

## CHAPTER 169

# CRESTON AIRPORT ZONING REGULATIONS

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**169.01 SHORT TITLE.** This chapter shall be known and may be cited as the Creston Municipal Airport Height and Land Use Zoning Ordinance.

**169.02 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Creston Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level.
3. “Airport hazard” means 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.
4. “Airport overlay zones” is 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 (Runway Protection Zone)** – 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 (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.
  - C. **Zone C (Transitional Surface)** – includes those areas that are parallel to the runway pavement and extend from the edge of the primary surface.

- D. **Zone D (Horizontal Surface)** – is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
- E. **Zone E (Conical Surface)** – is the outermost zone of the overlay areas and has the least number of land use restriction considerations. Zone E begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.
5. “Airport Reference Code (ARC)” is a FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.
6. “Airport Reference Point (ARP)” is the latitude and longitude of the approximate center of the airport.
7. “Airport zoning permit” is a zoning permit allowing new development or alteration or expansion of a nonconforming use.
8. “Airside” is 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.
9. “Airport land use & height overlay zoning map” is the airport land use & height overlay zoning map that 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, and area topography.
10. “Air traffic” means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.
11. “Approach surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface. The approach slope of a runway is set forth in this ordinance and is dependent upon the approach type.
12. “Aviation Easement” is a grant of a property interest in land over which a right of unobstructed flight in the airspace is established.
13. “Board of Adjustment” means a board consisting of five members appointed by the Council/Board of Supervisors as provided in Chapter 329.12 of the Code of Iowa.
14. “Conical surface” means a surface extending 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.
15. “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 use may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

16. “Creston municipal airport” is defined as any areas of land or water that is used, or intended for use, for the landing, takeoff, and storage of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or right-of-way; and all airport buildings and facilities located on the areas specified in this definition.
17. “Easement” is 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.
18. “Federal Aviation Administration (FAA)” is 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.
19. “Federal Aviation Regulations (FAR)” are regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
20. “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect of the safe and efficient utilization of the navigable airspace.
- A. **FAR Part 36** (FAA FAR Sec. 36.1) is a regulation establishing noise standards for the civil aviation fleet.
  - B. **FAR Part 91** (FAA FAR Sec 91.1) is a regulation pertaining to air traffic and general operating rules, including operating noise limits.
  - C. **FAR Part 150** (FAA FAR Sec. 150.1) is a regulation pertaining to airport noise compatibility planning.
  - D. **FAR Part 161** (FAA FAR Sec. 161.1) is a regulation pertaining to notice and approval of airport noise and access restrictions.
  - E. **FAR Part 77** (FAA FAR Sec. 77.1) describes objects affecting navigable airspace – Part 77 (1) establishes standards for determining obstructions in navigable airspace; (2) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (3) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (4) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (5) provides for establishing antenna farm areas.
21. “General aviation airport” is any airport that is not an air carrier airport or a military facility.
22. “Height” for this ordinance is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance; 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.

23. “Hold harmless agreement” means an agreement that 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.

24. “Horizontal surface” means a horizontal plane 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.

25. “Industrial, wholesale trade, and storage uses” means 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, manufactured, 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 or storage.

26. “Imaginary surfaces” are those surfaces established in relation to the airport and to each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

27. “Incompatible land use” is 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).

28. “Instrument approach procedure” means a series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

29. “Instrument flight rules” means rules governing the procedure for conducting instrument flight. In addition, it is a term used by pilots and controllers to indicate a type of flight plan.

30. “Instrument landing system” means a precision instrument approach system that normally consists of the following electronic components and visual aids: localizer, glideslope, outer marker, middle marker, and approach lights.
31. “Itinerant operation” means the 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.
32. “Land use compatibility” is the coexistence of land use surrounding the airport with airport-related activities.
33. “Lighting and marking of hazards to air navigation” is the installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.
34. “Mitigation” is the avoidance, minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.
35. “Navigation aids (NAVAID)” means any facility used by an aircraft for guiding or controlling flight in the air or the landing or takeoff of an aircraft.
36. “Navigable airspace” is the airspace above minimum altitude for safe flight, and includes the airspace needed to ensure safety in takeoff and landing of aircraft.
37. “Noise exposure contours” are lines drawn around a noise source indicating constant energy levels of noise exposure. DNL is the measure used to describe community exposure to noise.
38. “Noise impact” is a condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in the area.
39. “Noise sensitive area” is 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.
40. “Nonconforming use” means any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
41. “Non-precision instrument runway” means 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 approved or planned.
42. “Object” includes, but is not limited to above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.
43. “Obstruction” means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this chapter.

44. “Overlay Zone” is a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.
45. “Part 150 Study” is the abbreviated name of the airport noise compatibility planning process outlined in Part 150 of the Federal Aviation Regulation (FAR) that allows airport owners to voluntarily submit noise exposure maps and noise compatibility programs to the FAA for review and approval.
46. “Primary runway” means the runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.
47. “Primary surface” means 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.
48. “Primary runway” is the runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.
49. “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.
50. “Public Use Airport” means either a publicly owned airport or a privately owned airport open for public use.
51. “Residential and Accommodation Uses” means 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 other offices.
52. “Runway” means a defined area of an airport prepared for landing and takeoff of aircraft along its length.
53. “Runway Protection Zone” is an area of the runway end designed to enhance the protection of people and property on the ground.

54. “Runway Safety Area” is 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.
55. “Structure” means 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.
56. “Transitional surfaces” means the transitional surface that extends outward and upward at right angles to the runway centerline and extends 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.
57. “Utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
58. “Variance” is 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 by the petitioner being required to comply with the regulations and standards from which a variance is sought.
59. “Visual approach” means an approach to an airport conducted with visual reference to the terrain.
60. “Visual runway” means a runway without an existing or planned straight-in instrument approach procedure.
61. “Visual Flight Rules (VFR)” means 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.
62. “Wetland” means land on which water covers the soil 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. 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 that rank high on the list of hazardous wildlife species.
63. “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.
64. “Zoning Permit” is a permit allowing new development or alteration or expansion of a nonconforming use.

**169.03 AIR SPACE OBSTRUCTION ZONES & AIRPORT OVERLAY ZONING MAP.** The zones established by this ordinance are illustrated on the official Creston Municipal Airport Zoning Map. Such Official Airport Zoning Map may be amended from time to time, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance.

**169.04 AIRPORT ZONING REQUIREMENTS.** In accordance with Section 329.10, *Iowa Code*, there are three (3) principal airport zoning requirements supported by additional information contained within the following remaining sections of this ordinance. These basic zoning requirements state:

1. All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction which is not necessary to effectuate the purpose of this chapter.
2.
  - a. Airport zoning adopted under this chapter may require, at the municipality’s expense, the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the height regulations when adopted or amended.
  - b. Airport zoning regulations adopted under this chapter may require a property owner to permit the municipality at its own expense to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard.
3. All such regulations may provide that a preexisting legal nonconforming structure, tree, natural growth, 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 the airport zoning regulations or amendments to the regulations were adopted.

**169.05 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 beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Creston Municipal Airport. Such zones are shown on the Creston Municipal Airport Zoning Map, which is on file at City Hall. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive limitations. The various zones are hereby established and defined as follows:

1. Zone A – Runway Protection Zone (RPZ) – Zone A is intended to provide a clear area that is free of aboveground obstructions and structures. This zone is closest to the individual runway ends. The dimensional standards for this zone are shown in the following table:

Table 1. Zone A – Dimensional Requirements

Runway Ends	Approach Visibility Minimums	Dimensions			
		Length L feet	Inner Width W <sub>1</sub> feet	Outer Width W <sub>2</sub> feet	RPZ Acres
<b>Runway 16</b>	<b>1 Mile</b>	1,700	500	1,010	29.465



<b>Runway 34</b>	<b>1 Mile</b>	1,700	500	1,010	29.465
<b>Runway 04</b>	<b>Visual</b>	1,000	250	450	8.035
<b>Runway 22</b>	<b>Visual</b>	1,000	250	450	8.035

Source: FAA AC 150/5300-13, current edition, Airport Design Standards

2. 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 the type/size of aircraft utilizing the runway.

The table on the following page 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.

Table 2. Airport Overlay Zones B through E Dimensional Standards

Item	Runway Dimensional Standards (Feet)			
	Runway 16	Runway 34	Runway 04	Runway 22
Primary Surface width and <b>Zone B</b> inner width	500	500	250	250
<b>Zone B</b> end width	3,500	3,500	1,250	1,250
<b>Zone B</b> length	10,000	10,000	5,000	5,000
<b>Zone C</b> width	1,050	1,050	1,050	1,050
<b>Zone D</b> radius	10,000	10,000	10,000	10,000
<b>Zone E</b> width	4,000	4,000	4,000	4,000

3. Zone C – Transitional Surface – Zone C 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. 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.

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

5. 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.

**169.06 ZONE COMPATIBILITY.** The following tables shall be utilized to evaluate land use compatibility for various land use classifications.

1. Uses identified as compatible shall not require additional review, however, consideration should be given to the following areas of concerns:

- Noise sensitivity related issues
  - High concentrations of people
  - Tall structures
  - Visual obstructions
  - Wildlife and bird attractants
  - Additional Considerations
    - Flammable substances
    - Electrical, navigational, or radio interference
2. Uses found to be NOT compatible shall be precluded from development within the specific zones.
3. Uses found to require additional review shall be evaluated for general compatibility utilizing the *Compatible Land Use Planning Checklist* and the areas of concern noted above.

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Residential Activities</b>					
<b>Single-Family Uses</b> (1 dwelling per lot)					
<i>Detached Single Family Dwelling</i> (i.e. farm dwelling, detached single family house, manufactured/modular/mobile 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
<b>Two Family Uses</b> (i.e. two principal dwelling units within one building on the same parcel)	NC	AR	AR	AR	C
<b>Multi-Family Uses</b> (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	NC	AR	C
<i>Mid-Rise</i> (4-12 Levels)	NC	NC	NC	AR	C
<i>High-Rise</i> (13+ Levels)	NC	NC	NC	AR	C
<b>Group Living Uses</b> (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living)	NC	AR	AR	AR	C
<b>Manufactured Housing Parks</b>	NC	AR	AR	AR	C

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Commercial Activities</b>					
<b>Eating and Drinking Establishments</b> (i.e. restaurants, cafes, coffee shops, fast food restaurants, bars, nightclubs, taverns, cocktail lounges)	NC	AR	AR	C	C
<b>Quick Vehicle Servicing Uses</b> (i.e. full-serve and mini-serve gas station, unattended card key service stations, car washes)	NC	AR	AR	C	C
<b>Office Uses</b> (i.e. business, government, professional, medical, or financial)					
<i>General Office</i> (i.e. professional offices, financial businesses, government offices)					
<i>Low-Rise</i> (1-3 Levels)	NC	AR	AR	AR	C
<i>Mid-Rise</i> (4-12 Levels)	NC	NC	NC	AR	C
<i>High-Rise</i> (13+ Levels)	NC	NC	NC	AR	C
<i>Medical/Dental Office</i> (i.e. medical and dental clinics, chiropractic clinics, physical therapy clinics)					
<i>Low-Rise</i> (1-3 Levels)	NC	AR	AR	AR	C
<i>Mid-Rise</i> (4-12 Levels)	NC	NC	NC	AR	C
<i>High-Rise</i> (13+ Levels)	NC	NC	NC	AR	C
<b>Retail Uses</b> (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>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)					
<i>Low-Rise</i> (1-3 Levels)	NC	AR	AR	AR	C
<i>Mid-Rise</i> (4-12 Levels)	NC	NC	NC	AR	C
<i>High-Rise</i> (13+ Levels)	NC	NC	NC	AR	C
<i>Outdoor Storage and Display-Oriented</i> (i.e. outdoor storage-lumber yards, vehicle sales, landscape material and nursery product sales, farm supply, and equipment sales)	NC	AR	AR	AR	C
<i>Surface Passenger Services</i> (i.e. passenger terminals for buses, rail services, local taxi, and limousine services)	NC	AR	AR	C	C
<i>Vehicle Repair Uses</i> (i.e. vehicle repair or service shops, alignment shops, tire sales)	NC	AR	AR	C	C

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Industrial/Manufacturing Activities</b>					
<b>Industrial Service Uses</b> (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
<b>Manufacturing and Production Uses</b> (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	NC	AR	AR	C
<b>Mining and Extraction Uses</b>	NC	NC	NC	AR	C
<b>Salvage Operations</b> (i.e. firms that collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, and building material)	NC	C	NC	C	C
<b>Self-Service Storage Uses</b> (i.e. mini-warehouses/storage facilities)	NC	C	AR	C	C
<b>Warehouse and Freight Uses</b> (i.e. major wholesale distribution centers, general freight storage, railroad switching yards, bus/rail care storage lots, parcel service, grain terminals)	NC	C	AR	C	C
<b>Waste-Related Uses</b> (i.e. recycling centers, sanitary landfills, waste transfer stations, composting, energy recovery plants, sanitary and water treatment facilities, hazardous waste collection sites)	NC	AR	AR	AR	AR
<b>Wholesale Sales Uses</b> (i.e. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	NC	AR	AR	AR	C

\* Heavy Manufacturing typically has excessive smoke, dust, or hazardous waste.

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Institutional &amp; Civic Activities</b>					
<b>Basic Utility Uses</b> (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	AR	AR	C
<b>College and Universities</b> (i.e. public or private colleges and universities, technical colleges, seminaries)	NC	AR	NC	AR	C
<b>Community Service Uses</b> (i.e. public, nonprofit, or charitable nature providing a local service to the people)					
<i>General Community Service</i> (i.e. libraries, museums, transit centers, park and ride facilities, senior/community/neighborhood centers, police and fire stations)	NC	AR	AR	AR	C
<i>Community Service-Shelter</i> (i.e. transient housing)	NC	AR	AR	AR	C
<b>Daycare Uses</b> (i.e. childcare centers, adult daycare, preschools, after school programs)	NC	AR	NC	AR	C
<b>Detention Facilities</b> (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses)	NC	AR	NC	AR	C
<b>Educational Facilities</b> (i.e. public and private schools)					
<i>General Educational Facilities</i> (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military schools)	NC	AR	NC	AR	C
<i>Specialized Education Facilities</i> (i.e. specialized trade, business, or commercial courses, nondegree-granting schools)	NC	AR	NC	AR	C
<b>Hospitals</b> (i.e. hospitals, medical centers)	NC	AR	NC	AR	C
<b>Religious Assembly Uses</b> (i.e. churches, temples, synagogues, mosques, Masonic, Eagles, Moose, or Elk lodges)	NC	AR	NC	AR	C

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Infrastructure Activities</b>					
<b>Communication Transmission Facility Uses</b> (i.e. broadcast, wireless, point to point, emergency towers and antennae)	NC	AR	NC	AR	AR
<b>Parking Uses</b> (i.e. ground lots, parking structures)	AR	C	AR	C	C
<b>Transportation Uses</b> (i.e. highways, interstates, local and county roads)	AR	C	C	C	C
<b>Utility Uses</b> (i.e. solar power generation equipment, wind generators, wind farms)	NC	AR	NC	AR	AR
<b>Agricultural Uses</b> (i.e. commercial cultivation of plants, livestock production)					
<i>Plant-related</i> (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)	AR	AR	AR	C	C
<i>Animal-related</i> (i.e. livestock operations, dairy farms, horse farms)	AR	AR	AR	C	C
<i>Resident-related</i> (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	AR	AR	C
<i>Facility-related</i> (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales)	NC	AR	AR	AR	AR
<b>Floodplains</b>	AR	AR	AR	C	C
<b>Water Bodies</b> (i.e. open bodies containing water)					
<i>Man-made resources</i> (i.e. mining and extraction, water detention ponds, wetlands)	NC	AR	AR	AR	AR
<i>Naturally occurring</i> (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands)	NC	AR	AR	C	C
<b>Wildlife Preservation Areas</b> (i.e. petting zoos, wildlife rehabilitation centers, zoos)	NC	AR	NC	AR	C

<b>Creston Municipal Airport Zone Chart</b>					
<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
<b>Parks and Recreation Activities</b>					
<b>Commercial Recreational Uses</b> (i.e. facilities used for physical exercise, recreation, or culture)					
<i>Outdoor</i> (i.e. campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheaters)	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	NC	AR	C
<i>Golf</i> (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses)	NC	AR	NC	C	C
<b>Utility Uses</b> (i.e. amusement/theme parks, fairgrounds, racetracks, sports arenas)	NC	AR	NC	AR	AR
<b>Parks</b> (i.e. aquatic, mini, private, sports, neighborhood, school, community)	NC	AR	AR	C	C
<b>Casino</b>	NC	NC	NC	AR	C

**169.07 AIRPORT ZONING ORDINANCE ADMINISTRATION.** As stated in Section 329.13, *Iowa Code*, all airport zoning regulations adopted under this ordinance shall provide for the administration and enforcement of such regulations by an administrative agency of which shall be the Airport Zoning Administrator. However, in no case, shall such administrative agency be or include any member of the Airport Board of Adjustment. The duties of any administrative agency designated pursuant to the *Iowa Code* of this ordinance shall not include any of the powers herein delegated to the Airport Board of Adjustment.

It shall be the duty of the Airport Zoning Administrator referred to herein as the “Zoning Administrator”, to administer and enforce the regulations prescribed herein. The Zoning Administrator will be the first point of contact on the Creston Airport Zoning Ordinance regulations, in terms of enforcing zoning regulations.

Applications for permits and variances from the Airport Zoning Ordinance shall be made to the Zoning Administrator upon forms furnished by the Zoning Administrator. Applications for the action by the Airport Board of Adjustment shall be forthwith transmitted by the Zoning Administrator should an applicant request review. Permit applications shall be promptly considered and either granted or denied by the Airport Zoning Administrator according to the regulations prescribed herein.

**169.08 AIRPORT ZONING PERMITS.** Buildings or other structures located within the Creston Municipal Airport land use and height overlay zoning area as defined within this ordinance shall not be erected, moved, added to, or structurally altered without an airport zoning permit issued by the Zoning Administrator. Airport zoning permits may be reviewed and granted in conjunction with or supplemental to a City of Creston zoning permit or regulations. City of Creston zoning permits and regulations only apply to property within the corporate limits of the City of Creston.

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 & Permit Application:

1. Contact information including applicant and engineer/architect information.
2. Structure information and/or type of construction.
3. Site information (a site plan consistent with the city's zoning regulations).
4. Drawing information.
5. Identify current and potential compatibility concerns.
6. Develop compatible criteria.
7. Additional considerations/land use concerns.

The Zoning Administrator shall evaluate the proposal based upon information provided by the applicant. The 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 Zoning Administrator shall deny the permit. Should the permit be denied, the applicant shall have the right to request an appeal as prescribed in this ordinance. Any airport zoning permit shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from the date of issuance. Should the activity not be commenced within that time, a new zoning permit shall be required.

**169.09 HAZARDOUS MARKINGS AND LIGHTING.** This section provides for safe aircraft operations, as well as the health, safety, and welfare of individuals on the ground within the vicinity of the airport by identifying lighting and marking requirements. 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 municipality.

**169.10 AIRSPACE HEIGHT LIMITATIONS.** Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be grown, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zones.



Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward 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.
2. Utility Runway Nonprecision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward 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.
3. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,450.00 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) foot outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,450.00 feet above mean sea level.
5. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
6. Increase in Elevation of Structures. No structure shall be erected that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that cause the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in the County.

#### **169.11 AIRPORT BOARD OF ADJUSTMENT.**

1. There is hereby created an Airport Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter; (2) to hear and decide special exemptions to the terms of this chapter upon which such Airport Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Airport Board of Adjustment shall consist of five (5) members, two (2) appointed by the City of Creston, two (2) appointed by Union County, and one (1)

additional member to be selected by the members of the Airport Board of Adjustment. The terms of the members of the Airport Board of Adjustment shall be five (5) years, excepting that when the board shall first be created, one of the members appointed by each municipality shall be for a term of two (2) years and one for a term of (4) four. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in which the member was selected. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.

3. The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Airport Board of Adjustment may determine. The Chairperson, or in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the Clerk and on due cause shown.

4. The Airport Board of Adjustment shall make written findings of facts and conclusions of law giving facts upon which it acted and its legal conclusions from such facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant, on any matter upon which is required to pass under this chapter, or to effect variation to this chapter.

**169.12 VARIANCES.** In accordance with Section 329.11, *Iowa Code*, 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 the person's property in violation of airport zoning regulations adopted under this ordinance, may apply to the Airport Board of Adjustment for a variance from such zoning regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace as determined applicable by the Zoning Administrator. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Airport Board of Adjustment may deem necessary to effectuate the purposes of this Ordinance.

No application for variance to the height requirements of this Ordinance may be considered by the Airport Board of Adjustment unless a copy of the application has been submitted to the Iowa Department of Transportation Aeronautics Division for advice as the aeronautical effects for the variance. If the Iowa Department of Transportation Aeronautics Division does not respond to the application within twenty-five (25) working days, excluding weekends and holidays after receipt, the Airport Board of Adjustment may act on its own to grant or deny said application. Any application for variance other than for height restrictions, must be submitted to the Zoning Administrator for an opinion as to the aeronautical effects of the variance before the application may be considered by the Airport Board of Adjustment.

### **169.13 APPEALS.**

1. Any person aggrieved or any taxpayer affected by any decision of the Zoning Administrator made in the administration of this chapter may appeal to the Airport Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Airport Board of Adjustment by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Airport Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would be the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Airport Board of Adjustment on notice to the Zoning Administrator and on due cause shown.
4. The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Airport Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

**169.14 JUDICIAL REVIEW.** Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment, may appeal to the Iowa District Court as provided in the Code of Iowa, Section 414.15.

**169.15 PENALTIES AND FINES.** In accordance with Section 329.14, Iowa Code, each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor. Any violation of the Creston Municipal Airport Height and Land Use Zoning Ordinance shall be subject to the same fines and

penalties as a zoning violation, as stated in 165.09 of the Creston Code of Ordinances. The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Each day a violation continues to exist shall constitute a separate offense.

**169.16 AIRPORT ZONING COMMISSION.** In adopting, amending, and repealing airport zoning regulations under this chapter the governing body of the City of Creston shall follow the procedure in sections 414.4 and 414.6 and the Board of Supervisors for Union County shall follow the procedure in sections 335.6 and 335.8 of the Iowa Code. The appointed commission shall be known as the Airport Zoning Commission. The Airport Zoning Commission shall consist of two (2) members from both the City of Creston and Union County and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the members of the Airport Zoning Commission. The terms of the members of the Airport Zoning Commission shall be for six (6) years excepting that when the board is first created, one of the members appointed by the City of Creston and Union County 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.

**169.17 NONCONFORMING USE.**

1. Regulations Not Retroactive. The regulations prescribed by this chapter shall not be constructed to require the removal, lowering or other changes or alternation of any structure, tree, or use of land legally not conforming to the regulations as of the effective date of the ordinance codified by this chapter, or otherwise interfere with the continuance of legal nonconforming uses. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure or piece of property, the construction, alteration, or use of which was legally begun prior to the effective date of the ordinance codified by this chapter, and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding subsection 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 Chairperson, Airport Commission, to indicate to the operations of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City.

**169.18 PERMITS.**

1. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this chapter except as set forth in Subsection 169.10.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a legal nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified by this chapter 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.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Airport Board of Adjustment Chairperson determines that a legal nonconforming tree, structure, or use of land has been abandoned or regarding physical structures is damaged, torn down, physically deteriorated, or decayed by more than 70 percent of the assessed value, 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. With that being said, if a building or use is destroyed or deteriorated by more than 70 percent of the assessed value as defined in this chapter and falls within a use category that is labeled as Additional Review (AR), said building and/or use may be rebuilt and/or permitted so long as it meets the review criteria used in the Additional Review land use category.

**169.19 CONFLICTING REGULATIONS.** In accordance with Section 329.8, *Iowa Code*, where there exists a conflict between any of the regulation 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.

**169.20 SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**169.21 EFFECTIVE DATE.** This ordinance shall be in effect from and after its adoption by the governing body and publication and posting as required by law, as provided for in Chapter 380.6 and 380.7, *Iowa Code*.

*(Code of Iowa, Sec. 380[1]; Sec. 380.7[3]; and Sec. 362.3)*

*(Ch. 169 – Ord. 15-159 – Feb. 15 Supp.)*