

Washington Airport Airspace Zoning Ordinance
Ordinance Number 01-2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, IOWA, REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE WASHINGTON MUNICIPAL AIRPORT, BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE WASHINGTON MUNICIPAL AIRPORT ZONING MAP, WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred by the Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Washington Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Washington Municipal Airport; that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Washington Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Washington Municipal Airport;
2. That it is necessary in the interest of the public health, public safety and general welfare, that the creation or establishment of obstructions that are a hazard to air navigation be prevented;
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
4. That reasonable planning for future expansion, including but not limited to the extension of runways and the installation of precision approaches, is necessary.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ENACTED BY THE WASHINGTON COUNTY, IOWA, BOARD OF SUPERVISORS as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the Washington Municipal Airport Zoning Ordinance.

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT- Washington Municipal Airport, at Washington Iowa.
2. AIRPORT ELEVATION- The highest point of an airport's usable landing area measured in feet from sea level: elevation at the Washington Municipal Airport is established as 753.5 feet.
3. AIRPORT HAZARD- Any structure or tree or use of land, which would exceed the federal obstruction standards as contained in 14 Federal Code of Regulations Section 77.21, Section 77.23 and Section 77.25 as revised October 25, 1989, or which obstructs the airspace required by the flight of aircraft, or landing or take-off at the airport or is otherwise hazardous to safe landing or taking-off of aircraft.
4. APPROACH SURFACE- A surface longitudinally centered in the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES- These zones are set forth in Section III of this Ordinance.
6. BOARD OF ADJUSTMENT- The decision-making body established pursuant to the provisions of Iowa Code Section 329.12.

7. CONICAL SURFACE- 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.
8. DECISION HEIGHT- The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach in execution of a standard instrument approach procedure, where electronic glide slope is provided.
9. EXPANSION ZONE- An area established for the expansion of airport facilities, including but not limited to the primary surface.
10. HAZARD TO AIR NAVIGATION- An obstruction determined to have an adverse effect to the safe and efficient utilization of the navigable airspace.
11. 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.
12. HORIZONTAL SURFACE- A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
13. LARGER THAN UTILITY RUNWAY- A runway that is constructed for and intended to be used by aircraft of greater than 12,500 pounds maximum gross weight.
14. MINIMUM DESCENT ALTITUDE- 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.
15. MINIMUM EN ROUTE ALTITUDE- The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
16. MINIMUM OBSTRUCTION CLEARANCE ALTITUDE- The specified altitude in effect between radio fixes on VOR (very high frequency omni-directional radio) 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) mile of a VOR.
17. NON-CONFORMING USE- Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
18. NON-PRECISION INSTRUMENT RUNWAY- A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned.
19. OBSTRUCTION- Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
20. PERSON- An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes, a trustee, receiver, an assignee or a similar representative of any of them.
21. PRECISION INSTRUMENT RUNWAY- A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR) or a Precision Global Positioning System (GPS) approach. It also means a runway for which a precision approach system is planned and is so indicated on an airport layout plan or any other planning document.
22. PRIMARY SURFACE- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
23. RUNWAY- A defined area on an airport prepared for landing and takeoff of aircraft along its length.
24. STRUCTURE- An object, including a mobile object, constructed or installed by man, including but without limitations, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
25. TRANSITIONAL SURFACES- These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
26. TREE- As commonly defined and also including similar objects of natural growth.
27. UTILITY RUNWAY- A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.
28. VISUAL RUNWAY- A runway intended solely for the operation of aircraft using Visual approach procedures.

29. RUNWAY DESIGNATIONS- 18/36 is planned to be a Larger than Utility Runway, Precision Instrument Runway; 13/31 is a Utility Runway, Non-Precision Instrument Runway.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and expansion surfaces as they apply to the Washington Municipal Airport. Such zones are shown on the Washington Municipal Airport zoning map, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) 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. Non-Precision Instrument Runway Approach Zone- (Approach 13/31) The inner edge of this approach zone coincides with the width of the primary surfaces and is 75 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Precision Instrument Runway Approach Zone- (Approach 18/36) The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones- The transitional zones are the areas beneath the transitional surfaces.
4. Horizontal Zone- The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of 36/18 and connecting all the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone- The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.
6. Expansion Zone- This zone is established as an area for the general expansion of the airport.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows.

1. Non-Precision Instrument Approach Zone- Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Precision Instrument Runway Approach Zone- Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerlines; then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
3. Transitional Zones- Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 753.5 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
4. Horizontal Zone- Established at 150 feet above the airport elevation or at a height of 903.5 feet above mean sea level.
5. Conical Zone- Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.
6. Expansion Zone- Starts at 10 feet above the airport elevation, and extending up to the adjoining zone.

SECTION V: PROHIBITIONS

No structure shall exceed 150 feet above the established airport elevation in the horizontal zones as established by this Ordinance and as depicted on the Washington Municipal Airport Height Airspace Zoning Map.

2. No structure shall exceed or penetrate the conical surfaces, the approach surfaces, or the transitional surfaces^f as established by this Ordinance, and as depicted on the Washington Municipal Airport Airspace Zoning Map.
3. No permanent structure shall be allowed in the expansion zone and no trees or other vegetation will be allowed that will exceed or penetrate the expansion zone surface as shown on the Municipal Airport Zoning Map.
4. Generally, no structure shall be erected that raises the published minimum descent altitude or the decision height 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 affecting the Washington Municipal Airport.

SECTION VI: USE STATIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

SECTION VII: NON-CONFORMING USES

1. Regulations Not Retroactive- The regulations prescribed by this Ordinance 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 this Ordinance, or otherwise interfere with the continuance of non-conforming use. Nothing contained herein 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 this Ordinance, and is diligently prosecuted.
2. Marking and Lighting- Notwithstanding the preceding provisions of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Washington Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Owners of the structure or tree.

SECTION VIII: PERMITS

1. Future Uses- Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore 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. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VIII, 4.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (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 zones.
 - b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (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 zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

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2. Existing Uses- No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, applications for such a permit shall be granted.
 3. Non-conforming Uses Abandoned or Destroyed- Whenever it is determined that a non-conforming tree or structure 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 zoning regulations.
 4. Variances- Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Washington Airport Zoning Commission for advice as to the aeronautical effects of the variance. If the Washington Airport Zoning Commission does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
 5. Obstruction Marking and Lighting- Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

SECTION IX: ENFORCEMENT

It shall be the duty of the Washington Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Washington City Zoning Administrator upon a form published for that purpose. Applications for action by the Board of Adjustment shall be made to the Washington City Zoning Administrator.

SECTION X: APPEALS

1. Any person aggrieved, or any taxpayer affected by any decision of the Washington Airport Zoning Commission made in the administration of the Ordinance, 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 Board of Adjustment a notice of appeal specifying the grounds thereof. The Washington Airport Zoning 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 Washington Airport Zoning 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 the opinion of the Washington Airport Zoning Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Washington Airport Zoning Commission 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, party may appear in person by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provisions of this Ordinance, 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 may be appropriate under the circumstances.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, may appeal as provided in Iowa Statutes, Section 414.15.

SECTION XII: PENALTIES

1. The Board of Supervisors shall consider any circumstances brought to its attention which appear to demonstrate a non-compliance with any provision of this Ordinance. A non-compliance with a provision of this Ordinance shall be deemed a violation of the Ordinance. The Board of Supervisors may refer an alleged violation of this Ordinance to the Washington County Attorney's Office and City Attorney's Office for prosecution only after the person or persons responsible for the non-compliance have been given twenty (20) days to correct the violation. Notice advising said person of the violation shall be by certified mail.
2. Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.

SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared to be severable.

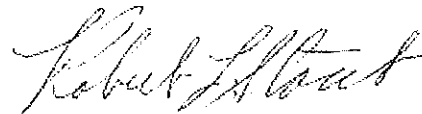
SECTION XV: EFFECTIVE DATE

Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, and Emergency is hereby declared to exist, this Ordinance shall be in full force and effect from and after its passage and publication as required by law.

SECTION XVI: REPEALER

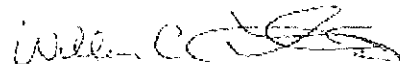
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Passed and approved this 30th day of OCTOBER, 2001 by the Washington County, Iowa, Board of Supervisors.



ROBERT L. STOUT
Chairman of Washington County, Iowa

Attest:
October 30, 2001



WILLIAM C. FREDRICK
County Auditor