

City of Scottsbluff, Nebraska
Monday, November 23, 2015
Regular Meeting

Item Appr. Min.3

Airport Zoning

Ordinance text Change: Airport Zoning

Applicant: Scotts Bluff County

Owner(s) Scotts Bluff County

Location: N/A

Staff Contact: Annie Folck



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Staff Development Services
Date: November 23, 2015
Subject: Proposed Ordinance text changes in Chapter 25, Article 23, relating to Airport Zoning Regulations

As a result of the passage of LB 140, 2013, Neb. Revised Statute, §3-301 et seq., was amended, changing the requirements regarding Airport Zoning. The Scotts Bluff County Airport asked us to make these changes on our Airport Overlay zoning requirements.

I have attached current zoning with the proposed changes. Under 25-23-2. Definitions, four definitions were added, Electrical Facility, Existing Runway, Proposed Runway and Political Subdivision, the definition of Runway was also changed.

Section 25-3-4. Airport Encroachment Area was changed to Airport Hazard Area Description with a definition of the different zones within the area.

Section 25-23-5 Height Limits was changed to Zone Description. With descriptions of the Operation zones and Approach Zones, these zones describe length, width & height for operation zones, length, width & height limit for instrument runways & visual runways. The Transition and Turning zones are defined separately. These changes combined and cleaned up the previous language.

Section 25-3-6. Is now Height Restrictions.

Section 25-23-7 Use Regulations. Language is the same. (section numbers realigned with the change & addition of 25-23-6)

Section 25-23-8 Non-Conforming Uses. Language is the same.

Section 25-23-9 Administration & Enforcement of Article language was reworded and the Development Services Department will still be in charge of enforcing this article.

Section 25-23-10. Permit; Required & Exceptions. New language This information describes permits needed with requirements and the permit exceptions.

Section 25-23-11. Appeals. This language remains the same.

Attached is the ordinance along with highlighted area noting the changes.

RECOMMENDATION

Approve

Make a motion for positive recommendation for City Council to approve proposed ordinance text amending Chapter 25, Article 23, relating to Airport Zoning Requirements subject to the following condition(s):

Deny

Make a motion for negative recommendation to City Council to disapprove proposed ordinance text amending Chapter 25, Article 23, relating to Airport Zoning Requirements for the following reason(s):

Table

Make the motion to TABLE the proposed ordinance text amending Chapter 25, Article 23, relating to Airport Zoning Requirements for the following reason(s):

ARTICLE 23 AIRPORT ZONING OVERLAY AREA

Section

25-23-1 Purpose.

25-23-2 Definitions.

25-23-3 Adoption of Western Nebraska Regional Airport, Airport Layout Plan.

25-23-4 Airport Encroachment Area.

25-23-5 Height Limits.

25-23-6 Use Regulations.

25-23-7 Nonconforming Uses.

25-23-8 Administration and Enforcement of Article.

25-23-9 Appeals.

25-23-1. Purpose.

This Article shall be known as airport zoning regulations. These regulations are intended to provide for the safe operation of aircraft into and out of Western Nebraska Regional Airport, William G. Heilig Field.

25-23-2. Definitions

The following definitions shall be used for terms contained in this section that are not otherwise defined.

Airport. Western Nebraska Regional Airport, William G. Heilig Field, Scottsbluff, Nebraska.

Airport Elevation. William G. Heilig: 3,944 feet MSL.

Airport Encroachment. Any structure, tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at Western Nebraska Regional Airport, William G. Heilig Field, or is otherwise hazardous to the operation of aircraft.

Airport Encroachment Area Any area of land or water upon which an airport hazard might be established if not prevented by this Article.

Departure Limit. The horizontal line perpendicular to the runway center line, established as the beginning of the usable takeoff runway.

Landing Area. The area of the airport intended for use for the landing, taking off or taxiing of aircraft.

Landing Threshold. A horizontal line, perpendicular to the runway center line, established as the beginning of the usable landing runway.

Mean Sea Level. The United States Coast and Geodetic Survey zero datum plane, abbreviated "MSL".

Nonconforming Use. Any structure, tree or use of land which does not conform to the requirements of this Article, or an amendment thereto, as of the effective date of this Article or amendment.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee or other similar representatives thereof.

Runway. That portion of the landing area intended for the landing and/or taking off of aircraft. **New-** Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

Structure. Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Tree. Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.

Zoning Reference Point. The point of intersection of the center line of William B. Heilig Field, Runway 12/30 with the center line of William B. Heilig Field, Runway 5/23.

Locations and Borders. Vicinity of the airport located in Sections 16, 17, 20 and 21, Township 22, Range 54, Scotts Bluff County, Nebraska.

Electrical Facility. Electrical facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Neb. Rev. Stat., §70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing Runway. Existing runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Proposed Runway. Proposed runway means an instrument runway or a visual runway that has not been constructed and is not under construction, but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Political Subdivision. Political subdivision means any municipality, city village, or county.

25-23-3. Adoption of Western Nebraska Regional Airport, Airport Layout Plan

In order to define the dimensions of the zones established by these regulations, the City of Scottsbluff adopts the Airport Project No. 3-31-0072-22, Airport Layout Plan, dated May 16, 1994.

All subsequent adopted Airport Layout Plans are incorporated by reference.

Area below has been replaced with new language

OLD LANGUAGE REMOVED 25-23-4. Airport Encroachment Area

There is created an airport encroachment area which consists of runway area zones, approach departure zones, transition zones, horizontal zone, and conical zone, which are shown on the airport zoning map and defined as follows:

Runway Area Zones. Runway area zones are established along the runways, having a width of 1,000 feet symmetrically located along both sides of the center line of the runway and all other area between parallel runways, and extended longitudinally 200 feet beyond the outermost landing threshold, departure limit, or departure threshold at each end of the runway.

Approach-Departure Zones. Approach-departure zones are established beyond and outward from the landing thresholds and departure limits of the runways, having a width of 1,000 feet at their beginning, and a distance of 200 feet outward from the landing thresholds and departure limits, symmetrically located along both sides of the extended center line of the runway, and widening uniformly to a width of 16,000 feet at the outer limit of the zone, a distance of 50,000 feet outward from the landing thresholds and departure limits.

Transition Zones. Transition zones are established along both sides of all runways, and adjacent to the runway area zone, extending laterally outward therefrom for varying distances to a line formed by the locus of the points where the height limits of the transition zones equal the height limit of the horizontal zone or equal the transition zone of runway area zones, and being between the beginning of the approach-departure zones at each end of the runway.

Further, transition zones are established along both sides of all approach-departure zones, and extending laterally outward therefrom for varying distances to a line formed by the locus of the points where the height limits of the transition zone equal the height limits of the horizontal zone or the height limits of the conical zone, or for a distance of 5,000 feet, whichever is less. Transition zones so established extend longitudinally between the inner and outer limits of the approach-departure zones, which is a distance of 50,000 feet.

Horizontal Zone. A horizontal zone is established which has as its outer boundary a line which is at all times 10,000 feet beyond the landing area and 150 feet above airport elevation.

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.

25-23-5. Height Limits

No structure, tree or other use of land shall be permitted which exceeds the height limit set forth by this section. The following height limits are established for each of the zones, as follows:

Runway Area Zones. The height limit for runway area zones shall be level with the runway center line, measured perpendicularly therefrom, except in the areas between a landing threshold or departure

limit and the beginning of its related approach-departure zone, where the height limit will be level with the center line of the runway as it exists at the landing threshold or departure limit.

Approach-Departure Zones. The height limit for approach-departure zones shall be one (1) foot in height for each fifty (50) feet in horizontal distance, beginning at the inner limit of the zone at the elevation of the related landing threshold or departure limit, and extending longitudinally along the extended runway center line, to the outer limit of the zone.

Transition Zones. The height limit for transition zones established adjacent to runway area zones shall be one (1) foot in height for each seven (7) feet in horizontal distance, beginning at the inner limit of the zone and at the height limit of the runway area zone, and extending laterally, measured perpendicular to the runway center line, to the outer lateral limit of the zone. For such zones established adjacent to the lateral limits of the approach-departure zones, the height limit shall be one (1) foot in height for each seven (7) feet in horizontal distance, beginning at the inner limit of the zone and at the height limit of the adjacent approach-departure zone, and extending laterally, measured perpendicular to

the runway center line, to the outer lateral limits of the zone.

Horizontal Zones. The height limit for horizontal zones shall be 150 feet above the airport elevation.

Conical Zone. A conical zone is established as the area that 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.

Conflicts of Height Limits. Where an area is subject to more than one height limit, the most restrictive limit shall apply.

NEW LANGUAGE 25-23-4. Airport Hazard Area Description.

The Airport Hazard Area shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this article.

25-23-5 Zone Description

1. The Operation Zones are longitudinally centered on each existing or proposed runway.

A. Length. For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.

B. Width. For existing and proposed instrument runways, the operation zones are 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zones are 500 feet wide, with two hundred fifty feet on either side of the runway centerline.

C. Height. The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

2. The Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. An approach zones' dimensions are as follows:

A. Instrument Runways.

i. Length and Width. The approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand (1,000) feet wide at the end of the nearest runway (i.e. adjacent to the operation zone) and expands uniformly to sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the zone (i.e. ten miles (10) from the operation zone).

ii. Height Limit. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally (50:1), except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at the runway end. At three (3) miles from said operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally (50:1) and continues to the ten (10) mile limit.

B. Visual Runways.

i. Length and Width. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway (i.e. adjacent to the operation zone) and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred feet wide.

ii. Height. The highest limit of an approach zone begins at the elevation of the runway and for which it is the approach and rises one foot vertically for every fourth (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway and elevation within three miles of the end of the operation zone at the runway end.

3. The Transition Zones extend outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.

4. The Turning Zones are located at a distance of three miles (3) radius from the corners of the operational zone and each runway and conceding adjacent arcs with tangent lines, excluding any area within the operation zone, approach zone or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

25-23-6. Height Restrictions.

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 25-23-5.

25-23-7. Use Regulations

Notwithstanding any other provision of this Article, no use may be made of any land within any runway area zone, approach-departure zone, horizontal zone, conical zone or transition zone in any manner as to create electrical interference with the radio or radar communication or navigation aids between the airport and aircraft; make it difficult for air crews to distinguish between airport lights and others; result in glare in the eye of air crews using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft within these zones.

25-23-8. Nonconforming Uses

Continuation of lawful nonconforming uses. Any land use lawfully existing on the effective date of this chapter may continue, subject to the provisions of this section.

Enlarging degree of nonconformance. No nonconforming structure or tree shall be built, replaced, altered, replanted or allowed to grow to a height that increases the degree of nonconformance or that violates the height limits established by this section.

Damage or destruction.

(1) Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

(2) Any nonconforming tree which has been damaged or decayed to the extent of 50 percent or more shall be removed.

Abandonment. If any structure or property containing a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all airport zoning regulations.

Unlawful nonconforming uses. These provisions shall not be interpreted as authorization for or approval of the continuation of any structure, use, or tree in violation of any zoning regulations in effect on or before the effective date of this chapter.

25-23-9. Administration and Enforcement of Article ~~OLD LANGUAGE REMOVED~~

Enforcement by Appropriate Political Subdivision. The location of various encroachment areas is within the zoning authority of the City of Scottsbluff. In order to properly enforce the Airport Zoning Regulations and protect air traffic at Western Nebraska Regional Airport, the City Council for the City of Scottsbluff grants to the City of Scottsbluff Development Services Department authority to act as administrative agency and enforcement agency as it pertains to the enforcement of these Airport Zoning Regulations only.

Administrative Agency. It shall be the duty of the City of Scottsbluff Development Services Department to enforce this Article, and the City of Scottsbluff Development Services Department is appointed the "administrative agency" provided for in R.R.S., 1943, §3-319. The appropriate administrative agency shall have all the powers and perform all duties as provided by the Airport Zoning Act.

Permit applications. Applications for permits shall be made to the City of Scottsbluff Development Services Department upon a form furnished by it. Any application shall be promptly considered and

granted or denied. Applications for action by the zoning Board of Adjustment shall be transmitted in accordance with the applicable provisions of these "Airport Zoning Regulations," appropriate city ordinances and state law.

NEW LANGUAGE - 25-23-9 Administration and Enforcement of Article.

Enforcement by Appropriate Subdivision. The location of various encroachment areas is within the City of Scottsbluff. It shall be the duty of the City of Scottsbluff Development Services Department ("Development Services Department") to enforce this article, and the Development Services Department is appointed the "administrative agency" provided for in R.R.S., 1943, §3-319. The Development Services Department shall have all the powers and perform all duties as provided by the Airport Zoning Act.

25-23-10 Permit; Required and Exceptions.

1. Permit Required. It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from the Development Services Department upon a form furnished by it. Any application shall be promptly considered and granted or denied. Applications for action by the Board of Adjustment shall be transmitted in accordance with the applicable provisions of the Airport Zoning Regulations, appropriate City and/or County Ordinances, and/or State Law. It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.

2. Permit Exceptions. Within the outer area of the Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.

The repair, reconstruction, or replacement of non-conforming electric facilities will be permitted in compliance with neb. Rev. Stat. §3-311(3).

3. Location Sketch and Zoning Map. The boundaries, Approach Zones, Operations Zone, Transition Zones, and Turning Zones of the airport are indicated on the Zoning Map that accompanies and is made a part of this article by reference. A copy of the airport hazard area zoning regulations shall at all times be on file in the office of the Airport Director located at Western Nebraska Regional Airport.

25-23-11. Appeals

Designation of Board of Adjustment. The City of Scottsbluff's Board of Adjustment shall be the Board of Adjustment with respect to this section and shall have and exercise the powers conferred by R.R.S. 1943, §3-320, and such other powers and duties as are conferred and imposed by law. Any person aggrieved or affected by any decisions or actions made in administration of this Article may appeal such decision or action to the Board of Adjustment for the City of Scottsbluff. Any appeal taken pursuant to this section shall be by the procedure established by law.

Powers of the Zoning Board of Adjustment. The City of Scottsbluff's Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals from any order, requirement or decision made by the permits and inspections division in the enforcement of this section.
- (2) To hear and decide any special exemptions to the terms of this section which such board may be required to pass under this section.
- (3) To hear and decide specific variances under R.R.S. 1943, §3-312.

Appeal from decisions of the Board of Adjustment. Any person aggrieved or affected by a decision of the Board of Adjustment may appeal to the District Court for Scotts Bluff County, Nebraska, in the manner provided in R.R.S. 1943, §3-324 et seq.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA DEALING WITH AIRPORT ZONING REGULATIONS, REPEALING THE PRIOR ARTICLE AT CHAPTER 25, ARTICLE 23 OF THE SCOTTSBLUFF MUNICIPAL CODE AND REPLACING THE ENTIRE ARTICLE, REPEALING ALL PRIOR ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 25, Article 23 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

“ARTICLE 23
AIRPORT ZONING OVERLAY AREA

Section

25-23-1	Purpose.
25-23-2	Definitions.
25-23-3	Adoption of Western Nebraska Regional Airport, Airport Layout Plan.
25-23-4	Airport Hazard Area Description.
25-23-5	Zone Descriptions.
25-23-6	Height Restrictions.
25-23-7	Use Regulations.
25-23-8	Non-Conforming Uses.
25-23-9	Administration and Enforcement of Article.
25-23-10	Permit; Required and Exceptions.
25-23-11	Appeals.

25-23-1. Purpose.

This Article shall be known as airport zoning regulations. These regulations are intended to provide for the safe operation of aircraft into and out of Western Nebraska Regional Airport, William G. Heilig Field.

25-23-2. Definitions.

The following definitions shall be used for terms contained in this article that are not otherwise defined.

Airport. Western Nebraska Regional Airport, William G. Heilig Field, Scottsbluff, Nebraska.

Airport Elevation. William G. Heilig: 3,944 feet MSL.

Airport Encroachment. Any structure, tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at Western Nebraska Regional Airport, William G. Heilig Field, or is otherwise hazardous to the operation of aircraft.

Airport Encroachment Area. Any area of land or water upon which an airport hazard might be established if not prevented by this Article.

Departure Limit. The horizontal line perpendicular to the runway center line, established as the beginning of the usable takeoff runway.

Landing Area. The area of the airport intended for use for the landing, taking off or taxiing of aircraft.

Landing Threshold. A horizontal line, perpendicular to the runway center line, established as the beginning of the usable landing runway.

Mean Sea Level. The United States Coast and Geodetic Survey zero datum plane, abbreviated "MSL".

Non-conforming Use. Any structure, tree or use of land which does not conform to the requirements of this Article, or an amendment thereto, as of the effective date of this Article or amendment.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee or other similar representatives thereof.

Runway. That portion of the landing area intended for the landing and/or taking off of aircraft.

Structure. Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Tree. Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five feet.

Zoning Reference Point. The point of intersection of the center line of William B. Heilig Field, Runway 12/30 with the center line of William B. Heilig Field, Runway 5/23.

Locations and Boarders. Vicinity of the airport located in Sections 16, 17, 20 and 21, Township 22, Range 54, Scotts Bluff County, Nebraska.

Electrical Facility. Electrical facility means an overhead electrical line, including, poles or other supporting structures, owned or operated by an electric supplier as defined in Neb. Rev. Stat. §70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing Runway. Existing runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Proposed Runway. Proposed runway means an instrument runway or a visual runway that has not been constructed and is not under construction, but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to the Federal Aviation Administration.

Political Subdivision. Political subdivision means any municipality, city, village, or county.

25-23-3. Adoption of Western Nebraska Regional Airport, Airport Layout Plan.

In order to define the dimensions of the zones established by these regulations, the City of Scottsbluff hereby adopts the Airport Project No. 3-31-0072-22, Airport Layout Plan, dated May 16, 1994. All subsequent adopted Airport Layout Plans are incorporated by reference.

25-23-4. Airport Hazard Area Description.

The Airport Hazard Area shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this article.

25-23-5 Zone Description

1. The **Operation Zones** are longitudinally centered on each existing or proposed runway.

A. **Length.** For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.

B. **Width.** For existing and proposed instrument runways, the operation zones are 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zones are 500 feet wide, with two hundred fifty feet on either side of the runway centerline.

C. **Height.** The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

2. The **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. An approach zones' dimensions are as follows:

A. Instrument Runways.

I. **Length and Width.** The approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand (1,000) feet wide at the end of the nearest runway (i.e. adjacent to the operation zone) and expands uniformly to sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the zone (i.e. ten miles (10) from the operation zone).

ii. **Height Limit.** The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally (50:1), except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at the runway end. At three (3) miles from said operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally (50:1) and continues to the ten (10) mile limit.

B. Visual Runways.

I. **Length and Width.** An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway (i.e. adjacent to the operation zone) and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred feet wide.

ii. **Height.** The highest limit of an approach zone begins at the elevation of the runway and for which it is the approach and rises one foot vertically for every forth (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway and elevation within three miles of the end of the operation zone at the runway end.

3. The **Transition Zones** extend outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.
4. The **Turning Zones** are located at a distance of three miles (3) radius from the corners of the operational zone and each runway and conceding adjacent arcs with tangent lines, excluding any area within the operation zone, approach zone or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

25-23-6 Height Restrictions.

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 25-23-5.

25-23-7 Use Regulations.

Notwithstanding any other provision of this article, no use may be made of any land within any runway area zone, approach-departure zone, horizontal zone, conical zone, or transition zone in any manner as to create electrical interference with the radio or radar communication or navigation aids between the airport and aircraft; make it difficult for air crews to distinguish between airport lights and others; result in glare in the eye of air crews using the airport, impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of a aircraft within the zones in this article.

25-23-8 Non-conforming Uses.

1. Continuation of Lawful Non-conforming Uses. Any land use lawfully existing on the effective date of this article may continue, subject to the provisions of this section.
2. Enlarging Degree of Non-conformance. No non-conforming structure or tree shall be built, replaced, altered, replanted or allowed to grow to a height that increases the degree of non-conformance or that violates the height limits established by this article.
3. Damage or Destruction. (a) Should a structure occupied by a lawful non-conforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the non-conforming use shall no longer be permitted; (b) Any non-conforming tree which has been damaged or decayed to the extent of 50 percent or more shall be removed.
4. Abandonment. If any structure or property containing a lawful non-conforming use becomes vacant or unused for a continuous period of six months or longer, any subsequent use must conform to all airport zoning regulations.
5. Unlawful non-conforming Uses. These provisions shall not be interpreted as authorization for or approval of the continuation of any structure, use or tree in violation of any zoning regulations in effect on or before the effective date of this article.

25-23-9 Administration and Enforcement of Article.

Enforcement by Appropriate Subdivision. The location of various encroachment areas is within the City of Scottsbluff. It shall be the duty of the City of Scottsbluff Development Services Department ("Development Services Department") to enforce this article, and the Development Services Department is appointed the "administrative agency" provided for in R.R.S., 1943, §3-319. The Development Services Department shall have all the powers and perform all duties as provided by the Airport Zoning Act.

25-23-10 Permit; Required and Exceptions.

1. Permit Required. It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from the Development Services Department upon a form furnished by it. Any application shall be promptly considered and granted or denied. Applications for action by the Board of Adjustment shall be transmitted in accordance with the applicable provisions of the Airport Zoning Regulations, appropriate City and/or County Ordinances, and/or State Law. It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.

2. Permit Exceptions. Within the outer area of the Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.

The repair, reconstruction, or replacement of non-conforming electric facilities will be permitted in compliance with neb. Rev. Stat. §3-311(3).

3. Location Sketch and Zoning Map. The boundaries, Approach Zones, Operations Zone, Transition Zones, and Turning Zones of the airport are indicated on the Zoning Map that accompanies and is made a part of this article by reference. A copy of the airport hazard area zoning regulations shall at all times be on file in the office of the Airport Director located at Western Nebraska Regional Airport.

Section 25-23-11 Appeals.

1. Designation of Board of Adjustment. The City of Scottsbluff Board of Adjustment shall be the Board of Adjustment with respect to this article, and shall have and exercise the powers conferred by R.R.S. 1943, §3-320, and such other powers and duties as are conferred and imposed by law. Any person aggrieved or affected by any decisions or

actions made in administration of this article may appeal such decision or action to the Board of Adjustment. Any appeal taken pursuant to this article shall be by the procedure established by law.

2. Powers of the Zoning Board of Adjustment. The City of Scottsbluff's Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals from any order, requirement or decision made by the Development Services Department in the enforcement of this article.
- (2) To hear and decide any special exemptions to the terms of this article which the Board of Adjustment may be required to pass under this article.
- (3) To hear and decide specific variances under R.R.S. 1943, §3-312.

3. Appeal from the decisions of Board of Adjustment. Any person aggrieved or affected by a decision of the Board of Adjustment may appeal to the District Court for Scotts Bluff County, Nebraska, in the manner provided in R.R.S. 1943, §3-324 et seq.

Section 2. Previously existing Sections 25-23-1 through 25-23-9 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this Ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2015.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney