

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4512

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: GOULD/DAVIS

PROVIDED BY: PLANNING

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BELLISARIO

ON THE 3 DAY OF MARCH, 2011

ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING), TO ADD A NEW ZONING CLASSIFICATION: SECTION 6.07, AAO - ABITA AIRPORT OVERLAY. (ZC10-08-102)

WHEREAS, the St. Tammany Parish Government has amended and updated the Airport Hazard Ordinance; and

WHEREAS, it is necessary that the Abita Airport Overlay be adopted so as to provide a tool to notify the general public in an efficient manner of the regulations and restrictions of said Airport Hazard Ordinance; and

WHEREAS, the Parish of St. Tammany deems it necessary to notify the airport manager of all construction which could penetrate the safety cone and/or approaches of the airports.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Unified Development Code - Volume I - Zoning, be amended by adding Section 6.07 AAO - Abita Airport Overlay.

See Attachment A- Section 6.07 - Abita Airport Overlay

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

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MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 7 DAY OF April, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: FEBRUARY 24, 2011

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_

Exhibit "A"

ZC10-08-102

Section 6.07 - Abita Airport Overlay

6.0701 Purpose

To provide protection from the hazard created by structures or trees that in effect reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft; and in the interest of the public health, public safety, and general welfare to prevent airport hazards to the extent legally possible, and by the exercise of its police power as the governing authority of St. Tammany Parish, the said St. Tammany Parish Council hereby designates this section as the Abita Airport Overlay.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interest in land.

6.0702 Definitions

As used herein, unless the context otherwise requires:

- A. Airport (Abita): the St. Tammany Regional Airport generally located south of Louisiana Highway 36 approximately three miles southeast of Abita Springs, LA.
- B. Airport Elevation: The highest point of an airport's usable landing area measured in feet from mean sea level.
- C. Airport Hazard: Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- D. Airport Manager (Abita): That person appointed by the Parish President of St. Tammany Parish to manage the day to day operation of the St. Tammany Regional Airport.
- E. Structure: An object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks, earth information, and overhead transmission lines.
- F. Tree: Any object of natural growth.
- G. Nonconformance Use: Any pre-existing structure, object, of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.
- H. Height: For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- I. Person: An individual, firm, partnership, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- J. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- K. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- L. 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.
- M. 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 or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- N. 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; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations, (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- O. Approach, Transitional, Horizontal, and Conical Zones: These zones apply to the area under the approach, transitional, and conical surfaces defined in FAR Part 77.
- P. Federal Aviation Administration (FAA) - That agency of the united States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the United States.
- Q. Local Governing Authority with jurisdiction over building permits, zoning and other similar regulatory functions for the property in question.

Section 6.0703 District Location

The Abita Airport Overlay is established as follows:

All property within 14,200 feet from the edge of the Runway Area designated on the St. Tammany Regional Airport - Airport Layout Plan Update - Airport Airspace Plan consisting of one (1) sheet (being 3 of 8) prepared by Buchart Horn, Inc., and dated June 4, 2008

#### Section 6.0704 Application of Overlay (District) Regulations

All projects located within the Abita Airport Overlay which exceed one hundred and fifty (150) feet in height from grade shall be reviewed by the airport manager for compliance with the provisions of this overlay district.

#### Section 6.0705 Airport Zones

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport.

St. Tammany Regional Airport - Airport Layout Plan Update - Airport Airspace Plan consisting of one (1) sheet (being 3 of 8) prepared by Buchart Horn, Inc., and dated June 4, 2008 and made apart hereof [by reference]. An area located in more than one (1) 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:

- A. **Horizontal Zone:** The horizontal zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs of drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- B. **Conical Zone -** The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.
- C. **Precision Instrument Runway Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- D. **Runway Larger Than Utility With A Visibility Minimum As Greater Than 3/4 Mile Non-Precision Instrument Approach Zone -**The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet 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.

#### Section 6.0706 Airport Zone Height Limitations

Except as otherwise provided in this Article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Article 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:

- A. **Transitional Zones:** Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 27 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and as the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- B. **Horizontal Zone:** One hundred and fifty (150) feet above the airport elevation or a height of 178 feet above mean sea level.
- C. **Conical Zone -** Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- D. **Precision Instrument Runway Approach Zone** Slopes upward fifty (50) feet vertically 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; thence slope upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- E. **Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone:** Slopes upward thirty-four (34) feet horizontally for each foot vertically 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.
- F. **Height Limitations:** Nothing in this Article shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

Section 6.0707 Use Restrictions

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article 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 or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. No. 80-29, adopted 08/21/80; amended by Ord. No. 91-1543, adopted 12/19/91)

Section 6.0708 Nonconforming Uses

- A. Regulations Not Retroactive: The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein 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 Article, and is diligently prosecuted.
- B. Marking and Lighting: Notwithstanding the preceding provisions of this Section, the owner of any existing 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 Airport Manager 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 local governing authority.

Section 6.0709 Permits

- A. 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 zone hereby created unless a permit therefore shall have been applied for and granted.
  - 1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
  - 2. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine 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.
- B. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned Or Destroyed: Whenever the Airport Manager determines that a nonconforming tree or structure, upon approval of Parish Building Inspector, 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 the zoning regulations.
- D. Variances: Any person desiring to erect 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 Article, may apply to the Airport Manager for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this Article, and as permissible by all applicable FAA regulation.
- E. Hazard Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the local governing authority 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.

Section 6.0710 Enforcement

It shall be the duty of the Director of the Parish Department of Planning to identify the potential conflict between any proposed structure and these regulations and refer them to the Airport Manager for review.

It shall be the duty of the Airport Manager to administer and cause to enforce the regulations prescribed herein through the various enforcement agencies of the local governing authority. Applications for permits and variances shall be made to the Airport Manager upon a form furnished by him. Applications required by the Article to be submitted to the Airport Manager shall be promptly considered and granted or denied by him.

Section 6.0711 Appeals

- A. Any person aggrieved or any taxpayer affected by any decision of the Airport Manager made in his administration of this Article, may appeal to Board of Adjustment of the local governing authority.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the staff of the Board of Adjustment a notice of appeal specifying the grounds thereof. The staff of the Board of Adjustment shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Manager certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Airport Manager and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, 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.
- E. The Board of Adjustment may, in conformity with the provision of this Article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.