

SUBCHAPTER 77

AIRPORT ZONE HEIGHT LIMITATIONS

77.005 Purpose

The purpose of this chapter is intended to prevent the establishment of space obstructions in air approaches through height restrictions.

77.010 Special Definitions

A. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

a. 1,250 feet for a utility runway; or

b. 1,500 feet for a runway other than a utility runway.

2. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.

3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

B. Airport Hazard means any structure, tree, or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at Independence Airport, or is otherwise hazardous to such landing or taking off of aircraft.

C. Airport Hazard Area means any area of land upon which an airport hazard might be established if not prevented.

D. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet.

E. Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each 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. The width of the primary surface is:

1. 250 feet for utility runways.
2. 500 feet for other than utility runways.

77.015 Application of Airport Zone Height Limitations Provisions

A. In any zoned area where an airport approach area is combined with a primary zone, the following regulations shall apply. If any conflict in regulation or procedure occurs with a primary zone herein before specified, the provisions of this chapter shall govern.

B. The Planning Commission shall designate airport approach surface and runway protection zone areas on an Airport Development District Map which is attached to this ordinance and made a part hereof.

C. The following standards shall be applied to the Airport Development District in establishing appropriate height limitations for structures and objects of natural growth:

1. The runway protection zones will be kept free of any height obstructions which might be hazardous to normal air navigation operations, as determined by the State of Oregon Department of Aviation.
2. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height of up to 35 feet above the surface of the land, except for areas in the approach surface. Height limitations for the approach surface will be based upon the following ratio: slopes 20 feet outward for each foot upward beginning at the end of the paved runway and extending to a horizontal distance of 5,000 feet.
3. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

77.020 Nonconforming Uses

A. Regulations Not Retroactive - The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change 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. 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 of this ordinance, 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 owner 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 airport owner.

C. Nonconforming Uses Abandoned or Destroyed - Whenever the City of Independence 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.

77.025 Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, not in accordance with the regulations prescribed in this chapter, may apply to the Planning Commission for a variance from such regulations following those procedures for variances set forth in Subchapter 70. The application for variance shall be accompanied by a determination from the Oregon Department of Aviation 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, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this chapter may be considered by the Planning Commission unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the Planning Commission may act on its own to grant or deny said application.