

December 16, 1996  
6:00 P. M.  
City Hall

The Wetumpka Planning Board met on Monday, December 16, 1996 at 6:00 P. M. with the following members present: Mark Presnell, Betsy Sheldon, Henry Swindle, Mayor Glenn Randy Logan, Greg Golden, Paulette Hinkle and Bruce Jetton. Also present was Velma Gober and Joe Miller.

Chairman Presnell called the meeting to order.

The following legal notice had been advertised for Public Hearing:

#### LEGAL NOTICE

Notice is hereby given that the Wetumpka Planning Commission will meet at Wetumpka City Hall, Monday, December 16, 1996, at 6:00 P. M. for the purpose of considering the following rezoning request:

State of Alabama  
Elmore County

Commence at the Northwest Corner of the NE 1/4 of Section 25, T-18-N, R-18-E, Elmore County, Alabama; thence S 03°22'41" E 2186.45' to an iron pin and point of beginning for the herein described parcel of land; thence N 89°14'35" E 300.00' to an iron pin; thence S 00°45'25" E 440.00' to an iron pin located on the North Right-of-Way (80') of Fort Toulouse Road, thence along said Right-of-Way S 89°14'35" W 300.00' to an iron pin; thence leaving said Right-of-Way N 00°45'25" W 440.00' to the point of beginning. Containing 3.03 acres, more or less, and lying in and being a part of the SW 1/4 of the NE 1/4 of Section 25, T-18-N, R-18-E, Elmore County, Alabama.

Said property being that which is being purchased for a new post office.

Request property be rezoned from B-2 and AG-1 to B-2.

Persons with visual or hearing impairment will, upon five (5) working days notice, be provided with auxiliary assistance to assure effective communication at all meetings of Council and other City advisory boards.

It is City of Wetumpka policy to comply with all handicapped discrimination provisions of Section 504 of the Federal Rehabilitation Act of 1973.

Mark Presnell, Chairman  
Wetumpka Planning Commission

There was no one present for or against said rezoning.

Randy Logan offered a motion that the Board recommend to the City Council that the property be rezoned. Motion was seconded by Greg Golden with the Board voting unanimously in favor of the motion.

The following Airport Height Zoning Ordinance had been advertised for Public Hearing for this meeting:

#### LEGAL NOTICE

Notice is hereby given that the Wetumpka Planning Commission will meet at Wetumpka City Hall, Monday, December 16, 1996, at 6:00 P.M. for the purpose of considering the following zoning ordinance:

#### ORDINANCE 96-

#### CITY OF WETUMPKA HEIGHT ZONING ORDINANCE WETUMPKA, ALABAMA

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING USE OF PROPERTY IN THE VICINITY OF THE WETUMPKA MUNICIPAL 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 WETUMPKA 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, Alabama Code, Title 4: Chapter 4: Municipal Airports and Regulations, Section 4-4-1 through 4-4-16 inclusive, and Chapter 6: Airport Zoning, Sections 4-6-1 through 4-6-15.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Wetumpka Municipal Airport and property occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Wetumpka Municipal Airport; 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 Wetumpka Municipal 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 Wetumpka Municipal 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;
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and,
- (4) that the Wetumpka Municipal Airport fulfills an essential community purpose.

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

IT IS HEREBY ORDAINED BY THE CITY OF WETUMPKA, ALABAMA:

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as "Wetumpka Municipal Airport Height Zoning Ordinance."

SECTION 2. DEFINITIONS.

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

1. AIRPORT-Means Wetumpka Municipal Airport
2. AIRPORT ELEVATION-197.0 feet above main sea level.
3. 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. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

4. **APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES-** These zones are set forth in Section 3 of this Ordinance.
5. **CONICAL SURFACE-**A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.
6. **HAZARD TO AIR NAVIGATION-**An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
7. **HEIGHT-**For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. **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.
9. **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.
10. **OBSTRUCTION-**Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
11. **PERSON-**An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
12. **PRIMARY SURFACE-**A surface longitudinally centered on the runway. The primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth in Section 3 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
13. **RUNWAY-**A defined area on an airport prepared for landing and take-off of aircraft along its length.
14. **STRUCTURE-**An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
15. **TRANSITIONAL SURFACES-**These surfaces extend outward at 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.

16. TREE-Any object of natural growth.
17. VISUAL RUNWAY-A runway intended solely for the operation of aircraft using visual approach procedures.
18. 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.

### SECTION 3. AIRPORT 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 Surfaces, and Conical Surface as they apply to the Airport except those areas located in the Town of Coosada. Such zones are shown on the zoning map which is attached to this Ordinance and made a part thereof. 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. 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 1500 feet at a horizontal distance of 5000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. TRANSITIONAL ZONES-The transitional zones are the areas beneath the transitional surfaces.
3. HORIZONTAL ZONE-The horizontal zone is established by swinging arcs of 5000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. CONICAL ZONE-The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4000 feet.

#### SECTION 4. AIRPORT ZONE 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 the Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. RUNWAY VISUAL APPROACH ZONE-Slopes twenty (20) 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 5000 feet along the extended runway centerline.
2. TRANSITIONAL ZONES-Slopes 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 347.0 feet above mean sea level which is 150 feet above the airport elevation.
3. HORIZONTAL ZONE-Established at 150 feet above the airport elevation of 197.0 feet which is 347.0 feet above mean sea level (MSL).
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 a height of 350 feet above the airport elevation.
5. EXCEPTED HEIGHT LIMITATIONS-Nothing in the Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

#### SECTION 5. USE RESTRICTION

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 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 in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

## SECTION 6. NONCONFORMING USES

1. **REGULATIONS NOT RETROACTIVE**-The regulations prescribed in 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 regulations as the effective date of this Ordinance, 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 Ordinance, and is diligently prosecuted.
2. **MARKING AND LIGHTING**-Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming 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 City Building Inspector 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 Wetumpka.

## 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 7.4.
  - a. In the area lying within the limits of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five 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 4200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five 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 transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five 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 transition 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 4.5.

2. **EXISTING USES**-No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to 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. Except as indicated, all applications for such a permit shall be granted.
3. **NONCONFORMING USES ABANDONED OR DESTROYED**-Whenever the City Building Inspector determines that a nonconforming tree or structure 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.
4. **VARIANCES**-Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Building Inspector for a variance from such regulations. 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 regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will 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 Building Inspector unless a copy of the application has been furnished to the Airport Board for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within 15 days after receipt, the Building Inspector may act on his own to grant or deny said application.

5. OBSTRUCTION MARKING AND LIGHTING-Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Building Board of Adjustments, this condition may be

modified to require the owner to permit the City of Wetumpka, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### SECTION 8. ENFORCEMENT

It shall be the duty of the City Building Inspector to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City Building Inspector upon a form published for that purpose. Applications required by this Ordinance to be submitted to the City Building Inspector shall be promptly considered and granted or denied. Applications for appeals shall be forthwith transmitted by the City Building Inspector to the City Building Board of Adjustments.

#### SECTION 9. APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the City Building Inspector, made in the administration of the Ordinance, may appeal to the City Building Board of Adjustments.
2. All appeals hereunder must be taken within a 10-day period by filing with the City Building Inspector a notice of appeal specifying the grounds thereof. The City Building Inspector shall forthwith transmit to the City Building Board of Adjustments all the papers consti-

tuting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the City Building Inspector certifies to the City Building Board of Adjustments, 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 City Building Inspector, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the City Building Board of Adjustments or notice to the City Building Inspector and on due cause shown.
4. The City Building Board of Adjustments shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties of 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 City Building Board of Adjustments may, in conformity with the provisions of this Ordinance, 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.

#### SECTION 10. JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the City Building Board of Adjustments, may appeal to the Circuit Court as provided in of the Public Laws of the State of Alabama.

#### SECTION 11. PENALTIES

Each violation of this Ordinance 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.

#### SECTION 12. 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, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 13. SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such validity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 14. EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of the Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City Council and publication and posting as required by law. Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

Persons with visual or hearing impairment will, upon five (5) working days notice, be provided with auxiliary assistance to assure effective communication at all meetings of Council and other advisory boards.

It is City of Wetumpka policy to comply with all handicapped discrimination provisions of Section 504 of the Federal Rehabilitation Act of 1973.

Mark Presnell, Chairman  
Wetumpka Planning Commission

There was no one present for or against said Height Zoning Ordinance. Betsy Sheldon offered a motion that the Board recommend to the City Council that the ordinance be adopted. Motion was seconded by Henry Swindle with the Board voting unanimously in favor of the motion.

Mayor Glenn offered a motion that the minutes of November 18, 1996 be approved as sent out. Motion was seconded by Greg Golden with the Board voting unanimously in favor of the motion.

The next regular meeting of the Wetumpka Planning Board will be Monday, January 13, 1996 at 6:00 P. M. The Board agreed to set the second Monday of each month as their regular monthly meeting.

There was no further business to discuss.

Meeting adjourned.

Respectfully submitted:

Velma N. Gober, Secretary