

CITY OF PAULLINA ORDINANCE NO. 45
O'BRIEN COUNTY ORDINANCE NO. 24
PAULLINA, IOWA 2016 AIRPORT LAND USE
AND HEIGHT OVERLAY ZONING ORDINANCE

AN ORDINANCE to regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the Paullina Municipal Airport. Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this ordinance. The Paullina Airport Land Use & Height Zoning maps are incorporated into and made part of this ordinance. This document also provides for the enforcement of the provisions contained within this ordinance, the establishment of an Airport Zoning Board of Adjustment; and imposition of penalties related to the implementation of the ordinance.

WHEREAS, Iowa Code Section 329.3, Airport Zoning, empowers local municipalities to zone airports including dividing such area into zones, and within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the heights to which building, structures and trees may be erected or permitted to grow.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAULLINA, IOWA:

FURTHERMORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF O'BRIEN COUNTY, IOWA:

The Paullina Municipal Airport is acknowledged as an essential public facility to the State of Iowa and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Paullina Municipal Airport. There shall be no creation or establishment of a hazard that neither endangers public health, safety, welfare, and affects an individual's quality of life nor prevents the safe movement of aircraft at the Paullina Municipal Airport.

For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are considered to be a public purpose for which the City of Paullina and O'Brien County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

The Paullina airport zoning committee met, reviewed and recommended approval of the Paulina 2016 Airport Land Use and Height Overlay Zoning Ordinance to the Paullina City Council and O'Brien County Board of Supervisors. Furthermore, each of the affected governing bodies held a public hearing in accordance with Iowa laws and each respectively adopted said Paullina Municipal Airport Ordinance.

In accordance with Section 380.7 subsection 3 of the Code of Iowa, the following is an accurate and complete synopsis or summary of the essential elements of the updated ordinance. As proposed within the adopted Paullina Airport Land Use and Height Overlay Zoning Ordinance the following Articles contain new text within the ordinance.

- Section 1. Introduction
- Section 2. Authority
- Section 3. Statement of Purpose and Findings
- Section 4. Short Title
- Section 5. Applicability
- Section 6. Definitions
- Section 7. Air Space Obstruction Zoning
- Section 8. Airport Zoning Requirements
- Section 9. Nonconformities
- Section 10. Land Use Safety Zones
- Section 11. Land Use Zone Compatibility
- Section 12. Airport Zoning Ordinance Administration
- Section 13. Airport Zoning Permits
- Section 14. Hazardous Markings and Lighting
- Section 15. Height Limitations
- Section 16. Airport Board of Adjustment
- Section 17. Variances
- Section 18. Judicial Review
- Section 19. Penalties and Fines
- Section 20. Conflicting Regulations
- Section 21. Severability
- Section 22. Effective Date
- Exhibit A. Airport Land Use & Height Overlay Zoning Map

Furthermore, in accordance with Chapters 380.6 and 380.7 subsection 3, Code of Iowa, the following is a summary of the Paullina 2016 Airport Land Use and Height Overlay Zoning Ordinance. This summary sets forth the main points of the ordinance in a clear and understandable manner providing the public with the desired conduct required by this ordinance. This ordinance encompasses a general area surrounding the Paullina Municipal Airport. Section 6 contains thirty-nine (39) specific airport height and land use definitions pertinent to the prepared ordinance. The airspace obstruction zones and airport overlay zones established by this ordinance are illustrated on the official Paullina Airport Land Use & Height Overlay Zoning Map, consisting of two (2) sheets, prepared by DGR Engineering, and attached to this ordinance. Such official Airport Land Use & Height Overlay Zoning Map may be amended from time to time, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance. Section 8 discusses the three (3) principal airport zoning requirements in accordance with Section 329.10, Code of Iowa. Section 9 addresses nonconforming uses and structures that may already exist within the airport zoning overlay district. Section 10 provides an overview of the land use safety zones, beginning with a definition of the five (5) distinct zones, along with dimensional requirements. FAR Part 77 Surfaces and Runway Protection Zones have been combined to create five (5) airport overlay zones. These five zones are designed to maintain compatible land uses around the Paullina Municipal Airport. There are five (5) zones shall be evaluated for compatible land uses; including Zone A– Runway Protection Zone, Zone B– Approach Surface, Zone C– Transitional Surface, Zone D– Horizontal Surface, Zone E– Conical Surface

Section 11 provides an overview of the land use compatibility for uses contained within each of the five identified zones. Land uses are classified as “Compatible”, “Not Compatible” or “Compatible with Additional Review”. The specific land uses being determined for compatibility are identified in specific land use categories including: Residential Uses, Commercial Uses, Industrial Uses, Civic & Public Uses, Infrastructure Uses, Agriculture Uses and Recreation Uses.

Remaining sections of the ordinance provide an overview of zoning administration and the review process, hazardous markings and lighting, height limitations within the district, establishment and administrative process for a newly created Paullina Airport Board of Adjustment, a variance process, and judicial review.

A complete copy of Paullina 2016 Airport Land Use and Height Overlay Zoning Ordinance in its entirety may be reviewed for public inspection in two locations. Copies of the ordinance may be reviewed at the Paullina City Hall located at 127 S. Main Street, Paullina, Iowa 51046 during the hours of 7:30 a.m.-12:00 p.m. and 1:00-4:30 p.m. Monday-Friday. Additionally, the ordinance also may be reviewed at the O’Brien County Auditor’s Office in the Courthouse located at 155 South Hayes Avenue, Primghar, Iowa 51245 during the hours of 8:00-4:30 p.m. Monday-Friday.

Furthermore, since the Paullina Airport Land Use and Height Overlay Zoning Ordinance is proposing to impose fines and penalties, in accordance with Section 380.7 subsection 3 of the Code of Iowa, the following is a narrative of the full text of the section that applies to such fines or penalties.

Section 19. Penalties and Fines

Unless provided elsewhere in this ordinance or the city’s Code of Ordinances, any person, firm, corporation, or agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement any of the provisions of this ordinance or any amendment thereof; or who shall build or alter any building in violation of this ordinance with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein (Code of Iowa, Sec. 331.307[3]). Each day that a violation continues to exist constitutes a separate violation.

A municipal infraction for an airport zoning violation in Paullina, Iowa is punishable under the following civil penalties: (Code of Iowa, Sec. 331.307[1])

First offense – no less than \$250 and not to exceed \$750.00, plus court costs

Second and repeat offenses – no less than \$250 and not to exceed \$1,000.00, plus court costs

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the

name of the City of Paullina to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

CONFLICTING REGULATIONS

In accordance with Section 329.8, Iowa Code, where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SEVERABILITY

If any provision 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.

EFFECTIVE DATE

This ordinance shall be in effect from and after its adoption by the governing body and publication and posting as required by law, as provided for in Chapter 380.6 and 380.7, Iowa Code. (*Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3*)

ADOPTION

City of Paullina, Iowa

Passed and approved of the first ordinance consideration on April 4, 2016

Passed and approved of the second ordinance consideration and waived the third on April 18, 2016

Adopted on April 18, 2016

Published on May 19, 2016

Justin Stamer
Mayor, City of Paullina

ATTEST:

Sandy Fritz
Paullina City Clerk

O'Brien County, Iowa

Passed and approved of the first ordinance consideration on April 19, 2016

Passed and approved of the second ordinance consideration and waived the third on April 26, 2016

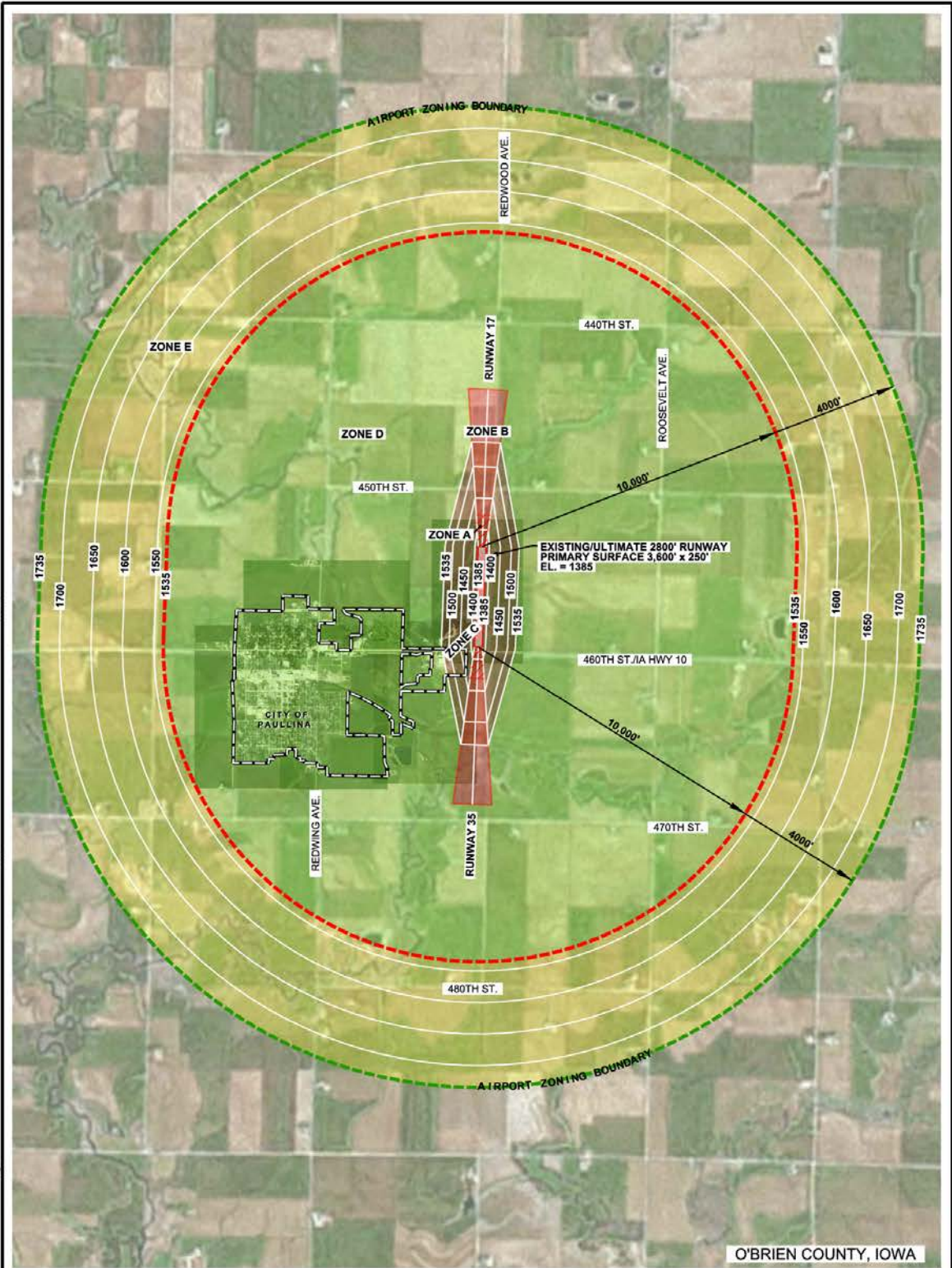
Adopted on April 26, 2016

Published on May 11, 2016

Nancy McDowell
Chair, O'Brien County Board of Supervisors

ATTEST:

Barbara Rohwer
O'Brien County Auditor



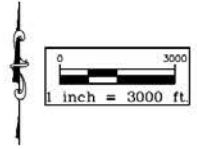
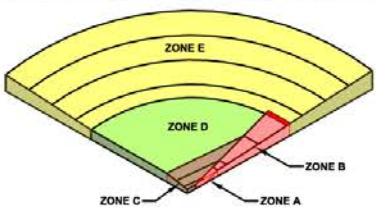
File Draw: 3/2/2016

Scale: 1:3000

Model: 2d.dwg

File: C:\Users\m021\OneDrive\Documents\PaullinaMunicipalAirport\Airport Zoning.dwg

- ZONE A - RUNWAY PROTECTION ZONE
250'x1000'x450'
- ZONE B - APPROACH SURFACE 20:1 SLOPE
250'x5000'x1250' (FROM PRIMARY SURFACE)
- ZONE C - TRANSITIONAL SURFACE 7:1 SLOPE
- ZONE D - HORIZONTAL SURFACE
- ZONE E - CONICAL SURFACE - 20:1 SLOPE



Project Manager: Brian Meyer
 Designer: Jeremy C.
 Project Number: 721801
 Phone: (515) 963-3488

PAULLINA MUNICIPAL AIRPORT
 PAULLINA, IOWA

AIRPORT LAND USE
 AND ZONING HEIGHT

EXHIBIT
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