

**REVISED AIRPORT ZONING RESOLUTION
OF THE
WARREN COUNTY MEMORIAL AIRPORT
July, 2008**

RESOLUTION REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE WARREN COUNTY MEMORIAL AIRPORT BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

In pursuance of the authority conferred by Sections 42-6-101 through 42-6-116 of the Tennessee Code Annotated (as it existed on July 21, 2008) and for the purpose of promoting the health, safety and general welfare of the inhabitants of Warren County, Tennessee, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Warren County Memorial Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein.

IT IS HEREBY RESOLVED BY THE COUNTY COMMISSION OF THE WARREN COUNTY, TENNESSEE as follows:

Section 1. Short Title. This resolution shall be known and may be cited as the “Revised Airport Zoning Resolution of the Warren County Memorial Airport.”

Section 2. Definitions. As used in this resolution, unless the context otherwise requires:

- (1) AIRPORT – Means the Warren County Memorial Airport, McMinnville, Tennessee.
- (2) AIRPORT ELEVATION – Means the established elevation of the highest point on the usable landing area.
- (3) AIRPORT HAZARD – Means any structure, tree or use of land which obstructs the air-space required for or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.
- (4) AIRPORT REFERENCE POINT – Means the point established as the approximate geographic center of the airport landing area and so designated.
- (5) BOARD OF ZONING APPEALS – Means a board consisting of five members appointed by the County Court as provided in the Tennessee Code Annotated, Section 42-6-108.
- (6) HEIGHT – For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

- (7) NON-PRECISION INSTRUMENT RUNWAY – Means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
- (8) LANDING AREA – Means the area of the Airport used for the landing, take-off or taxiing of aircraft.
- (9) NON-CONFORMING USE – Means any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in the Ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulations.
- (10) PERSON – Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (11) RUNWAY – Means the paved surface of an airport landing strip.
- (12) STRUCTURE – Means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.
- (13) TREE – Means any object of natural growth.

Section 3. Zones. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the primary surface zone, Non-Precision Instrument Approach Zones, Transition Zones, Horizontal Zone and Conical Zone. Such areas and zones are shown on The Warren County Memorial Airport Zoning Map consisting of one sheet, prepared by Tennessee Aeronautics Commission and dated 6-14-1971, which is attached to this ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- (1) PRIMARY SURFACE ZONE – A primary surface zone is established as an imaginary surface 500 feet wide, longitudinally centered on the runway and extends in length 200 feet beyond each end tar-paved runway. The elevation of any point on the longitudinal profile of the primary surface coincides with the elevation of the centerline of the runway.
- (2) NON-PRECISION INSTRUMENT APPROACH ZONE – A non-precision instrument approach zone is established at each end of the runway of the Warren County Memorial Airport for non-precision instrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- (3) TRANSITION ZONES – Transition zones are hereby established adjacent to the runway and approach zones as indicated on the zoning map. Transition zones symmetrically located on either side of runway, have variable widths as shown on the zoning map. Transition zones extend outward from the primary surface zone, for the length of the runway plus 200 feet on each end, and are parallel and level with such runway slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the approach zones for a partial

length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal zone.

- (4) HORIZONTAL ZONE – A horizontal zone is hereby established, being the area defined by: two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circle being 10,000 feet; and lanes parallel with the runway centerline connecting the semi-circles. The horizontal zone does not include the non-precision instrument approach zones and the transition zones.
- (5) CONICAL ZONE – A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet. The conical zone does not include the non-instrument approach zones and transition zones.

Section 4. Height Limitations. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are computed from the established airport elevation and are hereby established for each of the zones in question as follows:

- (1) NON-PRECISION INSTRUMENT APPROACH ZONES – One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the non-precision instrument runway and extending to a point 10,200 feet from the end of the runway;
- (2) TRANSITION ZONES – One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the center line of the runway extending 200 feet beyond each end thereof and extending to a maximum height of 150 feet above the established airport elevation which is 1,028 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height 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 or conical surfaces.
- (3) HORIZONTAL ZONE – One hundred fifty (150) feet above the airport elevation or a maximum height of 1178 feet above mean sea level.
- (4) CONICAL ZONE – One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45 feet above the surface of the land.

Section 5. Use Restrictions. Notwithstanding any other provisions of this resolution, no use may be made of land within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport, or otherwise endanger the landing, taking-off, or maneuvering of aircraft. Except as otherwise provided in this ordinance, it shall be unlawful to put land located within an airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone to any use hereby forbidden in such zone. The land uses forbidden in the various airport approach zones, horizontal surface zones, conical surface zones or transitional surface zones are as follows: Churches and other places of worship, club houses and other meeting places; community center building, gymnasium or studio; libraries, schools, colleges, hospitals, sanitariums or other public, semi-public or private educational, health or welfare institution or facility; and any governmental office or building, the facilities of which involve the concentration of people. A permit granting a variance shall be required for towers, including cellular telephone towers, and other structures of considerable height (greater than forty-five feet (45 ft.) in height measured from the surface of the land) in the various airport approach zones, horizontal surface zone, and transitional surface zones.

Section 6. Non-Conforming Uses. The regulations prescribed in Sections 4 and 5 of this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in 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 and completed within two years thereof.

Section 7. Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this resolution, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this resolution.

Section 8. Permits.

- (1) Future Uses. No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, unless a permit therefore shall have been applied for and granted. Each such application 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 applied for shall be granted. Upon the request of the Airport Zoning Committee, a permit applicant must obtain a site survey by a Certified Engineer, at the applicant's expense, when a proposed structure is close to the height limitation of the corresponding zone.

- (2) Existing Uses. Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this resolution or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure, or tree shall be granted.

Section 9. Hazard Marking and Lighting. Any permit or variance granted under Section 7 or 8 may, if such action is deemed advisable to effectuate the purposes of this resolution and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain thereon, at the owners' own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 10. Appeals.

- (1) Any person aggrieved, or taxpayer affected, by any decision of the County made in its administration of this resolution, or the Warren County Memorial Airport Commission, if of the opinion that a decision of the Airport Zoning Committee is an improper application of this resolution, may appeal to the Board of Zoning Appeals for which provision is made in Section 12.
- (2) All appeals taken under this Section must be taken within a reasonable time, as provided by the rules of the Board, by filing with the Airport Zoning Committee and with the Board, a notice of appeal specifying the grounds thereof. The Airport Zoning Committee shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Committee certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the Board on notice of the Airport Zoning Committee and on due cause shown.
- (4) The Board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (5) The Board may, in conformity with the provisions of this resolution reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination

appealed from and may make such order, requirement, decision, or determination as ought to be made.

- (6) The Board shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, or affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this resolution.
- (7) The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Airport Zoning Committee, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution, or to affect any variance in this resolution.

Section 11. Airport Zoning Committee.

- (1) There is hereby created an Airport Zoning Committee for the purpose of enforcing the regulations and restrictions set out in the Revised Airport Zoning Resolution, July, 2008.
- (2) The Airport Zoning Committee shall consist of five (5) members, each to be appointed for a term of four (4) years and to be removable for cause by the Warren County Court upon written charges and after public hearing. In the first instance, one member shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year, and two for a term of four (4) years. Thereafter each member appointed shall serve for a term of four (4) years or until his successor is duly appointed and qualified.
- (3) The Airport Zoning Committee shall adopt rules for its governance and procedure in harmony with the provisions of this resolution. Meetings of the Committee shall be held at the call of the chairman and at such other times as the Committee may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Committee shall be public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Committee and shall be a public record.

Section 12. Board of Zoning Appeals.

- (1) There is hereby created a Board of Zoning Appeals to have and exercise the following powers:
 - (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Committee in the enforcement of this resolution.
 - (b) To hear and decide special exceptions to the terms of this resolution upon which such Board may be required to pass by subsequent resolution.
 - (c) To hear and decide specific variances under Section 9.
- (2) The Board of Zoning Appeals shall consist of five (5) members, each to be appointed for a term of four (4) years and to be removable for cause by the Warren County Court upon written charges and after public hearing. In the first instance, one

member shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year, and two for a term of four (4) years. Thereafter each member appointed shall serve for a term of four (4) years or until his successor is duly appointed and qualified.

- (3) The Board shall adopt rules for its governance and procedure in harmony with the provisions of this resolution. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

Section 13. Amendments. The County Commission of Warren County may from time to time amend the boundary, shape, or regulation of any zone or any other provision of this resolution. Any member of the court may introduce such amendment into the court or any official board or any other person may petition to the County Commission requesting an amendment or amendments to this resolution. No such amendment shall become effective unless the same is first submitted for approval, disapproval or suggestions to the Warren County Regional Planning Commission. If the Planning Commission within thirty (30) days disapproves any such submission, it shall require favorable vote of a majority of the entire membership to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submissions, the action on such amendment by said commission shall be deemed favorable. Upon the introduction of such amendment, the County Court Clerk shall be instructed to publish a notice of such request for an amendment together with a notice of time set for public hearing by the court on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation. Action on the amendment by the County Commission shall take place no sooner than fifteen (15) days after the date of publication of such notice.

Section 14. Penalties. Each violation of this resolution or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than \$50.00 or imprisonment for not more than thirty (30) days, or both such fine and imprisonment, and each day a violation continues shall be a separate offense.

Section 15. Conflicting Regulations. Where this resolution imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this resolution shall govern.

Section 16. Severability. If any of the provisions of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 17. Effective date. This resolution shall take effect from and after the date of its passage the public welfare requiring it.