Municipal Technical Advisory Service
INSTITUTE FOR PUBLIC SERVICE

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Airport Zoning Regulations

Dear Reader:

The following document was created from the MTAS website (mtas.tennessee.edu). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Airport Zoning Regulations

Reference Number: MTAS-80

Cities must prevent and eliminate airport hazards (structures, trees, and land uses obstructing air space) because they endanger both public safety and the public's investment in airports. In exercising this authority, a city must adopt and enforce zoning regulations for airport hazard areas within city boundaries. If a city cannot eliminate existing hazards under its police powers, it may do so "by purchase, grant, or condemnation" of real property. T.C.A. §§ 42-6-112–113.

When municipally owned airports are outside city boundaries, the city and the county may develop joint regulations, or the county may, by resolution, authorize the city to adopt regulations. If the city feels county regulations are not adequately enforced, or if the county fails to adopt regulations, the city may adopt and enforce airport zoning regulations with state approval. If county and city regulations conflict, those approved by the city will be in effect. T.C.A. § 42-6-103.

Airport zoning plans must be certified by the state Department of Transportation and by the city or regional planning commission before they become effective. T.C.A. § 42-6-105.

The procedure for adopting airport zoning regulations is much the same as for other zoning regulations. A public hearing must be conducted before an ordinance is enacted or amended. Notice of the time and place of the hearing must be published in a general circulation newspaper at least 15 days before the hearing. An ordinance may not be amended without approval of the agencies originally certifying the ordinance. If the ordinance amendment is disapproved by those agencies, it still may be adopted by a favorable vote of a majority of the entire membership of the city council. T.C.A. §§ 42-6-105–107.

A board of zoning appeals shall be established by the city council, which determines the method of appointing the three or five members and fixes their terms and compensation. If the city already has a board of zoning appeals, it may be designated to hear appeals of airport zoning regulations under the terms and conditions contained in T.C.A. §§ 42-6-108–109.

Permits for Structures Near Airports
Local zoning regulations generally control erecting structures near airports. However, state permits are required when local zoning has not been adopted to protect airspace around airports from tall structures and under certain other conditions. T.C.A. § 42-2-227.

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