

ORDINANCE NO. 2019-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 153 AIRPORT ZONING, SECTION 153.01 LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS; SECTION 153.02 LOCATION SKETCH AND ZONING MAP; SECTION 153.03 NON-CONFORMING STRUCTURES; AND SECTION 153.04 MARKING NON-CONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title XV Land Usage, Chapter 153 Airport Zoning, Section 153.01 Location, Boundaries, Zones and Height Restrictions; Section 153.02 Location Sketch and Zoning Map; Section 153.03 Permits Required; Exceptions; Application Forms; Permit Fees; Section 153.04 Non-Conforming Structures; Section 153.05 Marking Non-Conforming Structures; Section 153.06 Administrative Agency; and Section 153.07 Zoning Board of Adjustment of the Wayne Municipal Code of Wayne, Nebraska, are hereby amended as follows:

153.01 Location, Boundaries, Zones and Height Restrictions

The vicinity of the Wayne Municipal Airport / Stan Morris Field, located in Sections 8 and 9, Township 26 North, Range 4 East, in Wayne County, Nebraska, from the boundaries of such airport, to a distance of 9,200 feet from Runway ends 5, 13 and 31 and 10,200 feet from Runway ends 18, 23 and 36, is hereby declared an Airport Hazard Area and is hereby zoned as follows. The Airport Hazard Area is further limited to the area within the city of Wayne's zoning jurisdiction.

(A) *Hazard Area description.* The Hazard Area consists of Primary Surface Zones, Approach Zones, Horizontal Surface Zones, Conical Surface Zones, and Transitional Surface Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Conical Surface Zone.

(B) *Zone descriptions.*

(1) The Primary Surface Zones shall be located along each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each unpaved runway and 200 feet beyond the end of each paved runway and shall be 500 feet in width for each instrument runway and 250 feet in width for all other runways and landing strips.

- a) Runway 18/36 Primary Surface Zone is 4,601 feet by 500 feet.
- b) Runway 5/23 Primary Surface Zone is 3,806 feet by 500 feet.
- c) Runway 13/31 Primary Surface Zone is 2,070 feet by 250 feet

(2) The Approach Zones shall begin at the ends of their respective Primary Surface Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the Approach Zone as described below.

- a) For Runway 18/36, the inner edge of the approach zone 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 is the continuation of the centerline of the runway.
- b) For Runway 23, the inner edge of this approach zone is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- c) For Runway 5, the inner edge of this approach zone 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.
- d) For Runway 13/31, the inner edge of this approach zone 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.

(3) The Transitional Surface Zones shall be the areas bounded by the Primary Surface Zones of the Hazard Area, the sides of the Approach Zones, and the outer limits of the Transitional Surface Zones; said outer limits of the Transitional Surface Zones being the intersections, at elevations of 150 feet above airport elevation, of a series of contiguous planes originating from bases established by the Primary Surface Zone and the edges of the adjacent Approach Zones said planes rising from their respective bases along lines perpendicular to the centerline of the landing strip or runway at the rate of one foot vertically to seven feet horizontally to the lines of intersection previously referred to.

The Horizontal Surface Zone is established by swinging arcs of 10,000 feet for Runways 18, 23 and 36 and arcs of 5,000 feet radii for Runways 5, 13 and 31 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 Primary Surface, Approach or Transitional Surface Zones.

(5) The Conical Surface Zone is the area that commences at the periphery of the Horizontal Surface Zone and extends outward therefrom a horizontal distance of 4,000 feet.

(C) *Height restrictions.* No building, transmission line, communication line, pole, tree, smoke stack, chimney, wires, tower or other structure or appurtenance thereto 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 in any zone 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 as follows:

(1) Approach Zones

- a) For Runway 18/36, the Approach Zone slopes thirty-four feet outward for each foot upward (34:1) 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.
- b) For Runways 5/23 and 13/31, the Approach Zone slopes twenty feet outward for each foot upward (20:1) 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) The Horizontal Surface Zone height limit is 1581 feet Mean Sea Level (MSL), which is 150 feet above the airport elevation.

(3) The Transitional Surface Zones height limit is above the planes forming the transitional Surface slopes described in Section (B) (3) above.

(4) The Primary Surface Zones height limit is above the existing or proposed finished grade or said runways or landing strips or surface of the ground.

(5) The Conical Zone slopes twenty feet outward for each foot upward (20:1) beginning at the periphery of the horizontal zone (150 feet above the airport elevation) and extending to a height of 350 feet above the airport elevation or 1781 MSL.

(2002 Code, § 91-1)

153.02 Location Sketch and Zoning Map

The boundaries, Primary Surface Zones, Approach Zones, Horizontal Surface Zones, Conical Surface Zones and Transitional Zones of said airport are as indicated on the Zoning Map, Drawing No. ZN-LCG-19, which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the office of the City Clerk.

(2002 Code, § 91-2)

153.03 Non-Conforming Structures

Within the zoned area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smoke stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 51% or more of their original condition, or abandoned for a period of 12 months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(2002 Code, § 91-4)

153.04 Marking Non-Conforming Structures

Whenever the Administrative Agency shall determine that a specific non-conforming structure or objects exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall within a reasonable amount of time permit the marking thereof by suitable lights or other signals designated by the said agency and based on the recommendations of the State Department of Transportation Division of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premises.

(2002 Code, § 91-5)

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 17th day of September, 2019.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk