

CHAPTER 12-31 AIRPORT PROTECTIVE AREA

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12-31-101. Purpose.

These provisions are established to restrain influences which are adverse to the proper and safe conduct of aircraft operations in the vicinity of airports, to prevent creation of conditions hazardous to aircraft operations and to encourage development which is compatible with airport and related uses. To this end, the airport protective area is intended to incorporate the purposes and intent of this Chapter with other regulations duly established by the City. The City Council recognizes the concerns of owners of property within the airport protective area regarding the use of their properties and does not intend to impose restrictions not required in the interest of protecting the safety and welfare of the public. To this end, variances from the requirements of this Chapter may be allowed where not contrary to the public interest and safety and where the same will not create undue hazards to air navigation. All development within the AP Zone shall comply with the requirements of FAA Regulations, Part 77, as amended.

12-31-102. Airport Zones.

In order to carry out the provisions of this Chapter, there are locations within the AP Zone that are subject to the restrictions of this Chapter. These locations include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Skypark Airport. The restricted locations are shown on the diagram attached as the final page of this Chapter. The various locations governed by this Chapter are hereby established and defined as follows:

(a) Utility runway visual approach/departure zone. The inner edge of this approach/departure zone coincides with the width of the primary runway surface and is 250 feet wide. The approach/departure zone expands outward uniformly to a width of 1250 feet at a horizontal distance of 5000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

(b) Transitional Zone. The transitional zones are the areas beneath the transitional surfaces.

(c) Horizontal Zone. The Horizontal Zone is established by swinging arcs of 5000 feet radii 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 zone.

(d) Conical Zone. The Conical Zone is established as the area that commences at the periphery of the Horizontal Zone and extends outward there from a horizontal distance of 4000 feet.

12-31-103. Airport Zone Height Limitations.

Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any airport Zone defined in Section 102, above, to a height in excess of the applicable height limitations of this section as follows:

(a) Utility Runway Visual Approach/Departure Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface in extending to a horizontal distance of 5000 feet along the extended runway center line.

(b) Transitional Zone. Slope 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. In addition to the foregoing, there are established height limitations, sloping 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.

(c) Horizontal Zone. Established at 150 feet above the airport elevation.

(d) Conical Zone. Slopes 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.

12-31-104. Use Restrictions.

Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any Zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting in glare to the eyes of the 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 intending to use the airport.

12-31-105. Non-Conforming Uses.

(a) Regulations not retroactive. The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a non-conforming 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.

(b) Marking and Lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights and as shall be deemed necessary by the Planning Commission after consultation with the airport manager, to indicate to the operators

of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the airport management.

12-31-106. Permits.

(a) Existing Uses. No building or conditional use permit shall be granted that would allow the establishment or creation of an obstruction or permit non-conforming use or structure 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 a permit is made.

(b) Non-Conforming Use is Abandoned or Destroyed. Whenever the City Planner determines that a non-conforming structure has been abandoned, or more than 80 per cent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the current zoning regulations.

12-31-107. Obstruction, Marking & Lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this Chapter and be 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, any markings and lights as may be necessary.

12-31-108. Variances.

Any person desiring to erect or increase the height of any structure or permit the growth of any tree not in accordance with the regulations of this Chapter, may apply to the Planning Commission for a variance from such regulation. The application for variance shall be accompanied by a written determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances may 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 this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Planning Commission unless a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt, the Planning Commission may act on its own to grant or deny said application. Any person aggrieved by a decision of the Planning Commission may appeal such decision to the Hearing Officer under the provisions of Section 12-4-103, as amended.

12-31-109. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other laws or regulations 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. In the event these rules conflict with rules and regulations of the Federal Aviation Administration, the Federal rule or regulation shall govern.

12-31-110. Enforcement.

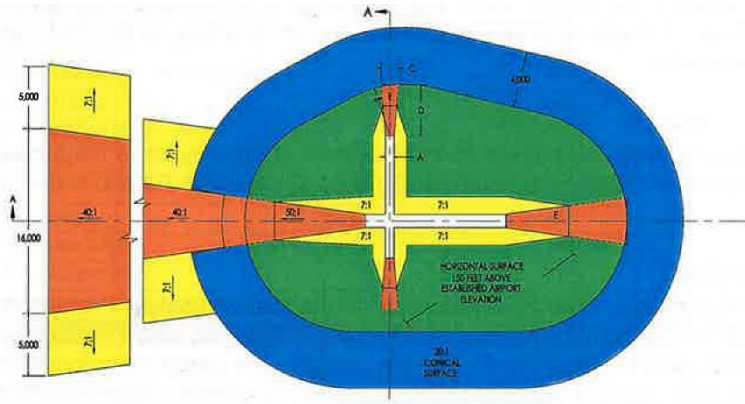
It shall be the duty of the Director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form published for that purpose. Applications required by this Chapter to be submitted to the City shall be considered in a timely manner and granted or denied. An application for action by the Planning Commission shall be submitted to and forthwith transmitted by the City Planner.

12-31-111. Warnings and Disclaimers of Liability.

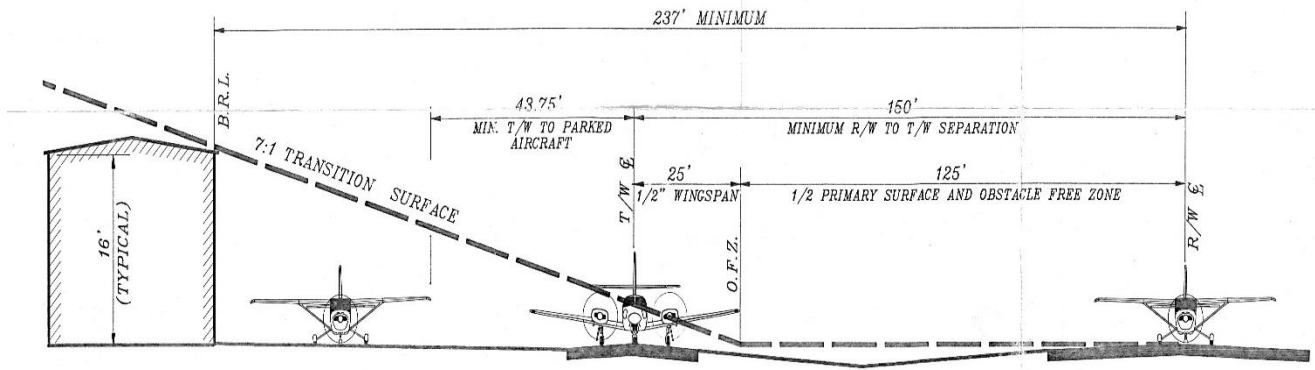
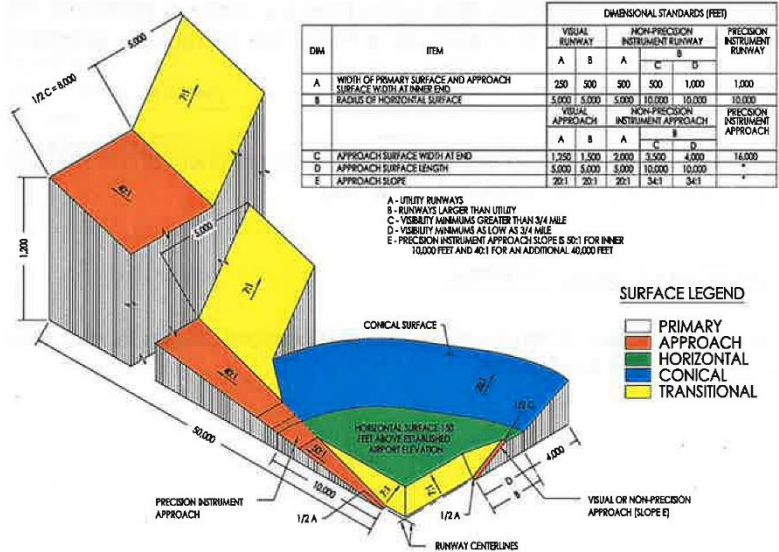
The degree of flight protection adjacent to airports provided by this Ordinance is considered reasonable for regulatory purposes and is based on FAA regulations and scientific and engineering considerations. This Ordinance does not imply that flights either within or outside the restricted areas specified in this Chapter will be safe or free from flight or other hazards. Furthermore, this Chapter shall not be construed to create liability on the part of the City, or any officer, employee or agent thereof that may result from reliance on this Chapter or any administrative decision lawfully made hereunder.

12-31-112. Penalties.

Each violation of this Chapter or any regulation, order, or ruling promulgated hereunder shall constitute a Class C misdemeanor and may be punishable as provided by law, and each day a violation continues to exist shall constitute a separate offense.



SCHEMATIC VIEW



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