

ORDINANCE NUMBER 2017-485
INDEPENDENCE, IOWA AIRPORT LAND USE AND HEIGHT OVERLAY ZONING ORDINANCE
INDEPENDENCE MUNICIPAL AIRPORT, INDEPENDENCE, IOWA

Preamble

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA:

THIS IS AN ORDINANCE REPEALING CHAPTER 180 OF THE MUNICIPAL CODE OF THE CITY OF INDEPENDENCE, IOWA, INCLUDING THE AIRPORT ZONING MAP AND ALL OF THE AMENDMENTS THERETO; AND ENACTING IN LIEU THEREOF AS NEW ORDINANCE NUMBER 2017-485, THE CITY OF INDEPENDENCE, IOWA AIRPORT ZONING ORDINANCE INCLUDING THE AIRPORT LAND USE AND HEIGHT ZONING MAP, AND SHALL BE INTEGRATED INTO THE INDEPENDENCE CITY CODE OF ORDINANCES. ORDINANCE NUMBER 2017-485 IS CREATED FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN A SPECIFIC AREA IN PROXIMITY TO THE INDEPENDENCE, IOWA AIRPORT.

Section 1 – Introduction

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 Independence Municipal 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. The Independence Airport Land Use and Height Zoning Maps are incorporated into and made part of this Ordinance. The Ordinance also provides for the enforcement of the Ordinance, the recognition of Board of Adjustment; and imposition of penalties related to the implementation of this Ordinance.

Section 2 – Authority

Iowa Code Section 329.3 *Airport Zoning* empowers local municipalities to zone airports including height restrictions and land uses.

Section 3 – Statement of Purpose and Findings

The Independence Municipal Airport (hereafter referred to as “the Airport”) is acknowledged as an essential public facility to the State of Iowa and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airport.

There shall be no creation or establishment of a hazard that endangers the public health, safety, welfare, and impact an individual's quality of life, nor prevent the safe movement of aircraft at the Airport. 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.

The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power. 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 the City of Independence and Buchanan County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein.

Section 4 – Short Title

This Ordinance shall be known and may be cited as the Airport Ordinance, and it is referred to as “the Ordinance” within the following sections.

Section 5 – Applicability

This Ordinance encompasses a general area around the Airport. Specific dimensions associated with the zoning boundary are shown in the Airport Land Use and Height Zoning Maps.

Section 6 – Definitions

The following definitions shall be utilized for terms as appropriate to the Ordinance.

1. **Air Traffic (FAA FAR Sec. 1.1)** – Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

2. **Airport (FAA FAR Sec. 152.3)** – Any areas of land or water that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.
3. **Airport Elevation (FAA AC 150/5190-4A)** – The highest point on an airport's usable landing area measured in feet from sea level.
4. **Airport Environs** – The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.
5. **Airport Hazard (FAA FAR Sec. 152.3)** – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstruct the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.
6. **Airport Layout Plan (ALP) (FAA FAR Sec. 152.3)** – The plan of an airport showing the layout of existing and proposed airport facilities.
7. **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.
 - a. **Zone A** – is intended to provide a clear area that is free of above ground obstructions and structures. This Zone is closest to the individual runway ends.
 - b. **Zone B** – 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.
 - c. **Zone C** – includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface.
 - d. **Zone D** – is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
 - e. **Zone E** – 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.
8. **Airport Reference Code (ARC)** – The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.
9. **Airport Reference Point (ARP) (FAA AC 150/5300-13)** – The latitude and longitude of the approximate center of the airport.
10. **Airport Zoning Permit** – Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.
11. **Airside** – That portion of the airport facility where aircraft movements take place, airline operations areas, and areas that directly serve the aircraft, such as taxiway, runway, maintenance and fueling areas.
12. **Airspace** – The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.
13. **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 Zoning Ordinance and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.
14. **Approach Slopes (FAA Part 77)** – The ratios of horizontal to vertical distance indicating the degree of indication of the Approach Surface. The various ratios include:
 - a. **20:1** – For all utility and visual runways extended from the primary surface a distance of 5,000 feet.
 - b. **34:1** – For all non-precision instrument runways extended from the primary surface for a distance of 10,000 feet.

15. **Approach Surface (FAA AC 150/5190-4A)** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
16. **Avigation Easement** – A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.
17. **Building Codes** – Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.
18. **Commercial Uses** – Commercial uses means a use category including land uses or activities involving the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.
19. **Compatibility** – The degree to which land uses or types of development can coexist or integrate.
20. **Easement (FAA AC 5020-1)** – The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified form of development or activity, as well as any other legal rights in the property that may be specified in the easement document.
21. **Federal Aviation Administration (FAA)** – A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.
22. **Federal Aviation Regulations (FAR)** – Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
 - a. **FAR Part 36 (FAA FAR Sec. 36.1)** – Regulation establishing noise standards for the civil aviation fleet.
 - b. **FAR Part 91 (FAA FAR Sec. 91.1)** – Regulation pertaining to air traffic and general operating rules, including operating noise limits.
 - c. **FAR Part 150 (FAA FAR Sec. 150.1)** – Regulation pertaining to airport noise compatibility planning.
 - d. **FAR Part 161 (FAA FAR Sec. 161.1)** – Regulation pertaining to notice and approval of airport noise and access restrictions.
 - e. **FAR Part 77 (FAA FAR Sec. 77.1)** – Objects Affecting Navigable Airspace – Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.
23. **General Aviation Airport** – Any airport that is not an air carrier or a military facility.
24. **Height** – Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Official Airport Land Use and Height Zoning Map; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.
25. **Hold Harmless Agreement** – An agreement which holds airport sponsors or jurisdictions harmless for alleged damages resulting from airport operations. Such agreements are recorded in deeds or permits as a condition of approval of a regulatory land use decision.
26. **Industrial, Wholesale Trade, and Storage Uses** – A use category including the following use types:
 - a. Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if

so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.

- b. Industrial, manufacturing, wholesale trade, and warehouse/storage uses including uses that produce goods from raw or finished materials, uses that distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.
27. **Imaginary Surfaces (FAA FAR Part 77.25)** – Those areas established in relation to the airport and to each runway consistent with FAR Part 77 in which any object extending above these imaginary surface, by definition, is an obstruction.
- a. **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.
 - b. **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.
 - c. **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 4,000 feet.
 - d. **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.
28. **Incompatible Land Use (FAA FAR Sec. 150.7)** – The use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries).
29. **Itinerant Operation (FAA AC 150/5325-4B)** – Takeoff or landing operations of airplanes going from one airport to another airport that involves a trip of at least 20 miles. Local operations are excluded.
30. **Land Use Compatibility** – The coexistence of land uses surrounding the airport with airport-related activities.
31. **Lighting and Marking of Hazards to Air Navigation** – Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.
32. **Mitigation** – The avoidance, minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.
33. **Navigation Aids (NAVAID)** – Any facility used by an aircraft for guiding or controlling flight in the air or the landing or takeoff of an aircraft.
34. **Navigable Airspace** – The airspace above minimum altitude for safe flight, and includes the airspace needed to ensure safety in takeoff and landing of aircraft.
35. **Noise Exposure Contours** – Lines drawn around a noise source indicating constant energy levels of noise exposure. DNL is the measure used to describe community exposure to noise.
36. **Noise Impact** – A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.
37. **Noise Sensitive Area (FAA AC 91-36D)** – Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

38. **Non-Conforming Use** – Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.
39. **Object (FAA AC 150/5300-13)** – Includes, but is not limited to above ground structures, NAVAIDs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.
40. **Obstacle Free Zone (OFZ) (FAA 150/5300-13)** – The OFZ is the airspace below 150 feet above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAIDs that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.
41. **Obstruction (FAA AC 150/5190-4A)** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.
42. **Off-Airport Property** – Property that is beyond the boundary of land owned by the airport sponsor.
43. **On-Airport Property** – Property that is within the boundary of land owned by the airport sponsor.
44. **Overlay Zone** – A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.
45. **Primary Surface (FAA AC 150/5190-4A)** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or 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 is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
46. **Primary Runway (FAA AC 150/5325-4B General Definition)** – The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.
47. **Public Assembly Use** – Means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. “Public assembly use” does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.
48. **Public Use Airport (FAA AC 150/5190-6)** – Means either a publicly owned airport or a privately owned airport open for public use.
49. **Residential and Accommodation Uses** – Mean a use category that includes the following use types:
- a. **Residential uses** that provide living accommodations, including sleeping, eating, cooking and sanitary facilities, to one or more persons, and where tenancies typically last longer than 30 days.
 - b. **Accommodation uses** characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
50. **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.
51. **Runway Safety Area (FAA AC 150/5300-13)** – A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an overshoot, or excursion from the runway.
52. **Structure** – Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.
53. **Utility Runway** – A utility runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.

54. **Variance** - An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning ordinance. A lawful exception from specific zoning ordinance standards and regulations predicated on the practical difficulties and/or unnecessary hardships on the petitioner being required to comply with those regulations and standards from which an exemption or exception is sought.
55. **Visual Approach** – An approach to an airport conducted with visual reference to the terrain.
56. **Visual Runway (FAA AC 150/5300-13)** – A runway without an existing or planned straight-in instrument approach procedure.
57. **Visual Flight Rules (VFR) (FAA FAR Sec. 170.3)** – Rules that govern the procedures for conducting flight under visual conditions. The term “VFR” is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, “VFR” is used by pilots and controllers to indicate the type of flight plan.
58. **Wetland** – Land on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. (FAA AC 150/5200-33A) Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species.
59. **Wildlife Attractants** – Means any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport’s air operations area. These attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
60. **Wildlife Hazards** – Means species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under the control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

Section 7 – Air Space Obstruction Zones

The Airport Land Use and Height Overlay Zoning Districts are illustrated on the official Independence Airport Land Use and Height Zoning Map, attached and made part of this Ordinance. Such official Airport Land Use and Height Zoning Map may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.

Section 8 – Land Use Safety Zones

FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. These five zones are designed to maintain compatible land uses around the Airport. The zones shall be evaluated for compatible land uses.

8.A Definition of Zones

Five airport overlay zoning districts are prescribed within this Ordinance. Specific dimensions for the individual zones for each runway end are noted in the following tables and text. The Airport Land Use and Height Zoning Maps should be evaluated to determine the specific area of impact associated with each zone.

Zone A – Runway Protection Zone (RPZ)

Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. This zone is closest to the individual runway ends. The dimensional standards for this zone are the same as those described in the *Airport Design AC (AC 150/5300-13 Change 11)* and are shown in the following table.

Table 1: Zone A Dimensional Requirements

Runway Ends	Approach Visibility Minimums ¹	Dimensions			RPZ acres
		Length L feet	Inner Width W ₁ feet	Outer Width W ₂ feet	
Runway 18	Non-Precision	1,700	1,000	1,510	48.978
Runway 36	Non-Precision	1,700	1,000	1,510	48.978

- The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

Source: FAA AC 150/5300-13, Change 11, Airport Design Standards

Zone B – Approach Surface

Zone B is a critical airport overlay zoning 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. The following table illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

Zone C – Transitional Surface

Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet 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. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft.

Zone D – Horizontal Surface

Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports.

Zone E – Conical Surface

Zone E is the outermost zone of the airport overlay zoning 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.

Table 2: Airport Overlay Zones B-E Dimensional Standards

Item	Runway Dimensional Standards (Feet)	
	Runway 18	Runway 36
Primary surface width and Zone B inner width	500	500
Zone B end width	3,500	3,500
Zone B length	10,000	10,000
Zone C width	1,050	1,050
Zone D radius	10,000	10,000
Zone E width	4,000	4,000

Source: FAA AC 150/5300-13, Change 11, Airport Design Standards

8.B Zone Compatibility

The following tables shall be utilized to evaluate land use compatibility for various land use classifications.

Uses identified as **compatible** shall not require additional review. However, consideration should be given to the following areas of concern:

- Noise sensitive related issues
- High concentrations of people
- Tall structures
- Visual obstructions
- Wildlife and bird attractants
- Flammable substances and materials
- Electrical, navigation, and radio interference

Uses found to be **NOT compatible** shall be precluded from development within the specific zone.

Uses found to require additional review shall be evaluated for general compatibility utilizing the *Compatible Land Use Planning Checklist* and the seven primary areas of concern noted above.

Table 3: Independence Municipal Airport Zone Chart

<i>C = Compatible</i>		<i>AR = Additional Review Required</i>			<i>NC = Not Compatible</i>	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E	
Residential Activities						
Single Family Uses (1 dwelling per lot)						
<i>Detached Single Family Dwelling</i> (i.e. farm dwelling, detached single family house, manufactured/modular homes if converted to real property and taxed)	NC	AR	AR	AR	C	
<i>Detached Zero Lot Line Dwelling</i> (i.e. condominium)	NC	AR	AR	AR	C	
<i>Attached Single Family Dwelling</i> (i.e. townhouses)	NC	AR	AR	AR	C	
Two Family Uses (i.e. two principal dwelling units within one building on the same parcel)	NC	AR	AR	AR	C	
Multi-Family Uses (i.e. three or more principal dwelling units within a single building on the same parcel, apartments such as condominium, elder, assisted living, townhouse-style)						
<i>Low-Rise</i> (1-3 levels)	NC	AR	AR	AR	C	
Group Living Uses (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living)	NC	AR	AR	AR	C	
Manufactured Housing Parks	NC	AR	AR	AR	C	
Commercial Activities						
Eating and Drinking Establishments (i.e. restaurants, cafes, coffee shops, fast food restaurants, bars, nightclubs, taverns, cocktail lounges)	NC	AR	AR	C	C	
Quick Vehicle Servicing Uses (i.e. full-serve and mini-serve gas station, unattended card key service stations, car washes)	NC	AR	AR	C	C	
Office Uses (i.e. business, government, professional, medical, or financial)						
<i>General Office</i> (i.e. professional offices, financial businesses, government offices)	NC	AR	AR	AR	C	
<i>Low-Rise</i> (1-3 levels)	NC	AR	AR	AR	C	
<i>Medical/Dental Office</i> (i.e. medical and dental clinics, chiropractic clinics, physical therapy clinics)	NC	AR	AR	AR	C	
Retail Uses (i.e. sale, lease, or rent of new or used products)						
<i>Sales-Oriented</i> (i.e. appliances, convenience stores, bakeries, electronics, furniture, garden supplies, gas stations, groceries, hardware, malls, strip malls, videos)	NC	AR	AR	AR	C	
<i>Personal Service-Oriented</i> (i.e. retail service-banking establishments, laundromats/dry cleaning, quick printing services, beauty/tanning salons, funeral homes)	NC	AR	AR	AR	C	
<i>C = Compatible</i>		<i>AR = Additional Review Required</i>			<i>NC = Not Compatible</i>	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E	
<i>Repair-Oriented</i> (i.e. consumer goods-electronics, office equipment, appliances)	NC	AR	AR	AR	C	
<i>Hospitality-Oriented</i> (hotels, motels, convention centers, meeting halls, event facilities)	NC	AR	AR	AR	C	
<i>Low-Rise</i> (1-3 levels)	NC	AR	AR	AR	C	
<i>Outdoor Storage and Display-Oriented</i> (i.e. outdoor storage-lumber yards, vehicles sales, landscape material and	NC	AR	AR	AR	C	

nursery product sales, farm supply and equipment sales)					
Surface Passenger Services (i.e. passenger terminals for buses, rail services, local taxi and limousine services)	NC	AR	AR	C	C
Vehicle Repair Uses (i.e. vehicle repair or service shops, alignment shops, tire sales)	NC	AR	AR	C	C
Industrial/Manufacturing Activities					
Industrial Service Uses (i.e. machine shops, tool repair, towing and vehicle storage, building supply yards, heating/plumbing/electrical contractors, exterminators, janitorial services, fuel oil distributors, solid fuel yards)	NC	AR	AR	AR	C
Manufacturing and Production Uses (i.e. manufacturing, processing, fabrication, packaging or assembly of goods)					
<i>Technical/Light Manufacturing</i> (i.e. electrical components, engineering, scientific and research, office, computer hardware/software, optical, pharmaceuticals, printing/photo facilities, publishing)	NC	AR	AR	AR	C
<i>General Manufacturing</i> (i.e. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	NC	AR	AR	AR	C
<i>Heavy Manufacturing</i> (i.e. concrete and asphalt plants, meat packing plants, wet corn milling, manufacturing of animal feed, paper/paperboard mills, ethanol plants)	NC	AR	AR	AR	C
Mining and Extraction Uses	NC	AR	AR	AR	C
Salvage Operations (i.e. firms that collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, and building material)	NC	C	C	C	C
Self-Service Storage Uses (i.e. mini-warehouses/storage facilities)	NC	C	AR	C	C
<i>C = Compatible AR = Additional Review Required NC = Not Compatible</i>					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Warehouse and Freight Uses (i.e. major wholesale distribution centers, general freight storage, railroad switching yards, bus/rail car storage lots, parcel service, grain terminals)	NC	C	C	C	C
Waste-Related Uses (i.e. recycling centers, sanitary landfills, waste transfer stations, composting, energy recovery plants, sanitary and water treatment facilities, sanitary collection/pumping facilities, hazardous waste collection sites)	NC	AR	AR	AR	AR
Wholesale Sales Uses (i.e. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	NC	AR	AR	AR	C
Institutional Activities					
Basic Utility Uses (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	AR	AR	C
College and Universities (i.e. public or private colleges and universities, technical colleges, seminaries)	NC	AR	AR	AR	C
Community Service Uses (i.e. public, nonprofit, or charitable nature providing local service to people)					
<i>General Community Service</i> (i.e. libraries, museums, transit centers, park and ride facilities,	NC	AR	AR	AR	C

senior/community/neighborhood centers, police and fire stations)					
Community Service-Shelter (i.e. transient housing)	NC	AR	AR	AR	C
Daycare Uses (i.e. childcare centers, adult daycare, preschools, after school programs)	NC	AR	AR	AR	C
Detention Facilities (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	AR	AR	AR	C
Educational Facilities (i.e. public and private schools)					
General Educational Facilities (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military schools)	NC	AR	AR	AR	C
Specialized Education Facilities (i.e. specialized trade, business, or commercial courses, nondegree-granting schools)	NC	AR	AR	AR	C
Hospitals (i.e. hospitals, medical centers)	NC	AR	AR	AR	C
<i>C = Compatible AR = Additional Review Required NC = Not Compatible</i>					
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
Religious Assembly Uses (i.e. churches, temples, synagogues, mosques, Masonic, eagles, moose, or elk lodges)	NC	AR	AR	AR	C
Infrastructure Activities					
Communication Transmission Facility Uses (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	AR	AR	AR	AR
Parking Uses (i.e. ground lots, parking structures)	AR	C	C	C	C
Transportation Uses (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
Utility Uses (i.e. solar power generation equipment, wind generators, wind farms)	NC	AR	AR	AR	AR
Agricultural Uses (i.e. commercial cultivation of plants, livestock production)					
Plant-related (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)	AR	AR	AR	C	C
Animal-related (i.e. livestock operations, dairy farms, horse farms)	AR	AR	AR	C	C
Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	AR	AR	C
Facility-related (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales)	NC	AR	AR	AR	AR
Water Bodies (i.e. open bodies containing water), Wildlife Areas, and Floodplains					
Man-made resources (i.e. mining and extraction, water detention ponds, wetlands)	NC	AR	AR	AR	AR
Naturally occurring (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands)	NC	AR	AR	C	C
Wildlife Preservation Areas (i.e. petting zoos, wildlife rehabilitation centers, zoos)	NC	AR	AR	AR	C
Floodplains	AR	AR	AR	C	C
Parks and Recreation Activities					
Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)					
Outdoor (i.e. campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheatres)	NC	AR	AR	AR	C

<i>Indoor</i> (i.e. physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	NC	AR	AR	AR	C
C = Compatible	AR = Additional Review Required			NC = Not Compatible	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
<i>Golf</i> (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses)	NC	AR	AR	C	C
Utility Uses (i.e. amusement/theme parks, fairgrounds, racetracks, sports arenas)	NC	AR	AR	AR	AR
Parks (i.e. aquatic, mini, private, sports, neighborhood, school, community)	NC	AR	AR	C	C
Casino	NC	AR	AR	AR	C

Section 9 – Airport Overlay Zoning Maps

The Airport Land Use and Height Overlay Zoning Districts established by this Ordinance are shown on the Airport Land Use and Height Zoning Maps. Such Official Airport Land Use and Height Zoning Maps may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.

Section 10 – Ordinance Administration

It shall be the duty of the Independence Zoning Administrator and Buchanan County Zoning Administrator, referred to herein as the "Airport Zoning Administrator," within their respective jurisdictions to administer the regulations prescribed herein for their respective communities. Applications for permits and variances shall be made to the appropriate Airport Zoning Administrator upon forms furnished by said 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 appropriate Airport Zoning Administrator according to the regulations prescribed herein.

Section 11 – 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 as noted in the *Compatible Land Use Planning Checklist*:

- 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 12 – 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 at the expense of the jurisdiction.

Section 13 – Height Limitations

No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this Ordinance to a height in excess of the

applicable height limitations set forth in this Ordinance. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the "Official Independence Airport Land Use and Height Map" within the various airport zoning districts encompassed by this Ordinance.

An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review.

Section 14 -- Airport Zoning Commission

The commission so appointed shall be known as the Airport Zoning Commission and shall make a formal recommendation on all changes to this Ordinance. In adopting, amending, and repealing airport zoning regulations, the governing body of a city shall follow the procedure in Iowa Code Sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in Iowa Code Sections 335.6 and 335.8.

The Airport Zoning Commission shall consist of five total members, two members from each jurisdiction, selected from each jurisdiction's existing planning and zoning commission by the governing body, and one additional member to act as chairperson and to be selected by a majority vote of the members selected for the Airport Zoning Commission. The terms of the members of the Airport Zoning Commission shall be for six years excepting that when the commission is first created, one of the members appointed by each jurisdiction shall be appointed for a term of two years and one for a term of four years. Members may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected.

Section 15 - Airport Board of Adjustment

The governing bodies of the jurisdictions under this ordinance shall provide for the appointment of an Airport Board of Adjustment, as provided in Iowa Code Section 414.7 for a city, or as provided in Section 335.10 for a county. The Board of Adjustment has the same powers and duties, and its procedures and appeals are subject to the same provisions as established in Iowa Code Sections 414.9 to 414.19 for a city, or Sections 335.12 to 335.21 for a county.

The Board of Adjustment shall consist of five total members, two members from each jurisdiction, selected from each jurisdiction's existing board of adjustment by the governing body thereof, and one additional member to act as chairperson to be selected by a majority vote of the members selected for the Airport Board of Adjustment. The terms of the members of the Board of Adjustment shall be for five years, excepting that when the board shall be created, one of the members appointed by each jurisdiction shall be appointed for a term of two years and one for a term of four years. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected. Members shall be removable for cause by the appointing authority upon written charges and after public hearing.

The concurring vote of a majority of the board shall be necessary to do any of the following:

- a. Reverse any order, requirement, decision, or determination of any administrative official.
- b. Decide in favor of the applicant on any matter upon which the board is required to pass under any regulations adopted pursuant to Iowa Code Chapter 329.
- c. Effect any variance from any regulations adopted pursuant to Iowa Code Chapter 329.

Section 16 – Variances

Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use his property in violation with any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulation. 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 Airport Zoning Administrator for an opinion as to the aeronautical effects of the variance. If the Airport Manager does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance. There shall be a non-refundable application fee paid by the applicant, the amount of which will be set by the jurisdiction in question.

Section 17 – Appeals

Any person, property owner, or taxpayer impacted by any decision of this Ordinance may appeal to the Airport Board of Adjustment. Such appeal, by application, shall be taken to the Board within a reasonable time, but not longer than thirty (30) days. The Zoning Administrator shall forthwith transmit to the Board an application and all documentation constituting the record upon which the appealed action is requested. In

exercising their powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Airport Zoning Administrator. There shall be a non-refundable application fee paid by the applicant, the amount of which will be set by the jurisdiction in question. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Airport Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member as documented in its minutes. Said written decision or resolution shall be filed in the office of the Airport Zoning Administrator and shall be open to public inspection.

Section 18 – Nonconformities

Any preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this Ordinance or amendments to it were adopted. A nonconforming structure in existence at the adoption hereof that was not a lawful, or authorized under previous zoning ordinances, shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. Further, any nonconforming structures, buildings, uses, parcels, or lots shall be subject to the nonconforming regulations of the community in which the property in question is located.

Section 19 – Judicial Review

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment may appeal to the Court of Record as provided in Iowa Code, Section 414.15.

Section 20 – Penalties

If any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the appropriate City or County may, in addition to other remedies, seek injunctive relief, commence a municipal or county infraction action, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a violation of the appropriate City or County Code and thus constitute a municipal or county infraction, a civil offense punishable by a civil penalty, order of abatement and the entry of a judgment for costs of abatement or correction, pursuant to Iowa Code section 364.22 or 331.307. Any construction started without a permit or which does not comply with the requirements of the corresponding Code of Ordinances shall be removed immediately. The City Council or County Board of Supervisors may, without limitation, provide for the abatement of such infraction, and may pursue any combination of remedies available. Each day that a violation is continued shall constitute a separate violation.

Section 21 – Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 22 – Severability

If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, said holding shall not affect other provisions or applications of the Ordinance, and to this end, the provisions of this Ordinance are declared to be severable.

Section 23 – Adoption, Amendment, and Repealing Regulations

In adopting, amending, and repealing airport zoning regulations, the governing body of a city shall follow the procedure in Iowa Code Sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in Iowa Code Sections 335.6 and 335.8. Any and all amendments made to this Ordinance shall also be made in accordance with Section 14, contained herein.

Section 24 – Effective Date

This is an ordinance repealing Chapter 180 of the Municipal Code of the City of Independence, Iowa, including Airport Zoning Map and all of the amendments thereto;

And enacting in lieu thereof as new Ordinance Number 2017-485, the City of Independence, Iowa Airport Zoning Ordinance including Airport Land Use and Height Zoning Map, and it shall be integrated into the Independence City Code of Ordinances. Ordinance Number 2017-485 is an ordinance created for the purpose of protecting health, welfare, and public safety within a specific area of Independence in proximity to the Independence, Iowa Airport.

Ordinance Number 2017-485, "The City of Independence, Iowa Airport Zoning Ordinance", as adopted, shall be in full force and effect upon publication, recording, and/or posting, as may be required by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 22nd day of May, 2017.



Bonita Davis, Mayor of the City of Independence, IA

ATTEST:




Jeena Lynch, City Clerk/Treasurer of the City of Independence, IA

First Reading: May 22, 2017

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No.2017-485 on the 27th day of May, 2017.



Jeena Lynch, City Clerk/Treasurer