

TITLE: Airport Tall Structure Zoning Ordinance

Be It Enacted By The Board of Supervisors of Benton County Iowa 8 AM '91

Ordinance No. 2 is hereby repealed and Ordinance No. 15 is adopted in lieu thereof. This Ordinance is to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Vinton Veterans' Memorial Airpark by creating the appropriate zones and establishing the boundaries thereof; defining certain terms used herein; referring to the Vinton Veterans' Memorial Airpark 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 City of Vinton and the Benton County Board of Supervisors by Iowa Statutes, Section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Vinton Veterans' Memorial Airpark and property or occupants of land in its vicinity. Accordingly, it is declared:

- (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the City/County served by the Vinton Veterans' Memorial Airpark.
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented; and
- (3) That this should be accomplished, to the extent legally possible, by proper exercise of the police power; and
- (4) That 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 the CITY OF VINTON AND 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 CITY OF VINTON AND RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as "The VINTON VETERANS' MEMORIAL AIRPARK HEIGHT ZONING ORDINANCE."

SECTION II: DEFINITIONS

- (1) AIRPORT - The Vinton Veterans' Memorial Airpark
- (2) 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 845 feet.
- (3) 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 Section 77.21, 77.23 and 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.

- (1) AIRPORT RUNWAY 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 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.
- (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 five (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) 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.
- (9) MINIMUM ENROUTE ALTITUDE - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (10) MINIMUM OBSTRUCTION CLEARANCE ALTITUDE - The specified altitude in effect between radio fixes on VOR airways, off-airways 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.
- (11) RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (12) 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 any planning document submitted to the FAA by competent authority.

### SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carry out provisions of this Seciton, there are hereby created and established certain zones which are depicted on the Vinton Veterans' Memorial Airpark Height Zoning Map. 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) HORIZONTAL ZONE - The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of runways 16, 34, 9 and 27 connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred and fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Vinton Veterans' Memorial Airpark Height Zoning Map.
- (2) CONICAL ZONE - The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet to one (1) for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Height Zoning Map.
- (3) APPROACH ZONE - The land lying under the 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.)

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- (A) The inner edge of the approach surface is:
  - (1) Five hundred (500) feet wide for runways 16 and 34.
  - (2) Five hundred (500) feet wide for runways 9 and 27.
- (B) The outer edge of the approach zone is:
  - (1) Three thousand five hundred (3,500) feet for runways 16 and 34.
  - (2) Three thousand five hundred (3,500) feet for runways 9 and 27.
- (C) The approach zone extends for a horizontal distance of ten thousand (10,000) feet at a slope of thirty-four (34) to one (1) for runways 16, 34, 9 and 27.

No structure shall exceed the approach surface to any runway, as depicted on the Height Zoning Map.

- (4) 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 seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces. No structures shall exceed the transitional surface, as depicted on the Height Zoning Map.
- (5) 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 en route altitude to be increased in Benton County.

#### SECTION IV. USE RESTRICTIONS

Notwithstanding any other provisions of Section III, no use may be made of land or water within VINTON OR BENTON 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) LIGHTING - All lights or illumination used in conjunction with streets, 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 Vinton Veterans' Memorial Airpark or in the vicinity thereof.
- (B) VISUAL HAZARDS - No operation from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Vinton Veterans' Memorial Airpark.
- (C) ELECTRONIC INTERFERENCE - No operation from any use in the CITY OF VINTON OR BENTON COUNTY shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

#### SECTION V: LIGHTING

Notwithstanding the provisions of Section IV, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of this Ordinance (October, 1991) and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure of growth in question to permit the City of Vinton or 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 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 Vinton Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Vinton Airport 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 DIRECTORS AND CITY COUNCIL

The Benton County Board of Supervisors and the Vinton City Council shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed. The regulation, restriction, or boundary shall not become effective until after a public hearing, and shall comply with all the notice requirements of Sections 414.6 and 358A.6 of the Iowa Code.

SECTION VIII: AIRPORT ZONING COMMISSION

A. There is hereby created an Airport Zoning Commission to have and exercise the following powers:

1. To prepare a preliminary report and hold public hearings thereon, and submit a final report, recommending the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein.

2. Recommend to the Board of Supervisors amendments, supplements, changes, or modifications.

B. The Airport Zoning Commission shall consist of two (2) members selected by the Vinton City Council, and two (2) members selected by the Benton County Board of Supervisors; and one (1) additional member to act as and to be selected by a majority vote of the members selected by the Vinton City Council and the Benton County Board of Supervisors. The terms of the members of this commission shall be six (6) years excepting that when the Board is first created, one (1) member of each authority shall be for a term of two (2) years, and one (1) for a term of four (4) years. Members shall be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected.

SECTION IX: 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 VINTON 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 two (2) members selected by the Vinton City Council, two (2) members selected by the Benton County Board of Supervisors; and, one (1) additional member to act as chairperson

and to be selected by a majority vote of the members selected by the Vinton City Council and the Benton County Board of Supervisors. Members shall be removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members shall be five (5) years, excepting that when the board is first created, one (1) member appointed by each authority shall be appointed for a term of two (2) years and one (1) for a term of four (4) years.

(C) The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance and with Iowa Code sections 414.9 through 414.19 and 358A.12 through 358A.21. Meetings of the Board 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 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 Vinton City Clerk and 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 X: 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 Code sections 414.15 and 358.19.

#### SECTION XI: ADMINISTRATIVE AGENCY

It shall be the duty of the Airport Zoning Commission to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Airport Zoning Commission upon a form furnished by the Airport Zoning Commission. Applications required by this Ordinance to be submitted to the Airport Zoning Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Commission. A member of the Board of Adjustment shall not participate in the administration and enforcement of this ordinance.

#### SECTION XII: 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 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 Height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: 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.

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, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Vinton City Council and the Benton County Board of Supervisors and publication and posting as required by law.

Adopted by the Benton County Board of Supervisors this 24th day of December, 1991.



Norman Sackett  
Norman Sackett, Chairman

Dell Hanson  
Dell Hanson

Edwin J. Brecht  
Edwin J. Brecht

ATTEST: Florence E. Rippel  
Florence E. Rippel  
Benton County Auditor and Secretary  
to Board of Supervisors

- October 2, 1991 Published Summary of Ordinance No. 15
- October 8, 1991 1st Consideration Tabled
- December 24, 1991 2nd Consideration and Adoption
- All other readings suspended
- December 31, 1991 Published Ordinance No. 15

I, Florence E. Rippel, do hereby certify the above to be a true and correct copy of Ordinance No. 15 and the dates of consideration & publications are correct.

Florence E. Rippel  
Florence E. Rippel, Auditor

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