

TITLE V - PROPERTY AND LAND USE

CHAPTER 41

AIRPORT HEIGHT ZONING ORDINANCE

41.01 Title	41.06 Variances
41.02 Definitions	41.07 Judicial Review
41.03 Airport Zones and Airspace	41.08 Administrative Agency
41.04 Use Restrictions	41.09 Conflicting Regulations
Height Limitations	41.10 Penalties
41.05 Lighting	

41.01 TITLE. This Chapter shall be known and may be cited as “The Perry Municipal Airport Height Zoning Ordinance.”

41.02 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Airport" means the Perry Municipal Airport.
2. "Airport Elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,014 feet.
3. "Airport Hazard" mans 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.
4. "Airport Primary Surface" means 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" means, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, mean sea level elevation unless otherwise specified.

6. "Control Zone" means 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" means a runway having an existing instrument approach procedure utilizing air navigation facilities 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" means 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 En route Altitude" means 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" means 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" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
12. "Visual runway" means 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, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

41.03 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 Perry 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. 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. Visual Runway & Non-precision Instrument Utility Runways. Swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 13, 31,4 and 22, and 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 Perry 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 (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 Perry Municipal Airport 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.)

A. Visual Other Than Utility Runway and Non-precision Instrument Runway. The inner edge of the approach surface is:

- (1) Two hundred fifty (250) feet wide for runways 4 and 22.
- (2) Five hundred (500) feet wide for runways 13 and 31.

B. Visual Other Than Utility Runways. The outer edge of the approach zone is:

- (1) One thousand two hundred fifty (1,250) feet for runways 4 and 22.
- (2) One thousand five hundred (1,500) feet for runway 13.
- (3) Two thousand (2,000) feet for runway 31.

C. The approach zone extends for a horizontal distance of:

- (1) Five thousand (5,000) feet at a slope of twenty (20) to one (1) for runways 13, 31, 4 and 22.

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

5. Increase in Elevation of Structures. No structure shall be erected in the County that raises the published minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in the County.

**41.04 USE RESTRICTIONS.** Notwithstanding any other provisions of 41.03, no use may be made of land or water within the 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:

1. 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 Perry Municipal Airport or in the vicinity thereof.
2. 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 Perry Municipal Airport.
3. Electronic Interference. No operation from any use in the County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

**41.05 LIGHTING.** Notwithstanding the provisions of 41.04, 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 chapter 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 or growth in question to permit the 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.

41.06 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 chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Perry Airport Commission for its opinion as to the aeronautical effects of such a variance. If the Perry Airport Commission does not respond to the Board of Adjustment within fifteen (15) days after receipts of the copy of the application, the Board may make its decision to grant or deny the variance. No variance may be granted by the Board of Adjustment unless the applicant establishes that the proposed use will meet all of the standards and requirements of Section 41.04 of this chapter and Section 45.29.2 of the Zoning Ordinance, Chapter 45 of the Dallas County Code of Ordinances.

41.07 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 the Code of Iowa, Section 358A.

41.08 ADMINISTRATIVE AGENCY. It shall be the duty of the County Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the County Zoning Administrator upon a form furnished by the Administrator. Applications required by this chapter 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 County Zoning Administrator.

41.09 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter 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.

41.10 PENALTIES. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall be considered a county infraction under Iowa Code Section 331.307, punishable as provided in Chapter 2 of this Code of Ordinances.