

ORDINANCE NO. 6.3

AN ORDINANCE ESTABLISHING HAMPTON MUNICIPAL AIRPORT HEIGHT ZONING

SECTION 1: PURPOSE

An ordinance regulating and restricting the height of structures and objects of natural growth in the vicinity of the Hampton Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; defining certain terms used herein; referring to the Hampton Municipal Airport Height Zoning Map which is incorporated in and made a part of this ordinance; providing for enforcement; establishing an Administrative Agency; establishing a Board of Adjustment; and imposing penalties.

This ordinance is adopted pursuant to the authority conferred on the City of Hampton and the Franklin 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 Hampton Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

- a. That the creation or establishment of an airport hazard is a public nuisance and an injury to the City of Hampton and Franklin County served by the Hampton Municipal Airport;
- b. That it is necessary in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented;
- c. That this should be accomplished to the extent legally possible by proper exercise of the police power; and
- d. 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 Hampton and Franklin County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

SECTION 2: DEFINITIONS

1. "Airport" shall mean the Hampton Municipal Airport.
2. "Airport elevation" shall mean the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be one thousand one hundred seventy-five (1,175) feet.
3. "Airport hazard" – Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space 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 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 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" – The 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. "Decision height" – The height at which a decision must be made, during an ILS instrument approach to either continue to the approach or to execute a missed approach.
8. "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.
9. "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.
10. "Minimum enroute altitude" – The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
11. "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 twenty-two (22) miles or a VOR.
12. "Runway" – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
13. "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 an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

SECTION 3: 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 Hampton 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 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:

- A. Swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 17 and 35, and connecting the adjacent arcs by lines tangent to those to those arcs.

No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Hampton Municipal Airport 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 to one (20 to 1) for a horizontal distance of four thousand (4,000) feet.

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

3. 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.)

- A. The inner edge of the approach surface is five hundred (500) feet for runways 17 and 35.
- B. The outer edge of the approach zone is two thousand (2,000) feet for runway 17 and one thousand five hundred (1,500) feet for runway 35.
- C. The approach zone extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20 to 1) for runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Hampton Municipal Airport 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 to one (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 Hampton Municipal Airport Height Zoning Map.

5. No structure shall be erected in Franklin County that raises the published minimum descent altitude or decision height 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 Franklin County.

SECTION 4: USE RESTRICTIONS

Notwithstanding any other provisions of Section 3, no use may be made of land or water within the City of Hampton or Franklin 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 use 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 Hampton 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 Hampton Municipal Airport.
- c. No operations from any use in the City of Hampton or Franklin County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

SECTION 5: LIGHTING

Notwithstanding the provisions of Section 4, 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 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 70-7460-1D and amendments.

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 Hampton or Franklin 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 6: 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 Hampton Airport Manager for his opinion as to the aeronautical effect of such a variance. If the Hampton Airport Manager does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board of Adjustment may make its decision to grant or deny the variance.

SECTION 7: BOARD OF ADJUSTMENT

- a. There is hereby created a Board of Adjustment to have and exercise the following powers:
 - A. To hear and decide appeals from any order, requirement, decision or determination made by the Administrative Agency in the enforcement of this ordinance;
 - B. 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
 - C. To hear and decide specific variances.
- b. The Board of Adjustment shall consist of two (2) members selected by the City Council of Hampton, two (2) members selected by the Franklin 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 City Council of Hampton and the Franklin 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. 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 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 offices of the City and County Clerks, and on due cause shown.
- d. The Board of Adjustment shall have the powers established in Section 414.12, Code of Iowa, 2013.
- e. 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 8: JUDICIAL REVIEW

Any person aggrieved or any taxpayer affected by any decision of the Board of Adjustment, may appear to the Court of Record as provided in Section 414.15, Code of Iowa, 2003.

SECTION 9: ADMINISTRATIVE AGENCY

It shall be the duty of the Hampton City Zoning Officer or the Franklin County Zoning Administrator, who shall herein be referred to as the Administrative Agency, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the appropriate authority having jurisdiction upon a form furnished by him. Applications required by this ordinance 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 Administrative Agency.

SECTION 10: PENALTIES

Violation – Penalty. Any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects the provisions of this title shall be given a NOTICE OF VIOLATION either by personally giving, certified mail or served by law enforcement. This NOTICE OF VIOLATION shall identify the action required to correct the violation and give 20 days to correct it. If said violation is not corrected then a COUNTY CITATION shall be filed either by personally giving, certified mail or served by law enforcement with fines of \$750 for the first offense, \$1000 for the second and subsequent offences. A NOTICE OF VIOLATION may be in the form of a STOP WORK ORDER which shall instruct the violator to cease any activity until said violation is corrected. Situations where a STOP WORK ORDER may be used include but are not limited to incidences where construction has begun which will violate AIRSPACE HEIGHT LIMITATIONS or where proper documentation has not been filed. Each day the violation is permitted to exist shall constitute a separate offense. The Zoning Administrator shall keep a record of violations in his office. If any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits or neglects the provisions of this title three (3) or more times in a three (3) year period they shall be deemed a chronic offender. Chronic Offenders shall be issued a COUNTY CITATION when the Zoning Administrator becomes aware of a violation. A NOTICE OF VIOLATION with a 20 day notice shall not be required in the case of chronic offenders. In case of a violation of any provision of this title, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

SECTION 11: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance or 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 mater, the more stringent limitation or requirement shall govern and prevail.

SECTION 12: SEVERABILITY

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.