

Chapter 31

AIRPORT ZONING

10-31-1: DEFINITIONS:

10-31-2: ZONES:

10-31-3: HEIGHT LIMITATIONS:

10-31-4: USE RESTRICTIONS:

10-31-5: NONCONFORMING USES:

10-31-6: PERMITS:

10-31-7: ENFORCEMENT:

10-31-8: APPEALS:

10-31-9: CONFLICTING REGULATIONS:

10-31-1: DEFINITIONS:

AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD: Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT REFERENCE POINT: The point established, and the approximate geographic center of the airport landing area, and so designated.

DEPARTMENT: The Idaho transportation department¹.

DIRECTOR: The director of the Idaho transportation department or his agent.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this chapter, the datum shall mean sea level elevation unless otherwise specified.

LANDING AREA: The area of the airport used for the landing, taking off, or taxiing of aircraft.

NONCONFORMING USE: Any preexisting structure, tree or natural growth or use of land which is inconsistent with the provision of this chapter.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance for which a straight in nonprecision instrument approach procedure has been approved or planned and for which nonprecision approach facilities are planned or indicated on an FAA or military service planning document.

RUNWAY: The paved surface of an airport landing strip.

STRUCTURE: An object constructed or installed by man, including, but without limitation to, buildings, towers, smokestacks and overhead transmission lines.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less, excluding turbojet powered

aircraft.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no existing instrument procedure and no instrument designation indicated on a federal aviation administration or military service approved airport layout plan or by any other FAA or military planning document. (Ord. 2140)

10-31-2: ZONES:

In order to carry out the provisions of this chapter, there are hereby established certain zones which include all of the land lying within the visual approach zone, transition zone, horizontal zone and conical zone. Such areas and zones are shown on the Nampa municipal airport zoning map prepared by the city engineer and dated November 15, 1971. The various zones are defined as follows:

- A. **Nonprecision Approach Zone:** This zone is established at each end of all nonprecision runways for noninstrument landings and takeoffs. The precision approach zone shall have a width of five hundred feet (500') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of two thousand feet (2,000') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has a slope of twenty to one (20:1).
- B. **Visual Approach Zone:** This zone shall have a width of five hundred feet (500') at a distance of three hundred feet (300') beyond each end of the runway widening thereafter uniformly to a width of one thousand two hundred fifty feet (1,250') at a distance of five thousand feet (5,000') beyond each end of the runway, its centerline being the continuation of the centerline of the runway, and has slope of twenty to one (20:1).
- C. **Transitional Zone:** This zone extends outward and upward at right angles to the runway centerline extended at a slope of seven to one (7:1) from the sides of the primary zone and from the sides of the approach zones. Transitional zones for those portions of the precision approach zone which project through and beyond the limits of the conical zone, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach zone and at right angles to the runway centerline.
- D. **Horizontal Zone:** A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each runway and connecting the adjacent lines tangent to those arcs. The radius of each arc, is: 1) five thousand feet (5,000') for all runways designated as utility or visual, and 2) ten thousand feet (10,000') for all runways other than utility designated as nonprecision instrument. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connected to adjacent ten thousand foot (10,000') arcs, the arch shall be disregarded on the construction of the perimeter of the horizontal zone.
- E. **Conical Zone:** A zone extending outward and upward from the periphery of the horizontal zone at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').
- F. **Primary Zone:** A zone longitudinally centered on a runway. The primary zone extends two hundred feet (200') beyond each end of the runway. The elevation of any point on the primary zone coincides with the elevation of the nearest point on the runway centerline. The width of a

primary zone is: 1) two hundred fifty feet (250') for utility runways having only visual approaches, and 2) five hundred feet (500') for utility runways having nonprecision instrument approaches. The width of the primary zone of a runway is that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

- G. Approach Zone: A zone longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is applied to each end of each runway based upon the type of approach available or planned for that runway end.
1. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of: a) one thousand feet (1,000') for that end of a utility runway with only visual approaches, and b) two thousand feet (2,000') for that end of a utility runway with a nonprecision instrument approach.
 2. The approach zone for utility runways with a nonprecision instrument approach and/or visual approach extends for a horizontal distance of five thousand feet (5,000') at a slope of twenty to one (20:1).
 3. The outer width of an approach zone to an end of the runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway. (Ord. 2140)

10-31-3: HEIGHT LIMITATIONS:

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained to a height in excess of the lower limit for airport zones established in this chapter.

- A. Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty feet (30') above the surface of the land.
- B. Where an area is covered by more than one height limitation the more restrictive limitation shall prevail. (Ord. 2140)

10-31-4: USE RESTRICTIONS:

Notwithstanding any other provisions of this chapter no use may be made of land within any zones established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others lights, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport or otherwise endanger aircraft. (Ord. 2140)

10-31-5: NONCONFORMING USES:

- A. Regulations Not Retroactive: The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of November 15, 1971, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the

construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to November 15, 1971.

- B. Marking and Lighting: Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner. (Ord. 2140)

10-31-6: PERMITS:

- A. Future Uses: Except as specifically provided in subsections A1, A2 and A3 of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone unless a permit therefor shall have been applied for and granted. Each 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 herein prescribed. If such determination is in the affirmative, the permit shall be granted.
1. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy-five feet (75') 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 zone.
 2. In the areas lying within the limits of the instrument and noninstrument approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runways, no permit shall be required for any tree or structure less than seventy-six feet (76') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument approach zone.
 3. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy six feet (76') of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth in section 10-31-3 of this chapter or in violation of any other ordinances of the city.

- B. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on November 15, 1971, or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed: Whenever the director determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such

structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- D. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, must obtain a permit from the director authorizing such action. Such variances shall be allowed where literal application or enforcement of this chapter would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest or create undue hazards to air flight. Any such special permits may be allowed subject to such reasonable conditions as the director may deem necessary to effectuate the purposes of this chapter, including the condition that the owners of the structure or tree in question permit the city to install, operate and maintain at its own expense such markers and lights as may be necessary to indicate to fliers the presence of any airport hazard. (Ord. 2140)

10-31-7: ENFORCEMENT:

It is the duty of the director to administer and enforce these regulations. Application for permits and variances shall be made to the director upon a form furnished by him. Applications required by this chapter to be submitted to the director shall be promptly considered and granted or denied by him. Applications for action by the department of transportation shall be transmitted by the director. (Ord. 2140)

10-31-8: APPEALS:

Any person aggrieved or any taxpayer affected by any decision of the department may appeal any zoning regulation or order affecting such person or taxpayer to the district court of the judicial district in which the airport hazard area involved is situated². (Ord. 2140)

10-31-9: CONFLICTING REGULATIONS:

When there is a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 2140)

Footnote 1: IC § 21-5011.

Footnote 2: IC § 21-506.