

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as Jonesboro Municipal Airport Zoning Code, 1987 Edition.

FILED
DATE 6/11/87
OUIDA PURYEAR
CITY CLERK

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires;

1. AIRPORT--Means Jonesboro Municipal Airport.
2. AIRPORT ELEVATION--258 feet above mean sea level.
3. 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 Section IV or this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES--These zones are set forth in Section III of this Ordinance.
5. BOARD OF ZONING ADJUSTMENT--A board consisting of five (5) members nominated by the Mayor and appointed by the City Council as provided in Section Twenty-four, Article V of the code of Ordinances for the City of Jonesboro, Arkansas.
6. 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.
7. HAZARD TO AIR NAVIGATION--An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. 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.
9. 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.
10. LARGER THAN UTILITY RUNWAY--A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. 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.

12. 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.
13. OBSTRUCTION--Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
14. 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.
15. PRECISION INSTRUMENT RUNWAY--A runway having an existing instrument approach 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.
16. 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 is set forth in Section III 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.
17. RUNWAY--A defined area on an airport prepared for landing and take-off of aircraft along its length.
18. 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.
19. 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.
20. TREE--Any object of natural growth.

21. UTILITY RUNWAY--A runway that is constructed for and intended to be used by propeller driver aircraft of 12,500 pounds maximum gross weight and less.
22. VISUAL RUNWAY--A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION III: 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 Jonesboro Municipal Airport. Such zones are shown on Jonesboro Municipal Airport Zoning Map consisting of one sheet, prepared by Leard and Associates, dated August 4th, 1982, which is attached to this Ordinance 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:

1. Utility Runway Visual Approach Zone--The inner edge of this 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 is the continuation of the centerline of the runway.
2. Runway Larger Than Utility With a Visibility Minimum As Low as 3/4 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 is the continuation of the centerline of the runway.
3. Precision Instrument Runway 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 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Transitional Zones--The transitional zones are the areas beneath the transitional surfaces.
5. Horizontal Zone--The horizontal zone is established by swing-arcs of 5,000 feet radii for all runways 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.

6. Conical Zone--The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION IV: 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:

1. Utility Runway Visual Approach Zone--Slopes twenty (20) 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 5,000 feet along the extended runway centerline.
2. Runway Larger Than Utility With a Visability Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Zone--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.
3. Precision Instrument Runway Approach Zone--Slopes fifty (50) 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; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
4. Transitional Zones--Slope 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 which is 258 feet above mean sea level. 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.

5. Horizontal Zone--Established at 150 feet above the airport elevation or at a height of 408 feet above mean sea level.
6. 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.
7. Excepted Height Limitations--Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

SECTION V: 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, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

1. Regulations Not Retroactive--The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alterations of any structure or tree not conforming to the regulations as the effective date of this Ordinance, 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 October 20, 1969, the date of Ordinance 1242 which is superseded by this Ordinance, and is diligently prosecuted.
2. 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 Jonesboro Municipal Airport Commission 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 City of Jonesboro.

SECTION VII: PERMITS

1. Future Uses--Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall have indicated 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 use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.
 - a. 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 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.
 - b. 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 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
 - c. In the areas 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 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.

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 except as set forth in Section IV, 7.

2. Existing Uses--No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming 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.

3. Nonconforming Uses Abandoned or Destroyed--Whenever the Jonesboro Municipal Airport Commission determines that a nonconforming tree or structure has been abandoned or more than 50 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.

4. Permits For Change and Repair of Nonconforming Uses--Before any existing nonconforming structure or object of natural growth may be altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Jonesboro Municipal Airport Commission authorizing such change or repair. No such permit shall be granted that would permit the structure or object of natural growth in question to be made higher or become a greater hazard to air navigation than it was at the time this Ordinance took effect and, where the structure or object of natural growth has been more than fifty percent torn down or destroyed, whether voluntarily, by act of God, or otherwise, or has become more than fifty percent deteriorated or decayed, no permit shall be granted that would permit said structure or object of natural growth to exceed the applicable height limit prescribed by these zoning regulations; instead, in all such cases of more than fifty percent destruction, deterioration or decay, whether application is made for a permit for repair or not, the Jonesboro Municipal Airport Commission shall by appropriate action compel the owner of the nonconforming structure or object of natural growth, at his own expense, to lower or remove such object to the extent necessary to conform to the height limitations contained in this Ordinance. Except as indicated, all applications for permits for change or repair of nonconforming uses shall be granted.

5. 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 Zoning 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 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 Ordinance may be considered by the Board of Zoning Adjustment unless a copy

of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Adjustment may act on its own to grant or deny said application.

6. Obstruction Marking and Lighting--Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, 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 Board of Zoning Adjustment, this condition may be modified to require the owner to permit the City of Jonesboro, at its own expense, to install, operate and maintain the necessary markings and lights.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Jonesboro Municipal Airport Commission and Board of Zoning Adjustment to administer and enforce the regulations prescribed herein. All applications for permit shall be made to the Jonesboro Municipal Airport Commission upon a form published for that purpose. All applications for variances shall be made to the Board of Zoning Adjustment upon such forms or in such manner as prescribed by existing rule, regulation and/or ordinance. All applications for variance shall be immediately submitted to the Jonesboro Municipal Airport Commission for its recommendation. The Jonesboro Municipal Airport Commission shall approve or deny the requested permit or variance within 45 days after receipt and shall forward its recommendation as to all variances onto the Board of Zoning Adjustment for appropriate action.

As to all requested permits, the Jonesboro Municipal Airport Commission shall notify the applicant as to its decision. If the requested permit or variance is denied, the reason and/or reasons for denial shall be stated in writing and forwarded to the applicant with a copy to the Board of Zoning Adjustment when the request pertains to a variance.

SECTION IX: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the Jonesboro Municipal Airport Commission, made in the administration of the Ordinance, may appeal to the Board of Zoning Adjustment.
2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Jonesboro Municipal Airport Commission certifies to the Jonesboro City Council, after the notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would be in

the opinion of the Jonesboro Municipal Airport Commission cause eminent peril to life or property. In such case, proceedings should not be stayed except by order of the Jonesboro City Council or order of the Circuit Court of Craighead County, Arkansas, Jonesboro Division, after appropriate notice to all parties and a show cause hearing is held.

SECTION X: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Zoning Adjustment, may appeal to the Circuit Court of the Jonesboro District of Craighead County, Arkansas, as provided in the State of Arkansas Statutes Annotated 74-306.

SECTION XI: PENALTIES

Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$500.00 and each day a violation continues to exist shall constitute a separate offense.

SECTION XII: 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 be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. Section Three, Article Two is hereby repealed where in conflict with the provisions of this Ordinance.

SECTION XIII: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION XIV: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City Council and publications and posting as required by law. Adopted by the City Council this 1st day of June, 1987