

ORDINANCE BILL NO. 25 FOR 1983

ORDINANCE NO. 908

AN ORDINANCE AMENDING SECTION 4.440 of ORDINANCE NO. 644, THE SWEET HOME ZONING ORDINANCE, AND DECLARING AN EMERGENCY

The City of Sweet Home does ordain as follows:

Section 1. Section 4.440 is hereby amended to read as follows:

Section 4.440. Airport Overlay Zone. AO. In an AO zone, the following regulations shall apply:

(1) Purpose. The Airport Overlay Zone is intended to minimize potential dangers from, and conflicts with, the use of aircraft at airports based on the adopted master plans for each airport. It is to be used in conjunction with the underlying zone. If any conflict in regulation or procedure occurs with the underlying zoning districts, the more restrictive provisions shall govern.

(2) Establishment and Identification of a Airport Overlay Zone. The AO zone is applied to the area near the Stock/Tomco Airport within the City limits as shown in Exhibit "A". The AO zone includes the lands, waters and air space within the zone boundaries. The Sweet Home Base Map Folio shall include Exhibit "A" and be the official designated map reference for the identification of the AO zone.

(3) Definitions:

(a) Airport. Means the Stock/Tomco Airport, as shown on Exhibit "A".

(b) Airport Elevation. The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 570 feet above mean sea level for the Stock/Tomco Airport.

(c) Airport Surfaces. The specific dimensions, slopes and elevations of the airport surfaces are delineated in Exhibit "A" and are hereby made a part of the official zoning map.

(1) Approach Surface. This surface begins at the ends of the airport and extends for 5000 feet. Its initial width is 100 feet, the same as the width of the airport. It extends upward and outward uniformly with a slope of a one foot rise to a twenty foot run, to a point where its width equals 1250 feet.

(d) Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(e) Height is the highest point of a structure.

(f) Obstruction is a structure, tree or other object, including a mobile object, which extends above airport surfaces as defined herein.

(g) Runway is a defined area on the airport prepared for landing and takeoff of aircraft along its length.

(h) Tree means any natural vegetation.

(4) Use Limitations. Any use, accessory use, buildings and structures otherwise allowed in the underlying zone shall be permitted provided the following requirements are satisfied:

(a) No obstruction or object shall be permitted if it extends above the approach surface as defined in Section 4.440(3) above. Existing roadways which are in such proximity to the airport so as to place vehicular traffic in a position to penetrate the approach surface shall be posted to notify vehicle operators of potential aircraft traffic.

(b) New roadways, parking areas and storage yards shall be located or screened in such a manner that vehicle lights will not result in glare in the eyes of the pilots, or in any other way impair visibility in the vicinity of the runway approach.

(c) No game preserve or game reservation shall be permitted if the animals or birds have the potential to become a hazard to air navigation.

(5) Conditional Uses Permitted. In the AO zone the following uses and accessory uses may be permitted subject to the provisions of Section 5.010 to 5.080.

(a) A structure used or intended to be used for public assembly.

(6) Procedure.

(a) An applicant seeking a building permit involving any use or structure regulated by the Airport Overlay Zone shall provide the following information in addition to any other information required in the permit application.

(1) Property boundary lines as they relate to the airport approach and the end of the runway.

(2) Location and height of all existing and proposed buildings, structure, utility lines and roads.

(b) Proposed buildings or structures shall be approved by the Building Inspector if it is determined that it will not extend above the airport surfaces as defined in Section 4.440(3).

(c) An applicant seeking rezoning, a conditional use permit or a variance involving any use, building or structure regulated by the underlying zone or the Airport Overlay Zone shall be reviewed in accordance with the applicable procedure in Section 4.440. During this review process, the State Aeronautics Division shall be notified of the proposal and any public hearing; be given an opportunity to comment; and, be notified of the decision.

(7) Nonconforming Uses. The regulations prescribed by the Airport Overlay Zone shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of Section 4.440, or otherwise interfere with the continuance of the nonconforming use except as provided in Section 4.440(8). Nothing contained herein shall require any change in the construction,

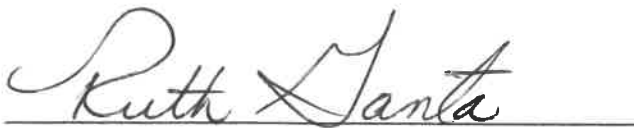
alteration or intended use of any structure, otherwise permitted, the construction or alteration of which was begun prior to the effective date of Section 4.440.

(8) Marking and Lighting. The owner of any existing non-conforming structure or tree shall permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Oregon Department of Transportation to indicate to the operators of aircraft the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner.

(9) Variances. The provisions of this Airport Overlay Zone may be varied subject to the procedures and criteria for considering variances set forth in Section 8.010 through 8.070. Variances may be allowed where it is found that the proposal will not create a hazard to air navigation, and will be in accordance with the spirit and intent of this Airport Overlay Zone.

Section 2. Emergency Clause. Whereas, it is necessary and it is in the interest and benefit of the City that this ordinance become effective immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage by the Council and and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 26th day of October, 1983.



Mayor

ATTEST:



City Manager-Exofficio City Recorder