

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 an area of land that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities. The Humboldt Municipal Airport, is situated upon the Southeast $\frac{1}{4}$ of Section 34 and the Southwest $\frac{1}{4}$ of Section 35, in Township 92 North, Range 29 West of the 5th P.M., in Humboldt County, Iowa, and is operated by the City.
2. “Airport Commission” means the Humboldt Airport Commission as established by Chapter 27 of the City of Humboldt Code of Ordinances.
3. “Airport elevation” means the highest point on an airport’s usable runways expressed in feet above mean sea level (MSL). The Humboldt Municipal Airports elevation is assumed to be 1098 feet.
4. “Airport layout plan” means a scaled drawing (or set of drawings), in either traditional or electronic form, of current and future airport facilities that provides a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport to the satisfaction of the FAA.
5. “Board of Adjustment” means the Humboldt Zoning Board of Adjustment appointed as provided in Section 165.17.
6. “Hazard” means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.
7. “Height” means, as used in height limits, elevation above sea level determined as in the definition of airport elevation above.

8. "Nonconforming use" means any structure, tree, or use of land which does not conform to a regulation of this chapter or amendment thereof, and is lawfully in existence at the time of the adoption of the ordinance codified by this chapter.

9. "Obstruction" is any structure, growth or other object which would exceed the Federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and provided in Section 167.02 herein. Obstructions include existing and proposed manmade objects, objects of natural growth, and terrain; whether permanent, temporary, mobile or fixed.

10. "Runway" means the portion of the landing area used for landing and taking off of aircraft and designated on the Airport Zoning Overlay Map as a runway.

11. "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.

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 an FAA approved Airport layout plan.

167.02 AIRPORT ZONES AND AIR-SPACE 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 Airport Overlay Zoning Map. An object 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. "Primary surface" is longitudinally centered on a runway centerline. For hard surface runways, the primary surface extends 200 feet beyond each end of that runway and is 250 feet wide (125 feet on either side of the runway centerline). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

2. "Runway protection zone" is trapezoidal in shape and is centered about the extended runway centerline. It extends from a point 200 feet beyond the runway threshold for a horizontal distance of 1,000 feet and expands from a width of 250 feet to a width of 450 feet.

3. "Approach surface" is a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface

is the same width as the Primary Surface (250 feet). The surface expands uniformly over a horizontal distance of 5,000 feet to a width of 1,250 feet for the end of a utility runway with a visual approach (Runways 12 and 30).

4. "Transitional surfaces" extend outward and upward at right angles to the runway centerline. The surfaces extend at a slope of 7 horizontally to 1 vertically (7:1) from the sides of the primary surface and from the sides of the approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

5. "Horizontal surface" is a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified 5,000 feet radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs.

6. "Conical surface" is 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.

167.03 HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no obstruction shall be erected, altered, allowed to grow or be maintained above the surface of any zone created by this chapter.

167.04 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by it in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

167.05 NONCONFORMING USES.

1. Regulations Not Retroactive. The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified by this chapter, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained 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 said ordinance, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to install, operate, and maintain thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards.

167.06 PERMITS.

1. Future Uses. Except as specifically provided in this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit 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.

A. In the area lying within the limits of the horizontal surface and the conical surface, no permit shall be required for any tree or structure less than 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 zone.

B. In the areas lying within the limits of the approach surface but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach surface.

C. In the areas lying within the limits of the transition surface beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 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 surface.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter and except as set forth in Section 167.03.

2. Existing Uses. No nonconforming use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this chapter or any amendment thereto rendering such use nonconforming, were adopted and no permit shall be granted that would allow it.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Commission determines that a nonconforming structure, tree or use has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations, nor shall it be reconstructed, repaired or resumed after having been abandoned or torn down, deteriorated or decayed to such extent.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise 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. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter and the laws of the State pertaining to airport zoning.

5. Hazard Marking and Lighting. Any permit or variance may be granted subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this chapter and be reasonable in the circumstances, and may require the owner of the structure or tree in question to, 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 an airport hazard.

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

167.08 BOARD OF ADJUSTMENT.

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

- A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Airport Commission in the enforcement of this chapter;
 - B. Special Exemptions. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and
 - C. Variances. To hear and decide specific variances.
2. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the Board of Adjustment 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 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 Board and shall be a public record.
 3. The Board of Adjustment shall make written findings of fact 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.
 4. The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Airport Commission or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter or to effect variance from such regulations.

167.09 APPEALS.

1. Any person aggrieved, or any officer, department, board or bureau of the City or County affected by any decision of the Airport Commission made in its 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 Commission and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Airport Commission 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 Commission 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 its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order of the Board of Adjustment on application on notice to the Airport Commission from which the appeal is taken 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 provisions 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 ought to be made and to that end shall have all the powers of the Airport Commission.

167.10 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 is 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.

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

(Ch. 167 - Ord. 2013-12 – Oct. 13 Supp.)

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