

THE CRESCO AIRPORT
ZONING ORDINANCE

Urban Planning Grant Project No. Iowa P- 90

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Prepared by

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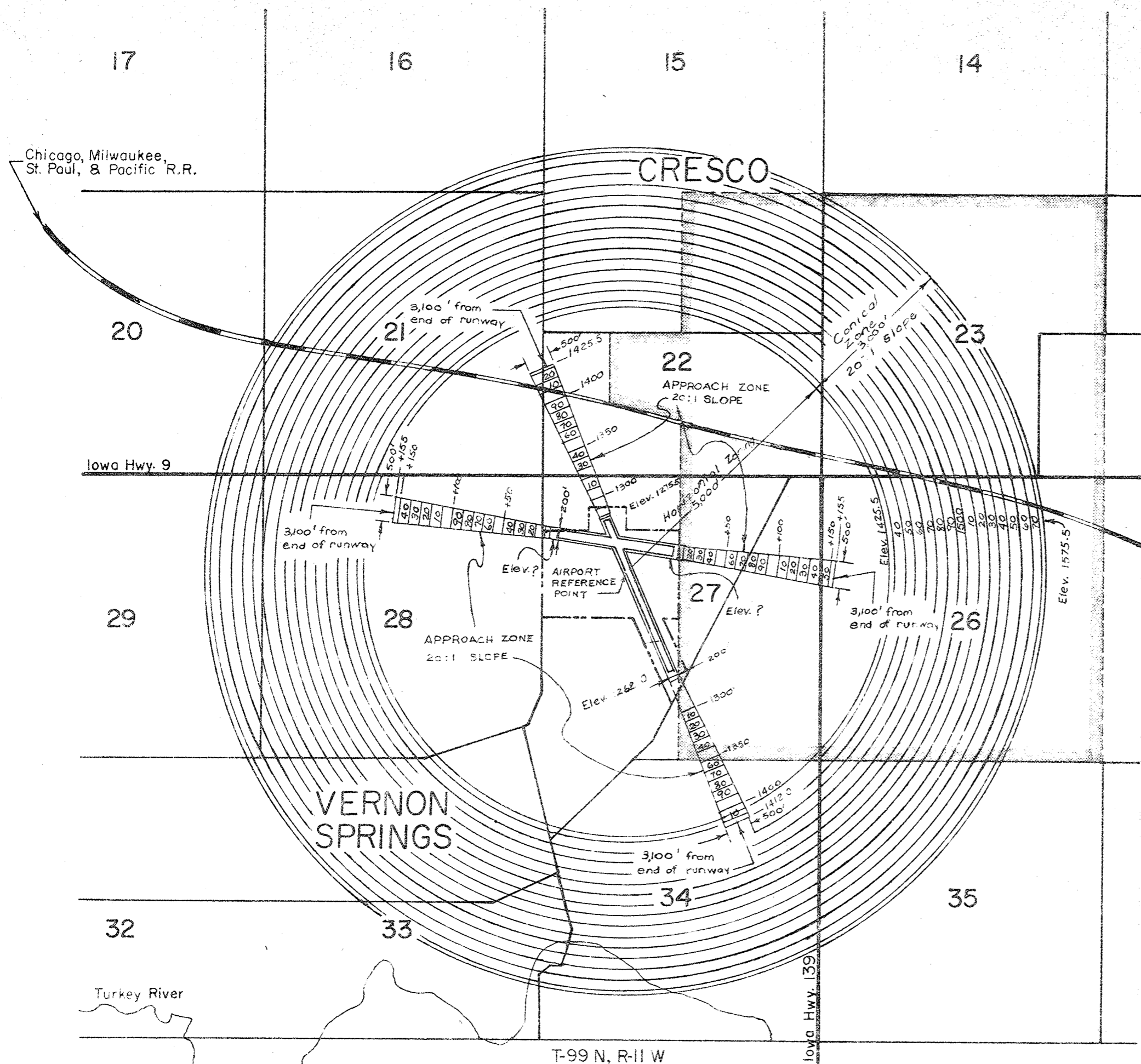
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LEGEND

———— Cresco corporation limits

| | |
|-----------------------------------|--------------------------|
| PROPOSED _____ day of _____, 19__ | |
| APPROVED BY | DATE OF APPROVAL |
| City of Cresco, Iowa | Council Action _____ day |
| Howard County, Iowa | Board Action _____ day |



This map was prepared by Wallace Holland Kastler & Schmitz Consulting Engineers & Planners, Mason City, Iowa, under the authority of the City of Cresco, Iowa, and the Board of Health and Labor of Howard County, Iowa, under the Urban Planning Act authorized by State of Iowa, Chapter 142, Iowa Code, 1957.

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SCALE: 1" = 2000'

CRESCO MUNICIPAL AIRPORT ZONING MAP HOWARD COUNTY, IOWA

THE CRESCO AIRPORT ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE CRESCO MUNICIPAL AIRPORT BY CREATING AIRPORT APPROACH ZONES, VERTICAL ZONES, HORIZONTAL ZONE AND CONICAL ZONE, AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE CRESCO MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred by Chapter 329 and 414 of the Code of Iowa. It is hereby found that an airport hazard endangers the lives and property of users of the Cresco Municipal Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Cresco Municipal Airport and the public investment therein. Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the area served by the Cresco Municipal Airport; (2) that it is necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented; and (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Howard County, Iowa and by the City Council of the City of Cresco, Iowa:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as "The Cresco Municipal Airport Zoning Ordinance."

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

- (1) AIRPORT means the Cresco Municipal Airport.
- (2) AIRPORT ELEVATION means the established elevation of the highest point on the usable landing area.

- (3) AIRPORT HAZARD means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.
- (4) AIRPORT REFERENCE POINT means the point established as the approximate geographic center of the airport landing area and so designated.
- (5) BOARD OF ADJUSTMENT means a board consisting of five (5) members appointed by the Cresco City Council and the Howard County Board of Supervisors as provided in Section IX of this Ordinance and Resolution.
- (6) HEIGHT - for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (7) INSTRUMENT RUNWAY means a runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
- (8) LANDING AREA means the area of the airport used for the landing, taking off or taxiing of aircraft.
- (9) LANDING STRIP - the grass or turf covered area of the airport which is designed for and used for taking off and landing aircraft. This term shall have the same meaning throughout this Ordinance as does the term "runway."
- (10) NONCONFORMING USE means any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- (11) NONINSTRUMENT RUNWAY means a runway other than an instrument runway.
- (12) PERSON means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- (13) RUNWAY means the paved surface of an airport landing strip.
- (14) STRUCTURE means an object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structure supporting the same.
- (15) TREE means any object of natural growth.

SECTION III: ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the noninstrument approach zones, vertical zones, horizontal zone and conical zone. Such areas and zones are shown on the Cresco Municipal Airport Zoning Map consisting of one sheet, last dated _____, 19____, which is attached to this Ordinance and made a part hereof. The various zones are hereby established and defined as follows:

- (1) PRIMARY SURFACES. A primary surface zone is established which shall be provided longitudinally on each runway extending in length one hundred (100) feet beyond each end of the two runways. The elevation of any point on the longitudinal profile of the primary surfaces, including extensions, coincides with the elevation of the centerline of runways, or extension, as appropriate. The width of the primary surfaces is two hundred (200) feet, centered upon each runway.
- (2) APPROACH ZONES. An approach zone shall be provided and shall have a width of two hundred (200) feet at a distance of one hundred (100) feet beyond each end of the two runways widening thereafter uniformly to a width of five hundred (500) feet at a distance of three thousand one hundred (3,100) feet beyond each end of the two runways.
- (3) VERTICAL ZONE. A vertical zone shall extend upward from the edges of the primary zones and the approach zones until they intersect with the horizontal zone.
- (4) HORIZONTAL ZONE. A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of five thousand (5,000) feet. The horizontal zone does not include the approach zones and the vertical zone.
- (5) CONICAL ZONE. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of three thousand (3,000) feet. The conical zone does not include the approach zones and vertical zones.

SECTION IV: HEIGHT LIMITATIONS

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

- (1) AIRPORT APPROACH ZONES. One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point one hundred (100) feet from and at the centerline elevation of the end of the runway and extending to a point three thousand one hundred (3,100) feet from the end of the runway.

- (2) VERTICAL ZONES. A vertical zone beginning at any point normal to and at the elevation of the centerline of the runways, extending one hundred (100) feet beyond each end thereof, extending upward to the horizontal zone from the outer edges of the primary surfaces to a height of one hundred fifty (150) feet above the airport elevation, said height being 1425.5 feet above mean sea level. In addition to the foregoing, there are established height limits vertically from the edges of all approach zones for the entire length of the approach zones and extending upward to the points where they intersect the horizontal zone.
- (3) HORIZONTAL ZONE. One hundred fifty (150) feet above the airport elevation or a height of 1425.5 feet above mean sea level.
- (4) CONICAL ZONE. One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of three hundred (300) feet above the airport elevation.

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

SECTION V: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land within any zone established by this Ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

SECTION VI: NONCONFORMING USES

(a) Regulations Not Retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

(b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any 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 City of Cresco to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Cresco.

SECTION VII: PERMITS

(a) Future Uses. Except as specifically provided in Paragraph One hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- (1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

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

(b) Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming Uses Abandoned or Destroyed. Whenever the Cresco Airport Zoning Commission determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance.

(e) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Cresco at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Cresco Zoning Officer to administer and enforce the regulations prescribed herein. Said officer to be hereafter referred to as the Administrative Officer. Applications for permits and variances shall be made to the Administrative Officer upon a form furnished by him. Applications required by this Ordinance to be submitted to the Administrative Officer shall be promptly considered and granted or denied by him. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Administrative Officer.

SECTION IX: BOARD OF ADJUSTMENT

(a) There is hereby created a 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 Administrative Officer in the enforcement of this Ordinance.
- (2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
- (3) To hear and decide specific variances.

(b) The Board of Adjustment shall consist of two members from the City of Cresco, appointed by the Cresco City Council and two members from Howard County, appointed by the Howard County Board of Supervisors, and one additional member to act as chairman and to be selected by a majority vote of the four appointed members. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected. The terms of the members of the Board of Adjustment shall be for five years, excepting that when the Board shall first be created, one of the members appointed by the City and one of the members appointed by the County, shall be appointed for a term of two years, and the other member from each jurisdiction shall be appointed for a term of four years.

(c) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The 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 Administrative Officer and shall be a public record.

(d) The Board of Adjustment shall make written findings of fact and conclusions of law giving the 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 Ordinance.

(e) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION X: APPEALS

(a) Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Officer made in his administration of this Ordinance, may appeal to the Board of Adjustment.

(b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Administrative Officer a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the 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, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Administrative Officer and on due cause shown.

(d) The 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.

(e) The Board of Adjustment may, in conformity with the provisions of this Ordinance, 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.

SECTION XI: 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 Chapter 414.15 of the Code of Iowa.

SECTION XII: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more

than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days or both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.

SECTION XIII: 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 the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions 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.

SECTION XV: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, safety and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance and Resolution shall be in full force and effect from and after its passage and approval by the City Council of Cresco, Iowa and the Howard County Board of Supervisors, and publication as required by law.

Adopted by the City Council of the City of Cresco, Iowa this 9th day of March, 19 70.

Approved:

Walter Lienhard
Mayor

Attest:

Evelyn C. Baldwin
City Clerk

Adopted by the Board of Supervisors of Howard County, Iowa this 9th day of March, 19 70.

Approved:

Peter M. Kemmer
Chairman

Attest:

Leonard G. Moudry
County Auditor