applicability.

(A) Scope and Authority. This regulation is authorized by Sections 55-5-80 and 55-9-260 of the South Carolina Code of Laws, as amended (the "Code.") The land use standards set forth herein constitute minimum standards for land use considerations in the vicinity of public use airports in the state pursuant to the Code. In addition to state standards for land use adjacent to airports, municipalities such as airport sponsors may adopt alternative land use standards acceptable to the Commission for the protection of airports and aeronautical activities in South Carolina. Airports and their sponsors may adopt more rigorous land use standards for development in the vicinity of airports without the approval of the SCAC. The Federal Aviation Administration (FAA) governs the regulation of aircraft flight operations, and neither state nor local regulations shall conflict with or restrict the FAA's authority to regulate aircraft flight operations.

(B) General Requirements.

(1) No person shall build, rebuild, create, or cause to be built, rebuilt, or created any object or structure, or plant, or cause to be planted, or permit to grow any tree or vegetation which will interfere with, diminish, change, or obstruct the airspace or landing and takeoff area available for the landing and takeoff of aircraft at public airports covered under Title 55 of the Code.

(2) Nothing in this regulation shall be construed as limiting the power of the Commission and Division regarding the design, placement, location, or operation of airports or other aeronautical facilities.

(3) County and municipal governments in the state are required to implement and maintain land use ordinances to protect the public investment in public airports and to ensure adequate margins of safety for aircraft and persons and property on the ground in accordance with the provisions of Title 55 and this regulation. County and municipal zoning ordinances are subject to review by the Division to ensure conformity with Title 55 and this regulation.

(4) Although this regulation addresses only public use airports, nothing contained herein shall limit a governmental body to enact substantially similar ordinances, rules, and regulations of a similar nature governing land use around private airports and airparks.

(5) The requirements of Title 55 of the Code and these regulations are minimum statewide standards; however, implementation of these standards may not necessarily guarantee a prudent and comprehensive land use and safety program suitable for all airports. For this reason, governing authorities are encouraged to consult with and utilize the resources of the Division in the development of land use and zoning ordinances in the vicinity of airports in South Carolina.

4-8. Airport Maps and Master Planning.

(A) Pursuant to Section 55-13-5 of the South Carolina Code, the Division is charged with creating maps of each public use airport in South Carolina, which shall be updated as needed, but at least every five years. The maps include the location of airport property, runways, taxiways, runway approach and departure zones, Airport Safety Zones, and Airport Land Use Zones. The Airport Safety Zones and Airport Land Use

Zones are extended zones from each runway in which land use considerations should be made to prevent incompatible use with aircraft and aircraft operations.

(B) These maps are public documents that are available to the governmental entities, including land use and zoning bodies, having an interest in the respective airport. The Division will provide written notification of the availability of such maps to each airport manager and the respective governing bodies responsible for and in the vicinity of public use airports in the state. Copies will be provided to each airport manager, the governing body for the airport sponsor, any adjacent governing bodies with responsibility for land use, and the county in which the public use airport is located via the online CLUE tool or similar platform. A hard copy may also be obtained upon request.

4-9. Airport Master Plans.

(A) All public use airports in the state shall create and maintain a current Airport Master Plan and Airport Layout Plan which meet the requirements of the Division and conform to FAA requirements and guidance for Airport Improvement Program funding. The Airport Master Plans shall be submitted to and filed with the Division. Such plans may be used by the Division in the development of the maps that are created for each public use airport. Airport Master Plans should be updated every seven to ten years, or on an as needed basis. If no Airport Layout Plan is on file with the Division, no state funding may be provided to the airport.

(B) Airport Master Plans shall include, where applicable, elements including:

(1) An Airport Layout Plan including a graphic representation of existing airport features, future airport development and anticipated land use.

(2) Establish a realistic schedule for implementation of the proposed development.

(3) Identify a realistic financial plan to support the development.

(4) Validate the plan technically and procedurally through investigation of concepts and alternatives on technical, economic, and environmental grounds.

(5) Prepare and present a plan to the public that adequately addresses all relevant issues and satisfies local, state, and federal regulations.

(6) Establish a framework for a continuous planning process.

(7) Other elements contained in FAA AC 150/5070-6B, or its successor guidance.

(8) Other relevant factors relevant to the long and short term needs of the airport.

4-10. Zoning Required.

(A) Pursuant to Section 55-9-240 of the Code, Airport Sponsors of public airports that receive funds from the state are required to have zoning regulations that cover all land surrounding such airports. These zoning ordinances must conform to applicable Division and FAA guidance, policies, and regulations. Such zoning ordinances must address airport hazards as defined in Section 55-9-250 of the Code. Under 55-9-270 of the Code, where an airport hazard area exists outside of the territory of a political subdivision, the adjacent political subdivision where the airport hazard exists is also required to enact zoning. A political subdivision may develop regulations that divide the affected area into separate zones and specify the land uses permitted

in such zones, and regulate and restrict the height of structures, vegetation, and land use compatibility within each zone.

(B) Each political subdivision shall submit its existing zoning ordinances and any proposed ordinances related to airports and airport hazards to the Division for review and comment. For a political subdivision seeking to enact such ordinances, the Division is available to assistance governmental entities, and the Division also encourages such governmental bodies to contact the Division in the drafting phase of such ordinances to ensure conformity with Title 55, FAA policy, and these regulations. For any pending ordinances, the Division shall receive a copy of the proposed ordinance or amendment as early as possible, but no later than thirty (30) days prior to the first reading by a political subdivision.

(C) Airport sponsors seeking funding from the State Aviation Fund shall have three (3) years from the date of enactment of this regulation to enact zoning and land use ordinances consistent with this Part. After three (3) years, an Airport sponsor without a zoning ordinance that complies with this Part and is acceptable to the Commission shall be ineligible for grants from the State Aviation Fund.

4-11. Process for Land Use Review.

(A) The Division encourages all applicants and their agents seeking a land use or zoning change in an Airport Land Use Zone or Airport Safety Zone to engage in a pre-application meeting with the staff of the Division. In addition, land use or zoning agencies are also encouraged to seek meetings with Division staff regarding any pending applications for which they have questions or need technical assistance.

(B) Each governmental body or agency shall ensure that notice of any planned development, plat approval, building permit, or similar land development activity or approval sought in an Airport Safety Zone or Airport Land Use Zone is provided to the Division at the earliest possible date. All requests for any of the land use or zoning changes, including any changes to existing structures, require notification and the submission of zoning applications to the Division for review. Such notification to the Division includes but is not limited to all residential, commercial, industrial, institutional, recreational, and fuel sales and distribution facilities. The chart appended to this regulation as Exhibit A provides a guide for the type of notification requirements of this regulation.

(C) Within ten (10) days of receipt of an application seeking a permit, approval, certification, notification, or similar grant, acceptance, or concurrence of an activity in an Airport Safety Zone or Airport Land Use Zone by the planning or zoning department of a governmental body, such application and supporting materials shall be provided to the Division for review in a format acceptable to the Division. The governmental body and the Division shall cooperate in obtaining additional information that may be needed from the applicant to determine if the proposed project meets Division standards for compatibility. Such governmental body or agency is encouraged to utilize the Division's online Compatibility Land Use Evaluation (CLUE) tool to determine whether the proposed land use activity will adversely affect aeronautical operations and public safety in the vicinity of an airport. Interactive use of the CLUE tool may provide preliminary compatibility guidance; however, interactive CLUE use does not constitute permission to proceed with the local permitting process. SCAC compatible land use finding or determination is only officially acquired after the local permitting official submits a case to the SCAC for review, and the SCAC issues its finding or determination.

(D) Notification of any land use or zoning changes within a Runway Protection Zone that have the potential to create wildlife attractants is also required. All potential wildlife attractants within the RPZ require FAA notification and notice to the Division. Such facilities include but are not limited to landfills, water and wastewater treatment plants, detention ponds, fountains, open mining operations, debris, soil

piles, created wetlands, or the creation of vegetated areas conducive to attracting wildlife. The presence of wildlife attractants in the RPZ is prohibited.

(E) When an applicant's file is deemed by the Division to be administratively complete, the Division shall review and make a compatibility determination within 30 days. The results and recommendations shall be provided to the governmental body within 30 days after the application is deemed administratively complete.

(F) Criteria for Review. In determining whether a planned zoning or land use change or development is compatible with a public use airport, the Division shall consider the following criteria:

(1) The nature of the terrain and height of the planned structures.

(2) The potential for a project or development to create obstructions that could adversely affect aircraft operations and aviation safety.

(3) The lateral distance of a project or development from the airport, the proximity or presence in Airport Safety Zones and Airport Land Use Zones, and the vertical distance from the project or proposed development to Part 77 airspace surfaces.

(4) Whether the planned activity would cause a change at the affected airport of any approach or departure criteria, including but not limited to a decision height, minimum descent altitude, approach visibility minima, go around procedure, minimum climb gradient, IFR departure procedure, and runway available length for landing or takeoff.

(5) Land use density.

(6) The safety of persons on the ground and in the air.

(7) Public investment in the airport and private interests.

(8) The character of flying operations and planned development of airports.

(9) Prior public investment in the affected airport.

(10) Whether a project or development would create wildlife attractants that have the potential to create a safety hazard to aircraft operations.

(11) The likelihood of creating light pollution that has the potential to create a safety hazard to aircraft operations.

(12) The presence and utility of navigational and communications aids and the potential to interfere with such aids.

(13) The presence of federal airways and approach and departure procedures.

(14) Safe and efficient use of navigable airspace.

(15) The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdiction's comprehensive plans, and all other known proposed structures in the area.

(16) Whether the proposed activity would, in the opinion of the Division, contravene the compatibility criteria set forth in Appendices B and C of this regulation.

(17) The presence of Department of Defense Accident Potential Area(s).

(18) Whether the proposed project would potentially conflict with state or federal grant assurances entered between an airport sponsor and the FAA or SCAC.

(19) Other factors that in the judgment of the Division could create an unreasonable risk to public and aviation safety, and land uses that could impact the utility of public investment in public use airports in the state.

(G) As part of the review process, the Division shall utilize its Compatibility Land Use Evaluation tool, as updated, and amended from time to time, to evaluate the proposed project or zoning change for compatibility with the airport and aeronautical flight operations. At the completion of its review, the Division shall simultaneously provide a report of its findings to the governmental body and to the applicant or its agent.

4-12. Land Use Decisions of Governing Bodies Must Consider and Respond to the Division's Comments.

(A) Land use decisions by county and municipal governments and local agencies shall take into account the presence of Airport Land Use Zones and Airport Safety Zones and consult with the Division prior to making land use decisions involving property within Airport Safety Zones and Airport Land Use Zones. Land use decisions in Airport Land Use Zones and Airport Safety Zones should avoid and minimize any adverse impact to aircraft operations, and aviation safety, including approach landing, takeoff, and departure criteria established by the Federal Aviation Administration or nationally recognized industry standards. Such decisions should also consider the impact of a proposed development on the safety of persons on aircraft and on the surface, and on the potential for the development to create or result in airport noise complaints. If the Division provides comments, the governmental body must respond substantively in writing to each comment, separately stated before the issuance of the permit or approval.

(B) Although pre-existing development may not comply with current FAA and Commission regulations, rules, or guidance regarding land use, the presence of such pre-existing non-conforming land uses is neither a basis nor a justification for the allowance of additional nonconforming projects or development that contravenes such standards. In addition, the Division may consider action by an applicant to mitigate the adverse effects of a project or development; however, such mitigation, in and of itself, shall not be deemed to be an acquiescence, in whole or in part, to a project that is nonconforming or incompatible with this regulation, FAA land use regulations and guidance, or Title 55 of the Code.

4-13. Notice to the Division.

(A) Any application or proposal for a land use or zoning change meeting the requirements below shall be sent to the Division by the governing land use agency or governing body for review and comment pursuant to the requirements of Section 55-13-5 of the South Carolina Code of Laws, as amended. Such notification shall be provided to the Division with no less than thirty (30) days prior to any scheduled hearing or decision on such application or proposal.

(B) Land use decisions by county and municipal governments and local agencies shall take into account the presence of Airport Land Use Zones and Airport Safety Zones and the criteria set forth in Appendices B-D of this regulation, and such governments shall consult with the Division prior to making land use

decisions within Airport Land Use Zones and Airport Safety Zones. If the Division provides comments, within thirty (30) days after receipt of such comments, the governmental body must respond substantively in writing to each comment, separately stated before the issuance of the permit or approval.

4-14. Enforcement and Legal Action.

(A) Where a pre-existing and nonconforming structure or vegetation exists that constitutes an imminent or foreseeable hazard to aviation safety at or in the vicinity of a public use airport, the Division or the airport sponsor shall have the authority to take action to abate such hazard in accordance with Title 55 and this regulation. The Division may, in its discretion, require a property owner or the owner of the structure or vegetation to permit the installation of lights or markings as deemed necessary by the Division, the FAA, or the airport sponsor.

(B) The Division shall have the authority to take action to abate any imminent or foreseeable hazard to aviation safety at or in the vicinity of a public use airport in the state when it can be shown that:

(1) A violation of Title 55, this regulation, or a violation of a federal, state, or local law, ordinance, regulation, or federally approved airport design criteria that relates to aviation safety has occurred or is immediately threatened to occur,

(2) A condition exists that interferes with, or has the reasonable potential in the judgment of the Division to interfere with, aircraft operations,

(3) The condition poses and will pose an increased risk to aviation safety,

(4) The persistence of a condition would cause aircraft takeoff, landing, or approach criteria to be adversely impacted, or

(5) A condition exists that would constitute a nuisance to an aircraft operation. Such conditions may include but are not limited to:

(a) Obstruction, including but not limited to towers, trees, or manmade structures,

(b) Conditions that adversely affect the FAA, the SCAC, or industry criteria for safe approach, landing, takeoff, and departure profiles,

(c) Landfills or other activities that have the potential to attract a large number of birds,

(d) Interference with airport markings, including lighting,

(e) Light pollution, including off-airport lighting,

(f) Land uses that have a reasonable potential to interfere with aircraft operations, pose an increased risk to aviation safety, adversely affect aircraft takeoff, landing, or approach criteria, or constitute a nuisance to aircraft operations, or

(g) Cause or create interference with airport and aviation navigational equipment and facilities, including the reception of signals from such equipment and facilities by aircraft.

(C) When such circumstances exist, the Division, the airport sponsor, or both may bring legal action to abate such condition or situation. Such action may include but is not be limited to the issuance of an

administrative order directing the abatement or removal of the hazard, an action in Circuit Court or the Administrative Law Court to enjoin the construction or maintenance of a hazard, or removal of a hazard.

(D) Both the Division and an affected local government may seek and obtain cost recovery for the actual costs in the removal or abatement of the hazard, including reasonable attorney's fees, against the person(s) or entities responsible for creating or maintaining an airport hazard that violates this section, or violates a federal, state, or local law, ordinance, regulation, or federally approved airport design criteria.

(E) The Executive Director of the Division, in consultation with the Commission, has the discretionary authority to grant a conditional approval of permits and projects that are deemed to be incompatible with this regulation only under circumstances where there is clear and convincing evidence that such permit or project is accompanied by:

(1) A conditional finding is allowable if consistent with Appendix 3, incorporated herein, and Division policy as applied the specific circumstances presented to the Executive Director.

(2) Significant mitigation by the applicant for such permit or project to offset any incompatibility determined by the Division.

(3) Such conditional finding is in the public interest and does not harm public rights or resources.

(4) Such conditional finding does not represent a hazard to aviation safety or the safety of persons or property on the ground.

(5) A conditional finding may be accompanied by all such other conditions and restrictions as the Division may deem necessary and appropriate under the circumstances.

(6) Such conditional finding shall be wholly discretionary and not be precedent setting, nor shall the lack of a conditional finding constitute a contested case pursuant to the South Carolina Administrative Procedures Act, Section 1-23-10 et seq. of the South Carolina Code.

(F) The Commission shall have the discretion to assess civil penalties as provided for in Title 55 for non-compliance with Title 55 of the Code and these regulations. Each day of violation shall constitute a separate offense.

4-15. Private Airport Approval.

(A) Section 55-5-71 of the Code restricts the operation of a restricted use airport or other air navigational facility within three (3) nautical miles of a public use facility without written approval from the Division.

(B) Any person seeking the approval of the Division pursuant to Section 55-5-71 of the Code shall, prior to obtaining any land use approval, building permits, land disturbance permits, or other permits, submit information required by the Division in a form and manner acceptable to the Division for review and consideration. Failure to do so may result in the denial of approval by the Division. No land disturbing or construction activities shall take place prior to the Division's final decision regarding such application. Commencement of land disturbing activities or construction shall be grounds for the denial of Division approval of such facility. In addition, review by the Division shall conform to the requirements of 55-5-71 of the Code in that any approval shall be based upon consideration of aviation safety, including a location that would constitute a collision, air traffic hazard, or conflict with flight operations in the vicinity of a public use airport.

4-16. Variance.

(A) A party seeking a variance to these regulations shall petition in a manner acceptable to the Division for consideration. The petition must be submitted to the Executive Director of the Division requesting a variance to these regulations. The applicant must make a showing by clear and convincing evidence that a variance would not adversely affect the public interest, and it must provide justification for each of the following factors that will be used in evaluating whether a requested variance would be contrary to the public interest:

(1) Demonstrate unnecessary hardship.

(2) Demonstrate how the proposed use would not be contrary the public interest.

(3) Provide assurances for the safety of persons on the ground and in the air.

(4) Demonstrate safe and efficient use of navigable airspace.

(5) Demonstrate compatibility with the nature of the terrain and height of existing structures.

(6) Demonstrate that the proposed use will not violate state or federal regulations, laws, standards, criteria, or cause interference to operations at a public-use airport.

(7) Demonstrate that the proposed use would not impact the character of existing and planned flying operations and developments including master plans and airport layout plans at the airport.

(8) Provide proof that the proposed use would not impact Federal airways, visual flight rules, navigable airspace, flyways and corridors, and instrument approaches, or instrument departure criteria as designated by the FAA.

(9) Demonstrate the proposed use or the construction or alteration of an existing or proposed structure would not impact the minimum descent altitude, decision height, or required visibility for operations into or out of the airport.

(10) Demonstrate that the proposed use would not impact technological advances in aeronautics, aviation, or air navigation.

(11) Demonstrate that the proposed use would not adversely impact or increase land use density as set forth in these regulations and appendices.

(12) Demonstrate that the proposed use would not impact public or private interest and investments on the airport.

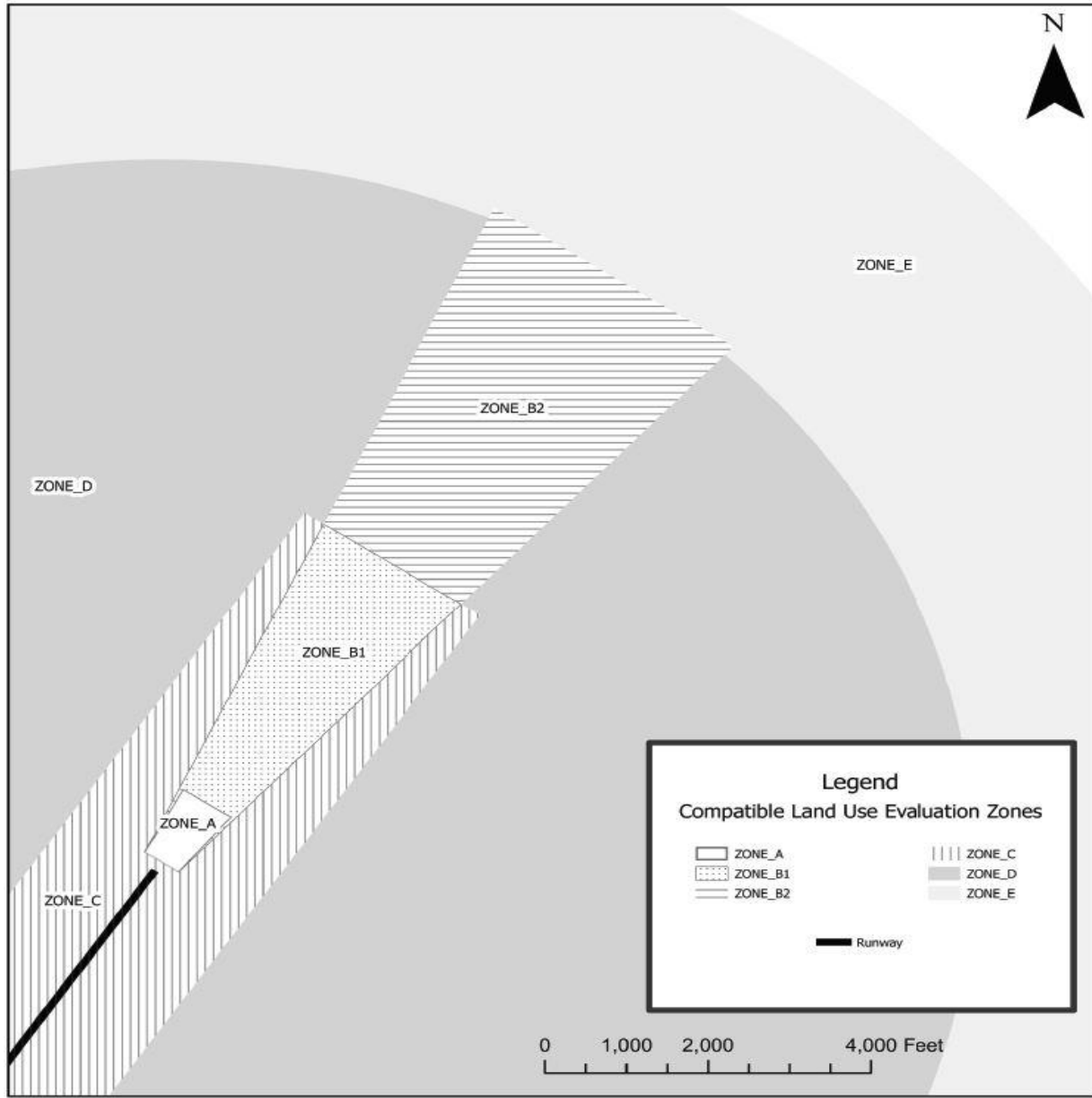
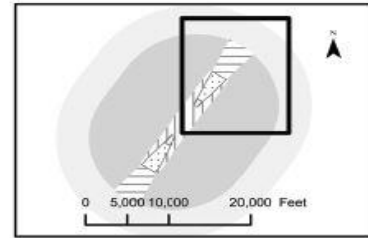
(13) Demonstrate that the proposed use would not adversely impact: navigable airspace, proposed structures, runways, taxiways, navigational aids identified or proposed in the Airport Master Plan, Airport Layout Plan, and all other known proposed structures and uses in the area.

(B) The determination as whether to grant a variance shall be in the sole discretion of the Commission. Such determination shall be final, non-precedent setting, and not constitute a contested case pursuant to the Administrative Procedures Act.

APPENDIX A

Compatible Land Use Evaluation Zones

This graphic depicts the generalized relationship of Airport Safety Zones and Land Use Zones



APPENDIX B

Airport Safety Zones and Compatible Land Use Zones

(A) The airport environs are divided into six (6) compatible land use zones designated Zone A, Zone B1, Zone C, Zone B2, Zone D and Zone E. Zones A, B1 and C are also designated as Airport Safety Zones due to the low altitude of arriving and departing aircraft from the runway.

(B) Compatible Land Use Zones are two-dimensional ground surface projections of three-dimensional Federal Aviation Administration (FAA) Part 77 imaginary surfaces. Understanding of the derived compatible land use polygons requires a basic understanding of FAA imaginary surfaces.

FAA Part 77 Definitions (These are FAA definitions that are incorporated into these regulations)

(A) **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface; the primary surface ends at 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:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

(3) For other than utility runways, the width is:

(a) 500 feet for visual runways having only visual approaches.

(b) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

(c) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(d) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(B) **Approach Surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface, and it expands uniformly to a width of:

(a) 1,250 feet for that end of a utility runway with only visual approaches;

(b) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(c) 2,000 feet for that end of a utility runway with a non-precision instrument approach;

(d) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(e) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and

(f) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(a) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(b) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and

(c) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(C) **Transitional Surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

(D) **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

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

(F) **Non-precision instrument runway** means 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 approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

(G) **Planned or proposed airport** is an airport that is the subject of at least one of the following documents received by the FAA:

(1) Airport proposals submitted under 14 CFR part 157.

(2) Airport Improvement Program requests for aid.

(3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR part 157.

(4) Airport layout plans.

(5) DOD proposals for airports used only by the U.S. Armed Forces.

(6) DOD proposals on joint-use (civil-military) airports.

(7) Completed airport site selection feasibility study.

(H) **Precision instrument runway** means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

(I) **Public use airport** is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

(J) **Seaplane base** is considered to be an airport only if its sea lanes are outlined by visual markers.

(K) **Utility runway** means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(L) **Visual runway** means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(M) FAA/SCAC Compatible Land Use Zones – Airport Safety Zones

(1) **Zone A.** Also known as the Runway Protection Zone (RPZ). A two-dimensional trapezoid shaped area centered on the extended centerline of the runway beginning 200 feet from the end of the usable runway pavement whose dimensions are dependent on multiple factors. To determine Zone A dimensions, begin with the table below to determine FAA Part 77 imaginary surfaces for the runway.

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Imaginary Surfaces Dimensions from FAR Part 77						
<u>Item</u>	<u>Dimensional Standards (Feet)</u>					
	<u>Visual (V) Runway</u>		<u>Non-Precision (NP) Instrument Runway</u>			<u>Precision Instrument Runway (PIR)</u>
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>		
				<u>C</u>	<u>D</u>	
<u>Width of Primary Surface & Approach surface width at inner end</u>	<u>250</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>1,000</u>	<u>1,000</u>
<u>Radius of Horizontal Surface</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>10,000</u>	<u>10,000</u>	<u>10,000</u>
<u>Approach Surface width at end</u>	<u>1,250</u>	<u>1,500</u>	<u>2,000</u>	<u>3,500</u>	<u>4,000</u>	<u>16,000</u>
<u>Approach Surface Length</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>10,000</u>	<u>10,000</u>	<u>Inner 10,000 additional 40,000</u>
<u>Approach Slope</u>	<u>20:1</u>	<u>20:1</u>	<u>20:1</u>	<u>34:1</u>	<u>34:1</u>	<u>50:1 40:1</u>

NOTE: The A, B, C, D reference this table only and **do not** reference aircraft Approach Category. Use the descriptions below for the Part 77 imaginary approach surface.

A - Utility Runways

B - Runways larger than utility

C - Visibility minimums greater than 3/4 mile

D - Visibility minimums as low as 3/4 mile

Example: A runway with a non-precision approach with the lowest approach visibility of 7/8 of a mile that has declared runway pavement strength of 15,000 pounds would classify as B(C).

Once the runway classification is determined, the Zone A (RPZ) dimensions may be determined from the table below.

Runway Protection Zone Dimensions				
Part 77 Imaginary Surfaces	Approach Visibility Minumums by Approach Category	Length	Inner Width	Outer Width
B(V), C(NP)	A & B	1000	500	700
	C & D	1700	500	1010
D(NP)	Not Lower than 3/4 mile - all aircraft (3/4 mile)	1700	1000	1510
PIR	Lower than 3/4 mile - all aircraft (1/2 mile)	2500	1000	1750

(2) **Zone B1.** Is a two-dimensional surface projection of the FAA Part 77 approach surface beginning at the outermost edge of Zone A that terminates at the line formed by the intersection of the approach and horizontal Part 77 imaginary surfaces.

(3) **Zone B2.** Is a two-dimensional surface projection of the FAA Part 77 approach surface beginning at the outermost edge of Zone B1 and terminates at the outermost edge of the Part 77 approach surface.

(4) **Zone C.** Also known as the modified transitional zone is the union of the two-dimensional surface projection of the FAA Part 77 primary surface and the FAA Part 77 transitional surfaces

(5) **Zone D** is a two-dimensional surface projection of the FAA Part 77 horizontal zone.

(6) **Zone E** is a two-dimensional surface projection of the FAA Part 77 conical zone.

APPENDIX C

COMPATIBILITY TABLES (Land uses that are compatible, incompatible, or conditional uses with a public airport in Airport Safety Zones and Airport Land Use Zones)

Table 1: Compatible Land Uses					
<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Zoning Change</u>	<u>Residential</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>RPZ is the most restrictive zone and should be kept free of all objects due to its close proximity to a runway.</u>	<u>Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.</u>	<u>Airport related uses</u>	<u>None</u>
	<u>B1</u>	<u>The Inner Approach is the area where aircraft operate on approach or departure from an airport.</u>		<u>Low density commercial uses</u> <u>low density industrial uses</u>	<u>Low-density residential uses such as:</u> <u>Large lot single family homes</u>
	<u>C</u>	<u>The Modified Transitional Zone includes the area out to a mile beyond each runway end and to a quarter mile to each side of the runway, excluding the area within Zone A and Zone B1</u>		<u>Low density residential uses (lots of 1 acre or larger)</u> <u>Low density commercial uses low density industrial uses low density institutional uses low density recreational uses</u>	<u>Low-density residential uses such as:</u> <u>Large lot single family homes</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>The Outer Approach is an extension of Zone B1 Inner Approach Zone where aircraft operate on approach or departure from an airport</u>		<u>Low density residential uses</u> <u>Low & medium density commercial uses</u> <u>Low & medium density industrial uses</u> <u>Low density institutional uses</u> <u>Low & medium density recreational uses</u>	<u>Low density residential uses such as:</u> <u>Single family homes</u>
	<u>D</u>	<u>The Horizontal Zone includes the area within roughly a two-mile boundary of a runway on all sides, outside of all other zones.</u>		<u>All</u>	<u>All</u>

Table 1: Compatible Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Institutional</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>None</u>	<u>None</u>	<u>None</u>
	<u>B1</u>	<u>Low-density commercial uses such as:</u> <u>Specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops</u>	<u>Low density industrial uses such as:</u> <u>Towing/vehicle storage, building supply yards, exterminators</u>	<u>None</u>
	<u>C</u>	<u>Low-density commercial uses such as:</u> <u>Specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops</u>	<u>Low density industrial uses such as:</u> <u>Towing/vehicle storage, building supply yards, exterminators</u>	<u>Low density institutional uses such as:</u> <u>Single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>Low & medium density commercial uses such as:</u> <u>Fast food restaurants, small cafés, small restaurants/bars, small & medium size offices, specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops</u>	<u>Low & medium density industrial uses (without smoke/steam) such as:</u> <u>Machine shops, general manufacturing, recycling centers, towing/vehicle storage, building supply yards, exterminators</u>	<u>Low density institutional uses such as:</u> <u>Single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities</u>
	<u>D</u>	<u>Low & medium density commercial uses such as:</u> <u>Fast food restaurants, small cafés, small restaurants/bars, small & medium size offices, specialty shops, printing & shipping shops, banks, laundromats, vehicle repair shops, bakeries, hardware shops</u>	<u>Low & medium density industrial uses (without smoke/steam) such as:</u> <u>Machine shops, general manufacturing, recycling centers, towing/vehicle storage, building supply yards, exterminators</u>	<u>Low & medium density institutional uses such as:</u> <u>Small libraries, small museums, small religious assemblies, single doctor offices, specialist offices, dentist/orthodontist offices, medical laboratories, urgent care facilities</u>

Table 1: Compatible Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Recreational</u>	<u>Fuel Sales, Storage & Distribution</u>	<u>Wildlife Attractants</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>None</u>	<u>None</u>	<u>None</u>
	<u>B1</u>	<u>None</u>	<u>None</u>	<u>None</u>
	<u>C</u>	<u>Low density recreational uses such as:</u> <u>Small gyms, dance studios</u>	<u>None</u>	<u>None</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>Low & medium density recreational uses such as:</u> <u>Bowling alleys, skating rinks, tennis/swimming facilities, sports parks, gyms, dance studios</u>	<u>Small fueling facility uses such as:</u> <u>Gas stations, truck fueling facilities</u>	<u>None</u>
	<u>D</u>	<u>Low & medium density recreational uses such as:</u> <u>Bowling alleys, skating rinks, tennis/swimming facilities, sports parks, gyms, dance studios</u>	<u>All</u>	<u>None</u>

Table 1: Compatible Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Types of Use</u>
<u>Airport Land Use Zones</u>	<u>E</u>	<u>The Conical Zone includes an area approximately three miles from all runways, outside of all other zones.</u>	<u>Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.</u>	<u>All</u>

Table 2: Incompatible Land Uses

<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Zoning Change</u>	<u>Residential</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>RPZ is the most restrictive zone and should be kept free of all objects due to its proximity to a runway.</u>	<u>Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.</u>	<u>Non-airport related uses</u>	<u>All</u>
	<u>B1</u>	<u>The Inner Approach is the area where aircraft operate on approach or departure from an airport.</u>		<u>All residential uses and all high & ultra-high density uses</u>	<u>High & ultra-high density residential uses such as: Large apartment complexes, mobile home parks, high rise condominiums</u>
	<u>C</u>	<u>The Modified Transitional Zone includes the area out to a mile beyond each runway end and to a quarter mile to each side of the runway, excluding the area within Zone A and Zone B1</u>		<u>High & ultra-high density uses</u>	<u>High & ultra-high density residential uses such as: Large apartment complexes, mobile home parks, high rise condominiums</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>The Outer Approach is an extension of Zone B1 Inner Approach Zone where aircraft operate on approach or departure from an airport</u>		<u>High & ultra-high density uses</u>	<u>High & ultra-high density residential uses such as: Large apartment complexes, mobile home parks, high rise condominiums</u>
	<u>D</u>	<u>The Horizontal Zone includes the area within roughly a two-mile boundary of a runway on all sides, outside of all other zones.</u>	<u>None</u>	<u>None</u>	

Table 2: Incompatible Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Institutional</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>All</u>	<u>All</u>	<u>All</u>
	<u>B1</u>	<u>High & ultra-high density commercial uses such as:</u> <u>Big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, Nightclubs</u>	<u>High & ultra-high density industrial uses such as:</u> <u>Heavy manufacturing, mining/extraction, water treatment</u>	<u>High & ultra-high density institutional uses, as well as any schools, hospitals, nursing homes, day-cares, libraries, museums, religious assemblies, municipal/county administration offices, public community centers, convention or performing arts centers</u>
	<u>C</u>	<u>High & ultra-high density commercial uses such as:</u> <u>Big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, nightclubs</u>	<u>High & ultra-high density industrial uses such as:</u> <u>Heavy manufacturing, mining/extraction, water treatment</u>	<u>High & ultra-high density institutional uses such as:</u> <u>Colleges, universities, hospitals, community centers, large religious assemblies, convention or performing arts centers</u> <u>All schools, hospitals, nursing homes and day-cares are incompatible</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>High & ultra-high density commercial uses such as:</u> <u>big-box stores, large offices, multi-floor complexes, restaurants, shopping malls, nightclubs</u>	<u>High & ultra-high density industrial uses such as:</u> <u>Heavy manufacturing, mining/extraction, water treatment</u>	<u>High & ultra-high density institutional uses such as:</u> <u>Colleges, universities, hospitals, community centers, large religious assemblies, convention or performing arts centers</u> <u>All schools, hospitals, nursing homes and day-cares are incompatible</u>
	<u>D</u>	<u>Ultra-high density uses such as:</u> <u>Megamalls</u>	<u>Ultra-high industrial uses and industrial uses that emit persistent, significantly large, and dense plumes that may pose a hazard to aircraft such as:</u> <u>1000 MW power plant with cooling towers</u>	<u>Ultra-high density uses such as:</u> <u>Universities, megachurches</u>

Table 2: Incompatible Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Types of Use</u>
<u>Airport Land Use Zones</u>	<u>E</u>	<u>None</u>	<u>Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.</u>	<u>None</u>

Table 3: Conditional Land Uses

<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Zoning Change</u>	<u>Residential</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>RPZ is the most restrictive zone and should be kept free of all objects due to its proximity to a runway.</u>	<u>Tallest height of structure (or vegetation) does not penetrate Part 77 surfaces.</u>	<u>None</u>	<u>None</u>
	<u>B1</u>	<u>The Inner Approach is the area where aircraft operate on approach or departure from an airport.</u>		<u>Medium density commercial uses medium density industrial uses</u>	<u>Medium density residential uses such as: Apartment complexes, duplexes, town homes</u>
	<u>C</u>	<u>The Modified Transitional Zone includes the area out to a mile beyond each runway end and to a quarter mile to each side of the runway, excluding the area within Zone A and Zone B1</u>		<u>Low density residential uses (lots less than 1 acre) medium density uses</u>	<u>Medium density residential uses such as: Apartment complexes, duplexes, town homes</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>The Outer Approach is an extension of Zone B1 Inner Approach Zone where aircraft operate on approach or departure from an airport</u>		<u>Medium density residential uses medium density institutional uses</u>	<u>Medium density residential uses such as: apartment complexes, duplexes, town homes</u>
	<u>D</u>	<u>The Horizontal Zone includes the area within roughly a two-mile boundary of a runway on all sides, outside of all other zones.</u>		<u>N/A</u>	<u>N/A</u>

Table 3: Conditional Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Institutional</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>None</u>	<u>None</u>	<u>None</u>
	<u>B1</u>	<u>Medium density uses such as:</u> <u>Fast food restaurants, small cafés,</u> <u>small restaurants/bars,</u> <u>Small and medium size offices</u>	<u>Medium density uses such as:</u> <u>Machine shops, general</u> <u>manufacturing, recycling centers</u>	<u>Low and medium density</u> <u>institutional uses except for:</u> <u>Schools, hospitals, nursing</u> <u>homes, day-cares, libraries,</u> <u>museums, religious assemblies,</u> <u>municipal/county offices, public</u> <u>community centers, convention</u> <u>centers</u>
	<u>C</u>	<u>Medium density commercial</u> <u>uses such as:</u> <u>Fast food restaurants, small cafés,</u> <u>small restaurants/bars,</u> <u>Small and medium size offices</u>	<u>Medium density uses such as:</u> <u>Machine shops, general</u> <u>manufacturing, recycling centers</u>	<u>Medium density institutional</u> <u>uses such as:</u> <u>Small libraries, small museums,</u> <u>small religious assemblies</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>None</u>	<u>None</u>	<u>Medium density institutional</u> <u>uses such as:</u> <u>Small libraries, small museums,</u> <u>small religious assemblies</u>
	<u>D</u>	<u>High density commercial</u> <u>uses such as:</u> <u>restaurants, shopping malls,</u> <u>nightclubs</u>	<u>High density industrial</u> <u>uses (with no or little smoke/steam</u> <u>emissions) such as:</u> <u>heavy manufacturing</u>	<u>High density institutional</u> <u>uses such as:</u> <u>colleges, hospitals, community</u> <u>centers, large religious</u> <u>assemblies, convention or</u> <u>performing arts centers</u>

Table 3: Conditional Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Recreational</u>	<u>Fuel Sales, Storage & Distribution</u>	<u>Wildlife Attractants</u>
<u>Airport Safety Zones</u>	<u>A</u>	<u>None</u>	<u>None</u>	<u>None</u>
	<u>B1</u>	<u>Low & medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks, small gyms, dance studios</u>	<u>None</u>	<u>None</u>
	<u>C</u>	<u>Medium density recreational uses such as: bowling alleys, skating rinks, tennis/swimming facilities, sports parks</u>	<u>None</u>	<u>Detention Ponds</u>
<u>Airport Land Use Zones</u>	<u>B2</u>	<u>None</u>	<u>Medium size fueling facilities such as: local fuel distribution facilities</u>	<u>All wildlife attractants except for landfills, water treatment facilities and open mining operations with water bodies which are incompatible</u>
	<u>D</u>	<u>High density recreational uses such as: indoor theaters, small amusement parks</u>	<u>N/A</u>	<u>All wildlife attractants except for landfills, water treatment facilities and open mining operations with water bodies which are incompatible</u>

Table 3: Conditional Land Uses (continued)

<u>Zone Type</u>	<u>Zone</u>	<u>Description</u>	<u>Top Elevation</u>	<u>Types of Use</u>
<u>Airport Land Use Zones</u>	<u>F</u>	The Conical Zone includes an area approximately three miles from all runways, outside of all other zones.	Tallest height of structure (or vegetation) penetrates threshold siting surfaces (TSS)	N/A

Note: Condition Summary. For a prospective activity to receive a conditional finding, each compatible land use zone may have minimum associated conditions that must be complied with in order to be granted a conditional land use determination. The Decision to grant a conditional finding is solely in the discretion of the Executive Director in consultation with the Commission as provided for in R.4-14. No conditional findings are allowed in Zone A.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

Section 55-5-80 (A) requires the Aeronautics Commission to adopt these regulations. In particular, Section 55-5-280 (D) provides authority to “promulgate regulations governing the eligibility requirements for disbursements from the State Aviation Fund.” In addition, Section 55-5-80 (N) and Section 55-9-300 provides the Commission with the authority to enact regulations addressing hazards in the vicinity of public use airports in the state. These regulations also address the requirements of Section 55-13-5 that establish coordination between the Commission and local governments for the purpose of managing development in close proximity to such public use airports that could pose a safety hazard to the public. These regulations also protect public investment in airports and airport property.