

ORDINANCE 2002-01

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GREENVILLE, ALABAMA, BY REPEALING ARTICLE XI, SECTION 1109, ENTITLED AIRPORT HAZARDS AREA AND REPLACING IT IN ITS ENTIRETY WITH THE FOLLOWING ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE MAC CRENSHAW MEMORIAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE MAC CRENSHAW MEMORIAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; AND IMPOSING PENALTIES FOR VIOLATIONS.

WHEREAS, this ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act, as amended, Code of Alabama, § 4-6-1 et seq., (1975). It is hereby found that an airport hazard has the potential for endangering the lives and property of users of the Mac Crenshaw Memorial Airport, and property of occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Mac Crenshaw Memorial Airport, and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Mac Crenshaw Memorial Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Mac Crenshaw Memorial Airport; and
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the extent legally possible.

WHEREAS, it is further declared that the prevention of the creation or establishment or hazards to air navigation; the elimination, removal, alteration, or mitigation of hazards to air navigation; or the marking and lighting of obstructions are public purposes for which a City may raise and expend public funds and acquire land or interests in land.

NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE CITY COUNCIL (hereinafter referred to as the "Council") THAT Article XI, Section 1109, Appendix "A" of the Code of Ordinances, City of Greenville, Alabama is hereby repealed in its entirety and substituted therefor is the following:

Section 1. Short Title.

This Ordinance shall be known as the "Mac Crenshaw Memorial Airport Zoning Ordinance."

Section 2. Definitions.

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

- (1) AIRPORT – The Mac Crenshaw Memorial Airport.
- (2) AIRPORT ELEVATION – The established elevation of the highest point on the usable landing area measured in feet from mean sea level. *For the Mac Crenshaw Memorial Airport, this value is 451.12 feet MSL.*

- (3) AIRPORT HAZARD – Any structure or tree or use of land which obstructs the air space required for the flight of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with, or obstructing such landing, taking off, or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- (4) AIRPORT HAZARD AREA – Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Ordinance.
- (5) AIRPORT REFERENCE POINT (ULTIMATE) – The point established as the approximate geographic center of the airport landing area and so designated. *For the Mac Crenshaw Memorial Airport, this point is defined as Latitude N31 degrees, 50 minutes, 44.50 seconds, and Longitude W86 degrees, 36 minutes, 38.66 seconds.*
- (6) APPROACH SURFACE – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Ordinance. The perimeter of the approach surface coincides with the perimeter of the approach zone.
- (7) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Section 3 of this Ordinance.
- (8) CONICAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 560 feet.
- (9) HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (10) HEIGHT – For the purpose of determining the height limits as to all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (11) HORIZONTAL SURFACE – A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.
- (12) LANDING AREA – The surface area of the airport used for the landing, takeoff, or taxiing of aircraft.
- (13) NONCONFORMING USE – Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- (14) 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.
- (15) OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
- (16) PERSON – 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.

- (17) **PRECISION INSTRUMENT RUNWAY** – 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 on an approved airport layout plan or any other planning document.
- (18) **PRIMARY SURFACE** – A rectangular surface longitudinally aligned with the runway and defined by the largest rectangular area definable containing the runway within the Mac Crenshaw Memorial Airport property boundaries. *For Runway 14-32 at the Mac Crenshaw Memorial Airport, a 5,500-foot long Runway with non-precision instrument approaches with visibility minimums greater than three-fourths mile, the Primary Surface is a rectangular area 500 feet in width (east-west orientation) and 5,900 feet in length (north-south orientation).* The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (19) **RUNWAY** – A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (20) **STRUCTURE** – An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
- (21) **TRANSITIONAL SURFACES** – These surfaces extend outward and upward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- (22) **TREE** – Any object of natural growth.
- (23) **VISUAL RUNWAY** – A runway intended solely for the operation of aircraft using visual approach procedures.
- (24) **UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft 12,500 pounds maximum gross weight and less.

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 beneath the Approach Surface, Transitional Surfaces, Horizontal Surface, and Conical Surface as they apply to the Mac Crenshaw Memorial Airport. Such zones are shown on a zoning map consisting of sheets 1-3 inclusive, which is attached to this Ordinance as Attachment A and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

(1) APPROACH ZONES

- A. Runway 14 Approach zone is established beneath the approach surface at the end of Runway 14 on Mac Crenshaw Memorial Airport for nonprecision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 500 feet which coincides with the width of the primary surface at the North end of the primary surface, widening thereafter uniformly to a width of 3,500 feet at horizontal distance of 10,000 feet beyond the end of the primary surface, its centerline being continuation of the centerline of the primary surface.

- B. Runway 32 Approach zone is established beneath the approach surface at the end of Runway 32 on Mac Crenshaw Memorial Airport for non-precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 500 feet which coincides with the width of the primary surface at the South end of the primary surface, widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the primary surface.
- (2) **TRANSITIONAL ZONES** – Transitional zones are hereby established beneath the transitional surface adjacent to each runway and approach surface as indicated on the zoning map. Transitional surfaces, symmetrically located on either side of runways – have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of approach surfaces.
- (3) **HORIZONTAL ZONE** – The area beneath a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway(s) 14 and 32 and connecting the adjacent arcs by lines tangent to those arcs.
- (4) **CONICAL ZONE** – The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 560 feet.

Section 4. Height Limitations.

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

- (1) **APPROACH ZONES**
- A. Runway 14: One (1) foot in height for each 34 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface.
- B. Runway 32: One (1) foot in height for each 34 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface.
- (2) **TRANSITIONAL ZONES** – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 451.12 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (3) **HORIZONTAL ZONE** – Established at one hundred fifty (150) feet above the airport elevation, or a height of 601.12 feet above the mean sea level.
- (4) **CONICAL ZONE** – Slope twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above

the airport elevation and extending to a height of 178 feet above the airport elevation.

Section 5. Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between 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, taking-off, or maneuvering of aircraft intending to use the airport.

Section 6. Nonconforming Uses.

- (1) REGULATIONS NOT RETROACTIVE – The regulations described by 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 relations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming 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 Ordinance and which has been diligently prosecuted.
- (2) MARKING AND LIGHTING – Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Greenville Planning Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Greenville.

Section 7. Permits.

- (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 therefor 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 shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 7, Par. (4).
 - 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 seventy-five (75) 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 not less than 5,100 feet 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 approach zones.
 - C. In the areas lying within the limits of the transitional 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 transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 4, Par (5).

- (2) **EXISTING USES** – No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming 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 Ordinance or any amendments hereto or than it is when the application for a permit is made.
- (3) **NONCONFORMING USES, ABANDONED OR DESTROYED** – Whenever the Greenville Planning Commission determines that a nonconforming structure or tree has been abandoned or more than eighty (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 the zoning relations.
- (4) **VARIANCES** – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use his property in violation of the regulations prescribed in this Ordinance, may apply to the Greenville Board of Adjustment for a variance from such regulations in question. 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 relations will result in 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 Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Greenville Board of Adjustment unless a copy of the application has been furnished to the Manager of Mac Crenshaw Memorial Airport for advice as to the aeronautical effects of the variance. If the Manager of the Mac Crenshaw Memorial Airport does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
- (5) **OBSTRUCTION MARKING AND LIGHTING** – Any permit or variance granted, if such action is deemed advisable by the Greenville Planning Commission or the Greenville Board of Adjustment to effectuate the purpose of this Ordinance and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to allow the City of Greenville to install, operate, and maintain, at the expense of the City, such markings and lights as may be necessary.

Section 8. Enforcement.

It shall be the duty of the Greenville Planning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Planning Commission upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Planning Commission shall be promptly considered and granted or denied. Applications for variance shall be made to the Greenville Board of Adjustment by filing said application for variance determination.

Section 9. Appeals and Judicial Review.

- (1) Any person aggrieved by any decision of the Greenville Planning Commission, the Greenville Board of Adjustment or the Greenville City

Council made in administration of this ordinance may appeal such decision to the Circuit Court of Butler County, Alabama.

- (2) All appeals hereunder must be taken within ten (10) days after such ruling by filing a notice of appeal specifying the grounds thereof. The Notice of Appeal shall forthwith be transmitted by the City Clerk of the City of Greenville to the Clerk of the Circuit Court for Butler County, Alabama and shall include papers constituting the record upon which the action appealed from was taken.
- (3) An appeal shall stay all activities in furtherance of the action by the application and appeal in accordance with applicable law.

Section 10. Enforcement and Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Greenville City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct, or abate any such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 11. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the terms and provisions of this Ordinance shall govern and prevail.


Section 12. Severability.

If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

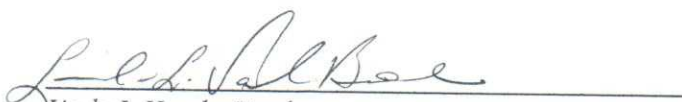
Section 13. Effective Date.

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, this Ordinance shall be in full force and effect from the date of passage by the Greenville City Council and the publication hereof as required by law.

ADOPTED by the Greenville City Council this **25th** day of **February 2002**.


Dexter McLendon, Mayor of Greenville

Attest:


Linda L. VandenBosch
City Clerk-Treasurer