

TITLE VI: PROPERTY AND LAND USE

CHAPTER 4 TALL STRUCTURE - KEOKUK

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6-4-1 PURPOSE AND INTENT. The purpose and intent of this section is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Keokuk 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 herein; referring to the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated herein and made a part hereof by reference, as though fully set forth herein; and imposing penalties for the violation hereof.

This section is adopted pursuant to authority contained in Chapters 329 and 358A, Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Keokuk Municipal Airport, and property and occupants of land in its vicinity; 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 Keokuk Municipal Airport and the public investment therein.

1. Interpretation. In interpreting and applying provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or licenses, franchises, or permits issued by the City of Keokuk or the County of Lee, except that if this title imposes a greater restriction, in all cases except franchises issued by the City of Keokuk or the County of Lee upon the vote of the elector, this title shall control.
2. Enforcement. It is the duty of the building official designated by the Lee County Board of Supervisors, hereinafter referred to as "the designated building official" to administer the regulations prescribed in this title. Applications for permits and variances shall be made to the designated building official upon a form furnished by him. Application required by this title 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 designated building official.

3. Severability. If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this title which can be given effect without the invalid provision of application, and to this and the provisions of this title are declared to be severable.
4. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this title or any other regulations applicable to the same area, whether the conflict is with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern or prevail.

6-4-2 DEFINITIONS.

1. For the purpose of this title, certain terms and words are defined by this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.
 - a. Airport. Keokuk Municipal Airport
 - b. Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is six hundred seventy one (671) feet.
 - c. 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 1.16.020. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
 - d. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 1.16.010.
 - e. 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.
 - f. Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
 - g. Height. For the purpose of determining the height limits in all zones set forth in this section and shown on the airspace plan, the datum shall be mean sea level elevation unless otherwise specified.

- h. Horizontal Surface. A horizon plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- i. Larger Than Utility Runway. A runway that is constructed for and to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and et powered aircraft.
- j. Nonconforming Use. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this section or amendment thereto.
- k. Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation facilities for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- l. Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set.
- m. Person. An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of them.
- n. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an instrument Landing System (LS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- o. Primary Surface. 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 elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center-line.
- p. Runway. A defined area on an airport prepared for landing and take off of aircraft along its length.
- q. 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.
- r. Transitional Surfaces. These surfaces extended outward at 90 degree angle 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.

- s. Tree. Any object of natural growth.
- t. 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.
- u. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

6-4-3 ZONES - BOUNDARIES

1. Zones Designated - In order to carry out the provisions of this section 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 Keokuk Municipal Airport. Where uncertainty exists with respect to the boundaries of the various zones as shown on the zone map, the following rules shall apply:
 - a. The designated building official shall make interpretations locations of boundaries that shall be final and binding; or
 - b. The property owner aggrieved by the interpretation of the designated building official shall have a licensed engineer certify the location of any boundary in question.

Such zones are shown on the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated herein and made a part by reference as though fully set forth herein. An area located in more than one 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 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 of 5,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
2. Runway larger than utility with a visibility minimum greater than 3/4 mile nonprecision instrument approach zone - 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 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Precision instrument runway approach zone - The inner edge of this approach zone coincides with the width of primary surface and is 1,000 feet wide. The approach zone expands 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.
 4. Transitional zones - The transitional zones are the areas beneath the transitional surfaces.
 5. Horizontal zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated as utility or visual, and 10,000 feet radii for all others measured from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing a line tangent to these arcs. The horizontal zone does not include the approach and transitional zones.
 6. 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.
2. Airport Zone Height Limitations - Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section 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:
- a. Utility runway nonprecision instrument approach zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of any at the same elevation as the primary surface and extending to a horizontal distance 5,000 feet along the extended runway centerline.
 - b. Runway larger than utility with a visibility minimum greater than 3/4 mile nonprecision instrument approach zone - Slopes 34 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 1,000 feet along the extended runway centerline.
 - c. Precision instrument runway approach zone - Slopes 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 centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional 40,000 feet along the extended runway centerline.
 - d. Transitional zones - Slope 7 feet outward for each foot upward beginning at the sides of and the same elevation as the primary surface and the approach surface,

and extending to a height 150 feet above the airport elevation. In addition to the forgoing, there are established height limits sloping 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 with the conical zone projects beyond the conical zone, there are established height limits sloping 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.

- e. Horizontal zone - Established at 150 feet above the airport elevation.
- f. Conical zone - Slopes 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.

EXCEPTED HEIGHT LIMITATIONS

Nothing in this section 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.

6-4-4 USE RESTRICTIONS.

1. Use Restrictions. Notwithstanding any other provision of this section, no use may be made of land or water within any zone established by this section 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 as 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 hazard, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. Nonconforming Uses
 - a. Regulations not retroactive - The regulations prescribed by this section 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 section, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.
 - b. Marking and lighting - Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Keokuk 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 City of Keokuk.

6-4-5 PERMITS.

1. Permits.

- a. Future uses - Except in as specifically provided in (i), (ii), and (iii) 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 use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with standards.
 - (i) 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 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.
 - (ii) In areas lying within the limits of the approach zone, but at 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 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approved zones.
 - (iii) 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 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 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 the height limits established in this section.

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 section 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 designated building official 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 that 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 section, may apply to the Lee County Zoning Commission for a variance from such regulations. The application for a 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 air space. 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 section.
 - a. Obstruction marking and lighting - Any permit on variance granted may, if such action is deemed advisable to effectuate the purpose of this section 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 owners expense, such markings and lights as may be necessary. If deemed proper, this condition may be modified to require the owner to permit the City of Keokuk, at its own expense, to install, operate, and maintain the necessary markings and lights.

6-4-6 BOARD OF ADJUSTMENT.

1. Powers and Duties.
 - a. There is 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 Airport Zoning Commission/Administrative Agency in the enforcement of this title:
 2. To hear and decide exemptions to the terms of this title upon which such Board of Adjustment, under such regulations, may be required to pass; and
 3. To hear and decide specific variances.
 - b. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12 and Section 358A.15.

1. Composition - The Board of Adjustment shall consist of five (5) members. Two (2) members shall be appointed by the Keokuk City Council and two (2) members shall be appointed by the Lee County Board of Supervisors. One (1) additional member to act as chairman shall be selected by a majority vote of the four (4) appointed members. The terms of the members shall be for five (5) years excepting that when the Board is created, one (1) member appointed by the City Council and the Board of Supervisors shall serve a term of two (2) years, and the other a term of four (4) years. Members shall be removable by the appointing authority for a cause, upon written charges, after a public hearing.
2. Reversal of 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 applicable on any matter upon which it is required to pass under this title, or to effect variations of this title.
3. Meetings - The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his absence, the acting chairman, 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 votes 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 City Clerk and the County Clerk, and on due cause shown.

6-4-7 AIRPORT ZONING COMMISSION.

1. Powers and Duties. There is created an airport zoning commission to recommend the boundaries of the various original zones, and appropriate regulations and restrictions to be enforced therein. Such commissions shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report to the County Board of Supervisors and the Keokuk City Council. The commission, may, from time to time, recommend amendments, supplements, changes or modifications to the Board of Supervisors and the City Council.
2. Composition. The airport zoning commission shall consist of five (5) members. Two (2) members shall be appointed by the City Council, and two (2) members shall be appointed by the County Board of Supervisors. One (1) additional member, to act as chairman, shall be selected by majority vote of the four (4) appointed members. The terms of the members shall be for five (5) years, excepting that when the Board is first created, one (1) member appointed by the City Council and the County Board of Supervisors shall serve a term of two (2) years, and the other a term of four (4) years.

Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

3. Meetings. The airport zoning commission shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the commission shall be held at the call of the chairman and at such other times as the airport zoning commission may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the airport zoning commission shall be open to the public. The airport zoning commission 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 Keokuk City Clerk and Lee County Auditor.

6-4-8 PENALTIES - REVIEW.

1. Penalties. Each violation of this title, or of any regulation, order or ruling promulgated under this title, constitutes a civil infraction (Section 331.307, Code of Iowa) and is punishable of a fine of not more than two hundred fifty dollars (\$250) for first offense conviction, not more than five hundred dollars (\$500) upon second, not more than seven hundred fifty dollars (\$750) for each repeat offense. Each day a violation continues to exist constitutes a separate offense.
2. Judicial Review. Any person aggrieved or any taxpayer affected by any decisions of the Board of Adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15.
3. Hold Harmless. The City of Keokuk has stipulated that Lee County shall be held harmless of any and all expenses resulting from the origin and implementation of this Ordinance. The Auditor is directed to certify all costs and expenses of an implementation and operation under this Ordinance to the Keokuk City Clerk's office.

After the second reading and passage of this Ordinance, this Ordinance shall be published once in a newspaper of general circulation and shall take effect of the date of said publication.

(Ord. VI-4, Passed July 28, 1988)
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