

APPENDIX B

AIRPORT ZONING*

ORDINANCE NO. 588

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 HOMER MUNICIPAL AIRPORT, BY CREATING AIRPORT APPROACH ZONES, TRANSITION ZONES, HORIZONTAL ZONES AND CONICAL 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 HOMER MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

This ordinance is adopted pursuant to the authority conferred by the Revised Statutes of the State of Louisiana. It is hereby found that an airport hazard endangers the lives and property of users of the Homer Municipal Airport and of occupants of land or to [sic] property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Homer Municipal Airport and the public investment therein. Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Homer 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 airport hazards be prevented; and (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. 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 [a] political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ORDAINED BY the Mayor and Selectmen of the Town of Homer, Louisiana, as follows:

***Editor's note**—This appendix contains Ordinance No. 588, adopted December 15, 1969, and establishes airport zones within the town. The ordinance is set out as printed in the 1964 Code of Ordinances of Homer, Louisiana, except that material in brackets has been added to correct obvious errors or to clarify the meaning where the same was ambiguous. Obviously misspelled words have been corrected without notation and a uniform style of capitalization has been used. The absence of a history note indicates the section is derived unchanged from the original ordinance. The zoning map referred to in section III is not included herein but is on file in the town clerk's office.

Cross references—Buildings and building regulations, Ch. 5; planning, Ch. 13; zoning, App. A; subdivision regulations, App. C.

State law reference—Airport zoning, R.S. 2:381 et seq.

Section III. 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 within the noninstrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Homer Municipal Airport zoning map consisting of one (1) sheet, prepared by Aillet, Fenner, Jolly & McClelland, Inc., Consulting Engineers, Shreveport, Louisiana, and dated 10-2-69, which is attached to this ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- (1) *Noninstrument approach zone.* A noninstrument approach zone is established at each end of all noninstrument runways for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of two thousand five hundred (2,500) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- (2) *Transition zones.* Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line two hundred fifty (250) feet on either side of the centerline of the noninstrument runway, for the length of such runway plus two hundred (200) feet on each end, and are parallel and level with the runway centerline. The transition zones along the runway slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the noninstrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones.
- (3) *Horizontal zone.* A horizontal zone is hereby established as the area within a circle with its center at the airport reference point and having a radius of eleven thousand five hundred (11,500) feet. The horizontal zone does not include noninstrument approach zones and the transition zones.
- (4) *Conical zone.* A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of seven thousand (7,000) feet. The conical zone does not include the noninstrument approach zones and transition zones.

Section IV. Height limitations.

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

to 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] is diligently prosecuted.

(b) *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 Mayor and Selectmen of the Town of Homer, Louisiana, 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 Town of Homer, Louisiana.

Section VII. Permits.

(a) *Future uses.* Except as specifically provided in paragraphs one (1), two (2) and three (3) hereunder, 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 therefrom [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.

- (1) In the area lying within the limits of the horizontal zone and the 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 zone.
- (2) In the area lying within the limits of the noninstrument approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for the noninstrument approach zone.
- (3) 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 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, alteration or growth of any structure or tree in excess of any of the height limits established by this ordinance except as set forth in section IV.

(b) The board of adjustment shall consist of three (3) members appointed by the Mayor and Selectmen of the Town of Homer, Louisiana, and each shall serve for a term of three (3) years and until his successor is duly appointed and qualified. Of the members first appointed one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

(c) The board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this ordinance. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Mayor and Selectmen of the Town of Homer, Louisiana, and shall be a public record.

(d) The board of adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

(e) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Mayor and Selectmen of the Town of Homer, Louisiana, 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 this ordinance.

Section X. Appeals.

(a) Any person aggrieved, or any taxpayer affected, by any decision of the Mayor and Selectmen of the Town of Homer, Louisiana, made in its administration of this ordinance, may appeal to the board of adjustment.

(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 board of adjustment a notice of appeal specifying the grounds thereof. The clerk of the Town of Homer, Louisiana, 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 Mayor and Selectmen of the Town of Homer, Louisiana, certify 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 their opinion, [sic] be stayed except by order of the board of adjustment on notice to the Mayor and Selectmen of the Town of Homer, Louisiana, and on due cause shown.

The above ordinance was read and discussed by sections and as a whole and a vote was taken thereon as follows:

YEAS: Jesse Watson
H. C. Whitman
J. S. Thomas
Felton Alexander

NAYS: None.

ABSENT: J. R. McClung

and the ordinance was declared passed and adopted on this the 15th day of December, 1969.

Roy E. Lowe

Mayor, Town of Homer, Louisiana

Elmer Hardy

Clerk, Town of Homer, Louisiana