

CODE
OF
ORDINANCE

CHAPTER 22
AIRPORT HEIGHT ZONING

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22.1 PURPOSE AND FINDINGS. This chapter is adopted pursuant to the authority conferred on the Adams 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 Corning 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/county served by the Corning 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 and;
- 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 Corning and Adams County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

22.2 SHORT TITLE. This chapter shall be known and may be cited as “The Corning Municipal Airport Height Zoning Ordinance”.

22.3 DEFINITIONS.

- A. Airport: The Corning municipal airport.
- B. 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 1,250 feet.
- C. 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 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.

- D. Airport primary surface: 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.
- E. 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 specified.
- F. 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.
- G. 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.
- H. 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.
- I. Minimum enroute altitude: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- J. Minimum obstruction clearance altitude: The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- K. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- L. 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.

out the provisions of this section, there are hereby created and established certain zones which are depicted on the Corning municipal airport height zoning map. A structure located in more than one (1) zone of the following zones is considered to be only the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport Height Zones. The following five zones are the Corning airport height zones:

1. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs constitutes the horizontal zone.
 - a. The horizontal zone is applicable to visual runway and non-precision instrument utility runways.
 - b. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Corning municipal airport height zoning map.
2. Conical Zone. The conical zone is the land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Corning municipal airport height zoning map.
3. Approach Zone. The approach zone is 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 on the type of approach available or planned for that runway end).
 - a. The inner edge of the approach surface is:
 - i. 500 feet wide for runways 17 and 35, which are visual and non-precision instrument runways.
 - b. The outer edge of the approach zone is:
 - i. 1,500 feet for runway 35. (Visual other than utility runway.)
 - ii. 2,000 feet for runway 17. (non-precision instrument utility runway.)
 - c. No structure shall exceed the approach surface to any runway, as depicted on the Corning municipal airport height zoning map.
4. Transitional Zone. The transitional zone is 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.
 - a. No structure shall exceed the transitional surface, as depicted on the-

Corning municipal airport height zoning map.

5. No structure shall be erected in Corning or Adams 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 Corning or Adams County.

22.5 USE RESTRICTION. Notwithstanding any other provisions of section 302.04, no use may be made of land or water within the city or Adams 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 Corning municipal airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Corning municipal airport.
- C. No operations from any use in the city or Adams county shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

22.6 HAZARD LIGHTING. Notwithstanding the provisions of section 302.05, 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-ID and amendments. Additionally, any structure, constructed after the effective date of the chapter 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-ID and amendments.

- A. Lighting Variances. 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 and Adams 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.

22.7 HEIGHT 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 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 Corning municipal airport manager or city clerk for his opinion as to the aeronautical effects of such a variance. If the Corning municipal airport manager or city clerk does not respond to the board of adjustment within fifteen (15) days from receipt of the copy of the application, the board may make its decision to grant or deny the variance.

22.8 BOARD OF ADJUSTMENT (AIRPORT ZONING). There is hereby created a board

of adjustment (airport zoning).

- A. Powers. The board of adjustment 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 administrator in the enforcement of this chapter;
 2. to hear and decide special exemptions to the terms of this chapter upon which the board of adjustment under these regulations as it may be required to pass;
 3. to hear and decide specific requests for variances;
 4. and the powers granted in section 414.12 Iowa Code.
- B. Organization. The board of adjustment shall consist of five members appointed by the city council and board of county supervisors and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- C. Board Rules. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. 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 record of its examinations, and other official actions, all of which shall immediately be filed in the office of the city/county clerk, and on due cause shown.
- D. Voting. 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 chapter, or to effect variations of the application of this chapter.

22.09 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to a court of records, as provided in section 414.15, Iowa code.

22.10 ADMINISTRATIVE AGENCY. It shall be the duty of the city zoning administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the city zoning administrator upon forms furnished by the city. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for appeals to the board of adjustment shall be forthwith transmitted to the board of adjustment (airport zoning) for its review and action.

22.11 SPECIAL PENALTY. Each violation of this chapter 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.

22.12 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.

22.13 MAP ADOPTED BY REFERENCE. The Corning municipal airport height zoning map is adopted by reference as though included in this chapter.