

TITLE VII - TRANSPORTATION
AIRPORTSCHAPTER 196
AIRPORT HEIGHT ZONING

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196.01 PURPOSE. The purpose of this chapter is to preserve and protect the public health, safety and general welfare by preventing the creation or establishment of airport hazards, and by providing for the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards.

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

1. "Airport" means the Arthur N. Neu 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 one thousand two hundred four (1,204) feet. (Amended by Ordinance No. 9305)
3. "Airport Hazard" means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations Section 77.21, 77.23 and 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.
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.

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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. "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.

7. "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.

8. "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.

9. "Minimum Enroute Altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum Obstruction Clearance Altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airways 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.

11. "Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.

12. "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, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

196.03 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 Arthur N. Neu 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:

1. Airport Height Zones.

A. 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:

- (1) Swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runways 13 and 31, and five thousand (5,000) feet for Runways 3 and 21, and connecting the adjacent arcs by lines to those arcs.

No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Arthur N. Neu Municipal Airport Height Zoning Map.

(Amended by Ordinance No. 9305)

B. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface on the conical zone, as depicted on the Arthur N. Neu Municipal 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:
 - (a) 250 feet wide for Runways 3 and 21.
 - (b) 500 feet wide for Runways 13 and ~~21~~.

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- (2) The outer edge of the approach zone is:
- (a) 1,250 feet for Runways 3 and 21 (visual utility runways)
 - (b) 3,500 feet for Runways 13 and 31 (non-precision instrument with visibility minimums more than 3/4 statute mile).
- (3) The approach zone extends for a horizontal distance of:
- (a) 10,000 feet at a slope of 34:1 for Runways 13 and 31 (non-precision instrument with visibility minimums more than 3/4 statute mile); and
 - (b) 5,000 feet at a slope of 20 to 1 for Runways 3 and 21 (visual utility runways).

No structure shall exceed the approach surface to any runway, as depicted on the Arthur N. Neu Municipal Airport Height Zoning Map.

(Amended by Ordinance No. 9305)

D. 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 Arthur N. Neu Municipal Airport Height Zoning Map.

E. No structure shall be erected in Carroll 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 Carroll County.

196.04 USE RESTRICTIONS. Notwithstanding any other provisions of Section 196.03, no use may be made of land or water within the City of Carroll or Carroll 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.

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1. Lighting. 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 Arthur N. Neu 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 Arthur N. Neu Municipal Airport.

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

196.05 LIGHTING. Notwithstanding the provisions of Section 196.04, 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 August 14, 1978, 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 Advisory Circular 7640-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 and County at its own expense to install, operate and maintain thereto such marker or lights as may be necessary to indicate to pilots the presence of a airspace hazard.

196.06 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this chapter, 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 Arthur N. Neu Municipal Airport Commission or the director of aeronautics for an opinion as to the aeronautical effects of such a variance. If the Arthur N. Neu Municipal Airport Commission or the director of aeronautics 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.

196.07 BOARD OF ADJUSTMENT. A board of adjustment is provided for as follows:

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1. Powers and Duties. The Carroll County Zoning Board of Adjustment will have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the Carroll County Zoning Commission in the enforcement of this chapter.

B. 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; and

C. To hear and decide specific variances.

2. Appointment and Term. The board of adjustment shall consist of five (5) members appointed by the Board of Supervisors for the County to serve for staggered terms of five (5) years and until his successor is duly appointed and qualified. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

3. Rules - Meetings. The board of adjustment shall adopt rules for its governance and in harmony with the provision 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 the absence of the chairperson, 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 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 County Auditor, and on due cause shown.

4. Powers. The board of adjustment shall have the powers established in Section 414.12 of the Code of Iowa.

5. Vote Required. 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 any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect variations of this chapter.

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196.08 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 Section 414.15 of the Code of Iowa.

196.09 ADMINISTRATIVE AGENCY. At shall be the duty of the County Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the County Zoning Administrator upon a form furnished by the Administrator. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the County Zoning Administrator.

196.10 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one (1) year or both; and each day a violation continues to exist shall constitute a separate offense.

196.11 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.

EDITOR'S NOTE

Ordinance No. 7810, codified herein, was adopted by the Council August 14, 1978, and by the County Board of Supervisors March 6, 1978.

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ORDINANCE NO. 9305

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA, 1993, BY AMENDING PROVISIONS PERTAINING TO AIRPORT HEIGHT ZONING.

Be It Enacted by the City Council of the City of Carroll, Iowa:

SECTION 1. Chapter 196, Section 02, Sub-section 2, of the Code of Ordinances of the City of Carroll, Iowa, 1993, is repealed and the following adopted in lieu thereof:

2. "Airport Elevation" means the highest point of an airport's useable landing area measured in feet above mean sea level, which elevation is established to be one thousand two hundred four (1,204) feet.

SECTION 2. Chapter 196, Section 03, Sub-section 1-A and Sub-section 1-C of the Code of Ordinances of the City of Carroll, Iowa, 1993, are repealed and the following adopted in lieu thereof:

1. Airport Height Zones.

A. 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:

(1) Swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runways 13 & 31; and five thousand (5,000) feet for Runways 3 and 21; and connecting the adjacent arcs by lines to those arcs.

No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Arthur N. Neu Municipal 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:

(a) 250 feet wide for Runways 3 and 21.

(b) 500 feet wide for Runways 13 and ~~21~~ 31

(2) The outer edge of the approach zone is:

- (a) 1,250 feet for Runways 3 and 21 (visual utility runways)
- (b) 3,500 feet for Runways 13 and 31 (non-precision instrument with visibility minimums more than 3/4 statute mile).
- (3) The approach zone extends for a horizontal distance of:
 - (a) 10,000 feet at a slope of 34:1 for Runways 13 and 31; (non-precision instrument with visibility minimums more than 3/4 statute mile) and;
 - (b) 5,000 feet at a slope of 20 to 1 for Runways 3 and 21 (visual utility runways).

No structure shall exceed the approach surface to any runway, as depicted on the Arthur N. Neu Municipal Airport Height Zoning Map.

SECTION 3. SEVERIBILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by Law.

Passed and approved by the Carroll City Council the 22nd day of March, 1993.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY: James Pedelty
James Pedelty, Mayor Pro-Tem

ATTEST:

Leon P. Oswald
Leon P. Oswald, City Clerk

I certify that the foregoing was published as Ordinance No. 9305 on the 25th day of March, 1993.

Leon P. Oswald
Leon P. Oswald, City Clerk

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CITY COUNCIL OF THE
CITY OF CARROLL, IOWA
BY: /s/ James Pedely
James Pedely, Mayor Pro-Tem

ATTEST:

/s/ Leon P. Oswald
Leon P. Oswald, City Clerk

I certify that the foregoing was published as Ordinance No. 9305 on the 25th day of March, 1993.

/s/ Leon P. Oswald
Leon P. Oswald, City Clerk
March 25, 1993

PROOF OF PUBLICATION

THE TIMES HERALD

CARROLL, IOWA

STATE OF IOWA, }
County of Carroll, } ss.

This is to certify that the attached notice was printed _____
consecutive week _____ in The Times Herald, a daily newspaper of
general circulation in Carroll County, Iowa, the dates of said publication
being as follows: **March 25, 1993**

By *Arnold H. ...*
Publisher — Editor.

Subscribed and sworn to before me this 25th
day of March, 1993

Bonita Sharp

Notary Public, Carroll County, Iowa.

Cost of Publication \$ _____

