

Belle Plaine AIRPORT TALL STRUCTURE ZONING ORDINANCE

This ordinance is adopted pursuant to the authority conferred by Chapter 329.3 of the Code of Iowa. It is hereby found that an airport hazard has the potential for endangering the lives and property of users of an airport and property or occupants of land in its vicinity. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard or obstruction has the potential of being a public nuisance and may injure the region served by an 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 airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

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

IT IS HEREBY ORDAINED BY THE POWESHIEK COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

Section 1. Short Title. This ordinance shall be known and may be cited as the Poweshiek County Airport Zoning Ordinance.

Section 2. Definitions. As used in this ordinance, unless the context otherwise requires:

(1) AIRPORT. The Belle Plaine Municipal Airport and any other airport in Poweshiek County.

(2) AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level.

(3) AIRPORT HAZARD. Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or take-off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) AIRPORT HAZARD AREA. Any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.

(5) 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.

(6) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES. These zones are set forth in this ordinance.

(7) BOARD OF ADJUSTMENT; ZONING ADMINISTRATOR. Those designated by identical names and titles by the Poweshiek County Zoning Ordinance.

(8) 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.

(9) 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.

(10) 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. 01789

(11) 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.

(12) 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 nonprecision instrument approach procedure has been approved or planned.

(13) OBSTRUCTION. Any tangible, inanimate physical object, natural or artificial, protruding above the surface of the ground.

(14) 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.

(15) 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; for military runways or 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 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.

(16) RUNWAY. A defined area on an airport prepared for landing and take-off of aircraft along its length.

(17) 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.

(18) 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. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

(19) TREE. An object of natural growth.

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(20) 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.

(21) VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

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 surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Belle Plaine Municipal Airport and any other airport in Poweshiek County. Such zones are shown on the Belle Plaine Municipal Airport Official Zoning Map which is marked Exhibit A and made a part hereof. 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:

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 5000 feet measured at 90 degree angles to the extended runway centerline.

(4) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 925 feet above mean sea level.

(5) 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.

(6) No structure shall be erected within an airport hazard area in Poweshiek County, Iowa, that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in the Poweshiek County, Iowa.

(7) Excepted Height Limitations. Nothing in this 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.

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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 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. 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 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 or structure 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

this ordinance or the Poweshiek County Zoning Ordinance.

(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 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 area 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 in this ordinance except as set forth in Section 4(7). 01789

(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 Iowa Department of Transportation, Air Transit Division, 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 Board of Adjustment 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 Board of Adjustment unless a copy of the application has been furnished to the Iowa Department of Transportation, Air Transit division, for advice as to the aeronautical effects of the variance. If the Iowa Department of Transportation, Air Transit Division, does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its 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 Board of Adjustment, this condition may be modified to require the owner to permit the nearest airport at its own expense to install, operate, and maintain the necessary markings and lights. 01789

Section 7. Enforcement. It shall be the duty of the Poweshiek County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Poweshiek County Zoning Administrator upon a form published for that purpose. Applications required by this ordinance to be submitted to the Board of Adjustment shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Iowa Department of Transportation, Air Transit Division.

Section 8. Penalties. Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty days or both; and each day a violation continues to exist shall constitute a separate offense.

Section 9. 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 10. Severability. If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity 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 11. 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, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Poweshiek County Board of Supervisors and publication and posting as required by law.

PASSED AND ADOPTED BY the Poweshiek County Board of Supervisors this 13th day of December, 1993.

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Filed No. _____ Pa. *N/C*
Recorded this 14th day of December 1993
at 8:55 o'clock A. M. Book 55 Page 467
Blair McElroy
Recorder, Poweshiek County, Iowa

Danny C. Carroll

Danny C. Carroll Vice-Chairman

Harold McNaul

Harold McNaul, Member

ATTEST:

Jo Wray

Jo Wray, Poweshiek County Auditor

December 1, 1993-Published summary of Ordinance #2 and dates of hearing
December 6, 1993-1st consideration and Suspended 2nd Consideration
December 13, 1993-Final Consideration and Adoption
December 29, 1993-Published Ordinance #2

I, Jo Wray, do hereby certify the above to be a true and correct copy of Ordinance #2 and the dates of consideration and publication are correct.

Jo Wray

Jo Wray, Poweshiek County Auditor