
HARDIN COUNTY ZONING ORDINANCE OF 1999

AMENDMENT NUMBER 2

ARTICLE XXIII. NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM PERMITTED USES AND COMMERCIAL CONDITIONAL USE WIND ENERGY CONVERSION SYSTEM STANDARDS.

Section 1. DEFINITIONS.

1. Commercial WECS: A WECS of equal to or greater than [100/40] kW in total name plate generating capacity.
2. Non-Commercial WECS: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a total name plate generating capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
3. Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.
4. Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Section 2. "A", AGRICULTURAL DISTRICT; ARTICLE IX. "R-1", SINGLE-FAMILY RESIDENTIAL DISTRICT; ARTICLE X. "R-2", MULTI-FAMILY RESIDENTIAL DISTRICT; ARTICLE XI. "R-3", MOBILE HOME PARK DISTRICT; ARTICLE XII. "C", COMMERCIAL DISTRICT; ARTICLE XIII. "M", MANUFACTURING DISTRICT; "W", WILDERNESS PRESERVE DISTRICT; "G", CONSERVATION-GREENBELT DISTRICT.

I. PERMITTED USES:

1. Non-Commercial WECS, subject to the following standards:
 - a. Tower Height: Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
 - b. Setback: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

- c. **Noise:** Non-Commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- d. **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- e. **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- f. **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- g. **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

2. CONDITIONAL USE PERMITS FOR COMMERCIAL C-WECS STANDARDS.

The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

1. General Requirements for C-WECS:

- a. **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- b. **Tower configuration.** All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- c. **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. **Signage.** All signage on site shall comply with Hardin County Sign Standards. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- e. **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried.
- f. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the

site in a time period as established by the Hardin County Health Department and disposed of in accordance with all applicable local, state and federal regulations.

- g. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- h. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
- i. **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
- j. **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- k. **Setbacks.** The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment upon recommendation by the Commission may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.
 - i. **Structures.** Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total tip height or (b) one thousand (1,000) feet. Total height shall be measured at the highest point of the blade system during its rotation.
 - ii. **Property Lines.** At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - iii. **Public Right-of-Way.** Setbacks from public right-of-way, railroads, powerlines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
 - iv. **Communication and Electrical Lines.** Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- l. **Noise.** Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any conditional use permit from the property line.
 - i. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA.
 - ii. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - iii. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:
 - 1. Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - 2. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Hardin County Recorder which describes the burdened properties and which advises all

subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

m. **Safety.**

- i. All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment
- ii. Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level.
- iii. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
- iv. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
- v. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
- vi. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.

n. **Discontinuation and De-commissioning.** A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one year of the discontinuation of use. Each C-WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the land owner easement.

o. **Avoidance and Mitigation of Damages to Public Infrastructure.**

- i. **Roads.** Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction.
- ii. **Existing Road Conditions.** Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Hardin County Engineer during all phases of construction.
- iii. **Drainage System.** The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the C-WECS.

p. **Required Financial Security.** The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Hardin County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Hardin County Engineer.

- q. **Submittal Requirements.** In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for C-WECS must submit the following information (as applicable).
- i. The names of project applicant
 - ii. The name of the project owner
 - iii. The legal description and address of the project.
 - iv. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - v. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - vi. Engineer's certification(s) as required in these supplemental standards.
 - vii. Documentation of land ownership or legal control of the property
 - viii. The latitude and longitude of individual wind turbines.
 - ix. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS.
 - x. Existing Resources Inventory.
 - xi. An Acoustical analysis
 - xii. FAA Permit Application
 - xiii. Location of all known communications towers/facilities within two (2) miles of the proposed C-WECS.
 - xiv. Decommissioning Plan.
 - xv. Description of potential impacts on nearby all C-WECS and Non C-WECS and wind resources on adjacent properties.
 - xvi. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.
 - xvii. Proof of liability insurance.

ARTICLE XVIII. AIRPORT ZONES AND HEIGHT LIMITATIONS

Section 1. REPEALING

The Hardin County Zoning Ordinance of 1999 Article XVIII is hereby repealed and this section shall replace.

Section 2. AUTHORITY

This Ordinance shall regulate and restrict the height of structures, objects, and growth of natural vegetation, as well as land uses; otherwise regulating the use of property, within the vicinity of the Iowa Falls Airport. Creation of appropriate zones and establishing the boundaries thereof, as well as providing for changes in the restrictions and boundaries of such zones is vested in this Ordinance. Iowa Falls Airport Land Use & Height Zoning Maps, are incorporated into and made part of this Ordinance. The Ordinance also provides for the enforcement of the Ordinance, the establishment of a Board of Adjustment; and imposition of penalties related to the implementation of the Ordinance.

Section 3. STATEMENT OF PURPOSE AND FINDINGS

1. The Iowa Falls Airport is acknowledged as an essential public facility to the State of Iowa and the local community.
2. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Iowa Falls Airport.
3. There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, and impacts an individual's quality of life nor prevents the safe movement of aircraft at the Iowa Falls Airport.
4. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
5. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power.
6. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which Hardin County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

Section 4. APPLICABILITY

This ordinance encompasses the prescribed areas defined in this ordinance around the Iowa Falls Airport – Exhibit A.

Section 5. DEFINITIONS

Airport Overlay Zones.

A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

- **Zone A (Runway Protection Zone)**- shall be a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
- **Zone B (Runway Approach Surface)**- is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.
- **Zone C (Transitional Surface)**- includes those areas that are parallel to the runway pavement and extend 1,050' from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90 degree angle.
- **Zone D (Horizontal Surface)** - is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
- **Zone E (Conical Surface)** - is the outermost zone of the overlay areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

Airport Zoning Permit.

Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.

Approach and Runway Protection Zone Map.

The approach and Runway Protection Zone Map is compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace." It shows the area affected by the Airport Overlay Zoning Ordinance, and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.

Transitional surface.

The transitional surface extends outward and upward at right angles to the runway centerline and extend at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Horizontal surface.

The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

Conical surface.

The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

Approach surface.

The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface varies from 5,000 to 50,000 feet and also depends upon the approach type.

Runway Protection Zone (RPZ). (FAA AC 150/5300-13)

An area off the runway end designed to enhance the protection of people and property on the ground.

Section 6. LAND USE SAFETY ZONES

6.A. Definition of Zones

The five Airport Overlay Zones are Zone A, B, C, D, and E. The Airport Height Overlay Zoning Districts established by an Ordinance are attached as Exhibit A to this Ordinance. These Zones are formally defined in the definitions and on the attached maps – Exhibit A. Specific dimensions and permitted uses within the individual zones are noted in the following tables and text.

Zone A – Runway Protection Zone (RPZ)

Dimensional Requirements

Runway End ID	Approach Visibility Minimums	Dimensions			
		Length L feet	Inner Width W feet	Outer Width W feet	RPZ acres
Runway 13	1 mile	1000	500	700	13.82
Runway 31	1 mile	1000	500	700	13.82
Runway 2	$\frac{3}{4}$ mile	1700	1000	1510	48.98
Runway 20	$\frac{3}{4}$ mile	1700	1000	1510	48.98

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6.B. Zone Compatibility. The Compatible uses defined below shall be issued a permit if they follow all provisions of this ordinance. The not compatible uses are not permitted or allowed within Zones A-E. The airport zoning administrator shall evaluate the following factors for those uses with an “AR”:

1. How will the project be impacted by airport noise;
2. Will the project attract a concentration of people that could be at risk with aircraft problems;
3. Will the proposed project pose a height obstacle for aircraft;
4. Will the proposed project cause light or glare reflection upward: down shielded light fixtures encouraged, no reflective building materials – mirrored/reflective glass, solar panels, metal roof, water bodies;
5. Will the proposed land use create or emit smoke, steam, or dust that will be hazards for aircraft;
6. Will the proposed land use have standing water: will there be controls or methods to reduce wildlife, or will the water dissipate in 48 hours;
7. Will the proposed project contain flammable substances or materials; and
8. Will the land use cause of source of electrical, navigational, or radio interference,

Iowa Falls Airport Overlay Zones Zone Chart					
C = Compatible		AR = Additional Review Required		NC = Not Compatible	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
“A”, Agriculture District Permitted, Provisional, and Conditional Uses as prescribed in the current Hardin County Zoning Ordinance					
Farms (plant and animal only – no residences or facilities)	AR	AR	AR	C	C
Farms (residential related, and	NC	NC	NC	AR	AR

<i>facilities)</i>					
<i>Single Family & Manufactured Homes</i>	NC	AR	NC	AR	C
<i>Man-made resources (detention ponds, wetlands, lakes, mining)</i>	NC	AR	AR	AR	AR
<i>Public parks, recreation areas, playgrounds</i>	NC	NC	NC	AR	C
<i>Roadside stands</i>	NC	AR	AR	AR	C
<i>Veterinary establishments, stables, private riding stables, academies and clubs, but not including the feeding or disposal of community or collected garbage; provided that all buildings, including animal runways and exercise yards, be at least 200 feet from all adjacent dwellings</i>	NC	AR	AR	AR	C
<i>Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes</i>	NC	AR	AR	AR	C
<i>Public and parochial schools of general instruction</i>	NC	NC	NC	AR	C
<i>Churches and similar places of worship and instruction</i>	NC	NC	NC	AR	C
<i>Community centers</i>	NC	AR	AR	AR	C
<i>Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes</i>	NC	NC	NC	AR	C
<i>Child day care</i>	NC	NC	NC	AR	C
<i>Correctional and penal institutions</i>	NC	NC	NC	AR	AR
<i>Commercial amusement or recreational developments for temporary, seasonal or permanent uses, such as carnivals, circuses, expositions, and fairgrounds; including skeet trap shooting</i>	NC	NC	NC	AR	AR
<i>Temporary sawmills, batch plants, etc.... for processing timber, gravel, sand, rock, cement, concrete, asphalt, and other like materials</i>	NC	NC	NC	AR	C
<i>Go-kart tracks</i>	NC	NC	NC	AR	AR
<i>Campgrounds</i>	NC	NC	NC	AR	C
<i>Hospitals, clinics, sanitariums, and charitable institutions, except correctional and penal institutions</i>	NC	NC	NC	AR	C
<i>Sanitary landfills</i>	NC	NC	NC	NC	NC
<i>Grain storage bins</i>	NC	NC	NC	AR	AR
<i>Mining and extraction of minerals or raw materials</i>	NC	NC	NC	AR	AR
<i>Utility substation facilities, electrical substations, water and sewer lift stations, and water towers</i>	NC	NC	NC	AR	AR
<i>Solar power, generation equipment, wind generation, wind farms</i>	NC	NC	NC	AR	AR
<i>Communication transmission facilities (broadcast, wireless, emergency, point to point, and antenna, etc....)</i>	NC	NC	NC	AR	AR
<i>Outdoor Storage, Signs, and Displays</i>	NC	AR	AR	AR	C
<i>Permitted uses in "C", Commercial District (</i>	NC	AR	AR	AR	C
<i>Permitted uses in "M" Manufacturing District</i>	NC	NC	NC	AR	C

Section 7. USE RESTRICTIONS

No use may be made of land or water within Hardin County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. No installation and use of flashing or illuminated advertising or business signs, billboards, spotlights, or any other type of illuminated structure or light source that will be hazardous for pilots shall be permitted.
2. A use that emits or discharges smoke (eg exhaust from a smoke stack) that interferes with the health and safety of pilots and the public in the use of airport, or that is otherwise detrimental or injurious to the health, safety, and general welfare of the public in use of the airport.
3. A use that emits thermal discharge (eg steam from power plant source) that interferes with the pilot's vision in the use of the airport.
4. A use that significantly causes air turbulence (eg exhaust from a peaker plant) where aircraft loads may be exceeded.
5. No installation of any use that creates bird strike hazards or otherwise interfere with the landing, takeoff, or maneuvering of aircraft/
6. No operations from any use in Hardin County shall produce electronic interference with navigation signals, radio, or radar communication between the airport and aircraft.
7. Any person who erects and maintains a smokestack, flag pole, elevated tank, radio station tower, antenna, building structure, any object of natural growth or other obstruction to the operation of aircraft that exceeds these height standards by zone:
 - The maximum height allowed in Zones B & C is 50 feet.
 - The maximum height allowed in Zone D is 150 feet.
 - The maximum height allowed in Zone E starts at 150 feet and ends at 350 feet over the 4,000 foot conical zone. The maximum height increases 20 feet for each ground travel foot.
 - This zoning ordinance does not control heights after the conical zone.

Section 8. ORDINANCE ADMINISTRATION

1. It shall be the duty of the Hardin County Zoning Administrator referred to herein as the "Airport Zoning Administrator", to administer the regulations prescribed herein. Applications for airport zoning permits and variances shall be made to the Airport Zoning Administrator upon forms furnished by the Airport Zoning Administrator. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

The "AR" additional review process shall be as described below:

- a. The Airport Zoning Administrator shall contact the Hardin County Engineer and Iowa Falls Airport manager for comments on the proposed activity. Comments shall be made in writing - email is acceptable. If all are good with the concept, as submitted, the Airport Zoning Administrator shall issue a building permit.
- b. If the proposed development can be modified where all parties can be in agreement the Airport Zoning Administrator shall issue a permit with the needed modifications.
- c. If one of the reviewing individuals does not support the activity and it cannot be modified to preserve the airspace the Hardin County Board of Adjustment shall make the final permit determination. All reviewing individuals shall be invited to the meeting and present information as needed.

Section 9. AIRPORT OVERLAY ZONING PERMITS

It shall be the duty of the applicant to provide the Airport Zoning Administrator with sufficient information to evaluate the proposed action. This information shall include but not be limited to the following:

- Contact information
- Structure information
- Site information
- Drawing information
- Certification
- Identify current and potential compatibility concerns

The Airport Zoning Administrator shall evaluate the proposal based upon information provided by the applicant. The Airport Zoning Administrator shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator shall deny the permit. Should the permit be denied, the applicant shall have the right to request a variance or an appeal as prescribed in this Ordinance.

Section 10. HAZARDOUS MARKINGS AND LIGHTING

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained by the owners of those properties.

Section 11. VARIANCES.

1. Any person desiring to erect or increase the height of any structure covered under this article, or to permit the growth of any tree covered under this article, or otherwise use his/her property in violation of any section of this ordinance, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Planning & Zoning Commission for its opinion as to the aeronautical effects of such variance. If the Planning & Zoning Commission does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may take its decision to grant or deny the variance.

