

165.25 AVIATION PROTECTION.

1. Purpose and Intent. The purpose of this section is to impose certain special restrictions on land use within the City, in addition to all other restrictions imposed under this chapter, in order to insure the safe operation of airborne aircraft, particularly in areas adjacent to the Waukon Municipal Airport. It is intended that such restrictions shall be coordinated with like restrictions existing under the Allamakee County Zoning Ordinance.
2. Nuisance Declared. The creation, establishment or maintenance of an airport hazard is hereby declared to be a public nuisance injurious to the community served by the airport and:
 - A. That it is necessary in the interest of the public health, safety and welfare that airport hazards be prevented or abated; and
 - B. That this should be accomplished, to the extent legally possible, by proper exercise of the police power, including the use of all nuisance abatement procedures provided in this Code of Ordinances; and
 - C. That 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 the City may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.
3. Definitions. The following terms are defined for purposes of this section, unless the context otherwise requires:
 - A. "Airport" means the Waukon Municipal Airport.
 - B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,280 feet.
 - C. "Airport hazard" means any structure or tree or use of land which would exceed the Federal Obstruction Standards as contained in 14 Code of Federal Regulations, Sections 77.21, 77.23 and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
 - D. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway, and extending in length 200 feet beyond both ends of the hard surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
(Ord. 581 - Sep. 04 Supp.)

E. "Airspace height" means 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.

F. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

G. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

H. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

I. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

J. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

K. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

L. "Structure" means any animate or inanimate thing or object constructed, erected, planted or placed, the use of which requires that it be permanently or temporarily affixed to or placed upon or in the ground or upon or in another structure.

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

N. "Zoning map" means the official Airport Zoning Map of City, filed in the office of the Clerk.

4. Airport Zones And Airspace Height Limitations. In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on a map to be known as the Airport Zoning Map of the City of Waukon, Iowa, which map, with all its designation and information, is hereby made a part of this section as if the same were fully set forth herein. The official Airport Zoning Map is on file in the office of the Clerk. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined, and the height restrictions applicable to each zone are set forth, as follows:

A. Horizontal Zone: The land within the City lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 7 & 25, and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Zoning Map.

B. Conical Zone: The land within the City lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Zoning Map.

C. Approach Zone: The land within the City lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

(1) The inner edge of the approach surface is 250 feet wide for Runways 7 & 25.

(2) The outer edge of the approach zone is 1,250 feet for Runways 7 & 25.

(3) The approach zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for Runways 7 & 25.

No structure shall exceed the approach surface to any runway, as depicted on the Zoning Map.

D. Transitional Zone: The land within the City lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. No structure shall exceed the transitional surface, as depicted on the Zoning Map.

E. No structure within the City shall be erected that raises the published Minimum Descent Altitude for an instrument approach to

any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum En Route Altitude to be increased on any Federal Airway.

5. Use Restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within the City in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Waukon Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the Waukon Municipal Airport to the extent that such would constitute an airport hazard as defined by this section.

C. No operations from any use in the City shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

6. Lighting.

A. Notwithstanding any other provisions of this chapter, the owner of any structure over 200 feet above ground level shall install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this chapter and exceeding 949 feet above ground level shall install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

7. Permits And Variances.

A. The Zoning Administrator shall not issue a zoning permit for a structure which would be in violation of any of the restrictions of this section unless a variance is granted by the Board of Adjustment.

B. No request for a variance to the requirements of this section shall be considered by the Board of Adjustment unless a copy of the application has been submitted to the Waukon Municipal Airport Commission for its opinion as to the aeronautical effects of such a

variance. If the Waukon Municipal Airport Commission does not make its recommendation to the Board of Adjustment within thirty (30) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance without such recommendation.

165.26 PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission shall have authority over the following zoning functions:

1. Prepare Zoning Ordinance. To prepare the City's zoning ordinance and map and recommend same to the Council.
2. Zoning Amendments. To propose changes in the zoning district boundaries or changes in the regulations and text of this chapter and forward such recommendations to the Council.
3. Rezoning. To hear requests to rezone land from one district to another; to conduct a public hearing on such request and forward a recommendation to the Council.
4. Other Functions. To perform such other duties and responsibilities as may be specified in this chapter.

165.27 ZONING ADMINISTRATOR.

1. Creation of Position. The position of Zoning Administrator is hereby created. This officer shall be appointed by the Council and shall administer and enforce the provisions of this chapter and the City Sign Ordinance. Appeals from the decision of the Zoning Administrator may be made to the Board of Adjustment as provided herein. The Zoning Administrator shall receive compensation as provided by the Council by resolution. An Assistant Zoning Administrator shall be appointed by the Mayor and approved by the Council, who shall perform the duties of this office in the absence of the Zoning Administrator.
2. Responsibilities.
 - A. The Zoning Administrator shall be responsible for the issuance of all permits and certificates of compliance and for the collection and deposit of necessary fees in conformance with the requirements of this chapter.
 - B. The Zoning Administrator shall prepare a case report on each zoning matter requiring action or review by the Commission, the Board or the Council. The report shall summarize all facts relevant to the pending zoning matter and contain an assessment of the likely impact of any new uses involved on the affected neighborhood or on the City as a whole.
 - C. The Zoning Administrator shall attend all meetings of the Commission, the Board and the Council at which zoning matters are acted upon or reviewed.

D. The Zoning Administrator shall investigate all suspected violations of the zoning ordinance, report the results of such investigations to the Mayor and City Attorney and assist in all enforcement and violation prosecution proceedings.

165.28 ZONING PERMITS AND CERTIFICATES OF COMPLIANCE.

1. Permit Required. It is unlawful to commence or proceed with the erection, construction, alteration, enlargement, extension, reconstruction or moving of any building, structure, or any portion thereof, including the excavation of a basement for a structure, without first having applied in writing to the Zoning Administrator for a zoning permit and until a zoning permit has been issued for such purpose. A zoning permit is not required for any minor construction or alteration having a cost or value of less than \$500.00 or for the remodeling of any structure not involving enlargement or structural alteration.

2. Applications. An application for zoning permit shall be made to the Zoning Administrator on forms provided by the City and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the materials of which it is to be constructed, the details and type of construction to be used, and utility servicing. If any portion of the lot is subject to a public street or highway right-of-way, the portion of the lot subject to such right of way shall be identified. Any known public or private water or sewer mains or service lines located on the lot shall also be shown. The application shall also set forth the legal description and address of the lot and describe the use to be made of the structure. Upon issuance of a permit, one set of said plans shall be retained by the Zoning Administrator as a permanent record and one set shall be returned to the applicant. The Zoning Administrator may, in his or her own discretion, permit the substitution of a detailed written statement covering the essential information required in place of a plan; provided, however, that the applicant shall in all cases furnish duplicate copies of a sketch of the lot showing the lot lines, any street or highway right of way lines and the location of the proposed structure in relationship to such lines. The Zoning Administrator shall also have discretion, in cases of uncertainty, to require the boundaries of a lot to be surveyed and marked by a licensed land surveyor as a condition for the issuance of a zoning permit if necessary to determine compliance with this chapter.

3. Applicants. The applicant for a zoning permit for a structure shall in all cases be the owner of the lot unless the structure to be built or located on the lot will be owned by someone other than the owner of the lot, in which case the owner of the structure shall be the applicant.

4. Other Permits. If a particular structure or use would be lawful under this chapter only as a conditional use or a special exception use, no zoning permit shall be issued by the Zoning Administrator until the necessary conditional use or special exception use approval has been granted as provided