

ORDINANCE NO. 9

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF ANY AIRPORT, PRIVATE, COMMERCIAL OR MUNICIPAL, BY CREATING AIRPORT APPROACH, TURNING AND TRANSITION ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; IMPOSING A PENALTY OF NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00) FOR EACH VIOLATION; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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In pursuance of the authority conferred by House Bill No. 333 as passed by the 50th Legislature, Regular Session, and for the purpose of promoting the health, safety and general welfare, convenience, and prosperity of the inhabitants of the City of Addison, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of airports and of occupants of land in the vicinity of airports and preventing destruction or impairment of the utility of airports and the public investment therein;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON:

SECTION 1. Short Title. This ordinance shall be known and may be cited as the "Airport Zoning Ordinance of the City of Addison."

SECTION 2. Definitions. As used in this ordinance, unless the context otherwise requires:

(1) "Airport" means any area of land or water, whether of public or private ownership designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes. Such areas shall be deemed to be "utilized in the interests of the public" when the owner thereof by contract, license, or otherwise permits the use of such areas by others for the landing and taking off of aircraft,

storage of aircraft, fueling of aircraft, repairing of aircraft or the instruction of person in the use of aircraft.

(2) "Airport hazard" means any structure, tree, sign, vehicle or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.

(3) "Non-conforming use" means any structure, pole, sign, vehicle, tree or use of land which does not conform to the regulations prescribed in this ordinance.

(4) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, pole, signs, walls, vehicles, buildings, towers, smoke-stacks, tanks and overhead transmission lines.

(6) "Landing area" means the area or areas of an airport used for the landing, take off, or taxiing of aircraft.

(7) "Tree" means any object of natural growth.

SECTION 3. Zones. In order to carry out the purposes of this ordinance, all of the land within the boundaries of the City of Addison and within the areas required for aircraft approach or maneuvering acts in the use of the Addison Airport is hereby divided into airport approach zones, airport turning zones, and airport transition zones, the boundaries of which are shown on the Addison Airport Zoning Map dated October, 1956, which are attached hereto and hereby made a part hereof.

SECTION 4. Height Limits. Except as otherwise provided this ordinance, no structure shall be erected, altered, or any tree be allowed to grow, or be maintained in any airport approach zone,

airport turning zone, or airport transition zone to a height in excess of the height limit herein established for such zone. For purposes of this regulation, the following height limits are hereby established for each of the zones in question.

For Addison Airport:

Approach zone clearance ratio for runway 15-33, 50:1 on the Northwest end commencing 200 feet from the end of the runway with a width of 250 feet on each side of the centerline of the runway and extending outward for a distance of 10,000 feet and to a width of 2,500 feet and 40:1 on the Southeast end commencing 200 feet from the end of the runway with a width of 250 feet on each side of the centerline of the runway and extending outward for a distance of 10,000 feet and to a width of 2,500 feet.

Turning zone clearance 150 feet above the average elevation of the airport - The turning zone covers an area within a 8,500 foot radius of the center reference point of the airport landing area. Transition zone (Conical Surface), 20:1 - The transition zone (Conical Surface) ratio commences at the outer edge of the turning zone and extends outward for a distance of 5,000 feet from the outer edge of the turning zone.

Transition zone (Transitional Surfaces), 7:1 - The transition zone (Transitional Surfaces) extend outward and at right angles from a line paralleling the centerline of the runway, such line located one-half of the minimum width of the applicable approach zone and extends outward to the point where it intersects the Turning Zone height limit of 150 feet above the airport elevation or where it intersects the height limit of any other zone. The given approach zone clearance ratios are based on the relationship between the horizontal distance from a point 200 feet from the end of the runway and the vertical height at that distance above the elevation at the end of the runway.

The Turning Zone clearance is based on the vertical

distance above the elevation of the airport at the center reference point. The transition zone (Conical Surface) clearance ratios are based on the relationship between the horizontal distance from the turning zone and the vertical height at that distance above the elevation at the airport center reference point.

The transition zone (Transitional Surfaces) clearance ratios are based on the relationship between the horizontal distance from the sides of the approach zone slope and the vertical height at that distance above the elevation at the end of the runway involved.

SECTION 5. Use Restrictions. No land within any airport approach zone, airport turning zone or airport transition zone shall be used for and no structure shall be erected or any tree planted in such a manner as to create an airport hazard by reason of the height of the structure or tree or cause interference with radio communication or transmission of electronic signals in landing aids between the airport and aircraft, impair the visibility of the airport or the lights thereof, or otherwise endanger the landing, take off or maneuvering of aircraft.

SECTION 6. Non-conforming Uses. Any use of land or structure within any airport approach zone, airport turning zone or airport transition zone that by reason of its height or position, created an airport hazard prior to the passage of this ordinance, interferes with radio communication on the airport, interferes with transmission of electronic signals in landing aids from the airport, impairs visibility of the field or otherwise endangers the landing, take off or maneuvering of aircraft approaching or leaving the airport shall be called a non-conforming use.

Non-conforming uses may be continued in airport approach zones, turning zones and transition zones for definite periods of time, subject to such rules and regulations as may be required by the Board of Adjustment to insure reasonably safe operation of

aircraft in any airport; air-approach zone, turning or transition zone.

Before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the City Secretary of the City of Addison, or other person designated by the City Council, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

SECTION 7. Permits. Applications for permits to use property or to erect structures or to repair structures in any approach zone, turning zone or transition zone shall be made to the City Secretary of the City of Addison, or such other person as may be designated by the City Council.

SECTION 8. Board of Adjustment. The Board of Adjustment, appointed to hear appeals from the decision of the City Secretary of the City of Addison Zoning Ordinance, shall also hear all appeals from the decision of the City Secretary, or other person designated by the City Council, with reference to the enforcement of the Airport Zoning Ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City Secretary, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such regulations.

(A) When, in its opinion, the public convenience will be served, the appropriate use of neighboring property will not be substantially injured or the safety of aircraft will not be jeopardized, the Board of Adjustment may, in specific cases, after due notice to all parties at interest, and after a public hearing,

permit a variance in the height or use of any structure within any airport approach zone or airport area, turning zone or transition zone; and to this end may overrule the City Secretary and direct him to issue the permit under such special conditions as the Board of Adjustment may deem necessary to preserve the safety of aircraft and to effectuate the purposes of this ordinance.

(B) Any person aggrieved, or taxpayer affected, by a decision of the City Secretary made with reference to the enforcement of this ordinance may appeal to the Board of Adjustment for relief. The Board of Adjustment shall have and exercise the following powers:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by the City Secretary in the enforcement of this ordinance.

(2) To hear and decide any special exceptions to the terms of this ordinance upon which such Board of Adjustment may be required to pass under the provisions of this Airport Zoning Ordinance.

(3) To hear and decide specific variances as authorized under Section 8-A.

(C) Any person aggrieved, or taxpayer affected, by any decision of the Board of Adjustment, or any governing body of a political subdivision which is of the opinion that a decision of the Board of Adjustment is illegal, may present to a Court of Record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the decision is filed in the office of the Board.

SECTION 9. Enforcement. The provisions of this ordinance shall be administered and enforced by the City Secretary of the City of Addison, or other person designated by the City Council. All applications for permits shall be accompanied by a plat in

duplicate, drawn to scale, showing actual dimensions, the size, height, and shape of the proposed use or structure, the altitude above sea level at the ground site involved, the altitude above sea level at the maximum height of the structure proposed or involved and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the City Secretary.

SECTION 10. Changes and Amendments. The Governing Body may from time to time amend, supplement or change by ordinance the boundaries of the airport approach zones, turning zones, transition zones and the airport areas herein established. A public hearing shall be held by the Governing Body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication three times in the official publication of the City of Addison, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

SECTION 11. Requests for inclusion of other airports. Any private airport owner whose airport may be located within the City Limits of the City of Addison desiring to protect the airport under this or a similar ordinance may file application with the City Plan Commission for the same considerations as provided for any zoning or zoning change under the general Zoning Ordinances of the City of Addison and shall pay the costs of publishing any notices and publishing the ordinance or amendments thereof.

SECTION 12. Penalty for Violation. Any person or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any requirements thereof or who shall build or alter any structure or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred (\$100.00) Dollars, and each day such violation shall be permitted to exist shall constitute a separate offense.

SECTION 13. Validity. If any section of this ordinance shall be held invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

SECTION 14. The fact that there is not an existing ordinance to presently restrict the height of structures and otherwise regulate the use of property in the vicinity of an airport creates an urgency and an emergency and requires that this ordinance, for the protection of public health, peace, comfort, safety and general welfare, shall take effect immediately from and after its passage as an emergency ordinance, and it is accordingly ordained that such ordinance shall take effect from and after its passage.

Passed on the 27th day of December, 1956.

APPROVED:

APPROVED AS TO FORM:

H. Louis Nichols
ATTORNEY

M. W. Morris
MAYOR

ATTEST:

Samuel Cooper
CITY SECRETARY