

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH,
AMENDING THE HURRICANE CITY ZONING ORDINANCE BY ADOPTING A
MUNICIPAL AIRPORT RUNWAY PROTECTION ZONE WITH ACCOMPANYING
REGULATIONS.

WHEREAS the Hurricane City Council deems it necessary and
expedient for the preservation and protection of the public health,
safety and welfare,

BE IT HEREBY ORDAINED as follows:

Section 1. Amendment of Section 10-11-1.G. of the
Hurricane City Zoning Ordinance. Section 10-11-1.G. of the
Hurricane City Zoning Ordinance is here
by amended by adding "Runway Protection Zone -- RPZ"

Section 2. Enactment of Section 10-11-2.G.5 of the
Hurricane City Zoning Ordinance. Section 10-11-2.G.5 of the
Hurricane City Zoning Ordinance is hereby enacted to read as
follows:

5. RPZ zone provides regulations to promote and protect
the Hurricane City Airport.

Section 3. Enactment of Chapter 10-25 of the Hurricane
City Zoning Ordinance. Chapter 10-25 of the Hurricane City Zoning
Ordinance is hereby enacted to read as follows:

Chapter 25
RUNWAY PROTECTION ZONE (RPZ)

Section 1. Purpose, Established
Section 2. Definitions
Section 3. Height Limiting Zones
Section 4. Height Limitations
Section 5. Nonconforming Uses
Section 6. Permits
Section 7. Exception to Chapter

10-25-1: PURPOSE; ESTABLISHED

A. To protect, preserve and promote the development of
the Hurricane City Airport area.

- B. A Runway Protection Zone is established which shall be a special purpose zone of the zoning classification in this Title.
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10-25-2 DEFINITIONS.

For purposes of this chapter, the following terms shall have the following meanings set forth below:

Airport. The Hurricane Municipal Airport

Airport Approach, Transitional, Horizontal, and Conical Zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces and are defined in this chapter.

Airport Elevation. The elevation in feet above mean sea level of the highest point of the landing areas of the airport.

Airport Hazard. Any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of the airport, or is otherwise hazardous to such landing, taking off, or maneuvering of aircraft.

Airport Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length. For the purpose of this zoning ordinance, the runway length shall be 3400 feet.

Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond 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 in the primary surface is the same as the elevation of the nearest point on the runway centerline.

Airport Utility 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, a military service's approved

military airport layout plan, or by any planning document submitted to the FAA by competent authority.

10-25-3 HEIGHT LIMITING ZONES

In order to carry out the provisions of this Chapter, there are hereby created and established certain height limiting zones, which include all the land lying within the utility and non-precision instrument approach zones, transitional zones, horizontal zones, and conical zones. Such zones are shown on the Municipal Airport Zoning Map (hereafter referred to as "the map"), a copy of which is attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth. The various height limiting zones are hereby established and defined as follows:

a. Approach Zone. An approach zone, as shown on the map, is hereby established, commencing at each end of the runway at a width of 200 feet, 100 feet on each side of the centerline of the runway, and extending in length and width at a ratio of 20 feet in length for every 1 foot in width, until said zone reaches a total length of 5,000 feet in each direction and achieves a maximum width of 1,250 feet, 625 feet on each side of the centerline of said zone, as measured at the end of said 5,000 foot distance.

b. Transitional Zone. Transitional zones, as shown on the map, are hereby established adjacent to each utility and runway and visual approach zone. Transitional zones symmetrically located on either side of runways have variable widths as shown on the map. Transitional zones extend outward from a line on either side of the centerline of the runway, for the length of such runway plus 200 feet on the end, and are parallel to and level with such runway centerlines. The transitional zone along such runway slopes upward and outward 7 feet horizontally for each 1 foot vertically to the point where they intersect the surface of the horizontal zone. Further, transitional zones are established adjacent to visual approach zones for the entire length of the approach zone. These transitional zones have variable widths, as shown on the map. Such transitions flare symmetrically with either side of the runway approach zone from the base of such zone and slope upward and outward at the rate of 7 feet horizontally for each 1 foot vertically to the points where they intersect the surfaces of the horizontal and conical zones.

c. Horizontal Zone. A horizontal zone, as shown on the map, is hereby established as the area within arcs of radius from points at the end of the runway at the centerline extension and having a radius of 5,000 feet at 150 feet above the airport elevation. The horizontal zone does not include the utility transition zone.

d. Conical Zone. A conical zone, as shown on the map, is hereby established as the area that commences at the periphery of the horizontal zone and extends outward for a distance of 4,000 feet. The conical zone does not include the utility transition zone. The conical zone shall rise 20 feet in height for each 1 foot in horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.

10-25-4 HEIGHT LIMITATIONS

Except as otherwise provided herein, no structure shall be constructed, erected or altered, and no tree shall be planted or allowed to grow or in any way maintained in any height limiting zone created by this chapter to a height in excess of the height limit for each of the zones as established herein, as follows:

a. Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of the zone and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway centerline.

b. Transitional Zone. Slopes 7 feet outward for each 1 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 7 feet outward for each 1 foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

b. Horizontal Zone. 150 feet above the airport elevation.

c. Conical Zone. 20 feet in height for each 1 foot of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.

d. Excepted Height Limitation. Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height consistent with the terms of this chapter.

e. Most Restrictive Limitation Prevails. Where a zone is covered by more than one height limitation, the more restrictive limitations shall prevail.

10-25-5 NONCONFORMING USES

A. Regulations not Retroactive. The regulations prescribed by this chapter shall not be construed so as to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuation 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 and diligently prosecuted prior to the effective date of this chapter.

B. Marking and Lighting. Notwithstanding the provisions of A. above, the City shall have the right to install, place and maintain lights or markers on non-conforming structures or trees, as deemed necessary by the airport manager, in order to warn the operators of aircraft of the presence of such non-conforming structures or trees.

10-25-6 VARIANCE

A. Permit in Excess of Allowed Height. Any person desiring to: (i) erect any new building or structure to a height in excess of that allowed by this chapter, (ii) increase the height of any existing building or structure to a height in excess of that allowed by this chapter, (iii) permit the growth of any tree to a height in excess of that allowed by this chapter, or (iv) otherwise use property not in accordance with the regulations prescribed by this chapter, may apply to the Board of Adjustment for a variance in accordance with Section 10-7-12 et. seq. of the Hurricane City Zoning Ordinance; provided, however that no such variance shall be approved without the written recommendation of the Airport Advisory Board.

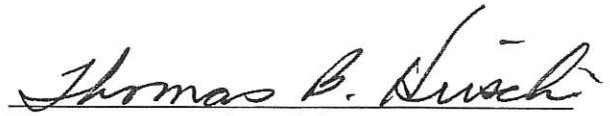
B. Hazard Marking and Lighting. Any variance approved by the Board of Adjustment may, if such action is deemed reasonable and advisable to effectuate the purpose of this chapter, require as a condition of approval that the owner of the building, structure or tree in question, at his own expense, install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard.

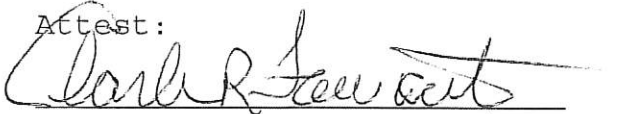
10-25-7 EXCEPTION TO CHAPTER

Due to unusual topography and proximity to hillsides, the provisions of this chapter shall not apply to certain territory located on the east side of the Airport at or near the base of Hurricane Hill, as shown on the attached map.

Section 4. Effective Date. The provisions of this ordinance are hereby deemed to be of an urgent nature and shall, upon passage and approval, take effect at the earliest possible date allowed by law after publication or posting.

DATED this 1st day of April, 2004.


Thomas B. Hirschi, Mayor

Attest:

Clark Fawcett, Recorder/Manager

The foregoing ordinance was presented at a regular meeting of the Hurricane City Council on the 1st day of April, 2004. A motion to approve said ordinance was made by Ethelyn Humphries and seconded by John Bramall. A roll call vote was then taken with the following results:

Those in favor: John Bramall, Ethelyn Humphries, Larry LeBaron
Glenwood Humphries, Darry Campbell

Those opposed: None


Clark Fawcett

CHAPTER 25. - RUNWAY PROTECTION ZONE

Sec. 10-25-1. - Purpose; established.

- A. To protect, preserve and promote the development of the City airport area.
- B. A runway protection zone is established which shall be a special purpose zone of the zoning classification in this title.

Sec. 10-25-2. - Definitions.

For purposes of this chapter, the following terms shall have the following meanings set forth below:

Airport means the Hurricane municipal airport.

Airport approach, transitional, horizontal, and conical zones, These zones apply to the area under the approach, transitional, horizontal, and conical surfaces and are defined in this chapter.

Airport elevation means the elevation in feet above mean sea level of the highest point of the landing areas of the airport.

Airport hazard means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of the airport, or is otherwise hazardous to such landing, taking off, or maneuvering of aircraft.

Airport primary surface means a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond 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 in the primary surface is the same as the elevation of the nearest point on the runway centerline.

Airport runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length. For the purpose of this land use ordinance, the runway length shall be 3,400 feet.

Airport utility 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 any planning document submitted to the FAA by competent authority.

Sec. 10-25-3. - Height limiting zones.

In order to carry out the provisions of this chapter, there are hereby created and established certain height limiting zones, which include all the land lying within the utility and nonprecision instrument approach zones, transitional zones, horizontal zones, and conical zones. Such zones are shown on the municipal airport zoning map (hereafter referred to as "the map"), a copy of which is attached to the ordinance codified herein as exhibit A and incorporated herein by this reference as if fully set forth. The various height limiting zones are hereby established and defined as follows:

- A. *Approach zone.* An approach zone, as shown on the map, is hereby established, commencing at each end of the runway at a width of 200 feet, 100 feet on each side of the centerline of the runway, and extending in length and width at a ratio of 20 feet in length for every one foot in width, until said zone reaches a total length of 5,000 feet

in each direction and achieves a maximum width of 1,250 feet, 625 feet on each side of the centerline of said zone, as measured at the end of said 5,000-foot distance.

- B. *Transitional zone.* Transitional zones, as shown on the map, are hereby established adjacent to each utility and runway and visual approach zone. Transitional zones symmetrically located on either side of runways have variable widths as shown on the map. Transitional zones extend outward from a line on either side of the centerline of the runway, for the length of such runway plus 200 feet on the end, and are parallel to and level with such runway centerlines. The transitional zone along such runway slopes upward and outward seven feet horizontally for each one foot vertically to the point where they intersect the surface of the horizontal zone. Further, transitional zones are established adjacent to visual approach zones for the entire length of the approach zone. These transitional zones have variable widths, as shown on the map. Such transitions flare symmetrically with either side of the runway approach zone from the base of such zone and slope upward and outward at the rate of seven feet horizontally for each one foot vertically to the points where they intersect the surfaces of the horizontal and conical zones.
- C. *Horizontal zone.* A horizontal zone, as shown on the map, is hereby established as the area within arcs of radius from points at the end of the runway at the centerline extension and having a radius of 5,000 feet at 150 feet above the airport elevation. The horizontal zone does not include the utility transition zone.
- D. *Conical zone.* A conical zone, as shown on the map, is hereby established as the area that commences at the periphery of the

horizontal zone and extends outward for a distance of 4,000 feet. The conical zone does not include the utility transition zone. The conical zone shall rise 20 feet in height for each one foot in horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.

Sec. 10-25-4. - Height limitations.

Except as otherwise provided herein, no structure shall be constructed, erected or altered, and no tree shall be planted or allowed to grow or in any way maintained in any height limiting zone created by this chapter to a height in excess of the height limit for each of the zones as established herein, as follows:

- A. *Approach zone.* Slopes 20 feet outward for each foot upward beginning at the end of the zone and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- B. *Transitional zone.* Slopes seven feet outward for each one 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 feet outward for each one foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- C. *Horizontal zone.* One hundred fifty feet above the airport elevation.
- D. *Conical zone.* Twenty feet in height for each one foot of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 350 feet above the airport elevation.
- E. *Excepted height limitation.* Nothing in this chapter shall be

construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height consistent with the terms of this chapter.

- F. *Most restrictive limitation prevails.* Where a zone is covered by more than one height limitation, the more restrictive limitations shall prevail.

Sec. 10-25-5. - Nonconforming uses.

- A. *Regulations not retroactive.* The regulations prescribed by this chapter shall not be construed so as to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuation 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 and diligently prosecuted prior to the effective date of this chapter.
- B. *Marking and lighting.* Notwithstanding the provisions of subsection A of this section, the City shall have the right to install, place and maintain lights or markers on noncomplying structures or nonconforming trees, as deemed necessary by the Airport Manager, in order to warn the operators of aircraft of the presence of such noncomplying structures or nonconforming trees.

Sec. 10-25-6. - Variance.

- A. *Permit in excess of allowed height.* Any person desiring to: 1) erect any new building or structure to a height in excess of that allowed by this chapter; 2) increase the height of any existing building or structure to a

height in excess of that allowed by this chapter; 3) permit the growth of any tree to a height in excess of that allowed by this chapter; or 4) otherwise use property not in accordance with the regulations prescribed by this chapter, may apply to the Appeals Board for a variance in accordance with section 10-7-12 et seq. of this title; provided, however that no such variance shall be approved without the written recommendation of the Airport Advisory Board.

- B. *Hazard marking and lighting.* Any variance approved by the Appeals Board may, if such action is deemed reasonable and advisable to effectuate the purpose of this chapter, require as a condition of approval that the owner of the building, structure or tree in question, at his own expense, install, operate, and maintain thereon such markers and lights as may be necessary to indicate to fliers the presence of any airport hazard.

Sec. 10-25-7. - Exception to chapter.

Due to unusual topography and proximity to hillsides, the provisions of this chapter shall not apply to certain territory located on the east side of the airport at or near the base of Hurricane Hill, as shown on the map.