

CHAPTER 176

AIRPORT ZONING REGULATIONS

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176.01 PURPOSE. This chapter is established to prevent the creation or establishment of airport hazards and to authorize the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards and to authorize the expenditure of public funds, as an incident to the operation of the Boone Municipal Airport, to acquire land or property interests to carry out the provisions contained herein.

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

1. "Airport" means the Boone Municipal Airport.
2. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,147 feet.
3. "Airport hazard" means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 CFR FAR, Part 77, and which obstructs or is otherwise hazardous to the landing or take-off of any aircraft at the Airport, or hazardous to persons or property on the ground.
4. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (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 most 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.
5. "Airspace 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.

6. "Boone Municipal Airport Overlay Zoning Map" means the charts or maps of the Boone Municipal Airport on which the airport overlay zones are depicted. Copies of such maps are on file in the office of the Building Official and the Boone County Zoning Administrator.
7. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
8. "Inner edge" means the edge of any zone which is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline.
9. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
10. "Minimum descent altitude" means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
11. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
12. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
13. "Non-compatible use" means any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including but not limited to landfills or other activities that attract birds or other wild life, smoke or steam producing activities, and those that lead to an assembly of people, including, but not limited to residences, churches, schools, hospitals, office buildings, shopping centers and other uses with similar concentrations of persons.
14. "Nonconformities" means any structure or portion thereof which does not conform to the provisions of this chapter relative to height and any use not allowed within the airport overlay zone in which it is located

by reason of the adoption of any ordinance or subsequent amendments thereto.

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

16. "Structure" means any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including but not limited to buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways and overhead transmission lines, including poles or other structures supporting the same.

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

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

176.03 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS.

In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Boone Municipal Airport Overlay 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 limitations. The various zones are hereby established and defined as follows:

1. Horizontal Overlay Zone – HOZ: The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of 10,000 foot radii from the center of the inner edges of the AO zones of runway 14/32 (15/33) and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HOZ is 1312 feet above mean sea level.

2. Conical Overlay Zone - COZ: The airspace above a sloped horizontal plane beginning at the periphery of the HO zone and rising one foot in height for each 20 feet horizontally (20:1) for a horizontal distance of 4,000 feet.

3. Transitional Overlay Zone - TO: The airspace above a sloping plane rising from the sides of each runway and from the sides of each AOZ at the rate of 1 foot of elevation for each 7 feet horizontally (7:1). The TO zones for the Airport are as follows:

A. Runway 2/20: Along each side of the runway, beginning at a point 250 feet from the centerline of the runway and at right

angles to the centerline, and from each side of the AO zone at each end of the runway at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

B. Runway 14/32 (15/33): Along each side of the runway, beginning at a point 500 feet from the centerline of the runway and at right angles to the centerline, and from each side of the AO zone at each end of the runway at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

4. Approach Overlay Zone - AO: An airspace area extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at and departing the Airport. AO Zones vary in size and slope based upon the present or future use that can be expected for each Airport runway. The AO Zones at the Airport are as follows:

A. Runway 2/20. Beginning at each end of the runway and centered on the extended centerline of the runway, the inner edge of each AO zone is 250 feet wide, expanding uniformly to an outer edge width of 1250 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge 1 foot for each 20 feet of horizontal distance (20:1), for a distance of 5,000 feet.

B. Runway 14 (15). Beginning 60 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge 1 foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.

C. Runway 32 (33). Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 4,000 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge 1 foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.

5. **Controlled Activity Zone - (CA):** An area beginning at and extending from each end of each runway, of fixed size, extending to and underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width of the CA zone is the same width as the AO zone for each end of each runway. The length of the CA zone may be different on each runway end. The CA zones for the Airport are as follows:

A. Runway 2/20. Underlying the innermost 1200 feet of the AO zone at each end of the runway, the width of the CA zone is the same width as that of the AO zone.

B. Runway 14 (15). Extending from the end of the pavement to, and underlying the innermost 1,000 feet of the AO Zone at the northwest end of the runway, the width of the CA Zone is 500 feet at the inner edge and expands uniformly to a width of 700 feet.

C. Runway 32 (33). Extending from the end of the pavement to, and underlying the innermost 1,700 feet of the AO Zone at the southeast end of the runway, the width of the CA Zone is the same width as that of the AO Zone.

176.04 USE RESTRICTIONS. Notwithstanding any other provisions of Section 176.03, no use may be made of land or water within the City or County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

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

2. **Visual Hazards.** No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Municipal Airport.

3. **Electronic Interference.** No operations from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

4. **Height of Structures.** No structure shall be erected that raises the published minimum descent altitude 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.

176.05 LIGHTING. Notwithstanding the provisions of 176.03, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. 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 or County 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.

176.06 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Airport Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Airport Board of Adjustment unless a copy of the application has been submitted to the Municipal Airport Commission for an opinion as to the aeronautical effects of such a variance. If the Municipal Airport Commission does not respond to the Airport Board of Adjustment within sixty (60) days from receipt of the copy of the application, the Board may proceed make its decision to grant or deny the variance without further input from the Commission. Any person or party believing that his or her project is either excepted from the provisions of this chapter or who believes that an exception should be granted for his or her project, is to make a written request to the Airport Board of Adjustment requesting that an exception be granted. The application shall include a complete explanation of the project, references to any Federal, State or local statute which would establish grounds for an exception, and a complete drawing to scale of the project. The Airport Board of Adjustment shall respond within sixty (60) days of the request with a denial or exception.

176.07 ADMINISTRATION AND ENFORCEMENT.

1. Administration. The administration of these zoning regulations shall be performed by the appropriate County or City Building Official, as the case may be. Enforcement of these zoning regulations shall be the responsibility of the Boone Municipal Airport Commission or through such persons or representatives as the Boone Municipal Airport Commission may, from time to time, direct. However, as provided by the Code of Iowa, as amended, such duties of enforcement and administration shall not include any of the powers herein delegated to the Airport Board of Adjustment.
2. Zoning Commission. A Boone County/Boone Airport Zoning Commission is hereby created. The Airport Zoning Commission shall consist of five (5) members, two (2) of whom shall be appointed by the

Board of Supervisors of Boone County and two (2) of whom shall be selected by the City Council of the City of Boone and one additional member to act as chairperson. The chairperson shall be selected by a majority vote of the members selected by the Board of Supervisors and City Council. The terms of such members shall be as provided by the Code of Iowa, as amended. The Zoning Commission shall have the powers and duties and shall follow the procedures provided in the Code of Iowa, as amended.

3. Airport Board of Adjustment. An Airport Board of Adjustment ("Board") is hereby established. The Board shall consist of five (5) members, two (2) of whom shall be appointed by the Board of Supervisors of Boone County and two (2) of whom shall be appointed by the City Council of Boone and one additional member to act as chairperson. The chairperson shall be selected by a majority vote of the members selected by the Board of Supervisors and City Council. The terms of such members shall be as provided in the Code of Iowa, as amended. The Board shall have the powers and duties and shall follow the procedures provided by the Code of Iowa, as amended.

176.08 NOTIFICATION OF PROPOSED DEVELOPMENT.

1. Any person who proposes any development of a height greater than an imaginary surface extending outward and upward at a slope of one hundred to one (100:1) for a horizontal distance of twenty thousand feet (20,000') from the nearest point of the nearest runway, shall notify the Federal Aviation Administration (FAA). One executed form set (4 copies) of FAA Form 7460-1, *Notice of Proposed Construction of Alteration*, as amended, shall be sent to the Chief, Air Traffic Division, of the FAA Regional Office in Kansas City, Missouri, and one copy to the appropriate County/City Building Official. Copies of FAA Form 7460-1 may be obtained from the FAA. (See Federal Aviation Regulations, section 77.13, as amended.) The developer must also submit a statement of use to the appropriate County/City Building Official for review to determine if said use is a permissible use for the designated area. Once the FAA has replied to the developer, that reply shall be submitted to the Building Official. The appropriate Building Official shall review all submissions, and in the event the Building Official does not agree with the FAA determination, it shall be submitted to the Boone Airport Zoning Commission for final determination to be rendered no later than sixty (60) days after submission.

2. Exception: No person is required to notify the FAA Administrator of the construction or alteration of any object that would be shielded by existing structures of a permanent and substantial

character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. (See *Federal Aviation Regulations*, Section 77.15, as amended.) It shall be the responsibility of the appropriate building official, prior to issuance of a building permit for such object, to determine whether or not the shielding satisfies the foregoing requirements.”

176.09 EQUITABLE REMEDIES. The City or the Boone Airport Commission may, as authorized by the Code of Iowa, as amended, maintain an action in equity to restrain and abate as a nuisance the creation or establishment of an airport hazard pertaining to the Boone Municipal Airport in violation of these regulations for any area, whether within or without the territorial limits of the City.

176.10 PROHIBITED ACTS. It is unlawful for any person to do any of the acts hereinafter stated unless a provisional modification, special exception or variance from the provisions of these regulations has been granted:

1. No person shall erect or increase the height of any structure or permit the growth of any tree to a height in excess of that provided by any of these regulations for the zone or area where such act occurs, except as provided in this chapter.
2. No person shall place or cause to be placed, above ground, transmission or distribution lines or poles or other structures supporting the same within two hundred feet (200') of the outer boundary of the airport as said boundary is shown on the airport overlay zoning map.
3. No person shall otherwise use property within a zone established by these regulations in violation of the use restrictions of these regulations or in such a manner as to create an airport hazard as defined herein, except as provided in this chapter.

176.11 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, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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