

TITLE V PROPERTY AND LAND USE
CHAPTER 2 AIRPORT TALL STRUCTURE

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5-2-1 **TITLE**

This Chapter shall be known as the Airport Tall Structure - Zoning Ordinance

5-2-2 **STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

- A. Statutory authorization. This ordinance is adopted pursuant to the authority conferred on the City of Waverly and the Bremer County Board of Supervisors by Iowa State Code, Section 329.3.
- B. Findings of fact.
 - 1. The creation and/or establishment of an airport hazard is a public nuisance and an injury to the City/County served by the Waverly Municipal Airport.
 - 2. That it is necessary and in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented.
 - 3. That this should be accomplished, to the extent legally possible, by proper exercise of the police power.
 - 4. That 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 the City of Waverly and Bremer County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.
- C. Short title. This ordinance shall be known and may be cited as the "Waverly Municipal Airport Height Zoning Ordinance".

5-2-3 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the they have in common usage and to give this ordinance its most reasonable application.

- A. Airport. The Waverly Municipal Airport.
- B. Airport elevation. The highest point of the airport's usable landing area measured in feet above mean sea level, which elevation is established to be 991 feet.
- C. Airport hazard. Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen Code of Federal Regulations, Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing, or takeoff at an airport or is otherwise hazardous to such landing or taking, off of aircraft.
- D. Airport primary surface. 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 shall 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.
- E. 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.
- F. Control zone. 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.
- G. Instrument runway. 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.
- H. Minimum descent altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- I. Minimum enroute altitude. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

- J. Minimum obstruction clearance altitude. The specified altitude in effect between radio fixes on VOT 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.
- K. Runway. A defined area in an airport prepared for landing and takeoff of aircraft along its length.
- L. Visual. 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, a military services approved military airport layout plan, or by any planning document submitted by the FAA by competent authority.

5-2-4 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carryout the provisions of this ordinance, there are hereby created and established certain zones which are depicted on the Waverly Municipal 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. Airport height zones.

1. Horizontal zone. The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:
 - a. Swing arc of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 17 and 35 and 10 and 28 ,and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred fifty (150) feet the established airport elevation in the horizontal zone as depicted on the Waverly Municipal Airport Height Zoning Map.
2. 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 four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Waverly Municipal Airport Height Zoning Map
3. 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, as follows:
 - a. The inner edge of the approach surface is:
 1. Five handed (500) feet wide for runway 17 and 35.
 2. Two handed fifty (250) feet wide for runway 10 and 28.

- b. The outer edge of the approach surface is:
 1. Two thousand (2,000) feet for runway 17 and 35.
 2. One thousand two hundred fifty (1,250) feet for runway 10 and 28.
- c. The approach zone extends for a horizontal distance of five thousand (5,000) feet at a slope of 20 to 1 for runways 17 and 35 and 10 and 28.

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

2. Transitional zone. The land lying 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 Waverly Municipal Airport Height Zoning Map.
3. No structure shall be erected in Waverly or Bremer County 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 enroute altitude to be increased on any Federal airway in Waverly or Bremer County.
4. 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.

5-2-5 USE RESTRICTIONS AND LIGHTING

- A. Use restrictions. Notwithstanding any other provisions of Section IV, no use may be made of land or water within the City of Waverly or Bremer 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. All lights or illumination used in conjunction with street, 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 Waverly Municipal Airport or in the vicinity thereof.
 2. No operations from any use within three (3) statute miles of any usable runway of the Waverly municipal Airport shall produce smoke, glare or other visual effects that are hazardous or dangerous to aircraft operating from the Waverly municipal Airport.
 3. No operations from any use in the City Of Waverly or Bremer County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

B. Lighting.

1. Notwithstanding the provisions of Section V, paragraph A, 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-ID and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Circular 7464-ID 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 of Waverly or Bremer 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.

5-2-6 ADMINISTRATION

- A. 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 Adjustments for variance from such regulations. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustments unless a copy of the application has been submitted to the City Administrator for an opinion as to the aeronautical effects of such a variance. If the City Administrator does not respond to the Board of Adjustments within thirty (30) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.
- B. Board of adjustments. For purposes of this ordinance the Board of Adjustments shall be the established City Zoning Board of Adjustments or the Bremer County Zoning Board of Adjustments and shall exercise the following powers:
 1. To hear and decide appeals from any order, requirement, decision or determination made by the City Administrator or the County Zoning Officer in the enforcement of this ordinance; and
 2. To hear and decide special ordinance exemptions to the terms of this ordinance upon which such Board of Adjustments under such regulations may be required to pass; and
 3. To hear and decide specific variances.

The Board of Adjustments shall have the powers established in the Iowa Code, Section 414.12. The concurring vote of a majority of the members of the Board of Adjustments shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variations of this ordinance.

- C. Judicial review. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustments, may appear to the Court of Record as provided in Iowa Code, Section 414.15.
- D. Administrative authority. It shall be the duty of the City Administrator and the County Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the City administrator or the County Zoning Officer on forms furnished by him. Applications required by this ordinance to be submitted to the administrative officer shall be promptly considered and granted or denied. Application for action by the Board of Adjustments shall be forthwith transmitted by the City Administrator or the County Zoning Officer.
- E. Penalties. Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than one hundred dollars (100.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.