

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted By Reference
- 14.08 Airport Zoning
- 14.12 Flood Damage Prevention Program

CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Sections:

- 14.04.01 Zoning ordinance adopted by reference

14.04.01 Zoning ordinance adopted by reference The city hereby approves and adopts by reference Zoning Ordinance No. 858 and subsequent amendments as of December 31, 2005, after public hearing duly held thereon following notice of such hearing as required by law, said ordinance consisting of the text and zoning district map, of which ordinance not less than three (3) copies have been and now are filed in the office of the City Clerk of the city and from the date on which the ordinance shall take effect the provisions thereof shall be controlling within the limits of said city.

CHAPTER 14.08

AIRPORT ZONING

Sections:

- 14.08.01 Definitions
- 14.08.02 Airport zones
- 14.08.03 Airport zone height limitations
- 14.08.04 Use restrictions
- 14.08.05 Nonconforming uses
- 14.08.06 Permits

14.08.07	Enforcement
14.08.08	Penalties

14.08.01 Definitions As used in this chapter, unless the context otherwise requires:

Airport Helena-West Helena Airport.

Airport elevation The highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

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

Tree Any object of natural growth.

Non-conforming use Any pre-existing structure, object or natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

Height For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Person An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Runway A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Visual runway A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Utility runway A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Non-precision instrument runway A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been planned or approved, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Primary surface A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Approach, transitional, horizontal, and conical zones These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in FAR, Part 77.

REFERENCE: West Helena Ord. No. 1115.

14.08.02 Airport zones In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on Hazard Zoning Map which shall be kept in the office of the Airport Commission. The various zones are hereby established and defined as follows:

- A. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and 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 being the continuation of the centerline of the runway.
- B. Runway Larger than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and 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 being the continuation of the centerline of the runway.
- C. Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of

seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

- D. Horizontal Zone - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway 17-35 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zones does not include the precision instrument approach zones and the transitional zones.

REFERENCE: West Helena Ord. No. 1115.

14.08.03 Airport zone height limitations Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Zone - Slopes upward twenty (20) feet horizontally for each foot vertically, 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.
- B. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically 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.
- C. Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 241.5 feet above mean sea level.
- D. Horizontal Zone - One hundred and fifty (150) feet above the airport elevation or a height of 391.5 feet above mean sea level.
- E. Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred and fifty (350) feet above the airport elevation.

- F. Excepted Height Limitations - Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

REFERENCE: West Helena Ord. No. 1115.

14.08.04 Use restrictions Notwithstanding any other provisions of this chapter, no use may be made of land or water, within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

REFERENCE: West Helena Ord. No. 1115.

14.08.05 Non-confirming uses

- A. Regulations not Retroactive - The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.
- B. Marking and Lighting - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Helena-West Helena Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Helena-West Helena Airport Commission.

REFERENCE: West Helena Ord. No. 1115.

14.08.06 Permits

- A. Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any

zone hereby created unless a permit therefor shall have been applied for and granted.

1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
 2. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- B. Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed - Whenever the Helena-West Helena Airport Commission determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the City Council. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter.
- E. Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Helena-West Helena Airport Commission, at its own expense, to install, operate, and maintain thereon such

markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

REFERENCE: West Helena Ord. No. 1115.

14.08.07 Enforcement It shall be the duty of the chairman of the Helena-West Helena Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the chairman, upon a form furnished by him. Applications required by this chapter to be submitted to the chairman shall be promptly considered and granted or denied by him. Application for action by the board of adjustment shall be forthwith transmitted by the chairman.

REFERENCE: West Helena Ord. No. 1115.

14.08.08 Penalties Each violation of this chapter, or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than Three Hundred (\$300.00) Dollars or imprisonment, for not more than thirty (30) days, or both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.

REFERENCE: West Helena Ord. No. 1115.

CHAPTER 14.12

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.12.01 Regulatory code adopted by reference

14.12.01 Regulatory code adopted by reference There is hereby adopted by reference a flood damage prevention regulatory code for West Helena, Arkansas, such flood damage prevention regulatory code having been delegated by the legislature of the state of Arkansas and set forth in A.C.A. 14-268-101. A copy of the referenced regulatory code shall be filed in the office of the City Clerk; and shall be available for inspection and copying by any person during normal office hours. The code shall include the following articles:

Article 1.	Statutory authorization, findings of fact, purpose and methods
Article 2.	Definitions
Article 3.	General provisions
Article 4.	Administration

Article 5. Provisions for flood hazard reduction

REFERENCE: West Helena Ord. No. 98-5.