

AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AMENDING CHAPTER 13, ZONING, OF THE CAMERON CITY CODE AND ESTABLISHING ARTICLE 34, AIRPORT HEIGHT AND HAZARDS, THEREIN

WHEREAS, the City Airport Layout Plan includes provisions for northward runway expansion affecting airspace in Cameron Clinton County and Grand River Township in DeKalb County, which jurisdictions are cooperating to enact similar legislation affecting airport operations; and

WHEREAS, the City recognizes the importance of reasonable regulations governing the safety of airport operations and protecting users from unnecessary hazard and obstructions; and

WHEREAS, the Cameron Planning and Zoning Commission, having given proper notice to the public thereof, conducted a public hearing on the matter and recommends that the City Council approve this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AS FOLLOWS:

Section 1. Enact Article 34, Airport Height and Hazards, of Chapter 13, Zoning, of the Cameron City Code as follows:

Airport Height and Hazards, attached.

Section 2. The Mayor is authorized to sign this ordinance approving it on behalf of the City.

Section 3. The City Clerk is directed to attest to the Mayor’s signature.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Read two times, passed and approved this 1st day of March 2010.

Mayor Everett W. Ice

ATTEST:

City Clerk

ARTICLE 34. AIRPORT HEIGHT AND HAZARDS

1. Purpose and Intent:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by area public and private airports.
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
- C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

2. Definitions:

- A. Airport: The municipal airport of Cameron, Missouri.
- B. Airport Elevation: The highest point mean sea level (MSL) along existing operational runways at each airport location.
- C. Airport Zones: Approach, Transitional, Horizontal, and Conical Zones are set forth in sections 3 and 4 of this Ordinance.
- D. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- E. Cameron ("the City"): The City of Cameron, Missouri.
- F. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- G. County: The County of jurisdiction, whether Clinton County or DeKalb County, Missouri.
- H. FAA: Federal Aviation Administration.
- I. Governing Body: The body of elected officials of the jurisdiction having regulatory authority.
- J. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

- K. Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- L. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- M. Larger than Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (FAA Approach Categories C, D, and E).
- N. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- O. 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.
- P. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 4 of this Ordinance.
- Q. Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- R. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- S. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in section 3 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- T. Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

- U. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
 - V. Transitional Surfaces: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
 - W. Utility Runway: A runway that is constructed for and intended to be used primarily by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, (i.e., FAA Airport Approach Categories A and B).
3. **Airport Zones**: In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Cameron airport locations. 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. Approach Zone—Runway Larger than Utility with a Visibility Minimum Greater than 1.0 Mile Nonprecision Instrument: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - B. Transition Zone: The transitional zones are the areas beneath the transitional surfaces.
 - C. Horizontal Zone: The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 10,000 feet for all others 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.
 - 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 4,000 feet.
4. **Airport Zone Height Limitations**: Except as otherwise provided in this Ordinance, no

structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Approach Zone—Runway Larger than Utility with a Visibility Minimum Greater than 1.0 Mile Nonprecision Instrument: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
 - B. Transitional Zones: Slopes seven (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 limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
 - C. Horizontal Zone: Established at 150 feet above the airport elevation.
 - D. Conical Zone: Slopes twenty (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.
5. **Use Restriction**: Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.
- A. Marking and Lighting of an Existing Nonconforming Structure Or Tree: 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 Governing Body to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the appropriate governing body, agency, or owner.

6. Permits:

A. Future Uses: Except as specifically provided in 6.A.1), 6.A.2) and 6.A.3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit 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. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with section 6.D.

1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet 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 zones.

2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet 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 transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

B. Existing Uses: No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree 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. Except as indicated, all applications for such a permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed: Whenever the Governing Body

determines that a nonconforming tree or structure has been abandoned or more than 80 percent 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 property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a 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 airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justices, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Governing Body for advice as to the aeronautical effects of the variance. If the Governing Body does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
- E. Obstruction Marking and Lighting: Any permit or variance granted may 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, such markings and lights as may be necessary. If deemed proper by the Governing Body, this condition may be modified to require the owner to permit the County, at its own expense, to install, operate, and maintain the necessary markings and lights.