

CHAPTER 167

AIRPORT ZONING REGULATIONS

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

1. "Airport" means the Independence 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 978 feet.
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 Sections 77.21, 77.23 and 77.25 and which obstructs 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.
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 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.

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 takeoff of aircraft along its length.

12. "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

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

14. "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.

167.02 AIRPORT ZONES. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure or tree 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 Zone. The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

A. Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 13 and 31, and connecting the adjacent arcs by lines tangent to those arcs (visual runway).

B. Swing arcs of 10,000 feet radii from the center of each end of the primary surface of runways 17 and 35 and connecting the adjacent arcs by lines tangent to those arcs (instrument runway).

(Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents

connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the 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 feet to 1 for a horizontal distance of 4,000 feet. No structure or tree shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under the 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.)

- A. The inner edge of the approach surface is:
 - (1) 250 feet wide for runways 13 and 31 (visual utility runway).
 - (2) 500 feet wide for runways 17 and 35 (visual other than utility runway and non-precision instrument runway).
- B. The outer edge of the approach zone is:
 - (1) 1,250 feet for runways 13 and 31 (visual utility runways).
 - (2) 1,500 feet for runway 35 (visual other than utility runways).
 - (3) 3,500 feet for runway 17 (non-precision instrument other than utility runways).
- C. The approach zone extends for a horizontal distance of:
 - (1) 5,000 feet at a slope of 20 to 1 for runways 13, 31 and 35 (all visual and non-precision instrument utility runways).
 - (2) 10,000 feet at a slope of 35 to 1 for runway 17 (non-precision instrument other than utility runways).

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

4. 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 or tree shall exceed the transitional surface, as depicted on the Municipal Airport Height Zoning Map.

5. Increase in Elevation of Structures. No structure shall be erected in the 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 en route altitude to be increased on any Federal airway in the County.

167.03 USE RESTRICTIONS. Notwithstanding any other provisions of 167.02, 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 operation 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 operation from any use in the City or County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

167.04 LIGHTING. Notwithstanding the provisions of 167.03, 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. Additionally, any structure constructed after June 12, 1981, 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 7460-1D 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.

167.05 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 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 Airport Manager for an opinion as to the aeronautical effects of such a variance. If the Airport Manager 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.

167.06 BOARD OF ADJUSTMENT. The Zoning Board of Adjustment has the powers and duties as provided in this section.

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Commission in the enforcement of this chapter.
2. 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.
3. Variances. To hear and decide specific variances.

The Board of Adjustment shall use the existing 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 offices of the Clerk and County Auditor, and on due cause shown.

167.07 VOTE ON VARIATIONS OR ORDERS. 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 chapter, or to effect variations of this chapter.

167.08 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 the Code of Iowa, Section 414.15.

167.09 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.

167.10 PRE-EXISTING STRUCTURES. Those structures existing prior to adoption of the ordinance codified in this chapter shall not be affected by the height restrictions herein; provided, however, owners of pre-existing nonconforming structures, trees or uses shall permit the City, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard. No pre-existing nonconforming structure, tree or use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted so as to constitute a greater airport hazard than it was when the ordinance codified by this chapter was adopted.

167.11 PENALTIES. A violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a violation of this Code of Ordinances. Each day a violation continues to exist shall constitute a separate offense.