

TITLE VI PROPERTY AND LAND USE

CHAPTER 3 AIRPORT TALL STRUCTURE ZONING ORDINANCE

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6-3-1 TITLE AND DEFINITIONS.

1. Short Title. This Ordinance shall be known and may be cited as Airport Tall Structure Zoning Ordinance.

2. Definitions. As used in this ordinance, unless the context otherwise requires:

a. Airport. The Maquoketa Municipal Airport located in Jackson County, Iowa.

b. Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be seven hundred seventy (770) feet.

c. Airport Hazard. 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 seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct 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.

d. Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specifically 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.

e. Airspace. 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.

f. Control Zone. Airspace extending upward from the surface of the earth which may include one (1) 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.

g. Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation equipment for which an instrument approach procedure has been approved or planned.

h. 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 electric glide slope is provided.

i. Minimum Enroute Altitude. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

j. Minimum Obstruction Clearance Altitude. The specified altitude in effect between radio fixes or VOR 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) miles of a VOR.

k. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

l. Visual Runway. 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, a military services approved military airport layout plan or by a planning document submitted to the FAA by competent authority.

6-3-2 AIRPORT ZONES AND AIRSPACE 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 Maquoketa Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of his 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. Airport Height Zones.

a. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

(1) Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of Runways 15 and 33, and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Maquoketa Airport Height Zoning Map.

b. Conical Zone. The land lying under 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.

No structure shall penetrate the conical surface in the conical zone, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

c. Approach zone. The land lying under a 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.)

(1) The inner edge of the Approach Surface is:

(a) 500 feet wide for Runways 15 and 33.

(2) The outer edge of the Approach Zone is:

(a) 500 feet for Runway 15.

(b) 2,000 feet for Runway 33.

(3) The Approach Zone extends for a horizontal distance of:

(a) 5,000 feet at a slope of 20 to 1 for Runway 15.

(b) 5,000 feet at a slope of 20 to 1 for Runway 33.

No structure shall exceed the Approach Surface to any runway, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

d. 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 shall exceed the Transitional Surface, as depicted on the Maquoketa Municipal Airport Height Zoning Map.

e. No structure shall be erected in Jackson 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 Enroute Altitude to be increased on any Federal Airway in Jackson County.

6-3-3 USE RESTRICTIONS.

1. Notwithstanding any other provisions of Section 6-3-3, no use may be made of land or water within Jackson 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:

a. All lights or illumination used in conjunction with street, 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 Maquoketa Municipal Airport or in the vicinity thereof.

b. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Maquoketa Municipal Airport.

c. No operations from any use in Jackson County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

6-3-4 LIGHTING.

1. Notwithstanding the provisions of 6-3-4, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this ordinance 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-ID and amendments.

2. 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 of Maquoketa at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to the pilots the presence of an airspace hazard.

6-3-5 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree or otherwise use his property in violation of any section of this ordinance, may apply to the Jackson County Zoning Board of Adjustment for variance from such regulations. No application for variance from the requirements of this ordinance may be considered by the Jackson County Zoning Board of Adjustment unless a copy of the application has been submitted to the City Of Maquoketa Airport Board for their opinion as to the aeronautical effects of such a variance. If the City of Maquoketa Airport Board manager does not respond to the Jackson County Zoning Board of Adjustment within fifteen (15) days from receipt of copy of the application, the Jackson County Zoning Board of Adjustment may make its decision to grant or deny the variance.

6-3-6 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected by any decision of the Jackson County Board of Adjustment, may appeal to the Court of Record as provided in Iowa Code, Section 414.5.

6-3-7 ADMINISTRATIVE AGENCY. It shall be the duty of the Jackson County Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Jackson County Zoning Administrator upon a form furnished by him. Applications required by this ordinance to be submitted to the Administrative Officer shall be promptly considered and granted or denied. Application for action by the Jackson County Board of Adjustment shall be forthwith transmitted to the Maquoketa Airport Board.

6-3-8 PENALTIES. Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor and be punishable by a fine of not more than one hundred (100.00) dollars or imprisonment for not more than thirty (30) days in the county jail or both; and each day a violation continues to exist shall constitute a separate offense.

6-3-9 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in the ordinance 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.

6-3-10 SEVERABILITY. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of 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.

6-3-11 EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage and publication as required by law. Passed this 11th day of September, 1978 A.D.