

# 14.402. AP – Airport Overlay District

This district is intended to protect the integrity of the airport, its airspace, and its environs by restricting the height of structures, uses and electromagnetic interference within horizontal and vertical areas as identified on the map.

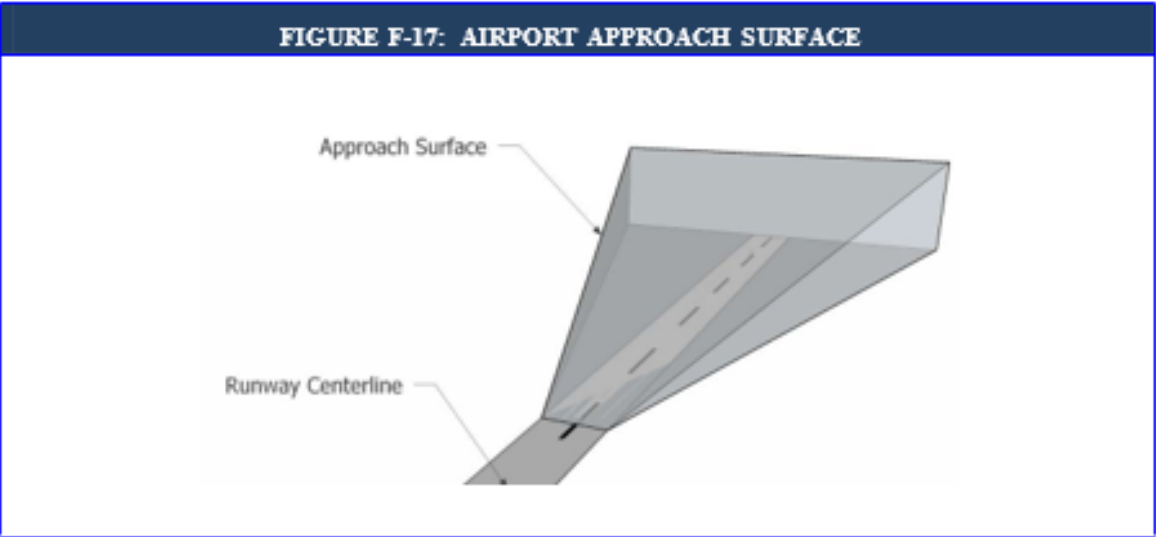
## A. Definitions

**Airport:** The Lebanon Municipal Airport, Lebanon, Tennessee.

**Airport Commission:** The Lebanon Airport Commission, Lebanon, Tennessee.

**Airport Elevation:** 576 feet above mean sea level.

**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 14-903(c) of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone. (See Figure F- 17.)



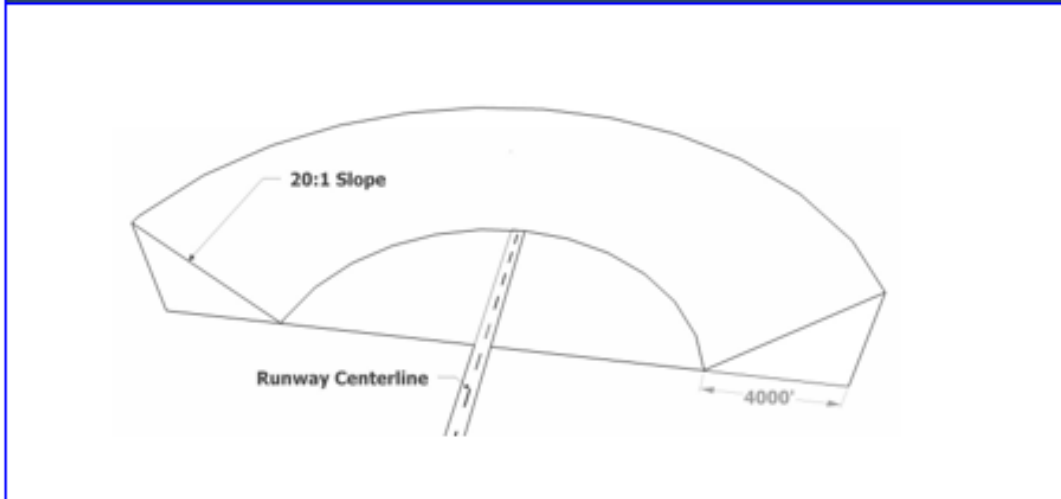
**Conical Zone:** See Section 14-903(C).

**Conical Surface:** A surface zone extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet. (See Figure F-18.)

**Hazard to Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Height:** For the purpose of determining the height limits in all zones set forth in the ordinance and shown on the Zoning Atlas. The datum shall be mean sea level elevation unless otherwise specified.

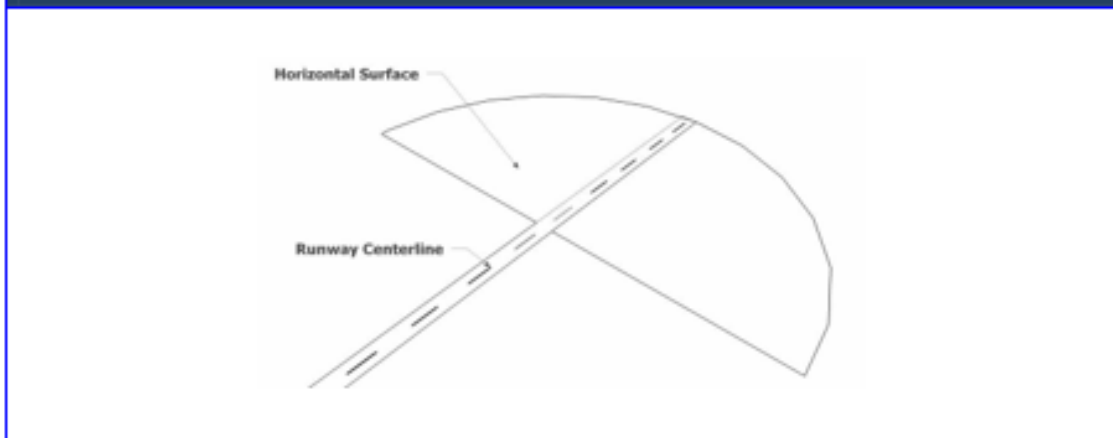
FIGURE F-18: CONICAL SURFACE



**Horizontal Zone:** See Section 14-402(C) Airport Zones.

**Horizontal Surface:** A horizontal plane, the perimeter of which in plan coincides with the perimeter of the horizontal zone. (See Figure F-19.)

FIGURE F-19: HORIZONTAL SURFACE



**Larger Than Utility Runway:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 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 chapter or an amendment hereto, as of the effective date of such regulations.

**Non-precision 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 non-precision 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 14.403(D) of this chapter.

**Person:** Any individual, firm, co-partnership, corporation, company, association, joint stock association or government entity, and includes any trustee, receiver, assignee, or other similar representative thereof.

**Precision Instrument Runway:** A runway having an existing instrument approach procedure utilizing navigation facilities with both horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved.

**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; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 14.903(C) of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway:** A defined area on an airport prepared for landing and take-off of aircraft along its length.

**Runway Larger Than Utility With Visual Approach Zone:** See Section 14.403(C).

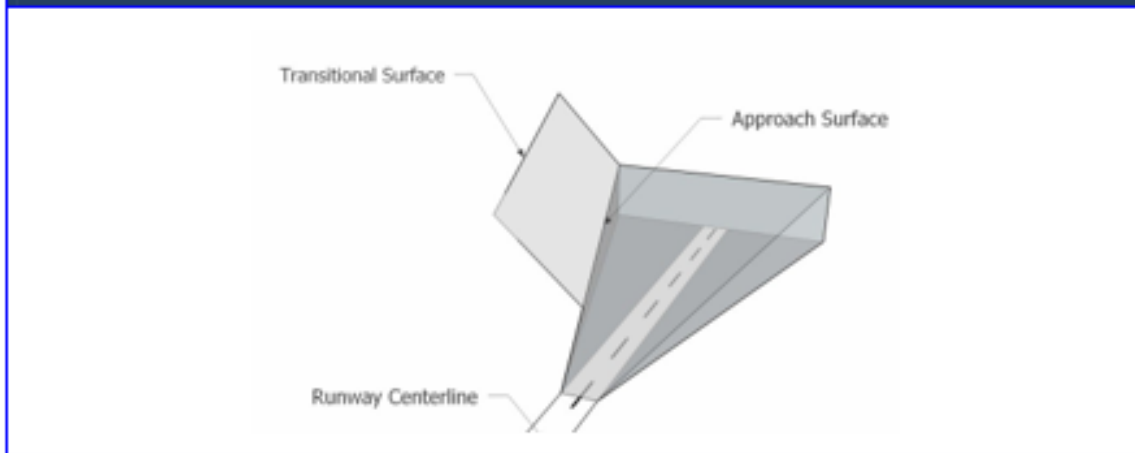
**Runway Larger Than Utility With a Visibility Minimum Greater Than One Quarter-Mile Non-Precision Instrument Approach Zone:** See Section 14.403(C).

**Structure:** Any object, including a mobile object, constructed, or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, cranes, and earth formation.

**Transitional Zones:** See Section 14.403(C).

**Transitional Surface:** A surface with extending outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of the 7:1 from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, 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 90-degree angles to the extended runway centerline. (See Figure F-20.)

**FIGURE F-20: TRANSITIONAL SURFACE**



**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.

## B. Airport Airspace Plan

In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, *Airport Airspace Plan*, with a revision date of June 15, 2010, of the Lebanon Municipal Airport, Lebanon, Tennessee, of record in the Office of the Planning Director is hereby incorporated into this chapter and made a part hereof.

1. The established elevation of the airport is 576 feet above mean sea level.
2. The airport reference point is established at a location described as follows: exact center of the runway.

## C. Airport Zones

In order to carry out the provisions of this chapter, there are hereby created and established certain airport zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the airport. Such zones are shown on the Airport Zoning Atlas, which is incorporated by reference 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 limitation. The various zones are hereby established and defined as follows:

1. Conical Zone – Slopes 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 350 feet above the airport elevation.
2. Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 250 feet above mean sea level.

3. 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. 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 the same elevation as the approach surface and extending to where they intersect the conical surface.
4. Runway Larger than Utility with Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway Larger than Utility with a Visibility Minimum Greater than One Quarter-Mile Non-Precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

#### D. Height Limits

Except as otherwise provided in this chapter, no structure or tree shall be erected, allowed to grow or maintained in any zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, height limits shown on the Airport Zoning Atlas are hereby established for each of the zones in question.

1. Runway Larger than Utility Visual Approach Zone – Slopes twenty (20) outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Runway Larger than Utility with a Visibility Minimum Greater than 1/4 Mile Non-Precision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

Nothing in this chapter 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. Land Use Compatibility and Use Restrictions

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone 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 endanger or interfere with the landing, takeoff, or maneuvering of aircraft.

1. Incompatible Land Uses: Incompatible land uses around an airport can affect the

safe and efficient operation of aircraft and affect the quality of life and safety of the general public. Incompatible land uses can include wildlife-attracting land uses (wetlands and landfills), cell towers and antennae transmitting signals that interfere with radio transmissions and/or navigational aids, lights that may be disorienting to a pilot, and tall structures including towers and construction cranes that may impact an airport's airspace. Within an airport's noise and safety impact areas, residential and public facilities such as schools, churches, public health facilities, and concert halls are sensitive to high noise levels and expose large numbers of people to potential danger. Incompatible land uses include high density residential development, schools, community centers and libraries, hospitals, and buildings used for religious services, tall structures, smoke and electrical signal generators, landfills, and other bird/wildlife attractants.

## 2. Airport Impact Zones

Zones at the end of each runway and surrounding the airport have been identified as airport impact zones on the Airport Airspace Plan of the Lebanon Municipal Airport, Lebanon, Tennessee, of record in the Office of the Planning Director, and is hereby incorporated into this chapter and made a part hereof. They are defined as: (an example Airport Impact Zones map is included for reference only)

- a. Airport Impact Zone 1 - Runway Protection Zone
- b. Airport Impact Zone 2 - Inner Safety Zone
- c. Airport Impact Zone 3 - Inner Turning Zone (60-degree sector)
- d. Airport Impact Zone 4 - Outer Safety Zone
- e. Airport Impact Zone 5 - Sideline Safety Zone
- f. Airport Impact Zone 6 - Traffic Pattern Zone

The recommended land use in Airport Impact Zones 1, 2 and 5 would discourage residential development and allow low-density commercial and industrial development with less than 5 people per acre. The recommended land uses in Airport Impact Zones 3 and 4 would range from no development to low-density residential development and commercial industrial development ranging from 25 to 40 people per acre. The recommended land uses in Airport Impact Zone 6 would allow low-density residential development and commercial and industrial development accommodating fewer than 100 people per acre. Proposed construction or alteration of any structure in the airport impact zones may be subject to be reviewed by the FAA to see that FAA requirements have been satisfied. This FAA review must be completed prior to receiving final approval by the City of Lebanon planning and engineering staff. The Lebanon Airport Commission acting in an advisory role will also review and make recommendations regarding safety and land use compatibility issues to City of Lebanon planning and engineering staff, boards, and agencies.

3. Use on Appeal: No application for a Use on Appeal within Airport Impact Zones 1 through 6 may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Lebanon Airport Commission for advice

as to potential aeronautical effects of the proposed use. The Airport Commission shall respond to the application within a reasonable time period, otherwise, the Board of Zoning Appeals may act on its own to grant or deny said application.

4. Site Plan and/or Rezoning: Any request for site plan approval or rezoning within Airport Impact Zones 1 through 6 shall be forwarded to the Lebanon Airport Commission. The Airport Commission may make a recommendation regarding the requested action, but shall not hold-up the Planning Commission taking action on the application.

## F. Site Lighting

Uncontrolled lighting may cause glare that can impact visibility of pilots. Lighting at and near airports should be relatively dim so as to not harm the pilot's night vision and cause confusion. In general, lights should be shielded, proper wattage should be used based on the task and unneeded lights should be turned off.

On every site plan the location(s) of proposed light poles and the type of illuminating devices shall be provided. Light poles shall not be located within any easements, including public utility and drainage easements (PUDE). A photometric plan of the entire property shall be provided for review by engineering and planning staff. Required plans, descriptions and data shall be sufficiently complete to enable the engineering and planning staff to readily determine compliance with these requirements. Requests to change light fixtures or illumination levels shall be submitted to the engineering and planning staff, together with adequate information to assure compliance with these requirements and applicable codes, prior to the substitution being made

1. Light from a fixture shall be directed down to greater than fifteen (15) degrees below the horizontal plane.
2. The maximum level of foot-candles at all property lines shall be no greater than 0.5.
3. All outdoor electrically powered illuminating devices shall be installed in conformance with all applicable provisions of these regulations, the Building Code, the Electrical Code, and the Sign Ordinance with appropriate permits being obtained.
4. The use of searchlights, laser source lights or any similar high intensity light for outdoor advertising is prohibited.
5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within should consist of a dark background with light metering to minimize detrimental effects.

If, upon installation of proposed site lighting, such lighting is found to interfere with airport operations, the site lighting shall be adjusted to the satisfaction of the Airport Commission at the developer's/builder's expense.

## G. Nonconforming Uses

1. Regulations Not Retroactive – The regulations prescribed in this chapter 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 the effective date hereof, or otherwise interfere with the continuance of the 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 the provisions in this chapter and is diligently prosecuted and completed within two years thereof.

2. Marking and Lighting – Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, or maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Commission 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 Lebanon.

## H. Variances

Any person desiring to erect any structure or increase the height of any structure, permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter may apply to the Board of Zoning Appeals for a variance. The application for a 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. No application for a variance to the requirements of this chapter may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Commission for advice as to the aeronautical effects of the variance. The Airport Commission shall respond to the application within a reasonable time period, otherwise, the Board of Zoning Appeals may act on its own to grant or deny said application. 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 chapter.

## I. Permits

1. Future Uses – Except as specifically provided in (i), (ii) and (iii) hereinafter, 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 zone hereby created unless a permit therefore has been applied for and granted. Each such 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. No permit for use inconsistent with the provisions of the chapter shall be granted unless a variance has been approved in accordance with Section 14.1207.
  - 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 in vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

- b. In areas lying within the limits of the approach zones, but at a distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet in 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 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 in 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.
      - d. 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 chapter except as set forth in Section 14.603(D).
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 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 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 the provisions in this chapter 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 any existing use, structure or tree shall be granted.
3. Nonconforming Uses Abandoned or Destroyed – Whenever the Airport Commission determines that a nonconforming tree or structure has been abandoned or more 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 regulations.

## J. Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Airport, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner, at their own expense, to install, operate and maintain the necessary markings and lights.

## K. Appeals

1. Any person aggrieved or any taxpayer affected by any decision of the Building Inspector made in the administration of this chapter or the Airport Commission, if of the opinion that a decision of the Building Inspector is an improper application

of this chapter, may appeal to the Board of Zoning Appeals.

2. All appeals must be taken within thirty (30) days as provided by the rules of the Board of Zoning Appeals by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Commission certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the opinion of the Airport Commission, cause imminent peril to life or property. In such case a proceeding shall not be stayed except by order of the Board of Zoning Appeals on notice to the Airport Commission and on due cause shown.
4. The Board of Zoning Appeals 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 of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as may be appropriate under the circumstances.
6. The Board shall make written findings of fact supporting their conclusions.
7. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of the applicant on any matter.

#### L. Administrative Agency

The Chief Building Official is designated the administrative agency charged with the duty of the administering and enforcing the regulations herein prescribed. The duties of the Chief Building Official shall include that of hearing and deciding all applications for permits under Section (I) herein, but the Chief Building Official shall not have or exercise any of the powers or duties herein delegated to the Board of Zoning Appeals.

#### M. Penalties

Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than 500 dollars or imprisonment for not more than 180 days or both; and each day a violation continues to exist shall constitute a separate offense.

#### N. Amendment

1. Procedure – Such regulations, restrictions, and boundaries as are provided for in this chapter may be amended, supplemented, changed, modifies, or repealed. All changes and/or amendments to this chapter shall only be made in compliance with the Tennessee Aeronautical Statutes and after a public hearing.
2. Recommendation from the Planning and Airport Commissions – No amendment shall become effective unless it is first submitted to and agreed to by the Planning

Commission and Airport Commission, then submitted to and approved by the Tennessee Department of Transportation Aeronautics Division and if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Council.