

Ordinance 1515

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE GOODLAND MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE GOODLAND MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF CITY OF GOODLAND, KANSAS:

SECTION 1. Intent. Regulate and restrict the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Goodland Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Goodland Municipal Airport Airspace Plan (Part 77) Map or its successors or amendments thereto, which is incorporated in and made a part of this ordinance; providing for enforcement; establishing a Board of Adjustments; and imposing penalties.

This Ordinance is adopted pursuant to the authority conferred by Chapter 3 of Statutes of the State of Kansas. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Goodland Municipal Airport, and property of occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Goodland Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Goodland Municipal Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Goodland Municipal Airport;
- (2) that 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; and
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION 2. Short title. This ordinance shall be known and may be cited as “Goodland Municipal Airport Hazard Zoning”.

SECTION 3. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribe to them in this section, except where the context clearly indicates a different meaning:

“*Airport*” means the Goodland Municipal Airport.
“*Airport elevation*” means the official height published for the Airport on the Federal Aviation Administration approved Airport Layout Plan, measured in feet above mean sea level.
“*Airport hazard*” means 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 Federal Aviation Regulation Part 77.

“*The Board of Adjustments*” The Board of Adjustments shall consist of the setting Planning Commission.

“*City Planning Commission*” means a board as established under Article 14 of the City of Goodland – Zoning Regulations.

“*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.

“*Nonprecision instrument runway*” means 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 non-precision 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*” means 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.

“*Precision instrument runway*” means a runway having an existing instrument approach procedure utilizing an Instrument Landing System or a Precision Approach Radar. It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan or a military service’s military airport planning document.

“*Primary surface*” means 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; 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 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 centerline.

“*Runway*” means a defined area of an airport prepared for the landing and takeoff of aircraft along its length.

“*Structure*” means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations and overhead transmission lines.

“*Tree*” means any object of natural growth.

“*Utility runway*” means a runway that is constructed for an intended use by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

“*Visual runway*” means 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, a military service’s approved military airport layout plan, or by a planning document submitted to the FAA by competent authority.

SECTION 4. Airport zones established.
A. Zones defined. 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 within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the Goodland Municipal Airport. Such zones are shown on the “Airspace Plan (Part 77)” sheet from the Airport Layout Plan drawings, prepared in coordination with the Airport Manager, approved by the Federal Aviation Administration, which is attached and made a part of this ordinance by reference. 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:

- (1) **Utility Runway Visual Approach Zone.** The inner edge of the utility runway visual approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (2) **Utility Runway Nonprecision Instrument Approach Zone.** - 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 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) **Runway Larger Than Utility Visual Approach Zone.** 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 1,500 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (4) **Runway Larger Than Utility With A Visibility Minimum Greater Than Three-Fourths-Mile Nonprecision Instrument Approach Zone.** 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 being the continuation of the centerline of the runway.
- (5) **Runway Larger Than Utility With A Visibility Minimum As Low As Three-Fourths-Mile Nonprecision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (6) **Precision Instrument Runway Approach Zone.** The inner edge of the precision instrument runway approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (7) **Transitional Zones.** Transitional zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at a 90-degree angle to the runway centerline and the runway centerline extended at a slope of seven 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 zones for those portions of the precision approach zones 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 and at 90-degree angles to the extended runway centerline.
- (8) **Horizontal Zone.** The horizontal zone is hereby established by swinging arcs of specified radii from the center of each end of the primary surface to each runway. The radius of each arc is 5,000 feet for all runways designated as utility or visual; and 10,000 feet for all other runways. 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 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot areas, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (9) **Conical Zone.** The conical zone is hereby 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. The conical zone does not include the precision instrument approach zones and the transitional zones.

B. Determination of zones where uncertainty may arise. The location of all zones as indicated and described on the “Goodland Municipal Airport Airspace Plan (Part 77)” Map shall prevail where there is uncertainty in application to any or all lands located within such zones. Such Determination of the zones, including all real property, shall be made by scaling and using mathematical methods in conjunction with property descriptions. The responsibility for making such determination shall be with the Airport Manger.

SECTION 5. Airport zone height limitations. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the height limitations are hereby established for each of the zones in question as follows:

- (1) **Utility Runway Visual Approach Zone.** Slopes upward 20 feet horizontally for each foot vertically, being at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (2) **Utility Runway Nonprecision Instrument Approach Zone.** Slopes upward 20 feet 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 5,000 feet along the extended runway centerline.
- (3) **Runway Larger Than Utility Visual Approach Zone.**

Slopes upward 20 feet 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 5,000 feet along the extended runway centerline.

(4) **Runway Larger Than Utility With A Visibility Minimum Greater Than Three-Fourths-Mile Nonprecision Instrument Approach Zone.** Slopes upward 34 feet 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 10,000 feet along the extended runway centerline.

(5) **Runway Larger Than Utility With A Visibility Minimum As Low As Three-Fourths-Mile Nonprecision Instrument Approach Zone.** Slopes upward 34 feet 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 10,000 feet along the extended runway centerline.

(6) **Precision Instrument Runway Approach Zone.** Slopes upward 50 feet 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 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

(7) **Transitional Zones.** Slopes upward and outward seven feet 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 150 feet above the airport elevation which is 3656 feet above mean sea level at the Goodland Municipal Airport. In addition to the foregoing, there are established height limits sloping upward and outward seven feet 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. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(8) **Horizontal Zone.** One hundred fifty feet above the airport elevation or a height of 3806 feet above mean sea level at Goodland Municipal Airport.

(9) **Conical Zone.** Slopes upward and outward 20 feet horizontally for each foot vertically 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.

When an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

SECTION 6. Use restrictions. 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:

- (1) Create electrical interference with navigational signals or radio communication between airport and aircraft;
- (2) Make it difficult for pilots to distinguish between airport lights and others;
- (3) Result in a glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport; or
- (5) Otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

SECTION 7. Nonconforming uses.

A. Regulations not retroactive. The regulations prescribed by this ordinance 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 of this ordinance, or otherwise interfere with the continuance of nonconforming use.

B. Marking and lighting. Notwithstanding the provisions of subsection (a) 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 Goodland.

SECTION 8. 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 created under this ordinance unless a permit therefore shall have been applied for and granted.

- (1) However, a permit for a tree or structure of less than 75 feet 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 4,200 feet 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) Each application for a permit 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 prescribed in this ordinance. 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 of this ordinance, 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 city building inspector determines that a nonconforming tree or structure has been abandoned or more than 70 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 his property not in accordance with the regulations prescribed in this ordinance may apply to the City Planning Commission 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 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 ordinance.

E. Hazard marking and lighting. Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this ordinance and to be reasonable under the circumstances, 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 thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION 9. Enforcement of ordinance. It shall be the duty of the Airport Manager to administer and enforce the regulations prescribed herein. Applications for a variance shall be made to the Airport Manager upon a form published and furnished for that purpose. Applications required by this ordinance to be submitted to the Airport Manager shall be promptly considered and granted or denied.

SECTION 10. Penalty for violation of ordinance. Each violation of this ordinance or of any regulation, order or ruling promulgated under this ordinance shall constitute a misdemeanor and be punishable under Article 15 of the City of Goodland – Zoning Regulations.

SECTION 11. Conflicting regulations. 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 is 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.

SECTION 12. Board of Adjustment.

A. 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 Ordinance.
- (2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
- (3) To hear and decide specific variances.

B. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. 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 City Clerk and on due cause shown.

C. 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 Ordinance.

D. 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 decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

SECTION 13. Appeals.

A. Any person aggrieved, or any taxpayer affected, by

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