

## CHAPTER 201 ANKENY REGIONAL AIRPORT ZONING

<p><u>201.01</u> Configuration of Airport</p> <p><u>201.02</u> Definitions</p> <p><u>201.03</u> Airport Zones</p> <p><u>201.04</u> Airport Zone Height Limitations</p> <p><u>201.05</u> Use Restrictions</p> <p><u>201.06</u> Nonconforming Uses</p> <p><u>201.07</u> Permits</p>	<p><u>201.08</u> Enforcement</p> <p><u>201.09</u> Board of Adjustment</p> <p><u>201.10</u> Appeals</p> <p><u>201.11</u> Judicial Review</p> <p><u>201.12</u> Violations</p> <p><u>201.13</u> City Action to Prevent Unlawful Acts</p>
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### 201.01 CONFIGURATION OF AIRPORT.

At the time of ordinance adoption (September 12, 1998), the regulatory configuration of the Ankeny Regional Airport was as follows:

1. Runway 4/22 is a utility runway with a visual approach.
2. Runway 18/36 is a runway larger than utility with a visual minimum greater than three-fourths mile non-precision instrument approach.

### 201.02 DEFINITIONS.

As used in this chapter, unless the context otherwise requires, the following terms are defined:

1. "Airport" means the Ankeny Regional Airport.
2. "Airport Board of Adjustment" means a board consisting of five members appointed as provided in Section 329.12, *Code of Iowa*. The board shall have the power granted by Section 329.11 and Section 329.12.
3. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level. The Ankeny Regional Airport elevation is 910 feet above mean sea level.
4. "Approach surface" means a surface longitudinally entered 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 Section 201.04 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of 4,000 feet.

6. "Hazard to air navigation" means an obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
7. "Height" – For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation, unless otherwise specified.
8. "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred pounds maximum gross weight and jet powered aircraft.
10. "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.
11. "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.
12. "Obstruction" means any structure, growth, or other object, including mobile object, which exceeds a limiting height set forth in Section 201.04 of this chapter.
13. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
14. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system ("ILS"), or a precision approach radar ("PAR"). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
15. "Primary surface" means a surface longitudinally centered in 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 the end of that runway. The width of the primary surface is set forth in Section 201.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
16. "Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.
17. "Structure" means an object, including a mobile object, constructed or installed by man, including, but not limited to, building, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
18. "Transitional surfaces" means surfaces that extend outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.

19. "Tree" means any object of natural growth.
20. "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 and less.
21. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

### **201.03 AIRPORT ZONES.**

In order to carry out the provisions of the ordinance codified in this chapter, there are 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 Ankeny Regional Airport with an ultimate runway length of 5,500 feet for Runway 18/36 and 3,860 feet for Runway 4/22 as shown on the airport layout plan. Such zones are shown on the Ankeny Regional Airport zoning map consisting of one sheet, prepared by Polk County and the Polk County Aviation Authority which is attached to the ordinance codified in this chapter and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. Refer to Section 201.01 of this chapter for the regulatory configuration of the Ankeny Regional Airport.
2. Utility Runway Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.
5. Runway Larger Than Utility With a Visibility Minimum as Low as Three-fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width

of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

7. **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

8. **Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

9. **Conical Zones.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom, a horizontal distance of 4,000 feet. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

#### **201.04 AIRPORT ZONE HEIGHT LIMITATIONS.**

Except as otherwise provided in this chapter, no structure shall be erected, 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 herein established for such zone. Nothing in this chapter shall be construed as permitting any structure to exceed the Ankeny zoning ordinance district maximum height requirement without first obtaining the appropriate approvals. Where such height conflict the more restrictive shall apply. Such applicable height limitations are established for each of the zone in questions as follows:

1. **Utility Runway Visual Approach Zone.** Slopes 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. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.
2. **Utility Runway Non-Precision Instrument Approach Zone.** Slopes 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.
3. **Runway Larger Than Utility Visual Approach Zone.** Slopes 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.
4. **Runway Larger Than Utility With a Visibility Minimum Greater Than Three-fourths Mile Non-Precision Instrument Approach Zone.** Slopes 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. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.
5. **Runway Larger Than Utility With a Visibility Minimum as Low as Three-fourths Mile Non-Precision Instrument Approach Zone.** Slopes 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.
6. **Precision Instrument Runway Approach Zone.** Slopes 50 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; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

7. **Transitional Zone.** Slopes 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 910 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 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 ninety-degree angles to the extended runway centerline. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

8. **Horizontal Zone.** Established 150 feet above the airport elevation or at a height of 1,060 feet above mean sea level. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

9. **Conical Zone.** Slopes 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. Refer to Section 201.01 of this chapter for regulatory configuration of the Ankeny Regional Airport.

#### **201.05 USE RESTRICTIONS.**

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

#### **201.06 NONCONFORMING USES.**

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

2. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Polk County Aviation Authority to indicate to the operators 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 Polk County Aviation Authority.

#### **201.07 PERMITS.**

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.

1. Existing Use. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this chapter or any amendment thereto or than it is when the application for a permit is made.
2. Nonconforming Uses Abandoned or Destroyed. Whenever the Community Development Director determines that a nonconforming structure is abandoned for one year or destroyed, by any means, to the extent of more than sixty percent of the replacement cost, such structure shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this chapter.
3. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter, may apply to the Airport Board Of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the affect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application by the meeting, the Airport Board of Adjustment may act on its own to grant or deny said application.
4. Obstruction Marking and Lighting. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Airport Board of Adjustment, this condition may be modified to require the owner to permit the Polk County Aviation Authority, at its own expense, to install, operate and maintain the necessary markings and lights.

#### **201.08 ENFORCEMENT.**

It is the duty of the Ankeny Community Development Department Officer to administer and enforce the regulations prescribed herein within the City limits. Applications for variances shall be made to the Community Development Director upon a form established for that purpose. Application for action by the Airport Board of Adjustment shall be forthwith transmitted by the Community Development Director.

#### **201.09 BOARD OF ADJUSTMENT.**

1. There is created an Airport Board of Adjustment to have and exercise the following powers: (i) to hear and decide appeals from any order, requirement, decision, or determination made by the Ankeny Community Development Department office in the enforcement of this chapter; and (ii) to hear and decide specific variances.
2. The Board of Adjustment shall consist of members appointed by the City and County as provided in Section 329.12, *Code of Iowa*. 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 Airport Board of Adjustment 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 hearings

of the Airport 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 Polk County Public Works Department and the Ankeny Community Development Department office.

4. The Airport 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, decisions 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 Ankeny Community Development Department office or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, to effect variation to this chapter.

#### **201.10 APPEALS.**

1. Any person aggrieved, or any taxpayer affected by any decision of the Ankeny Community Development Department office 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 Ankeny Community Development Department office a notice of appeal specifying the grounds therefor. The Director of Public Works or the Ankeny Community Development Department office 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 Ankeny Community Development Department office 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 cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Airport Board of Adjustment.

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.

#### **201.11 JUDICIAL REVIEW.**

Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment, may appeal to the District Court of Iowa, as provided in Chapters 329, 335 and 414 of the *Code of Iowa*.

#### **201.12 VIOLATIONS.**

Each day a violation of any provision of this chapter continues to exist shall constitute a separate offense and shall additionally constitute a municipal infraction punishable as set out in this code. Seeking a civil penalty

does not preclude the City or County from seeking alternative relief including an order for abatement or injunctive relief in the same or separate action.

**201.13 CITY ACTION TO PREVENT UNLAWFUL ACTS.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the City, in addition to other remedies shall institute any proper action or proceedings in the name of the city to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or lane; or to prevent any illegal act, conduct, business or use in or about such premises.

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