

Airport Land Use & Height Overlay Zoning Ordinance

Section I: PURPOSE

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

This ordinance is adopted pursuant to the authority conferred on the Clayton County Board of Supervisors by the Iowa Statutes Section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Monona Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

1. The creation or establishment of an airport hazard is a public nuisance and an injury to the area served by the Monona Municipal Airport;
2. That it is necessary in the interest of public health, public safety, and general welfare, that the creation of airport hazards are prevented;
3. That this will be accomplished to the extent legally possible by proper exercise of the police power; and
4. That the prevention of creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which the City of Monona or Clayton County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

Section II. DEFINITIONS

1. Airport: Means the Monona Municipal Airport.
2. Airport Elevation: Means the highest point of the 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 14 Code of Federal Regulations Sections 77.21, 77.23 and 77.25 as revised July 31, 2010, and any updates thereafter, and which obstruct the air space required for flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this chapter.
5. Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth in Section III of this Ordinance
6. Airspace Height: For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise stated.
7. Board of Adjustments: A board consisting of five (5) members appointed as provided in Section 6.11 of the Clayton County Zoning Ordinance.
8. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace
9. Nonconforming Use: Is any structure, tree, or use of land which does not conform to a regulation of this chapter or amendment thereof, and is lawfully in existence at the time of the adoption of the ordinance codified by this chapter.
10. Runway: Is a defined area of an airport prepared for landing and take-off of aircraft along its length.
11. Visual Approach: Is an approach to an airport conducted with visual reference to the terrain.

Section III: AIRPORT ZONES AND HEIGHT LIMITATIONS

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Monona Municipal Airport. Such zones are shown on the Monona Municipal Airport Height Zoning Map (Exhibit A). 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 hereby established and defined as follows:

1. Conical Surface (Zone E): The land lying under a surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet. It is the outermost zone of the overlay areas and has the least number of land use restriction considerations.
2. Horizontal Surface (Zone D): The land lying under a horizontal plane located one hundred fifty (150) feet above the established airport elevation and begins at the edge of the transitional surface and primary surface for a distance of 5,000' for visual approach runways.
3. Primary Surface: The primary surface is longitudinally centered on a runway. The primary surface ends at each end of that runway. The width of the primary surface is 250', or 50' beyond the marked edge of a turf runway.
4. Runway Protection Zone (RPZ) (Zone A): is the area off the end of the runway and designed to provide a clear area that is free of above ground obstructions and structures to enhance the protection of people and property on the ground.
5. Runway Approach Surface (Zone B): is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway. The approach slope for visual runways is 20:1 for a distance of 5,000 feet.
6. Transitional Surface (Zone C): The land lying under those surfaces extending outward and upward at right angles to the runway centerline extended at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Section IV: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of the land or water within any zone as established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and 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, takeoff, or maneuvering of aircraft to use the airport. The Monona Municipal Airport Zone Chart (Exhibit B) will be used as a reference in determining if a proposed use is compatible in any particular zone.

Section V: LIGHTING

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.

Section VI: NONCONFORMING USES

1. Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or vegetative growth not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
2. Marking and Lighting: Notwithstanding the preceding provision of the Section, the owner of any existing nonconforming structure or vegetative growth is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Clayton County Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions.

Section VII: AIRPORT ZONING PERMITS

1. Future Uses: Except as specifically provided in "a", hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.
 - a) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in an area where the shielded structure will not adversely affect safety in air navigation may be allowed in any zone.
 - b) In all zones the Federal Aviation Administration Notice Criteria Tool will be used to determine if a permit and FAA review will be required for any new construction if higher than existing buildings or in an area where no buildings currently exist. These criteria are based on location, land elevation and structure height.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it was when the application for a permit was made.
3. Nonconforming Uses Abandoned or Destroyed: Whenever the Clayton County Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations

4. Variances: Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use his property in violation with any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, 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 Manager for an opinion as to the aeronautical effects of the variance. If the Airport Manager does not respond within 15 days after receipt, the board of Adjustment may act on its own to grant or deny said application.
5. Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain at the owner's expense, such markings and lights as may be necessary.

Section VIII: ENFORCEMENT

It shall be the duty of the Clayton County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon forms furnished for that purpose. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the Zoning Administrator according to the regulations prescribed herein.

Section IX: BOARD OF ADJUSTMENT

Rules and procedures pertaining to the Board of Adjustment are set forth in Section 6.11 – 6.16 of the Clayton County Zoning Ordinance.

Section X: APPEALS

Any person, property owner, or taxpayer impacted by any decision of this Ordinance, may appeal to the Board of Adjustment per Section 6.15 and 6.16 of the Clayton County Zoning Ordinance adopted 1981 and all amendments thereafter.

Section XI: JUDICIAL REVIEW

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

Section XII: PENALTIES

Any violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by a fine of not more than \$300 or imprisonment for not more than 30 days or both (Iowa Code, Chapter 903). 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 or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section XIV: SEVERABILITY

If any provision 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

This Ordinance shall be in effect from and after its passage by the governing body and publication and posting as required by law.

Adopted on this 24 day of June 2013.

Exhibit A-Airport Land Use & Height Overlay Zoning Map

The exhibit provides the Official Airport Land Use & Height Overlay Zoning Map to be kept on file with the appropriate governmental entities. The map must be amended when changes occur within the jurisdictional boundaries of the maps.



Exhibit B-Airport Compatibility Zone Chart to be used for reference in determining if a request needs further review.

<i>C = Compatible AR = Additional Review Required NC = Not Compatible</i>					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Single Family	NC	AR	NC	AR	C
Multi-Family, group living Uses	NC	NC	NC	AR	C
Permitted uses in "C" Commercial District	NC	AR	AR	C	C
Permitted uses in "M" Manufacturing District	NC	AR	AR	AR	C
Basic Utility Uses (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	NC	NC	AR	C
Sanitary landfills	NC	NC	NC	NC	AR
Solar power, generation equipment, wind generation, wind farms	NC	NC	NC	AR	AR
Communication transmission facilities	NC	NC	NC	AR	AR
Outdoor storage, signs and displays	NC	AR	AR	AR	C
General Community Service	NC	AR	AR	AR	C
Daycare Uses	NC	NC	NC	AR	C
Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	NC	NC	AR	C
Educational Facilities	NC	NC	NC	AR	C
Hospitals	NC	NC	NC	AR	C
Religious Assembly Uses	NC	NC	NC	AR	C
Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	NC	NC	AR	AR
Parking Uses (i.e. ground lots, parking structures)	AR	C	AR	C	C
Transportation Uses (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)	NC	NC	NC	AR	AR
Farms – plant and animal with no residential	AR	AR	AR	C	C
Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	NC	AR	C
Grain bins, bulk fuel, grain elevator	NC	NC	NC	AR	AR
Man-made water retention, detention, wetlands	NC	NC	NC	AR	AR
Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)					
<i>Outdoor recreation</i>	NC	AR	NC	AR	C
<i>Indoor recreational facilities</i>	NC	AR	NC	AR	C
Parks	NC	AR	NC	C	C
Casino	NC	NC	NC	AR	C