

**TITLE 10**  
**AIRPORT HAZARD ZONING**

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## CHAPTER 1

**AIRPORT HAZARD ZONING**

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10-1-1:       **SHORT TITLE:** This chapter shall be known and may be cited as *THE DRIGGS AIRPORT HAZARD ZONING ORDINANCE*. (Ord., 10-13-1975)

10-1-2:       **DEFINITIONS:** As used in this chapter, unless the context otherwise requires:

**AIRPORT:**                   The Driggs municipal airport.

**AIRPORT ELEVATION:**    The highest point of an airport's usable landing area measured in feet from mean sea level.

**AIRPORT HAZARD:**       Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in

	landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:	These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR part 77.
HEIGHT:	For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
NONCONFORMING USE:	Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
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, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
PERSON:	An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
PRIMARY SURFACE:	A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but 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 of a runway will be that width prescribed in part 77

of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

**RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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

**TREE:** Any object of natural growth.

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

**VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority. (Ord., 10-13-1975)

10-1-3: **AIRPORT ZONES:** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying within the primary zone, approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on Driggs airport hazard zoning map consisting of one sheet, prepared by Forsgren and Perkins, and dated April, 1975, which is attached to this ordinance on file in the office of the clerk of the district court and made a part hereof. An area located in more than one 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:

A. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is

two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.

- B. **Utility Runway Nonprecision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its center line being the continuation of the center line of the runway.
- C. **Transitional Zones:** These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety degree (90°) angles to the runway center line and the runway center line extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.
- D. **Horizontal Zone:** The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') 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 zones.
- E. **Conical Zone:** The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.
- F. **Primary Zone:** A zone longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary zone extends two hundred feet (200') beyond each end of that runway. The elevation of any point on the primary zone coincides with the elevation of the nearest point on the runway center line. 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 will be that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway. (Ord., 10-13-1975)

10-1-4: **HEIGHT LIMITATIONS:** Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Zone: Slopes outward and upward twenty feet (20') horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.
- B. Utility Runway Nonprecision Instrument Approach Zone: Slopes outward and upward twenty feet (20') horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.
- C. Transitional Zones: Slopes outward and upward seven feet (7') horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation which is six thousand three hundred fifty two feet (6,352') above mean sea level. In addition to the foregoing, there are established height limits sloping outward and upward seven feet (7') horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.
- D. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of six thousand three hundred fifty two feet (6,352') above mean sea level.
- E. Conical Zone: Slopes upward and outward twenty feet (20') horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation or a height of six thousand five hundred fifty two feet (6,552') above sea level.
- F. Excepted Height Limitations: 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.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. (Ord., 10-13-1975)

10-1-5:       **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 communication between the 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 airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord., 10-13-1975)

10-1-6:       **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 alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of a 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 hereof, and is diligently prosecuted.
- B.    **Marking And Lighting:** 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 airport manager 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 city of Driggs. (Ord., 10-13-1975)

10-1-7:       **PERMITS:**

- A.    **Future Uses:** 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 hereby created unless a permit therefor shall have been applied for and granted.

1. Tree Or Structure Less Than Seventy Five Feet: However, a permit for a tree or structure of less than seventy five feet (75') of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
  2. Application; Form: Each application for a permit shall be on a form provided by the airport manager and shall indicate the purpose for which the permit is desired with sufficient particulars to determine 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.
- 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 become a greater hazard to air navigation than it was on the effective date hereof or any amendments hereto or than 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 airport manager determines that a nonconforming tree or structure 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, may apply to the board of adjustment for a variance from such regulations on a form furnished by the airport manager. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter.
- E. Hazard Marking And Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose 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 permit the city of Driggs, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Ord., 10-13-1975)

10-1-8:       **ENFORCEMENT:** It shall be the duty of the airport manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the airport manager upon a form furnished by him. Applications required by this chapter to be submitted to the airport manager shall be promptly considered and granted or denied by him. (Ord., 10-13-1975)

10-1-9:       **BOARD OF ADJUSTMENT:**

- A.    Created; Powers: There is hereby created a board of adjustment to have and exercise the following powers:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the airport manager in the enforcement of this chapter;
  2. To hear and decide special exceptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and
  3. To hear and decide specific variances.
- B.    Membership: The board of adjustment shall consist of all of the members of the Driggs city council and Teton board of county commissioners.
- C.    Rules: The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter.
- D.    Meetings; Hearings: Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public.

- E. Minutes: The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the airport manager, and on due cause shown.
- F. Written Findings: The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.
- G. Vote: The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the airport manager or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation in this chapter. (Ord., 10-13-1975)

10-1-10: **APPEALS:**

- A. Right To Appeal: Any person aggrieved, or any taxpayer affected, by any decision of the airport manager made in his administration of this chapter, may appeal to the board of adjustment.
- B. Notice Of Appeal: All appeals hereunder must be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the airport manager a notice of appeal specifying the grounds thereof on forms furnished by the airport manager. The airport manager shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
- C. Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport manager 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 his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the airport manager and on due cause shown.

- D. **Hearing:** The 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.
- E. **Board Action:** The board of adjustment may, in conformity with the provision of this chapter, 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. (Ord., 10-13-1975)

10-1-11: **JUDICIAL REVIEW:** Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the district court in and for the county. Procedure upon such appeal shall be in all respects the same as prescribed in sections 31-1510, 31-1511, and 31-1515, Idaho Code. (Ord., 10-13-1975)

10-1-12: **CONFLICTING REGULATIONS:** Where there exists 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., 10-13-1975)

10-1-13: **PENALTY:** Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be subject to punishment as provided in section 1-4-1 of this code. Each day a violation continues to exist shall constitute a separate offense. (Ord., 10-13-1975; amd. 2001 Code)