

ORDINANCE #20

BELLE PLAINE
AIRPORT TALL STRUCTURE
ZONING ORDINANCE

Be it enacted by the Board of Supervisors of Benton County, Iowa, an Ordinance regulating and restricting the height of structures and objects of natural growth in the vicinity of the Belle Plaine Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; defining certain terms used herein; referring to the Belle Plaine Municipal Airport height zoning map which is incorporated in and made a part of this Ordinance; providing for enforcement; establishing an airport zoning board; establishing a board of adjustment; and imposing penalties.

This Ordinance is adopted pursuant to the authority conferred on the Benton County Board of Supervisors by Iowa statutes section 329.3 of the Iowa Code. IT IS HEREBY found that an airport hazard endangers lives and property of users of the Belle Plaine Municipal Airport and property or occupants of land in its vicinity. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard as a public nuisance and an injury to the county served by the Belle Plaine Municipal Airport.

2. It is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented.

3. That this should be accomplished to the extent legally possible by proper exercise of police power.

4. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which Benton County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

IT IS HEREBY ORDAINED by the Benton County Board of Supervisors as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as "The Belle Plaine Municipal Airport Height Zoning Ordinance."

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SECTION II: DEFINITIONS

1. Airport: The Belle Plaine Municipal Airport

2. Airport Elevation: The highest point of the airport's usable landing area measured in feet above mean sea level.

3. Obstruction: Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth in Section III of this Ordinance.

4. Airport Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in part seventy-seven 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 a primary surface is the same as the elevation of the nearest point on the runway center line.

5. Airspace 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.

6. Control Zone: Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

7. Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. Runway: A defined area on an airport prepared for landing and take off of aircraft along its length.

9. 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 layout plan, or by any planning document submitted to the FAA by competent authority.

10. Minimum Descent Altitude: The lowest altitude, expressed in feet above mean seal 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.

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

12. Minimum Obstruction Clearance Altitude: The specified altitude in effect between radio fixes on 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 22 miles of a VOR.

13. Board of Adjustment: A board consisting of three (3) members appointed by the Board of Supervisors as provided in Chapter 329.12 of the Code.

SECTION III: 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 Belle Plaine Municipal Airport Zoning Map, which is attached hereto, and is incorporated herein by this reference. A structure 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. 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 each runway 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 Belle Plaine Municipal 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 feet 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 Belle Plaine Municipal Airport Zoning Map.

C. Instrument Runway Approach - The land lying under a surface longitudinally centered on the extended runway centerline and which slopes outward and upward, beginning at the end of and at the same elevation as the primary surface, at a slope of 20 feet to 1, and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.

No structure shall penetrate the instrument runway approach zone surface in the instrument runway approach zone, as depicted on the Belle Plaine Municipal Airport Zoning Map.

D. Visual Runway Approach Zone - The land lying under a surface longitudinally centered on the extended runway centerline, and which slopes outward and upward, beginning at the end of and at the same elevation as the primary surface, at a slope of 20 feet to 1, and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the primary surface and is 250 feet wide.

No structure shall penetrate the visual runway approach zone surface in the visual runway approach zone, as depicted on the Belle Plaine Municipal Airport Zoning Map.

E. 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 feet 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 Belle Plaine Airport Zone map.

F. Increase In Elevation of Structures - No structure shall be erected in Benton 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 Benton County.

SECTION IV: USE RESTRICTIONS

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 electronic interference with navigational signals or radio communication between the airport and the 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, take-off, or maneuvering of aircraft intending to use the airport.

SECTION V. LIGHTING

Notwithstanding any other provisions of this Ordinance, 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.

SECTION VI: VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. 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 submitted to the Benton County Airport Zoning Commission or their designee for their opinion as to the aeronautical effects of such a variance. If the Benton County Airport Zoning Commission or their designee does not respond to the Board of Adjustment within fifteen days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

Any variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Benton County at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

SECTION VII: BOARD OF ADJUSTMENT

A. 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 BENTON COUNTY AIRPORT ZONING COMMISSION in the enforcement of this Ordinance;

(2) To hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass;

(3) To hear and decide specific variances.

B. The Board of Adjustment shall consist of three (3) members appointed by the Benton County Board of Supervisors and each shall serve for a term of five years and until his 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, and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times the Board of Adjustment may determine. The Chairperson, or in his/her absence 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 with the office of the Benton County Auditor, and on due cause shown.

D. 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 applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

SECTION VIII: JUDICIAL REVIEW

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

SECTION IX: ENFORCEMENT

It shall be the duty of the Benton County Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits in variances shall be made to the Commission upon a form published for that purpose. Applications required by this Ordinance to be submitted to the commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted to the Chairperson of said Board.

SECTION X: PENALTIES

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 XI: CONFLICTING REGULATIONS

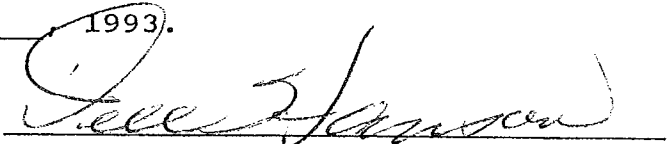
Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to Height of structures, the use of land, or any other matter, the more stringent limitation or requirement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

SECTION XII: SEVERABILITY

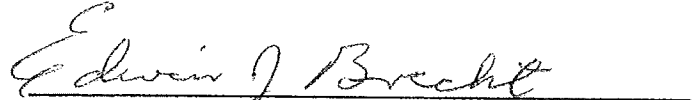
If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this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

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, this Ordinance shall be in full force and effect from and after its passage by the Benton County Board of Supervisors and publication and posting as required by law.

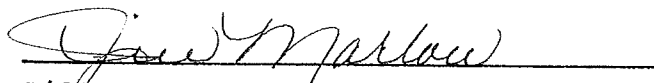
PASSED AND ADOPTED BY The Benton County Board of Supervisors this 17th day of August 1993.


Dell Hanson, Chairman


Norman Sackett

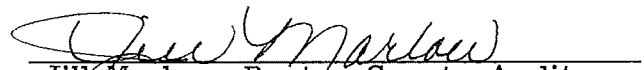

Edwin J. Brecht

ATTEST:


Jill Marlow
Benton County Auditor

- August 4, 1993 - Published summary of Ordinance #20 and dates of hearings
- August 10, 1993 - 1st Consideration and Suspended 2nd Consideration
- August 17, 1993 - Final Consideration and Adoption
- August 25, 1993 - Published Ordinance #20

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #20 and the dates of consideration and publication are correct.


Jill Marlow, Benton County Auditor



BELLE PLAINE AIRPORT MAP - A PART OF ORDINANCE #20
ON THE FOLLOWING PAGES (INCORPORATED AND ATTACHED
THERE TO)



17
954

114 876

PHOTO: JUNE 1988
SCALE: 1"=2000'

OFFICIAL AIRPORT ZONING MAP
BELLE PLAINE MUNICIPAL AIRPORT
(ELEV. 775 FT.)

EXHIBIT _____
DATE _____
CITY OF _____ IOWA
MAYOR _____
ATTEST _____
GOVERNMENT BOARD OF SUPERVISORS
CHAIRMAN _____