

**ORDINANCE NO. 05-27-21-02**

**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT  
ORDINANCE BY REPEALING AND REPLACING THE AIRPORT ZONING CODE FOR  
THE IOWA CITY AIRPORT (PRESENTLY CODIFIED AS CHAPTER 8:10 IN THE  
JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE) IN ITS ENTIRETY.**

**SECTION I. PURPOSE.** The purpose of this ordinance is to further the stated purpose of the Unified Development Ordinance for Johnson County by repealing and replacing Chapter 8:10 of the Johnson County Unified Development Ordinance. The updated ordinance will be in line with – and ensure uniformity with – similar updates adopted by the City of Iowa City to protect the health, safety, comfort, and general welfare of the citizens of Johnson County, Iowa.

**SECTION II. AMENDMENTS.** Chapter 8:10 of the Johnson County Unified Development Ordinance is hereby amended by repealing Chapter 8:10 in its entirety and replacing it with the following:

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Ordinance language begins on the next page)

## 8:10 Airport Zoning (Iowa City Airport)

Original version effective November 19, 1984 and revised August 27, 1990. Current version effective June 3, 2021

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### 8:10.1 Purpose.

The purpose of this chapter shall be to:

- A. Exercise, to the fullest extent possible, the powers granted to municipalities under the code of Iowa, as amended, and to codify existing regulations of the federal aviation administration relating to land uses incompatible with or constituting a hazard to aviation at the Iowa City municipal airport.
- B. Promote the public health, safety, order, convenience, prosperity and general welfare through the prevention of obstructions and non-compatible land uses, to the extent legally possible, by proper exercise of the police power, without compensation.
- C. Achieve the mitigation of non-compatible uses and hazards to safe air navigation through prevention, removal, or alteration, through the marking and lighting of obstructions, which are public purposes for which the city of Iowa City and Johnson County may raise and expend public funds, or through the acquisition of land or interests in land; to that end, the city council of Iowa City and the Board of Supervisors of Johnson County hereby declare that:
  1. A hazard created by failure to comply with the provisions of this chapter may be abated by the City of Iowa City or the state department of transportation as provided by Iowa Code Chapter 329. Any object or structure constituting a nuisance under Iowa Code § 657.2(8), as amended, may also be abated in the manner prescribed by law for the abatement of public nuisances; and
  2. Neither political subdivision shall become liable for the expenditure of its public funds unless such expenditure shall have been approved in advance by its governing body.

**8:10.2 Name.**

This chapter shall be known and may be cited as the Iowa City Airport Zoning Ordinance.

**8:10.3 Applicability to Agricultural Operations.**

In accordance with Iowa Code Chapter 329, all property in the unincorporated areas of Johnson County that lies within an airport hazard area on the airport zoning map, as amended from time to time, is subject to local airport zoning regulations. Exemption for agricultural operations does not extend to the application of airport zoning regulations on the use of land.

**8:10.4 Definitions.**

For the purpose of interpreting and enforcing Chapter 8:10 of the Unified Development Ordinance, certain terms are hereby defined and the following definitions shall apply unless the context requires otherwise.

**A. General Rules.** There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word “shall” is mandatory and not directory.
5. “This Chapter” shall refer to all regulations and standards in 8:10.
6. “Subsection” shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. “This ordinance” shall refer to all ordinances within the Unified Development Ordinance.
8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

**B. Terms.**

1. **Aerial Navigation:** The movement of an aircraft through the air.
2. **Aircraft:** Any human controlled contrivance used or designed for carrying humans in flight through the air, but not including parachutes.
3. **Airport:** The Iowa City municipal airport.
4. **Airport Commission:** The Iowa City municipal airport commission or its duly appointed representative.
5. **Airport Elevation:** Six hundred eighty four feet (684') (MSL).

6. **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 departure of any aircraft at the airport, or hazardous to persons or property on the ground. Any structure or tree that the federal aviation administration has found, or determined, to be a hazard.
7. **Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.
8. **Airport Zoning Map:** The Iowa City municipal airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which maps are adopted by this chapter and which maps are on file in the office of the city clerk, Iowa City, Iowa.
9. **Building Official:** The building official of Iowa City, Iowa, or a duly authorized designee thereof.
10. **City:** The city of Iowa City, Iowa.
11. **County:** Johnson County, Iowa.
12. **Federal Aviation Administration (FAA):** An agency of the United States government that administers the federal regulations that relate to the use and flight of aircraft, and related regulations. The location of the controlling FAA office may be found in subsection 8:10.20.A, "Appendix I", of this chapter.
13. **Inner Edge:** That edge of any zone that is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline. The elevation of each inner edge is the same as the elevation of the runway threshold to which it applies, and which is depicted on the airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which maps are adopted by this chapter and which maps are on file in the office of the city clerk, Iowa City, Iowa.
14. **MSL:** Altitude above mean sea level.
15. **Noncompatible Use:** Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including, but not limited to, storage of hazardous materials, aboveground storage of flammable liquids in excess of six hundred sixty (660) gallons, and those that lead to an assembly of people, including, but not limited to, residences, theaters, churches, schools, athletic fields, campgrounds, hospitals, office buildings, shopping centers, hotels and motels, and other uses with similar concentrations of persons.
16. **Nonconforming Structure:** Any structure or portion of any structure that is located within or underlying any of the zones created by this chapter and that does not conform to the height and/or use provisions of this chapter.
17. **Notice of Proposed Construction or Alteration:** A requirement of 14 CFR chapter 1, part 77, providing for persons who propose any kind of construction or alteration of the type described in the section to provide notice to the FAA of such action. A copy of part 77 may be found in subsection 8:10.20.C of this chapter.
18. **Obstruction:** Any structure or tree, the height of which exceeds that which is allowed by this chapter.
19. **Person:** Any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, assignee or other similar representative thereof.

20. **Runway Threshold:** A designated point on any airport runway that establishes the end of the runway. The runway threshold may or may not correspond with the end of the paved portion of the runway.
21. **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.
22. **Tree:** Any object of natural growth.
23. **Zoning Administrator:** The zoning administrator of Johnson County, Iowa, or a duly authorized designee thereof.

### 8:10.5 Airport Zones.

In order to carry out the provisions of this section there are hereby created and established certain zones which are adopted and described herein, and which are depicted on the Iowa City airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which map is adopted by this chapter and which map is on file in the office of the city clerk, Iowa City, Iowa. Any structure or tree located in more than one zone is considered to be only in the zone with the more restrictive height and use limitation. The various zones hereby established and defined are as follows:

**A. Approach Overlay Zone (AO) Defined:** The airspace above a sloping plane 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 from, the airport. AO zones vary in size and slope based upon the present or future use that can be expected for each airport runway.

1. AO Zones Designated: The AO zones at the airport are as follows:
  - a. Runway 25 (AO25): Beginning two hundred feet (200') beyond the runway threshold to the northeast, and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each thirty-four feet (34') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (34:1) for a horizontal distance of ten thousand feet (10,000').
  - b. Runway 7 (AO7): Beginning four hundred thirteen feet (413') 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 five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').
  - c. Runway 30 (AO30): Beginning two hundred feet (200') beyond the threshold at the southeast end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each thirty four feet (34') of horizontal

distance, the floor of the zone rises from the inner edge one foot (1') (34:1), for a total horizontal distance of ten thousand feet (10,000').

- d. Runway 12 (AO12): Beginning two hundred feet (200') beyond the threshold to the northwest, and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

2. Height Limitations:

- a. Except as otherwise provided herein, no person shall construct or alter any structure, nor plant or grow any tree, so as to penetrate any approach overlay zone created herein.
- b. No person shall establish or maintain any private roadway in any location that would result in penetration of any AO zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

**B. Controlled Activity Runway Protection Zone (CA-RPZ) Defined:** An area of fixed size, 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 and length of CA-RPZ may vary, and may be different on each runway end.

1. CA-RPZ Designated: The CA-RPZ for the airport are as follows:

- a. Runway 25 (CA-RPZ25): Underlying the innermost one thousand feet (1,000') of the AO zone at the northeast end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge and expands uniformly to a width of seven hundred feet (700').
- b. Runway 7 (CA-RPZ7): Underlying the innermost one thousand feet (1,000') of the AO zone at the southwest end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge and expands uniformly to a width of seven hundred feet (700').
- c. Runway 30 (CA-RPZ30): Underlying the innermost one thousand feet (1,000') of the AO zone at the southeast end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').
- d. Runway 12 (CA-RPZ12): Underlying the innermost one thousand feet (1,000') of the AO zone at the northwest end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').

2. Use Limitations:

- a. No person shall establish or maintain any noncompatible use in any controlled activity-Runway Protection Zone zone.
- b. No structures, other than airport structures, the location of which is dictated by function, either permanent or temporary, shall be permitted in any portion of any controlled activity-Runway Protection Zone zone on land that is the property of the city of Iowa City, Johnson County, or the state of Iowa.

**C. Horizontal Overlay Zone (HO) Defined:**

1. The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of ten thousand foot (10,000') radii from the center of the inner edge of the AO zones of runways 25 and 30, and an arc of five thousand foot (5,000') radius from the center of the inner edge of the AO zone of runways 12 and 7, and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HO zone is one hundred fifty feet (150') above the airport elevation, or eight hundred thirty four feet (834') above mean sea level.
2. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the horizontal overlay zone created herein.
3. The proposed structure may penetrate the HO if the airport operations specialist determines that:
  - a. The FAA has issued a "determination of no hazard to navigation";
  - b. The proposed structure does not exceed any TERPS zone or any other 14 CFR part 77 zone; and
  - c. The proposed structure does not require a change to instrument approaches, minimum safe altitude, traffic patterns altitude, takeoff/departure procedures or weather minimums or a change similar in nature either to the approach or departure of an aircraft.

**D. Transitional Overlay Zone (TO) Defined:** The airspace above a sloping plane along each side of each runway, and from the sides of each AO zone. For each seven feet (7') horizontally the floor of the zone rises at the rate of one foot (1') of elevation (7:1).

1. TO Zones Designated: The TO zones for the airport are as follows:
  - a. Runway 25 (TO25): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northeast end of the runway, at right angles to the extended runway centerline. The TO zone is interrupted at the point where it intersects the HO zone.
  - b. Runway 7 (TO7): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northwest end of the runway, at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.
  - c. Runway 30/12 (TO30/12): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at each end of the runway at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.
2. Height Limitations:
  - a. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate any transitional overlay zone created herein.
  - b. No person shall establish or maintain any private roadway in any location that would result in penetration of any transitional overlay zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

**E. Conical Overlay Zone (CO) Defined:**

1. The airspace above a sloped horizontal plane beginning at the periphery of the HO zone. For each twenty feet (20') horizontally, the floor of the zone rises one foot (1') in height (20:1) for a horizontal distance of four thousand feet (4,000').
2. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the conical overlay zone created herein.

**8:10.6 General Zoning Restrictions.**

- A. Except as otherwise provided herein, no person shall construct or alter any structure in any zone created herein without having first obtained a building permit from the building official, or a zoning permit from the zoning administrator. No person shall be issued a permit for any construction or alteration in any AO, CA-RPZ, or TO zone, without a determination or finding from the FAA, pursuant to the submission of an applicable notice of proposed construction or alteration. Such finding or determination must not find or determine that the proposed construction or alteration:
  1. Would create a hazard.
  2. Would endanger the general safety, health and welfare of persons in the vicinity of the airport, or occupants of aircraft in flight.
  3. Would result in the raising of the minimum instrument flight altitude of any federal airway, approved off-airway route, or instrument approach procedure to the airport.
- B. Except as otherwise provided herein, no change in the use or occupancy of land, or change of use or occupancy in an existing building or in any zone created herein shall be made, nor shall any new building be occupied until an occupancy permit has been issued by the building official or zoning administrator.
- C. No occupancy permit obtained for a specific use shall apply to any other use.
- D. No person shall be issued an occupancy permit for any noncompatible use in any CA-RPZ.
- E. No person shall establish or maintain any private roadway in any location that would result in penetration of any zone created herein by any portion of any vehicle that shall be permitted to operate upon such roadway.
- F. Within five thousand feet (5,000') of the nearest point of the nearest airport runway, no person shall establish or maintain any structure or use that would create a bird strike hazard.
- G. Notwithstanding any other provision of this chapter, no person shall, in any zone created by this chapter, or upon any land or water underlying such zones:
  1. Establish any putrescible waste landfill.
  2. Create, alter, or maintain any structure or use in such a manner as to create electrical or radio interference with aviation navigational signals or aircraft communications.
  3. Install, align or use any lighting devices that make it difficult for pilots to distinguish between airport lights and others, create glare in the eyes of pilots, or otherwise impair visibility.
  4. Produce steam, smoke, or other visual hazard that would impair visibility.



5. Create, alter, or maintain any structure or use that would endanger or interfere with landing, takeoff or maneuvering of any aircraft.
6. Plant, or allow the growth of, any tree, which, during the normal life cycle of such tree, can be expected to grow into any zone created herein.

#### **8:10.7 Lighting and Marking.**

- A. Notwithstanding any other provision of this chapter, any person constructing or altering any structure located in any zone created by this chapter shall install all lighting or markings upon said structure as shall be recommended by the FAA as a part of its review of the applicant's notice of proposed construction or alteration. Such lighting or markings shall be made in a manner consistent with FAA regulations and advisories.
- B. Any permit or variance granted under the provisions of this chapter may be so conditioned so as to require the owner of the land, structure, or tree in question to permit the city or county to install, and/or operate and maintain such lighting and/or markings as the city or county deems necessary to indicate to operators of aircraft the presence of an airport obstruction.

#### **8:10.8 Administrative Procedure.**

- A. The building official or zoning administrator shall perform the administration of these zoning regulations.
- B. Any person who proposes to construct or alter any structure in or underlying any AO, CA-RPZ, or TO zone created herein, and who is required to provide notice of proposed construction or alteration to the administrator of the FAA by requirements of part 77, shall furnish to the building official or zoning administrator, a copy of said notice.
- C. Except as otherwise provided herein, the building official or zoning administrator shall not issue any building permit or occupancy permit without first:
  1. In any AO, CA -RPZ , or TO zone created herein, having received from the applicant a copy of the applicable notice of proposed construction or alteration as provided to the FAA, and the corresponding finding or determination from the FAA that the proposed construction or alteration complies with section 8:10.5 of this chapter.
  2. Having determined that the proposed use is consistent with the zoning provisions contained herein.

#### **8:10.9 Exceptions.**

- A. No notice of proposed construction or alteration is required to be submitted to the FAA or to the building official or zoning administrator for a building permit for construction or alteration of any structure when the building official or zoning administrator has determined that:
  1. The proposed structure meets the requirements for shielding. Each and all of the following requirements are required for a determination of shielding:
    - a. The property upon which the construction or alteration is proposed is located within the congested area of a city.
    - b. The proposed structure does not lie within any CA- RPZ.

- c. There exists a structure or structures of a permanent and substantial nature at least as tall and at least as wide as the proposed structure, and which lie(s) between the location of the proposed construction or alteration, and a point on the runway centerline at the threshold of the closest end of the closest runway of the airport.
  - d. The shielding structure is within five hundred feet (500') of the structure that is proposed for construction or alteration.
  - e. It is evident beyond a reasonable doubt that the shielded structure will not adversely affect aerial navigation.
- 2. The proposed structure is an antenna that is no greater than twenty feet (20') in height, and does not increase the height of an existing antenna structure.
  - 3. The proposed structure is an airport, aerial navigation, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by function.
- B. A notice of proposed construction or alteration is not required for structures more than twenty thousand feet (20,000') of the nearest point of the nearest runway. A notice of Alteration is not required for a structure that does not penetrate an imaginary surface, beginning at the nearest point of the nearest runway and at the elevation of the runway threshold, rising one foot (1') in elevation for each one hundred feet (100') of horizontal distance (100:1). This exception does not apply to structures located in any CA-RPZ.
  - C. There exists an emergency, involving essential public services, public health, or public safety, that requires immediate construction or alteration, providing that the applicant complies with the requirements of 14 CFR FAR, part 77.17 (d)<sup>1</sup>.

#### **8:10.10 Nonconformities.**

- A. The regulations prescribed herein are not retroactive and shall not be construed to require the removal of any tree, or the reconstruction or alteration, or the discontinuation of any use of any structure made nonconforming by the adoption of this chapter.
- B. Nothing contained herein shall require any change in the construction or alteration, or the intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof, and which was conforming prior to the adoption of this chapter, and is completed within one year thereafter.
- C. No preexisting nonconforming structure, use, or tree shall be rebuilt, altered, allowed to grow higher, or be replanted, so as to constitute a greater airport hazard than it was at the time that these regulations were adopted.
- D. Whenever the building official or zoning administrator determines that a nonconforming structure has been abandoned, torn down, physically deteriorated, damaged, or decayed, to such an extent that its value is no greater than fifty percent (50%) of the average value of the structure and the land over the preceding ten (10) years, no building permit or occupancy permit shall be issued that would allow such structure to exceed the applicable height and use provisions of this chapter. Any tree so damaged or destroyed shall be subject to the provisions of subsection 8:10.6.G.6 of this chapter.

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<sup>1</sup> 14 CFR FAR, part 77.17 can be found in subsection 8:10.20.C of this chapter

- E. Notwithstanding the previous provisions of this section the owner of any preexisting nonconforming structure or tree shall be required to permit the installation, operation, or maintenance thereon of any markers and/or lights as shall be deemed necessary by the city or county to indicate to the operators of aircraft, the presence of such structure or tree.

#### **8:10.11 Airport Zoning Commission.**

Pursuant to the provisions of section 329.9 of the Iowa Code, there shall be an Iowa City municipal airport zoning commission, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of whom shall be appointed by the Board of Supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said commission. The terms of such members shall be as provided by section 329.9 of the Iowa Code.

#### **8:10.12 Airport Zoning Board Of Adjustment.**

Pursuant to the provisions of section 329.12 of the Iowa Code, there shall be an Iowa City municipal airport zoning board of adjustment, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of who shall be appointed by the Board of Supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said board. The terms of such members shall be as provided by section 329.12 of the Iowa Code. The airport zoning board of adjustment shall have the duties and powers established by the Iowa Code.

#### **8:10.13 Special Exceptions.**

With the concurrence of a majority vote, the airport zoning board of adjustment (the board) may, based upon a written determination from the FAA, reverse any order, requirement, decision or determination of any administrative official and may modify the provisions of this chapter in favor of an applicant, providing:

- A. Any height or use limitations contained in this chapter that is modified by the board shall not result in a hazard to any aircraft in flight.
- B. No use of land shall be permitted that would not be compatible with airport operations.
- C. Any application for a special exception to the provisions of this chapter shall include as a part thereof, the written determination of the FAA pertaining to the application, and no application shall be set for hearing by the board in the absence of such FAA determination.

#### **8:10.14 Variances.**

- A. Any person desiring to construct or alter any structure, or permit the growth of any tree, or otherwise use property in a manner that would constitute a violation of this chapter, may apply to the board for a variance from these regulations. The board shall consider no application for a variance to the requirements of this chapter unless a copy of the application has been submitted to the airport commission for their opinion as to the aeronautical effects of such a variance. If the airport commission fails to respond to the board within forty five (45) days from its receipt of the copy of the application, the board may make its decision in the absence of the airport commission opinion. Such variances may be granted by the board only where the literal application of these regulations would result in unnecessary hardship, and are subject to the following:

1. Such variance would not be contrary to the public interest.
  2. Such variance would be in the spirit of this chapter and of chapter 329 of the Iowa Code.
  3. Such variance shall be granted subject to any reasonable conditions that the board may deem necessary to effectuate the purposes of this chapter and of chapter 329 of the Iowa Code.
  4. Such variance be subject to the requirement that the applicant shall install, operate, and maintain such markings and lighting, at the applicant's own expense, as may be necessary to indicate to aircraft operators the existence of an airport obstruction as determined by the board.
  5. Such variance shall be subject to the reservation of the right of the city and the airport, to go onto applicant's property to install, operate, and maintain thereon such FAA approved markers and lights as may be necessary to indicate to operators of aircraft the existence of an airport obstruction.
- B. Any person aggrieved or affected by any decision of the airport zoning board of adjustment may appeal such decision, pursuant to the provisions of the Iowa Code.

**8:10.15 Enforcement.**

Enforcement of the provisions of this chapter shall be the responsibility of the city manager or such persons as the city manager shall, from time to time, direct. However such duties of enforcement and administration shall not include any of the powers herein delegated to the airport zoning board of adjustment.

**8:10.16 Equitable Remedies.**

The city or the airport may, pursuant to section 329.5 of the Iowa Code, maintain an action in equity to restrain and abate as a nuisance the creation, establishment or maintenance of an airport hazard, in violation of any provision established by this chapter, on any property, whether within or without the territorial limits of the city.

**8:10.17 Prohibited Acts**

Except as herein provided, it shall be unlawful for any person to construct or alter any structure, use any land, or grow any tree in violation of the provisions of this chapter.

**8:10.18 Penalties.**

Each violation of this chapter shall constitute a simple misdemeanor or a county infraction as provided for in Chapter 8 of this Ordinance. Each day a violation occurs or continues to exist shall constitute a separate offense.

**8:10.19 Conflicting Regulations.**

In the event of any conflict between regulations contained in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, use of structures or land, or any other matter, the more stringent limitation or requirement shall prevail.

**8:10.20 Appendices.****A. Appendix I.** The controlling federal authority for the Iowa City municipal airport is:

Federal Aviation Administration, Central Region

Office of the Manager, Airports Division

901 Locust

Kansas City, MO 64106-2641

**B. Appendix II.** Notice of proposed construction or alteration, FAA form 7460-1 shall be sent to:

Federal Aviation Administration

Manager, Air Traffic Division

901 Locust

Kansas City, MO 64106-2641

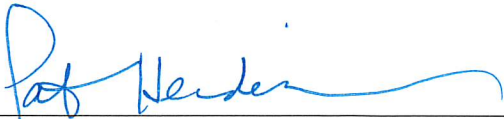
**C. Appendix III.** Code of Federal Regulations Title 14-Aeronautics and Space Chapter 1-Federal Aviation Administration, Department of Transportation, Subchapter E-Airspace Part 77-Safe, Efficient Use, and Preservation of the Navigable Airspace, Subpart B-Notice Requirements (Current through December 3, 2002; 67 FR 71903):**§77.7 Form and time of notice.**

- (a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.
- (b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for construction permit is filed, whichever is earliest.
- (c) If you propose construction or alteration that is also submit to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
- (d) If you propose construction or alteration to an existing structure that exceeds 2,000 feet in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.
- (e) The 45-day advance notice requirement is waived if immediate construction or alternation is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

**Section III.** Repealer. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section IV.** Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

**Section V.** Effective Date. This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.



Chairperson, Board of Supervisors  
Johnson County, Iowa



Attest: Travis Weipert, Auditor  
Johnson County, Iowa

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