

CHAPTER 167

AIRPORT ZONING REGULATIONS

167.01 Definitions
167.02 Airport Zones
167.03 Airport Zone Height Limitations
167.04 Use Restrictions
167.05 Nonconforming Uses
167.06 Permits

167.07 Enforcement
167.08 Board of Adjustment
167.09 Appeals
167.10 Judicial Review
167.11 Penalties
167.12 Conflicting Regulations

167.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Airport" means the Atlantic Municipal Airport.
2. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level.
3. "Approach surface" means 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 167.03 of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. "Board of Adjustment" means a board consisting of five (5) members appointed as provided in Section 167.08 of this chapter.
5. "Conical surface" means 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.
6. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
7. "Height" means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. "Horizontal surface" means 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" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provision of this chapter or any amendment thereto.
10. "Nonprecision instrument runway" means 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.

11. "Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 167.03 of this chapter.

12. "Person" means 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.

13. "Primary surface" means 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 167.02 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

14. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

15. "Structure" means 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.

16. "Transitional surfaces" means those surfaces which 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 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

17. "Tree" means any object of natural growth.

18. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

19. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

20. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

167.02 AIRPORT ZONES. In order to carry out the provisions of this chapter, 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 Municipal Airport. Such zones are shown on the Municipal Airport Zoning Map, which is made a part hereof by reference. 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:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument 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 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger Than Utility 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 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument 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 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and 10,000 feet for all others 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.
6. 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 4,000 feet.

167.03 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess

of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility 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 5,000 feet along the extended runway centerline.
2. Utility Runway Nonprecision Instrument 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 5,000 feet along the extended runway centerline.
3. Runway Larger Than Utility 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 5,000 feet along the extended runway centerline.
4. Runway Larger than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. Slopes thirty-four (34) 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 10,000 feet along the extended runway centerline.
5. 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 150 feet above the airport elevation which is 1,181 feet above mean sea level. In addition to the foregoing, 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 to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, 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 5,000 feet measured at 90 degree angles to the extended runway centerline.
6. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,331 feet above mean sea level.
7. 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.

No structure shall be erected in the City or County that raises the published Minimum Descent Altitude of Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude

or Minimum En Route Altitude to be increased on any Federal Airway in the City or County.

167.04 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter 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.

167.05 NONCONFORMING USES. The regulations prescribed in this chapter 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 of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of 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 the ordinance codified in this chapter and which is completed within one (1) year thereafter. Notwithstanding the preceding provision, the owner of any existing 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 Airport Zoning Administrator 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 Municipal Airport.

167.06 PERMITS.

1. Future Uses. No permit is required for the construction or alteration of any structure or growth of any tree if the height of said structure or tree falls into the following categories:

A. No permit is required for any structure or growth of any tree up to a height of 50 feet above the surface of the land.

B. In the area lying within the limits of the horizontal zone and conical zone, no permit is required for any structure or growth of any trees 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 zones.

C. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit is required for any 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 such approach zone.

D. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit is required for any structure or growth of any tree 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.

E. In addition, in any of the individual areas described in subsections B, C and D above, no permit shall be required for any tree or structure which—regardless of its proposed vertical height above the ground—does not extend to as great a height above sea level as any of the natural terrain located directly between the location of the proposed tree or structure and any portion of the existing or proposed airport runways.

The foregoing exceptions shall not 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 chapter except as set forth in subsection A. A permit is required when the construction or alteration of any structure or growth of any tree exceeds the height limitations of the foregoing exceptions as set forth in subsections A, B, C or D above. An application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow 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 chapter shall be granted unless a variance has been approved in accordance with subsection 3 of this section.

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 the ordinance codified in this chapter 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. 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 chapter, may apply to the Board of Adjustment for a variance from such regulations. However, no such variance shall be granted unless the Board finds, based upon written advice from the Federal Aviation Administration:

A. In an application to permit any structure, tree or use of land to exceed the height or use limitations of this chapter, that such structure,

tree or use of land would not obstruct landing and takeoff of aircraft at the airport.

B. In an application to permit a use of land otherwise prohibited herein, that such use would not be incompatible with airport operations.

An applicant for a variance hereunder shall, as part of the application submitted to the Board, file the required written advice of the FAA. No application for a variance hereunder shall be set for hearing by the Board until such advice has been filed. Such advice shall not be binding upon the Board of Adjustment, but shall be one of the factors considered by the Board when reaching its decision.

4. **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter 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 Municipal Airport, at its own expense, to install, operate and maintain the necessary markings and lights.

167.07 ENFORCEMENT. It is the duty of the Airport Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Administrator upon a form published for that purpose. Applications required by this chapter to be submitted to the Airport Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator.

167.08 BOARD OF ADJUSTMENT.

1. The Board of Adjustment shall consist of two (2) members selected by the Council, two (2) members selected by the County Board of Supervisors; and, one (1) additional member to act as Chairperson and to be selected by a majority vote of the members selected by the Council and the County Board of Supervisors. Members are removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies are filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members are for five (5) years, and are staggered.

2. The Board of Adjustment shall have and exercise the following powers:

A. **Appeals.** To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Administrator in the enforcement of this chapter.

- B. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.
 - C. Variances. To hear and decide specific variances.
3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the 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 Airport Zoning Administrator, and on due cause shown.
 4. The Board of Adjustment shall make written findings of facts 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 chapter.
 5. 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 Airport Zoning Administrator or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation to this chapter.

167.09 APPEALS.

1. Any person aggrieved or any taxpayer affected by any decision of the Airport Zoning Administrator made in the administration of this chapter may appeal to the Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Airport Zoning Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting 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 Airport Zoning Administrator certifies 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 the opinion of the Airport Zoning Administrator cause imminent peril to life or property. In such case,

proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Airport Zoning Administrator and on due cause shown.

4. 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.

5. 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.

167.10 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of record as provided in the Code of Iowa, Section 414.15.

167.11 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.

167.12 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 height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.