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(PAGE 17806 of 17819)
E-RECORDED 5/20/2024 8:12:21 AM
Frank Barger, PROBATE JUDGE
Madison County, Alabama
Term/Cashier: 036-MJ0G15LV-21/chughes
Tran: 743944 Additional Page \$35.00
Filing \$1.00
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Mental Health Fee \$12.00
Microfilm \$0.25
Total: \$58.25

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 THE HUNTSVILLE EXECUTIVE 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 HUNTSVILLE EXECUTIVE AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; AND IMPOSING PENALTIES.

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) and § 4-3-10 (1975) and amends and replaces that certain Ordinance adopted in 1998.

It is hereby found that an airport hazard has the potential for endangering the lives and property of users of the Huntsville Executive Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Huntsville Executive 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 Huntsville Executive 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 Huntsville Executive Airport;
- (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.

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 an airport authority may raise and expend public funds and acquire land or interests in land.

BE IT ORDAINED BY THE MADISON COUNTY EXECUTIVE AIRPORT AUTHORITY (hereinafter referred to as the "Authority"):

Section 1. Short Title.

This Ordinance shall be known and may be cited as the "Huntsville Executive Airport Zoning Ordinance."

Section 2. Definitions.

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

- (1) AIRPORT NAME- The Huntsville Executive 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 Huntsville Executive Airport, this value is 763.5 feet above Mean Sea Level (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 for in this Ordinance.
- (5) AIRPORT REFERENCE POINT - The point established as the approximate geographic center of the airport landing area and so designated. For the Huntsville Executive Airport, this point is defined as Latitude N34 degrees, 51.56 minutes, and Longitude W86 degrees, 33.45 minutes.
- (6) APPROACH SURFACE - A trapezoidal 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. In plan 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 4,000 feet.

- (9) GENERAL AVIATION REGIONAL AIRPORT – An airport with a runway (or runways) designed and built to handle propeller and turbine propelled aircraft weighing up to 140,000 pounds depending on wheel configuration.
- (10) HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (11) HEIGHT - For the purposes of determining the height limits of all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (12) HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (13) LANDING AREA - The surface area of the airport used for the landing, takeoff, or taxiing of aircraft.
- (14) 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.
- (15) 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 non-precision instrument approach procedure has been approved or planned.
- (16) OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
- (17) 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.
- (18) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR), Localize Performance with Vertical Guidance (LVP). 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.

- (19) PRIMARY SURFACE - A rectangular surface longitudinally aligned with the runway and defined by the largest rectangular area definable containing the runway within the Huntsville Executive Airport property boundaries. For Runways 18-36 at the Huntsville Executive Airport a 6,500-foot-long Runway with precision instrument approaches with visibility minimums of three-fourths mile, the Primary Surface is a rectangular area 1,000 feet in width (east-west orientation) and 6,900 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.
- (20) RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (21) 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.
- (22) TRANSITIONAL SURFACES - These surfaces extend outward 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. Transitional surfaces, for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extends 5,000 feet, measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended centerline.
- (23) TREE - Any object of natural growth.

Section 3 - Zones.

To carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surface, and Conical Surface as they apply to the Huntsville Executive Airport. These zones are shown on the zoning map illustrations consisting of appendices 1 through 2, inclusive, which are available for public review and viewing at the Huntsville Executive Airport at 360 Clyde Shelton Drive, Meridianville, Alabama, during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday and will be attached to this Ordinance and made a part hereof. An area located in more than one of the following zones shall be considered 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 18 Approach zone is established beneath the approach surface at the end of Runway 18 on Huntsville Executive Airport for precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 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 a horizontal distance of 5,100 feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the primary surface.
- B. Runway 36 Approach zone is established beneath the approach surface at the end of Runway 36 on Huntsville Executive Airport for non-precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 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 5,100 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. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

- (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) 18 and 36 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 4,000 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 more than 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 18:** Slope one (1) foot in height for each 50 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. Then slope one (1) foot in height for each 40 feet in horizontal distance for an additional 40,000 feet.
 - B. **Runway 36:** Slope one (1) foot in height for each 50 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. Then slope of one (1) foot in height for each 40 feet in horizontal distance for an additional 40,000 feet.
- (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 763.5 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. Where the precision instrument runway approach zone projects beyond the conical zone, 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 a horizontal distance of 5,000 feet measured at ninety (90) degree angles to the extended runway centerline.

- (3) HORIZONTAL ZONE - Established at one hundred fifty (150) feet above the airport elevation, or a height of 913.5 feet above the mean sea level.
- (4) 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 an elevation of 1,113.5 feet above mean sea level.

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:

- (1) Create electrical interference with navigational signals or radio communication between airport and aircraft.
- (2) Makes it difficult for pilots to distinguish between airport lights and other illuminated navigation aids.
- (3) Create glare in the eyes of pilots using the airport.
- (4) Create excessive dust or smoke that impairs visibility in the vicinity of the airport.
- (5) Create bird strike hazards.
- (6) In any way endangers or interferes 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 Madison County Executive Airport Zoning 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 Madison County Executive Airport Authority.

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 therefore 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 10,000 feet from each end of the runway, no permit shall be required for any tree or structure less than thirty (30) 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 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 exceeding any of the height limits established by this Ordinance except as set forth in Section 7, Par (4).

- (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 thereto or than it is when the application for a permit is made.
- (3) **NONCONFORMING USES, ABANDONED OR DESTROYED** - Whenever the Huntsville Executive Airport Zoning 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 Madison County Executive Airport Zoning Commission 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 Madison County Executive Airport Zoning Commission unless a copy of the application has been furnished to the Manager of the Huntsville Executive Airport for advice as to the aeronautical effects of the variance. If the Manager of the Huntsville Executive Airport does not respond to the application within fifteen (15) days after receipt, the Madison County Executive Airport Zoning Commission 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 Madison County Executive Airport Zoning Commission 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 Madison County Executive Airport Authority to install, operate, and maintain, at the expense of the Madison County Executive Airport Authority, such markings and lights as may be necessary.

Section 8. Enforcement.

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

Section 9. Appeals and Judicial Review.

- (1) Any person aggrieved by any decision of the Madison County Executive Airport Authority or Madison County Executive Airport Zoning Commission made in its administration of this Ordinance, if of the opinion that a decision of the Madison County Executive Airport Authority or Madison County Executive Airport Zoning Commission is an improper application of these relations, may appeal to the Circuit Court for Madison County, Alabama.
- (2) All appeals hereunder must be taken within ten (10) days by filing with the Madison County Executive Airport Authority and the Madison County Executive Airport Zoning Commission a notice of appeal specifying the grounds thereof. The Madison County Executive Airport Zoning Commission shall forthwith transmit to the court all 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 Madison County Executive Airport Authority, 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 airport compatible land use regulation 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, and this Ordinance shall be in full force and effect from and after its passage by the Madison County Executive Airport Authority.


APPROVED AS OF MAY 13, 2024




Tom Sharp Jr., Chairman and Board Member



Tommy Hill, Vice Chairman and Board Member



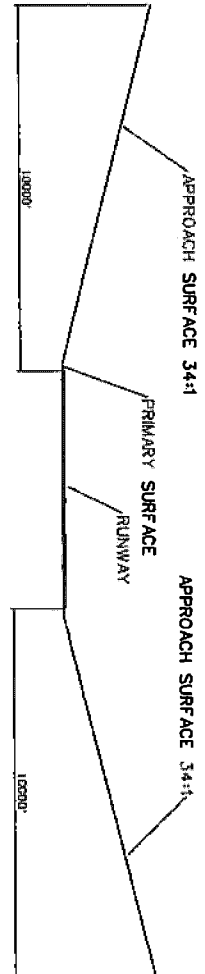
Ralph Malone, Secretary and Board Member



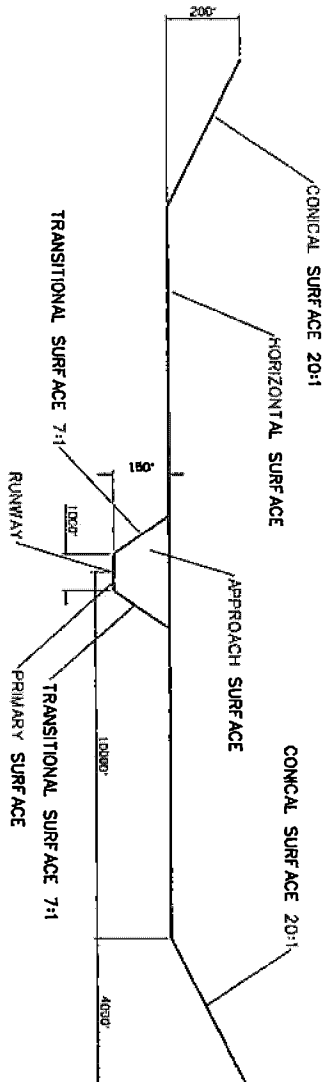
Bob Broadway, Treasurer and Board Member



Mike Murdock, Board Member




SECTION "A-A"



SECTION "B-B"

I, Tom Sharp, Jr., as Chairman of the Madison County Executive Airport Authority, certify that the attached Huntsville Executive Airport Zoning Ordinance containing 13 pages is true and accurate.

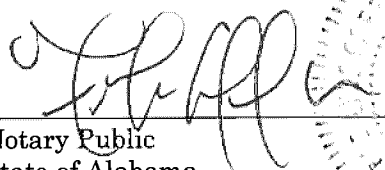
Madison County Executive Airport Authority,
an Alabama public corporation

By: 
Tom Sharp, Jr., Chairman

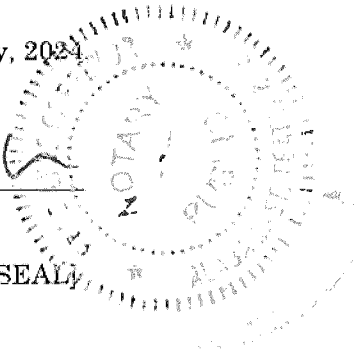
STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Tom Sharp, Jr. whose name as Chairman of the Madison County Executive Airport Authority, an Alabama public corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he, as such Chairman and with full authority, executed the same voluntarily for and as the act of the said Madison County Executive Airport Authority, an Alabama public corporation, on the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 15 day of May, 2024



Notary Public
State of Alabama
County of Madison [SEAL]



My Commission Expires:
2-22-2028