

## AIRPORT TALL STRUCTURE ZONING ORDINANCE

An ordinance regulating and restricting the height of structures and objects of natural growth in the vicinity of the Iowa Falls and Eldora Municipal Airport(s) by creating the appropriate zones and establishing the boundaries thereof: Defining certain terms used herein: Referring to the Iowa Falls and Eldora Municipal Airport Height Zoning Map which is incorporated in and made a part of this ordinance: Providing for Enforcement: Establishing an airport zoning commission: Establishing a Board of Adjustment: And imposing penalties.

This ordinance is adopted pursuant to the authority conferred on the HARDIN COUNTY BOARD OF SUPERVISORS by Iowa Statutes, Section 329.3 and 329.4. It is hereby found that an airport hazard endangers the lives and property of users of the Iowa Falls Municipal Airport and Eldora 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 is a public nuisance and an injury to the City/County served by the Iowa Falls and Eldora Municipal Airport.
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards to 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 County of Hardin may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

IT IS HEREBY RESOLVED BY THE HARDIN COUNTY BOARD OF SUPERVISORS as follows:

### SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the Hardin County Airport Height Zoning Ordinance.

## SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

- (1) AIRPORT - The Iowa Falls and Eldora Municipal Airports
- (2) AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.
- (3) AIRPORT HAZARD - Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen 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.
- (4) AIRPORT PRIMARY SOURCE - 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. 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 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-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.
- (11) RUNWAY - A defined area of an airport prepared for landing and takeoff 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 the provisions of this Section, there are hereby created and established certain zones which are depicted on the Hardin County Municipal Airport 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 limitations. 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. For the visual runway at Eldora, a swinging arc of 5,000 feet radii from the center of each end of the primary surface of runway

13 and 31, 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 Hardin County Airport Height Zoning Map.

- B. Conical Zone - The land lying under a surface extending outward and upward from the periphery of the horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone for the Eldora Municipal Airport and the Iowa Falls Municipal Airport, as depicted on the Hardin County 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 Runway 13 and 31 at the Iowa Falls Municipal Airport; 250 feet wide for Runways 18 and 36 at the Eldora Municipal Airport.
  - 2. The outer edge of the approach zone is:
    - (a) 1,500 feet for Runway 13 at the Iowa Falls Municipal Airport.
    - (b) 3,500 feet for Runway 31 at the Iowa Falls Municipal Airport.
    - (c) 1,250 feet for Runways 18 and 36 at the Eldora Municipal Airport.
  - 3. The Approach Zone extends for a horizontal distance of:
    - (a) 5,000 feet at a slope of 20 to 1 for Runway 13 at the Iowa Falls Municipal Airport.
    - (b) 10,000 feet at a slope of 34 to 1 for Runway 31 at the Iowa Falls Municipal Airport.

- (c) 5,000 feet at a slope of 20 to 1 for Runways 18 and 36 at the Eldora Municipal Airport.

No structure shall exceed the approach surface to any runway, as depicted on the Hardin County 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 for both.

No structure shall exceed the Transitional Surface, as depicted on the Hardin County Airport Height Zoning Map.

- E. No structure shall be erected in Hardin 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 Hardin County.

#### SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of Section III, no use may be made of land or water within Hardin 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 Iowa Falls Municipal Airport and Eldora 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 Iowa Falls Municipal Airport and Eldora Municipal Airport.
- C. No operations from any use in Hardin County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

## **SECTION V: LIGHTING**

- A. NOTWITHSTANDING the provisions of Section IV, 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 70-7460-1D 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 7460-1D and amendments.
- B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Hardin 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 his 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 Airport Zoning Commission for its opinion as to the aeronautical effects of such a variance. If the Airport Zoning Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may take its decision to grant or deny the variance.

## **SECTION VII: BOARD OF ADJUSTMENT**

- A. The existing Zoning Board of Adjustment is hereby designated to perform the functions of an Airport Zoning Board of Adjustment, and in addition to its existing powers shall 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 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; and (3) to hear and decide specific variances.
- B. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.

- C. 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: AIRPORT ZONING COMMISSION**

The existing Zoning Commission is hereby designated to perform the functions of Airport Zoning Commission.

In addition to its regular duties, it shall be the duty of the Zoning Commission to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Commission upon a form furnished by the Commission. Upon receipt of any such application, the City Airport Commission and Zoning Commission of the City owning or operating said airport shall be promptly notified. Applications required by this Ordinance to be submitted to the Zoning Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Commission.

#### **SECTION X. PENALTIES.**

Each violation of this Ordinance or any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of 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.

#### **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 or 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.

**SECTION XIII: 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 Hardin County Board of Supervisors and publication and posting as required by law.

Adopted by the Hardin County Board of Supervisors this 1st day of May, 1979.



This ordinance shall be in full force and effect from and after May 1, 1979,  
Adopted this 1 day of May, 1979.

HARDIN COUNTY BOARD OF SUPERVISORS

By Robert H. Hull  
Chairman

ATTEST:

Michael L. Ponce  
Auditor

