

# HICKMAN COUNTY, TENNESSEE

## RESOLUTION NO. 06-36

### **ADOPTING AIRPORT ZONING FOR THE PROTECTION OF SAID AIRPORT AND THE SURROUNDING TERRITORY**

**WHEREAS**, the Hickman County is empowered to enact regulations to protect the public health, safety and welfare by providing limits to certain development around the Centerville Airport and as such this amendment adds the following to said zoning resolution: APPENDIX A: SECTION 1, AIRPORT ZONING PROVISIONS, SUBSECTIONS A, STATUTORY AUTHORIZATION, B, DEFINITIONS, C, AIRPORT OVERLAY DISTRICTS, D, HEIGHT LIMITATIONS, E, USE RESTRICTIONS, F, NONCONFORMING USES, G, ADMINISTRATION, H, VALIDITY AND INTERPRETATION; and

**WHEREAS**, such proposed Airport Zoning Amendment has been previously submitted to and considered by the Regional Planning Commission and such body has reported favorable thereon; and

**WHEREAS**, we find that the prosperity of the COUNTY will be materially retarded and the safety and welfare of its inhabitants and property and that of the airport and surrounding area will be endangered unless such amendment is adopted;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 19<sup>th</sup> day of June, 2006, that:

**SECTION 1:** The following Airport Zoning Provisions are hereby adopted.

### **AIRPORT ZONING PROVISIONS**

**A. Statutory Authorization**

This resolution shall be known and may be cited as the Hickman County Airport Zoning Resolution.

**B. Definitions**

As used in this resolution, unless the context otherwise requires:

AIRPORT – The Centerville Municipal Airport.

AIRPORT ELEVATION – Seven hundred-sixty eight (768) feet above mean-sea-level.

APPROACH SURFACE – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection D, of this resolution. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Subsection C, of this resolution.

BOARD OF APPEALS – The duly appointed Centerville Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, special exceptions or variances to the established zoning resolution. The Board of Appeals may also be referred to as the Board of Zoning Appeals.

COINCAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

HEIGHT – For the purpose of determining the height limits in all zones set forth in this resolution and shown on the zoning map, the datum shall be mean-sea-level elevation, unless, otherwise, specified.

HORIZONTAL SURFACE – A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand-five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE – Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this resolution or an amendment, thereto.

NONPRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Subsection D, of this resolution.

PERSON – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRIMARY SURFACE – A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width and elevation of the primary surface is set forth in Subsection C, of this resolution.

RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACES – These surfaces extend outward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces.

TREE – Any object of natural growth.

UTILITY RUNWAY—A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

**C. Airport Overlay Districts**

In order to carry out the provisions of this resolution, there are, hereby, created and established certain surfaces that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Centerville Airport. Such surfaces are to be included as overlay districts to the existing Official Zoning map of Hickman County, Tennessee. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation. The various airport overlay districts are, hereby, established and defined as follows:

1. Primary Surface

Established as the imaginary surface five hundred (500) feet wide, longitudinally centered on the runway and extends a length of two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Centerville Airport is seven hundred-sixty eight (768) feet above mean-sea-level.

2. Horizontal Surface

All the airspace that lies directly under an imaginary horizontal surface one hundred-fifty (150) feet above the established airport elevation, or a height nine hundred-eighteen (918) feet above mean-sea-level. The horizontal surface is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred (200) feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand (10,000) feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal surface does not include the approach/departure surface and the transitional surface.

3. Conical Surface

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) (20 feet outward for each foot upward) and extending to a height of three hundred-fifty (350) feet above the airport elevation (or one thousand-one hundred eighteen (1,118) feet above mean-sea-level).

4. Approach/Departure Surface (Utility Runway, Nonprecision)

An approach/departure surface is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of the runway, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of twenty to one (20:1) (20 feet outward for each foot upward) at the end of the runway.

5. Approach/Departure Surface (Utility Runway, Visual)

An approach/departure surface is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of the runway, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of twenty to one (20:1) (20 feet outward for each foot upward) at the end of the runway.

6. Transitional Surface

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of seven to one (7:1) from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface.

**D. Height Limitations**

Except as, otherwise, provided in the resolution, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this resolution to a height in excess of the applicable height, herein, established for such zone. Such applicable height limitations are, hereby, established for each of the zones in question as follows:

1. Approach/Departure Zones (Utility Runway)

*Runway 02 (Non-Precision)* -One foot in height for each twenty (20) feet in horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred (10,200) feet from the end of the runway.

*Runway 20 (Visual)* -One foot in height for each twenty (20) feet in horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred (10,200) feet from the end of the runway.

2. Transition Zones

One foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred-fifty (250) feet normal to and at the elevation of the center line of the runway extending two hundred (200) feet beyond each end, thereof, and extending to a maximum height of one hundred-fifty (150) feet above the established airport elevation which is seven hundred-sixty eight (768) feet above mean-sea-level. In

addition to the foregoing, there are established height limits of one foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

3. Horizontal Zone

One hundred-fifty (150) feet above the established airport elevation or a maximum of nine hundred-eighteen (918) feet above mean-sea-level.

4. Conical Zone

One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height three hundred-fifty (350) feet above the airport elevation or one thousand-one hundred eighteen (1,118) feet above mean-sea-level.

5. Except Height Limitations

Nothing in this resolution shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

**E. Use Restrictions**

Notwithstanding any other provisions of this resolution, no use may be made of land or water within any zone established by this resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or, otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**F. Nonconforming Uses**

1. Regulations Not Retroactive

The regulations prescribed in this resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations on the effective date of this resolution, or, otherwise, interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution and is diligently prosecuted.

2. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is, hereby, required to request a permit for the installation, operation, and maintenance, thereon, of such markers and lights as shall be deemed necessary by the Centerville Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Centerville (Centerville Municipal Airport).

**G. Administration**

1. Future Uses

Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected or, otherwise, established, and no tree shall be planted in any zone, hereby, created, unless a permit, therefore, shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations, herein, prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted, unless the Board of Appeals has approved a variance in accordance with the provisions of the applicable Hickman County Zoning Resolution.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand-two hundred (4,200) feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
- c. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this resolution.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments, thereto, or than it is when the application for such a permit is made. Except as indicated, all applications for such a permit may be granted.

- a. Nonconforming Uses Abandoned or Destroyed—Whenever the building official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
- b. Variances—Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the

regulations prescribed in this resolution, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this resolution. Additionally, no application for variance to the requirements of this resolution may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Centerville Municipal Airport Board for advice as to the aeronautical effects of the variance. If the Centerville Municipal Airport Board does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

- c. Obstruction Marking and Lighting—Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owners' expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Town of Centerville at its own expense, to install, operate, and maintain the necessary markings and lights.

3. Permit Issuance

The Centerville Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this resolution. All permit applicants shall apply to the Office of the Hickman County Building Commissioner, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning resolution and the regulations, herein, prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

4. Enforcement

It shall be the duty of the Hickman County Building Commissioner duly appointed to enforce the zoning codes and to administer, inspect, and enforce the provisions set forth in this resolution.

5. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to this resolution through the Board of Zoning Appeals in Hickman County, which has zoning jurisdiction over the territory in question. The Centerville Airport Board and the Hickman County Regional Planning Commission may make recommendations to the Board of Zoning Appeals.

6. Penalties

Any violation of this resolution or any regulation, order, or ruling promulgated, hereunder, shall be issued penalties as prescribed within the Hickman County Zoning Resolution, which has jurisdiction over the territory in question.

**H. Validity and Interpretation**

1. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

2. Severability

If any of the provisions of this resolution or the application, thereof, to any person or circumstances are held invalid, such invalidity shall not effect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.

**SECTION 2:** This Resolution shall be in force immediately after its passage and publication, the public welfare demanding it.

Recommended by the Hickman County Planning Commission: April 13, 2006

Notice of Public Hearing Held (15 day public notice required): May 29, 2006

**SPONSORS:**

\_\_\_\_\_  
**BOARD ACTION:**    \_\_\_\_\_ **Aye**    \_\_\_\_\_ **Nay**    \_\_\_\_\_ **Pass**    \_\_\_\_\_ **Absent**

**ADOPTED:**

**ATTEST:**

\_\_\_\_\_  
**Brad Leeper, Chairman**

\_\_\_\_\_  
**Randel Totty, County Clerk**

**APPROVED/DISAPPROVED:**

\_\_\_\_\_  
**Steve Gregory, County Mayor**

**DATE:** \_\_\_\_\_