

Instrument No. 013221  
 State of Iowa, Boone County, SS  
 Filed for Record at 3:50 P.M.  
 This 6 day of June 2001  
 Sheryl J. Thul, Recorder, Fees \$ 70.00  
 Number of Pages 6

## Article I. Ordinance No. 24A

AN ORDINANCE REPEALING AND REPLACING THE BOONE COUNTY AIRPORT ZONING ORDINANCE 24 BY PROVIDING FOR THE CLARIFICATION AND ADOPTION OF PROVISIONS UNDER CHAPTER 329 OF THE IOWA CODE AND ESTABLISHING AND EXPANDING THE RULES FOR THE PREVENTION OF HAZARDS AND NON-COMPATIBLE USES OF LAND IN THE VICINITY OF THE BOONE MUNICIPAL AIRPORT.

BE IT HEREBY ORDAINED BY THE BOONE COUNTY BOARD OF SUPERVISORS,  
 BOONE COUNTY, IOWA

### *Section 1. Purpose.*

To repeal and replace the Boone County Airport Zoning Ordinance 24 by clarifying and adopting necessary provisions under Chapter 329 of the Iowa Code and establishing and expanding the rules for the prevention of hazards and non-compatible uses of land in the vicinity of the Boone Municipal Airport.

### *Section 2. Title*

*This ordinance shall be known and may be cited as The Boone County Airport Zoning Ordinance.*

### *Section 3. Definitions*

Airport Hazard: Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 CFR FAR, Part 77, and which obstructs or is otherwise hazardous to the landing or take-off of any aircraft at the Airport, or hazardous to persons or property on the ground.

Boone Municipal Airport Overlay Zoning Map: The charts or maps of the Boone Municipal Airport on which the airport overlay zones are depicted. Copies of such maps are on file in the office of the City of Boone Building Official and the Boone County Planning and Development Department (Airport Zoning Plan Map-Boone Municipal Airport – Airport Zoning Map – C.01 created March of 2000).

Inner Edge: That edge of any zone, which is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline.

Non Conformities: Any structure or portion thereof which does not conform to the provisions of this ordinance relative to height and any use not allowed within the airport overlay zone in which it is located by reason of the adoption of any ordinance or subsequent amendments thereto.

Non-compatible use: Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including but not limited to, landfills or other activities that attract

birds or other wild life, smoke or steam producing activities, and those that lead to an assembly of people, including, but not limited to, residences, churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons.

**Structure:** Any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including, but not limited to, buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways, and overhead transmission lines, including poles or other structures supporting the same.

**Tree:** Any object of natural growth.

#### ***Section 4. Airport Zones and Airspace Height Limitations***

All Airport Zones and Airspace Height Limitations shall be in conformance with the Boone Municipal Airport Overlay Zoning Map.

- A. **Horizontal Overlay Zone-HOZ:** The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of 10,000 foot radii from the center of the inner edges of the AO zones of runway 14/32(15/33) and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HOZ is 1312 feet above mean sea level.
- B. **Conical Overlay Zone-COZ:** The airspace above a sloped horizontal plane beginning at the periphery of the HO zone and rising one foot in height for each 20 feet horizontally (20:1) for a horizontal distance of 4,000 feet.
- C. **Transitional Overlay Zone-TO:** The airspace above a sloping plane rising from the sides of each runway and from the sides of each AOZ at the rate of 1 foot of elevation for each 7 feet horizontally (7:1). The TO zones for the Airport are as follows:
  - (1) Runway 2/20: Along each side of the runway, beginning at a point 250 feet from the center line of the runway and at right angles to the center line, and from each side of the AO zone at each end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.
  - (2) Runway 14/32(15/33): Along each side of the runway, beginning at a point 500 feet from the center line of the runway and at right angles to the center line, and from each side of the AO zone at each end of the runway at right angles to the extended runway center line. The TO zone ends at the point where it intersects the HO zone.
- D. **Approach Overlay Zone- (AO):** An airspace area extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at and departing the Airport. AOZ vary in size and slope based upon the present or future use that can be expected for each Airport runway. The AO Zones at the Airport are as follows:
  - (1) Runway 2/20. Beginning at each end of the runway and centered on the extended centerline of the runway, the inner edge of each AO zone is 250 feet wide, expanding uniformly to an outer

edge width of 1250 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge 1 foot for each 20 feet of horizontal distance (20:1), for a distance of 5,000 feet.

- (2) Runway 14(15). Beginning 60 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 3,500 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline; the floor of the zone rises from the inner edge 1 foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.
  - (3) Runway 32(33). Beginning 200 feet beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is 1,000 feet wide, expanding uniformly to an outer edge width of 4,000 feet. The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline. The floor of the zone rises from the inner edge 1 foot for each 34 feet of horizontal distance (34:1), for a distance of 10,000 feet.
- E. Controlled Activity Zone- (CA):** An area beginning at and extending from each end of each runway, of fixed size, extending to and underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width of the CA zone is the same width as the AO zone for each end of each runway. The length of the CA zone may be different on each runway end. The CA zones for the Airport are as follows:
- (1) Runway 2/20. Underlying the innermost 1200 feet of the AO zone at each end of the runway, the width of the CA zone is the same width as that of the AO zone.
  - (2) Runway 14 (15). Extending from the end of the pavement to, and underlying the innermost 1,000 feet of the AO zone at the northwest end of the runway, the width of the CA zone is 500 feet at the inner edge and expands uniformly to a width of 700 feet.
  - (3) Runway 32 (33). Extending from the end of the pavement to, and underlying the innermost 1,700 feet of the AO zone at the southeast end of the runway, the width of the CA zone is the same width as that of the AO zone.

### ***Section 5. Use Restrictions.***

- F.** No structure shall be erected 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.

### ***Section 6. Variance***

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use their property in violation of any section of this ordinance, may apply to the Airport Board of Adjustment as herein created, for variance from such regulations. No application for variance to the requirements of this ordinance may be considered by the Airport

Board of Adjustment unless a copy of the application has been submitted to the Boone Municipal Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Boone Municipal Airport Commission does not respond to the Airport Board of Adjustment within sixty (60) days from receipt of the copy of the application, the Board may proceed to make its decision to grant or deny the variance without further input from the Commission.

Any person or party believing that their proposed project is either excepted from the provisions of this ordinance or believe that an exception should be granted for their project, are to make a written request to the Airport Board of Adjustment requesting that an exception be granted. The application shall include a complete explanation of the project, references to any federal, state or local statute that would establish grounds for an exception, and a complete drawing to scale of the project. The Airport Board of Adjustment shall respond within sixty days (60) of the request with a denial or exception.

### ***Section 7. Administration and Enforcement***

- A. Administration: the Boone County Zoning Administrator and or appropriate City building official shall perform the administration and enforcement of these airport zoning regulations. However, as provided by the Code of Iowa, as amended, such duties of enforcement and administration shall not include any of the powers herein delegated to the Airport Board of Adjustment.
- B. Airport Zoning Commission: A Boone County/Boone Airport Zoning Commission is hereby created. The Airport Zoning Commission shall consist of five (5) members, two (2) of whom shall be appointed by the Board of Supervisors of Boone County and two (2) of whom shall be selected by the City Council of the City of Boone and one additional member to act as chairperson. The chairperson shall be selected by a majority vote of the members selected by the Board of Supervisors and City Council. The terms of such members shall be as provided by the Code of Iowa, as amended. The Zoning Commission shall have the powers and duties and shall follow the procedures provided in the Code of Iowa, as amended.
- C. Airport Board of Adjustment: An Airport Board of Adjustment (“Board”) is hereby established. The Board shall consist of five (5) members, two (2) of whom shall be appointed by the Board of Supervisors of Boone County and two (2) of whom shall be appointed by the City Council of Boone and one additional member to act as chairperson. The chairperson shall be selected by a majority vote of the members selected by the Board of Supervisors and City Council. The terms of such members shall be as provided in the Code of Iowa, as amended. The Board shall have the powers and duties and shall follow the procedures provided by the Code of Iowa, as amended.

### ***Section 8. Notification of Proposed Development***

- A. Any person, who proposes any development of a height greater than an imaginary surface extending outward and upward at a slope of one hundred to one (100:1)

for a horizontal distance of twenty thousand feet (20,000') from the nearest point of the nearest runway, shall notify the Federal Aviation Administration (FAA). One executed form set (4 copies) of FAA Form 7460-1, *Notice of Proposed Construction of Alteration*, as amended, shall be sent to the Chief, Air Traffic Division, of the FAA Regional Office in Kansas City, Missouri, and one copy to the appropriate county/city building official. Copies of FAA Form 7460-1 may be obtained from the FAA. (See Federal Aviation Regulations, section 77.13, as amended.) The developer must also submit a statement of use to the Boone County Zoning Administrator for review to determine if said use is a permissible use for the designated area. Once the FAA has replied to the developer, that reply shall be submitted to the Zoning Administrator. The appropriate Administrative Authority shall review all submissions, and in the event the Zoning Administrator does not agree with the FAA determination, it shall be submitted to the Airport Zoning Commission for final determination to be rendered no later than sixty (60) days after submission.

- B.** Exception: No person is required to notify the FAA Administrator of the construction or alteration of any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in the congested area of a city, town or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. (See Federal Aviation Regulations, section 77.15, as amended.) It shall be the responsibility of the Zoning Administrator, prior to issuance of a zoning permit for such object, to determine whether or not the shielding satisfies the foregoing requirements.

### ***Section 9. Equitable Remedies***

The Airport Zoning Commission may, as authorized by the Code of Iowa, as amended, maintain an action in equity to restrain and abate as a nuisance the creation or establishment of an airport hazard pertaining to the Boone Municipal Airport in violation of these regulations for any area within the territorial limits of Boone County.

### ***Section 10. Prohibited Acts***

It shall be unlawful for any person to do any of the acts hereinafter stated unless a provisional modification, special exception or variance from the provisions of these regulations has been granted:

- A.** No person shall erect or increase the height of any structure or permit the growth of any tree to a height in excess of that provided by any of these regulations for the zone or area where such act occurs, except as provided in this Chapter.
- B.** No person shall hereafter place or cause to be placed, above ground, transmission or distribution lines or poles or other structures supporting the same within two hundred feet (200') of the outer boundary of the airport as said boundary is shown on the airport overlay zoning map.

C. No person shall otherwise use property within a zone established by these regulations in violation of the use restrictions of these regulations or in such a manner as to create an airport hazard as defined herein, except as provided in this Chapter.

**Section 11. Repealer Clause**

Boone County Ordinance 24 is hereby repealed and replaced herewith. All ordinances or any part thereof in conflict Ordinance 24A are hereby repealed.

**Section 12. Severability Clause**

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 13. 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 Boone County Board of Supervisors and publication and posting as required by law.

Summary published on May 24, 2001.

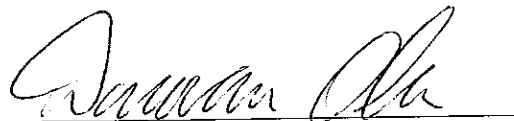
Moved by Reed, second by Olson to approve the first reading of Ordinance #24A on May 2, 2001. NO: None; YES: Reed, Olson. Motion carried.


Moved by Reed, second by Olson to approve the second reading of Ordinance #24A on May 9, 2001. NO: None; YES: Reed, Olson. Motion carried.

Moved by Sorensen, second by Reed to approve the third reading and adopt Ordinance #24A on May 16, 2001. NO: None; YES: Reed, Sorensen. Motion carried.  
NO: None; YES: Reed, Sorensen. Motion carried.

Passed and adopted this 16<sup>th</sup> day of May 2001.

Attest:

  
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Donovan Olson, Chairman

  
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Philippe E. Meier

Boone County Board of Supervisors

Boone County Auditor

