

BEFORE THE BOARD OF SUPERVISORS OF
JASPER COUNTY, IOWA

JASPER COUNTY, IOWA
FILED FOR RECORD
AT 8:00 O'CLOCK AM

APR 24 2002

ORDINANCE NO. IV-XIII

NANCY PARROTT, RECORDER
BY _____ DEPUTY

**AN ORDINANCE ESTABLISHING ZONING PROVISIONS TO LIMIT THE
HEIGHT OF OBJECTS IN JASPER COUNTY, IOWA WHICH MAY
INTERFERE WITH SAFE USAGE OF THE
GRINNELL REGIONAL AIRPORT BY AIRCRAFT
AND PROVIDING PROCESSES AND PENALTIES RELATING THERETO.**

This ordinance is adopted pursuant to the authority conferred by Chapter 329 of the Code of Iowa (2001). It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Grinnell Regional Airport, and property of occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Grinnell Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Grinnell Regional Airport and the public investment therein. Accordingly, it is declared:

That the creation, or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Grinnell Regional Airport; and,

That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

That the prevention of those obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political

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That the prevention of those obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire and regulate land, uses of land, or interests in land.

IT IS, THEREFORE, HEREBY RESOLVED that the following Ordinance be, and is hereby, adopted:

SECTION I: SHORT TITLE

This ordinance shall be known and may be cited as the "Grinnell Regional Airport Tall Structure Zoning Ordinance".

SECTION II: DEFINITIONS

As used in this ordinance, unless the context otherwise requires:

II-1> *AIRPORT*. Grinnell Regional Airport.

II-2> *AIRPORT ELEVATION*. The highest point of an airport's usable landing area measured in feet from sea level.

II-3> *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 Section IV of this Ordinance. In plan the perimeter of the approach surface coincide with the perimeter of the approach zone.

II-4> *APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES*. These zones are set forth in Section III of this ordinance.

II-5> *BOARD OF ADJUSTMENT*. A Board consisting of 5 members appointed by the Jasper County Board of Supervisors as provided in Chapter 329 of the Code of Iowa (2001).

II-6> *CONICAL SURFACE*. 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.

II-7> *HAZARD TO AIR NAVIGATION*. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

II-8> *HEIGHT*. For the 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.

II-9> *HORIZONTAL SURFACE*. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

II-10> *NONCONFORMING USE*. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provision of the Ordinance or an amendment thereto.

II-11> *NONPRECISION INSTRUMENT RUNWAY*. A runway having an existing instrument approach, procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

II-12> *OBJECT FREE AREA ("OFA")*. An area on the ground centered on the runway, taxiway, or taxi lane centerline provided to enhance the safety of aircraft operations by having the area free of objects except for object that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes.

II-13> *OBSTRUCTION*. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this ordinance.

II-14> *PERSON*. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

II-15> *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; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

II-16> *RUNWAY*. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

II-17> *STRUCTURE*. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

II-18> *TRANSITIONAL SURFACES*. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured, horizontally from the end of the approach surface at 90 degree angles to the extended runway centerline.

II-19> *TREE*. Any object of natural growth.

II-20> *UTILITY RUNWAY*. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

II-21> *VISUAL RUNWAY*. A runway intended solely for the operation of aircraft using visual approach procedures.

II-22> *LARGER THAN UTILITY RUNWAY*. A runway that is constructed for and intended to be used by aircraft of greater than 12,500 pound maximum gross weight and jet powered aircraft.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of that land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Grinnell Regional Airport. Such zones are shown on the Grinnell Regional Airport zoning map which is attached to this Ordinance and made a part hereof and on file in the offices of the Jasper County Auditor. An area located in more than one (1) 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:

III-1> *Utility Runway Nonprecision Instrument Approach Zone (20:1 Zone)*. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

III-2> *Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone (34:2 Zone)*. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands out and uniformly to a width 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

III-3> *Horizontal Zone*. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

III-4> *Conical Zone*. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

III-5> *Transitional Zone*. The transitional zone is established as the areas under the transitional surfaces.

III-6. *Runway Protection Zone (RPZ)*. The runway protection zone is established as an area of the end of the runway intended to enhance the protection of people and property on the ground.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. All such limitations and conditions shall relate under this ordinance only to the Grinnell Regional Airport zones. Such applicable height limitations are hereby established for each of the Grinnell Regional Airport Zones in question as follows:

IV-1> *Utility Runway Nonprecision Instrument Approach Zone (20:1 zone)*. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. This approach zone shall apply to runway ends 3 and 21.

IV-2> *Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone (34:1 Zone)*. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. This approach zone shall apply to runway ends 13 and 31 (130° and 310°).

IV-3> *Transitional Zone*. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1009 feet above mean sea level. In addition to the foregoing there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

IV-4> *Horizontal Zone*. Established at 150 feet above the airport elevation or at a height of 1159 feet above mean sea level.

IV-5> *Conical Zone*. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

IV-6> *Certain Structures Prohibited*. No structure shall be erected in Jasper County that raises the published Minimum Descent Altitude of Decision Height for an instrument approach to any runway at Grinnell Regional Airport, 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 Jasper County.

SECTION V: USE RESTRICTIONS

V-1> *Generally.* Notwithstanding any other provision of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the Grinnell Regional 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 Grinnell Regional Airport, impair visibility in the vicinity of the Grinnell Regional Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Grinnell Regional Airport.

V-2> *Landfill Restrictions.* Landfills and waste disposal sites shall not be located within 5.75 miles of the Grinnell Regional Airport.

V-3> *Permitted Uses in the Runway Protection Zones (RPZ).* The following uses are permitted in the RPZ's provided they do not attract wildlife, are outside the Runway Object Free Area as shown on the Grinnell Regional Airport Layout Plan, and do not interfere with navigational aids: golf courses (but not club houses) and agricultural operations (other than forestry or livestock farms) are expressly permitted under this proviso. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the OFA extension.

V-4> *Prohibited Uses in the Runway Protection Zones (RPZ).* Land uses prohibited from the Grinnell Regional Airport RPZ are: residences and places of public assembly such as churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typifying places of public assembly, and fuel storage facilities.

SECTION VI: NONCONFORMING USES

VI-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 tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of 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 which is completed within one (1) year thereafter.

VI-2> *Marking And Lighting of Existing Nonconforming Uses.* Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Jasper County Zoning

Administrator to indicate to the operators of aircraft in the vicinity of the Grinnell Regional Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Grinnell Regional Airport, and it alone shall bear all liability for compliance with such maintenance.

SECTION VII: PERMITS

The Jasper County Zoning Administrator shall review the development or planting of any structure or growth within the Grinnell Regional Airport Zones located in Jasper County, Iowa relating to compliance with the height limitations as established in Section IV of this Ordinance.

VII-1> *No Airport Zoning Permit Required.* No Grinnell Regional Airport Zoning Permit shall be required for the growth of any tree if the height of said tree falls into the following categories:

VII-1(a) No Grinnell Regional Airport Zoning Permit shall be required for construction of any structure or growth of any tree up to a height of 50 feet above the surface of the land.

VII-1(b) In the area lying within the limits of the horizontal zone and conical zone, no Grinnell Regional Airport Zoning Permit shall be required for construction of any structure or growth of any trees less than seventy five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

VII-1(c) In the area lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no Grinnell Regional Airport Zoning Permit shall be required for construction of any structure or growth of any tree less than seventy five feet of vertical height above the ground, except when such tree, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

VII-1(d) In addition, in any of the individual areas described in paragraphs VII-1(b) or VII-1(c) above, no Grinnell Regional Airport Zoning Permit shall be required for any tree which - regardless of its proposed vertical height above the ground - does not extend to as great a height above sea-level as any of the natural terrain located directly between the location of the proposed tree and any portion of the existing or proposed Airport runway's.

The foregoing exceptions shall not 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 except as set forth in paragraph VII-1(a).

VII-2> *Grinnell Regional Airport Zoning Permit required.* A Grinnell Regional Airport Zoning Permit shall be required when the construction or alteration of any structure or growth of any tree exceeds the height limitations of the foregoing exceptions as set forth in paragraphs VII-1(a), VII-1(b) or VII-1(c) above. An application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow it to be determined whether the resulting use, structure, or tree would conform to the regulations hereby prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII-4. Application fees relating to such permits may be charged at a rate set from time to time by the Jasper County Zoning Board and such fees may vary above a fixed minimum depending upon actual expenses involved in the review and processing thereof.

VII-3> *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 is when the application for permit is made. Except as indicated, all applications for such a permit shall be granted.

VII-4> *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in the ordinance, may apply to the Jasper County Zoning Board of Adjustment for a variance from such regulations. However, no such variance shall be granted unless the Board of Adjustment finds, based upon written advice from the federal Aviation Administration that:

VII-4(a) In an application to permit any structure, tree or use of land to exceed the height or use limitations of this ordinance, that such structure, tree or use of land, would not obstruct landing and takeoff of aircraft at the Grinnell Regional Airport; and,

VII-4(b) In an application to permit a use of land otherwise prohibited herein, that such use would not be incompatible with operation of the Grinnell Regional Airport.

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VII-5> *Written FAA Advisory Required.* An applicant for a variance hereunder shall, as part of the application submitted to the Board of Adjustment, file the required written advice of the Federal Aviation Administration. No application for a variance hereunder shall be set for hearing by the Board of Adjustment until such written FAA Advisory has been filed. Such advice shall not be binding upon the Board of Adjustment, but shall be one of the factors considered by the Board when reaching its decision.

VII-6> *Obstruction Marking and Lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable under 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 maybe necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Grinnell Regional Airport at the airport's own expense, to install, operate, and maintain the necessary markings and lights.

VII-7> *FAA Permit Required.* The following construction or alterations shall require the filing of FAA form 7460-1, Notice of Proposed Construction or Alteration: (1) Any construction or alteration of more than 200 feet in height above the ground level at its site; (2) Any construction or alteration of greater height than an imaginary surface which extends outward and upward and slopes one hundred feet (100) outward distance for each foot upward for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the Grinnell Regional Airport.

VII-8> *FAA Form 7460-1/ Time of Notice.* The notice required under FAA Part 77, Objects Affecting Navigable Airspace, Sec. 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates: (1) The date the proposed construction or alteration is to begin; (2) The date an application for a construction permit is to be filed. However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act or any other federal statute, rule or regulation may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Jasper County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Jasper County Zoning Administrator, Jasper County Courthouse, 101 First Street North, Newton, Iowa 50208 (or at any later location of such County Official) upon a form approved by the Jasper County Zoning Board and used for that purpose. Applications required by this ordinance to be submitted to the Jasper County Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be promptly reviewed and investigated by the Jasper County Zoning Administrator within a reasonable time following completed receipt thereof and payment or prepayment of all fees and expenses associated therewith.

SECTION IX: APPEALS

IX-1> *Generally.* Any person aggrieved, or any taxpayer affected, by any decision of the Jasper County Zoning Administrator made in the administration of the ordinance, may appeal to the Jasper County Zoning Board of Adjustment.

IX-2> *Filing.* All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Jasper County Zoning Administrator a written notice of appeal specifying the grounds thereof. The Jasper County Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

IX-3> *Stay of Proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Jasper County Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Jasper County Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Jasper County Zoning Board of Adjustment on notice to the Jasper County Zoning Administrator and on due cause shown.

IX-4> *Time, Public Notice, Decision of Board of Adjustment.* The Jasper County Zoning Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

IX-5> *Action on Appeal.* The Jasper County Zoning Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION X: JUDICIAL REVIEW

Any person aggrieved, or any person affected, by any decision of the Jasper County Zoning Board of Adjustment, may appeal to Jasper County offices of the Iowa District Court under petition for writ of certiorari

SECTION XI: PENALTIES

Each violation of this ordinance or of any rule, regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor and shall be punishable by a fine of not more than 250 dollars or imprisonment for not more than 30 days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION XII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIII: SEVERABILITY

If any of the provisions of this ordinance or the application thereof to any person or circumstances are 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.

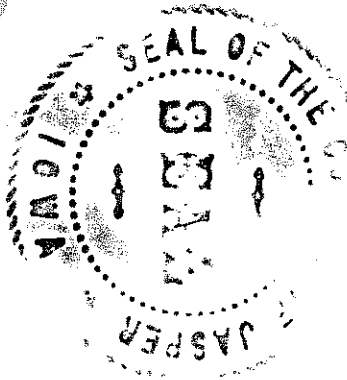
SECTION XIV: EFFECTIVE DATE

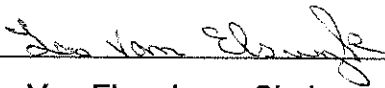
This Ordinance shall be in full force and effect from and after July 1, 2002 upon due publication and posting as required by law.


Passed and approved on the following roll call vote on the 23rd day of

April, 2002.

SUPERVISOR	AYES	NAYS
Loren Milligan	X	
Leo Van Elswyk	X	
Max Worthington	X	




Leo Van Elswyk, Chairperson,
Jasper County Board of Supervisors


Ken Slothouber, Jasper County Auditor