

AIRPORT ZONING REGULATIONS

SECTION 1. LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS.

The location, boundaries, zones and height restrictions described below are intended to provide airspace protection within the Airport Hazard Area of the Valentine Municipal Airport, also known as Miller Field, located in Section 6, Township 33 North, Range 27 West, in Cherry County, Nebraska. The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:

Subdivision 1. Airport Hazard Area Description.

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

Subdivision 2. Zone Descriptions.

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

1. **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.
2. **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.
3. **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.

B. 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:

1. Instrument Runways

- a. **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 the 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).

- b. **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 that 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.

2. **Visual Runways**

- a. **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.

- b. **Height.** 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 forty (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end.

C. 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.

D. The **Turning Zones** are located at a distance of three miles (3) radius from the corners of the operational zone of each runway and connecting 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.

Subdivision 3. 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 above in Subdivision 2.

SECTION 2. LOCATION SKETCH AND ZONING MAP.

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the City Clerk.

SECTION 3. PERMIT REQUIRED AND EXCEPTIONS.

Subdivision 1. Permit Required.

Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would violate the requirements of Section 1, Subdivision 3 above, within the Airport Hazard Area must first obtain a permit from the City of Valentine zoning administrator for any structure or natural growth within the city limits or its extraterritorial zoning jurisdiction or the Cherry County zoning administrator for any structure or natural growth beyond the City's extraterritorial zoning jurisdiction.

Subdivision 2. Exceptions.

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.

Subdivision 3. Application Form.

Application for a permit as required under these regulations shall be made on a form to be available in the office of the City Clerk for requests within the city limits or the city's extraterritorial zoning jurisdiction, or the office of the Cherry County Zoning Administrator for requests outside the city's extraterritorial zoning jurisdiction, and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation).

Subdivision 4. Permit Fee.

The fee for each permit application shall be the same as the fee charged by each jurisdiction for any zoning compliance permit application.

SECTION 4. NON-CONFORMING STRUCTURES.

Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth that have been torn down, destroyed, deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of twelve (12) months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as poles, wires, guys and all other equipment necessary for the operation and maintenance of the same within the regulated zone.

SECTION 5. MARKING OF NON-CONFORMING STRUCTURES.

Whenever the city or county zoning administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and the lessor(s) of the premises on which the structure or object is located shall be notified in writing by that administrator. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The city or county zoning administrator shall specify the required marking and lighting, consistent with Chapter 3 of these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premise.

SECTION 6. ADMINISTRATIVE AGENCY.

The City of Valentine and Cherry County Zoning Administrators shall enforce these regulations in their respective jurisdictions and shall be the administrative officials provided for in Neb. Rev. Stat. §3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

SECTION 7. ZONING BOARD OF ADJUSTMENT.

The City of Valentine or Cherry County Board of Adjustment shall be the Board of Adjustment with respect to these regulations in their respective jurisdictions. Said board shall have and exercise the powers conferred by Section §3-320, et. Seq. (Reissued 2007) and such other powers and duties as are conferred and imposed by law.