

Chapter 13 AIRPORT TALL STRUCTURE ZONING

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4.1301 PREAMBLE. This Chapter is adopted pursuant to the authority conferred by Chapter 329 and 414 of the Code of Iowa. It is hereby found that an airport hazard endangers the lives and property of users of the Winterset Airport and of occupants of land or to property in its vicinity, and also, if of 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 Winterset 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 area served by the Winterset Airport;
- (2) that it is necessary in the interest of the public health, 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 municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

4.1302 TITLE. This Chapter shall be known and may be cited as "The Winterset Airport Height Zoning Ordinance".

4.1303 DEFINITIONS. As used in this Chapter unless the context otherwise requires:

AIRPORT - the Winterset Airport

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1100 feet.

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AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use or land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT PRIMARY SURFACE - Any 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. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

AIRSPACE 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.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach procedures and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

4.1304 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this Chapter there are hereby created and established certain zones which are depicted on the Winterset Airport Height Zoning Map. A structure located in more than one (1) zone 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:

A. Horizontal Zone- The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runway (s) 15-33, and connecting the adjacent arcs by lines tangent to these arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Winterset Airport Zoning Map.

B. Conical Zone-The land lying under 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 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Winterset Airport Height Zoning Map.

C. Approach Zone-The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

(1) The inner edge of the Approach Surface is 250 feet wide for Runway (s) 15-31.

(2) The outer edge of the approach zone is 1,250 feet for Runway (s) 15-31.

(3) The Approach Zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for Runway (s) 15-33.

No structure shall exceed the approach surface to any runway, as depicted on the Winterset Airport Height Zoning Map.

D. Transitional Zone - The land under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach Surfaces.

No structure shall exceed the Transitional Surface, as depicted on the Winterset Airport Height Zoning Map.

4.1305 USE RESTRICTIONS. Notwithstanding any other provisions of Section 4.1304, no use may be made of land or water within the City in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such manner that it is not misleading or dangerous to aircraft operating from the Winterset Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any useable runway of the Winterset Airport.

C. No operations from any use in the City shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

4.1306 LIGHTING

A. NOTWITHSTANDING the provisions of Section 4.1304, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

4.1307 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. NO application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Winterset Airport Authority or Director of Aeronautics for his opinion as to the aeronautical effects of such a variance. If the Winterset Airport Authority or the Aeronautics Director does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

4.1308 ENFORCEMENT. It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be submitted to the Zoning Administrator. Applications for action by the Board of Adjustment shall be transmitted through the Zoning Administrator.

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4.1309 BOARD OF ADJUSTMENT. There is hereby created a Board of Adjustment to have and exercise the following powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.

(2) To hear and decide special exceptions to the terms of this Chapter upon which such Board of Adjustment under such regulations may be required to pass.

(3) To hear and decide specific variances.

B. The Board of Adjustment shall consist of the Members of the Zoning from the Board of Adjustment.

C. 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 Administrative Officer or to decide in favor of the applicant or any matter upon which it is required to pass under this Chapter or to effect any variation in this Chapter.

4.1310 APPEALS.

A. Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Officer made in his administration of this Chapter, 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 Administrative Officer a written notice of appeal specifying the grounds thereof. The Administrative Officer 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 Administrative Officer certified 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 his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Administrative Officer and interested parties and on due cause shown.

D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

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E. The Board of Adjustment may, in conformity with the provision of this Chapter, 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.

4.1311 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by a decision of the Board of Adjustment may appeal to the Court of Record as provided in Chapter 414.15 of the Code of Iowa.

4.1312 PENALTIES. Each violation of this Chapter or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor punishable as provided by law. Each day a violation continues to exist shall constitute a separate offense.

4.1313 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter 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 more stringent limitation or requirement shall govern and prevail.