

Returned 2-16-93  
To: Auditor

ORDINANCE NO. 93 - 1

AN ORDINANCE PERTAINING TO AIRPORT  
ZONING REGULATIONS.

Be it enacted by the Board of Supervisors of Hamilton County,  
Iowa:

SECTION 1. This ordinance establishes certain regulations  
pertaining to airport zoning in conjunction with the Webster  
City Municipal Airport located within Hamilton County.

196.01 SHORT TITLE. This chapter shall be known and may be cited  
as "The Hamilton County Airport Height Zoning Ordinance."

Definitions

196.02 GENERAL. For the purpose of this chapter, certain terms,  
phrases, words and their derivations, shall be construed as  
specified in this chapter. Words used in the singular include  
the plural and the plural the singular. Words used in the  
masculine gender include the feminine and the feminine the  
masculine.

Where the terms are not defined, they shall have their  
ordinary accepted meanings within the context with which they  
are used. Webster's Third New International Dictionary of the  
English Language, Unabridged, copyright 1986, shall be considered  
as providing ordinarily accepted meanings.

196.03

ADMINISTRATIVE AUTHORITY. The person charged with enforcement  
of the Zoning Regulations for Hamilton County, Iowa, Hamilton  
County Sheriff or his designee.

AIRPORT ELEVATION. The highest point of an airport's usable  
landing area measured in feet from sea level as shown on  
Registered Landing Area certificate issued by Iowa Department  
of Transportation.

APPROACH SURFACE. A surface longitudinally centered on 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 196.30  
of this Chapter. In plan the perimeter of the approach surface  
coincides with the perimeter of the approach zone.

INST. NO. 930363  
HAMILTON COUNTY, IOWA  
FILED FOR RECORD

- 1 -

2:55 FEB 12 1993 P.M.

KAREN KANTAK, RECORDER *CK*  
RECORDING FEE \$ N/C  
AUDITOR'S TRANSFER FEE \$ N/C

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Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 196.29 of this Chapter.

196.04

BOARD OF ADJUSTMENT. A Board consisting of 5 members appointed by the Board of Supervisors as provided in Chapter 329.12, and 358A.10, of the Iowa Code.

196.05

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.

196.06

(RESERVED)

196.07

(RESERVED)

196.08

(RESERVED)

196.09

(RESERVED)

196.10

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect of the safe and efficient utilization of the navigable airspace.

HEIGHT. 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.

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.

196.11

(RESERVED)

196.12

(RESERVED)

196.13

(RESERVED)

196.14

(RESERVED)

196.14

(RESERVED)

196.16

NONCONFORMING USE. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.

NONPRECISION 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 nonprecision instrument approach procedure has been approved or planned.

196.17

OBSTRUCTION. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 196.30 of this Chapter.

196.18

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

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; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 196.29 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

196.19

(RESERVED)

196.20

RUNWAY. A defined area on an airport prepared for landing and take-off of aircraft along its length.

196.21

STRUCTURE. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

196.22

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.

TREE. Any object of natural growth.

196.23

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

196.24

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

196.25

(RESERVED)

196.26

(RESERVED)

196.27

(RESERVED)

196.28

(RESERVED)

196.29 AIRPORT ZONES. In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Webster City Municipal Airport. Such zones are shown on the Webster City Municipal Airport Official Zoning Map which is attached to this Chapter 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. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 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. Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the runway.
3. Horizontal Zone. The horizontal is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

196.30 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter 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. Utility Runway Visual 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. Utility Runway Nonprecision 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.
3. Transitional Zones. Slope 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 height of 150 feet above the airport elevation which is 1117 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 1267 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. No structure shall be erected in Hamilton County that raises the published Minimum Descent Altitude or Decision Height 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 Hamilton County.
7. Excepted Height Limitations. Nothing in this Chapter 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.

196.31 USE RESTRICTIONS. Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result 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.

196.32 NONCONFORMING USES.

1. Regulations Not Retroactive. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of nonconforming 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 Chapter, and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming 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 Administrative Authority 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 property owners.

196.33 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 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. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with Section 196.33, 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 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 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 area 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 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 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 Chapter except as set forth in Section 196.30, 7.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Administrative Authority determines that a nonconforming tree or structure has been abandoned or more than 80 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.
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 Chapter, 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 create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, 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 furnished to the Administrative Authority for advise as to the aeronautical effects of the variance. If the Administrative Authority does not respond to the application within fifteen (15) 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 Chapter 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. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the lessee at its own expense, to install, operate, and maintain the necessary markings and lights.

196.34 ENFORCEMENT. It shall be the duty of the Administrative Authority to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Administrative Authority upon a form published for that purpose. Applications required by

this Chapter to be submitted to the Administrative Authority shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Administrative Authority.

196.35 BOARD OF ADJUSTMENT.

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Authority in the enforcement of this Chapter; (2) 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 (3) to hear and decide specific variances.
2. The Board of Adjustment shall consist of five members appointed by the City Council/Board of Supervisors and each shall serve for a term of five years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.
3. The Board of Adjustment shall adopt rules for its governance and 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 hearings of the Board of Adjustment shall be 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 Administrative Authority and on due cause shown.
4. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such 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.

5. 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 the Administrative Authority or decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect variation to this Chapter.

196.36 APPEALS.

1. Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Authority made in the administration of the 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 Administrative Authority a notice of appeal specifying the grounds thereof. The Administrative Authority 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 Administrative Authority 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 Administrative Authority 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 Administrative Authority 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 may be appropriate under the circumstances.

196.37 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by and decision of the Board of Adjustment, may appeal to the Court of Record as provided in Section 414.5 of the Iowa Code.

196.38 PENALTIES. Each violation of this Chapter or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine or not more than \$100.00 or imprisonment for not more than 30 days or both; and each day a violation continues to exist shall constitute a separate offense.

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

SECTION 3. EFFECTIVE DATE. The immediate operation of the provisions of this Chapter is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and this Chapter shall be in full force and effect from and after its passage by the Hamilton County Board of Supervisors and the Webster City City Council and publication and posting as required by law.

Passed by the Board of Supervisors the 12<sup>th</sup> day of January, 1993, and approved this 26<sup>th</sup> day of January, 1993.

HAMILTON COUNTY, IOWA

Miles Butler  
Miles Butler, Chairperson

