

- (i) When a tower using guy wires is replaced with a tower without guy wires, the height may be increased by ten feet (10’).
 - (b) Construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Code.
- (3) Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding requirements on the removal of abandoned antennas and towers, nonconforming towers or antennas damaged or destroyed may be rebuilt without having to meet the separation requirements specified in this Section.
- (a) The type, height, and location of the tower on-site shall be of the same type and intensity as the originally approved facility.
 - (b) Building permits to rebuild the facility shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if a permit expires, the tower or antenna shall be deemed abandoned as specified by this Section.

11-5-3: AIRPORT OVERLAY ZONE

(A) Purpose. The City has accepted federal and state grants for projects at its Idaho Falls Regional Airport (“Airport”). As a condition of these grants, the City is required to comply with grant assurances regarding compatible land use and protection of airspace. For compatible land uses these grant assurances require the City to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal Airport operations, including landing and takeoff of aircraft. For the protection of airspace these grant assurances require the City to take appropriate action to assure the airspace required to protect instrument and visual operations for the Airport will be adequately cleared and protected by removing, lowering, relocating, marking, lighting, or otherwise mitigating existing Airport hazards and by preventing the establishment or creation of future Airport hazards.

(B) Compatible Land Use Regulations.

- (1) Establishment of Zones. For the purpose of regulating the development of noise-sensitive land uses, to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from the effects of incompatible development, and to promote the health, safety, and general welfare of property users. The controlled area of the Airport is divided into five (5) Airport-Compatible Land Use Overlay Zones known as:
- (a) No Development Zone. The No Development Zone generally protects the area lateral and adjacent to the Airport runway. In most cases, only aeronautical -related uses are authorized in this Zone.
 - (b) Limited Development Approach Surface Zone. The Limited Development Approach Surface Zone provides a sixty (60)-degree sector in which aircraft are conducting their turn and decent to final approach or initial turn after take off.
 - (c) Controlled Development Approach Surface Zone. The Controlled Development Approach Surface Zone protects the area on an extended approach or departure path from the runway end.

- (d) Limited Development Zone. The Limited Development Zone is the area in which routine traffic and touch-and-go maneuvers are conducted. This Zone provides a general environment of safety for aircraft, persons and property.
- (e) Controlled Development Zone. The Controlled Development Zone is the area where aircraft are transitioning to or from en route altitude or Airport over-flight altitude to or from the standard traffic pattern altitude of eight hundred (800) to one thousand (1,000) feet above airport elevation. In this Zone, the underlying Zone land use restrictions apply, and a 7460.1 Form from the FAA is required for structures that do not meet the exceptions of Section 11-5-3(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.
- (2) The Airport Compatible Land Use Overlay zoning boundary lines shall be shown on the official Idaho Falls Regional Airport Off Airport Land Use Map, located in the City's Planning Division. Where uncertainty exists regarding the boundaries of the Airport Compatible Land Use Overlay Zones, as shown on the official map, the rules of Chapter 3 shall apply in order to determine Zone boundaries.
- (3) Multiple Zones on a Single Parcel. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zones, the area of the property within the boundaries of each Zone shall apply individually and respectively to each portion of the property.
- (4) If a proposed land use of property is not listed in Table 11-5-6: Compatible Uses in the Airport Overlay, the land use shall be prohibited, unless the Zoning Administrator specifically determines that the proposed use is equivalent to a compatible use or compatible use with conditions required by the Zoning Administrator which make the use compatible. In making the use determination, the Zoning Administrator shall consider each of the following:
- (a) Whether the likely impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the allowed uses listed in the applicable Zone;
- (b) Whether the proposed use involves a more intense level of activity or greater density than one or more of the allowed uses listed in the applicable Zone;
- (c) Whether the proposed use is consistent with the purpose of the Zone in which the use is proposed to be located; and
- (d) Whether the proposed use is in substantial conformance with goals and objectives of the Comprehensive Plan and Airport Master Plan.
- (5) Conflicts in Uses. Where there is a conflict in compatible uses set forth in Table 11-5-6: Compatible Uses in the Airport Overlay and any use set forth in Chapter 2 of this Code, the more restrictive shall apply.
- (6) The Zoning Administrator shall determine the most appropriate category for mixed uses or for uses that fall into more than one (1) category of land use classifications. The determination shall be permitted based on the more restrictive use.
- (7) Existing Uses. No building permit shall be granted that would allow any obstruction of a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or on the date of any amendments to this Chapter.
- (8) Where specified on Table 11-5-6: Compatible Uses in the Airport Overlay, the property owner shall dedicate to the City, in advance of receiving a building permit, an aviation easement, as defined by this Zoning Code.

(9) For property that is within the Idaho Falls Regional Airport Off Airport Land Use Map but outside of the jurisdictional limits of the City, regulations of this Section of Code shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

(10) No use shall be made of land, water or structures within any Zone established by this Chapter in such a manner that creates electrical interference with navigational signals or radio communication between the Airport and aircraft; makes it difficult for pilots to distinguish between Airport lights and others or result in glare in the eyes of pilots using the airport; impairs visibility in the vicinity of the Airport; creates bird-strike hazards; or otherwise endangers or interferes with the landing, taking off or flight operations of aircraft utilizing the Airport.

(11) Uses listed as not compatible in Table 11-5-6: Compatible Uses in the Airport Overlay, may be considered compatible when:

- (a) The use was approved prior to the approval of this Section.
- (b) The FAA Form 7460.1, Notice of Proposed Construction or Alteration determines that there is “no objection” or “no objection with provisions” for the use.
- (c) The requirements of the most restrictive Zone are applied.

Table 11-5-6: Compatible Uses in the Airport Overlay

<u>“N” denotes a use that is not compatible and is prohibited.</u>				
<u>“Y” denotes a use that is compatible.</u>				
<u>“C” denotes a use that is compatible that meets one or more of the following indicated conditions:</u>				
<ul style="list-style-type: none"> a. <u>Residential densities must be less than nine (9) units per acre for areas of parcels located within the sixty five (65) decibel limit on the IFRA Noise Contours Map (located in the City’s Planning Division)</u> b. <u>Structures shall be shifted away from runway centerline when possible</u> c. <u>A recorded avigation easement is required</u> d. <u>A recorded avigation easement is required if within one thousand feet (1000’) of the runway.</u> e. <u>Permitted uses will not create bodies of water, or generate smoke, steam, or other visual obstruction</u> f. <u>An Airport Disclosure Note is required on plats recorded after the adoption of this Section.</u> 				
Compatible Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach Surface	Limited Development
Accessory use	N	C ^{e,f}	Y	Y
Adult Business	N	C ^{e,f}	Y	Y
Agriculture	N	Y	Y	Y
Agriculture Tourism	N	C ^{e,f}	Y	Y
Airport	Y	Y	Y	Y
Amusement Center, Indoor	N	N	Y	Y
Amusement Center, Indoor Shooting Range	N	N	Y	Y
Amusement Center, Outdoor	N	C ^{e,e,f}	C ^e	Y
Animal Care Clinic	N	C ^{e,f}	Y	Y
Animal Care Facility	N	C ^{e,f}	Y	Y

Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach Surface	Limited Development
Artist Studio	N	C ^{b,e,f}	C ^e	C ^e
Auction, livestock	N	C ^{c,e,f}	Y	Y
Bed and Breakfast	N	N	C ^{a,b,f}	C ^{d,f}
Boarding /Rooming House	N	N	C ^{a,b,f}	C ^{d,f}
Building Contractor Shop	N	C ^{b,e,f}	Y	Y
Building Material, Garden and Farm Supplies	N	C ^{b,e,f}	Y	Y
Cemetery	N	C ^{c,e,f}	C ^e	Y
Club	N	N	Y	Y
Communication Facility	N	C ^{b,e,e,f}	Y	Y
Correctional Facility or Jail	N	C ^{b,e,e,f}	C ^{b,e}	Y
Day Care, all Types	N	C ^{b,e,f}	Y	Y
Drinking Establishment	N	C ^{b,e,f}	Y	Y
Drive-through Establishment	N	C ^{b,e,f}	Y	Y
Dwelling, accessory unit	N	N	C ^{a,b,f}	C ^{d,f}
Dwelling, multi-unit	N	N	C ^{a,b,f}	C ^{d,f}
Dwelling, single unit attached	N	N	C ^{a,b,f}	C ^{d,f}
Dwelling, single unit detached	N	N	C ^{a,b,f}	C ^{d,f}
Dwelling, two unit	N	N	C ^{a,b,f}	C ^{d,f}
Eating Establishment	N	C ^{b,e,f}	Y	Y
Eating Establishment, limited	N	C ^{b,e,f}	Y	Y
Equipment Assembly	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Entertainment and Cultural Facilities	N	N	Y	C ^e
Equipment Sales, Rental and Services	N	C ^{b,e,f}	Y	Y
Financial Institutions	N	C ^{b,e,f}	Y	Y
Food Processing, small scale	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Food Processing	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Food Store	N	C ^{b,e,f}	Y	Y
Fuel Station	N	C ^{b,e,f}	Y	Y
Fuel Station, super	N	C ^{b,e,f}	Y	Y
Health Care and Social Services	N	N	Y	Y
Higher Education Center	N	C ^{b,e,f}	Y	Y
Home Occupation	N	N	Y	Y
Hospital	N	C ^{b,e,f}	Y	Y
Industry, Craftsman	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Industry, Heavy	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Industry, Light	N	C ^{b,e,e,f}	C ^{b,e}	C ^e
Information Technology	N	C ^{b,e,f}	Y	Y
Laundry and Dry Cleaning	N	C ^{b,e,f}	Y	Y
Live-Work	N	N	C ^{a,b,f}	C ^{d,f}
Lodging Facility	N	N	C ^{a,b,f}	C ^{d,f}
Manufactured Home	N	N	C ^{a,b,f}	C ^{d,f}

Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach Surface	Limited Development
Medical Support Facility	N	C ^{b,e,f}	Y	Y
Mobile Home Park	N	N	C ^{a,b}	C ^{d,f}
Mortuary	N	N	Y	Y
Park and Recreation Facility	N	N	Y	Y
Parking Facility	C ^{b,e,e,f}	C ^{b,e,f}	Y	Y
Pawn Shop	N	C ^{b,e,f}	Y	Y
Personal Service	N	C ^{b,e,f}	Y	Y
Planned Unit Development	N	N	C ^{a,b,f}	C ^{d,f}
Professional Service	N	C ^{b,e,f}	Y	Y
Public Service Facility	C ^{b,e,e,f}	C ^{b,e,e,f}	C ^{b,e}	C ^e
Public Service Facility, limited	C ^{b,e,e,f}	C ^{b,e,e,f}	C ^{b,e}	C ^e
Public Service Use	C ^{b,e,e,f}	C ^{b,e,e,f}	C ^{b,e}	C ^e
Railroad Freight Terminal and Station	C ^{b,e,e,f}	C ^{b,e,f}	Y	Y
Recreational Vehicle Park	N	N	C ^{a,b,f}	C ^{d,f}
Religious Institution	N	N	Y	Y
Research and Development	N	C ^{b,e,f}	C ^{b,e}	C ^e
Residential Care Facility	N	N	C ^{a,b,f}	C ^{d,f}
Retail	N	C ^{b,e,f}	Y	Y
School	N	C ^{b,e,f}	Y	Y
Short Term Rental	N	N	C ^{a,b,f}	C ^{d,f}
Storage Facility, Indoor	N	C ^{b,e,f}	Y	Y
Storage Facility, self serve	N	C ^{b,e,f}	Y	Y
Storage Yard	N	C ^{b,e,f}	Y	Y
Terminal Yard, trucking and bus	C ^{b,e,e,f}	C ^{b,e,f}	Y	Y
Transit Station	C ^{b,e,e,f}	C ^{b,e,f}	Y	Y
Vehicle Body Shop	N	C ^{b,e,f}	Y	Y
Vehicle Repair and Service	N	C ^{b,e,f}	Y	Y
Vehicle Sales and Rentals	N	C ^{b,e,f}	Y	Y
Vehicle Washing Facility	N	C ^{b,e,f}	Y	Y
Warehouse	N	C ^{b,e,f}	C ^b	Y
Warehouse, Wholesale with flammable materials	N	N	C ^b	Y

(C) Airport Overlay Height Zone Limitations. In order to support the provisions of this Chapter, there are hereby created and established certain Height Zones, which Zones include all of the land and airspace above the surface of the land. Such Height Zones shall be know respectively as the Approach Surface Height Zone, Transitional Surface Height Zone, Horizontal Surface Height Zone and Conical Surface Height Zone. Such Height Zones are shown on the Idaho Falls Regional Airport Height Limitations Map, located in the City’s Planning Division.

(1) Establishment of Airport Height Zones: Each portion of a parcel located in more than one (1) of the following Height Zones shall be evaluated independently. The various zones are hereby established and defined as follows:

- (a) Approach Surface Height Zone. The inner edge of this Zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The Approach Surface Height Zone expands outward uniformly from the edge of the runway to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet. Its centerline is the continuation of the centerline of the runway.
- (b) Transitional Surface Height Zone. The Transitional Surface Height Zone is the areas beneath the transitional surfaces.
- (c) Horizontal Surface Height Zone. The Horizontal Surface Height Zone is established by swinging arcs of five thousand (5,000) or ten thousand (10,000) feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface Height Zone does not include the Approach Surface Height Zone or the Transitional Surface Height Zone. The Horizontal Surface Height Zone is constructed with ten thousand (10,000) feet radii.
- (d) Conical Surface Height Zone. The Conical Surface Height Zone is established as the area that commences at the periphery of the Horizontal Surface Height Zone and extends outward from a horizontal distance of four thousand (4,000) feet.
- (2) Airport Height Zone Limitations. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained in any Height Zone created by this Section to a height in excess of the applicable height limit herein established for such height Zone. Such applicable height limitations are hereby established for each of the Height Zones as follows:
- (a) Approach Surface Height Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface of the Airport and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline. The surface then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first ten thousand (10,000) feet and extending to a horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- (b) Transitional Surface Height Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface of the Airport and the Approach Surface Height Zone and extending to a height of one hundred fifty (150) feet above the Airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending to where it intersects the Conical Surface Height Zone. Where the Approach Surface Height Zone projects beyond the Conical Surface Height Zone, there are height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending a horizontal distance of five thousand (5,000) feet, measured at ninety (90) degree angles to the extended runway centerline.
- (c) Horizontal Surface Height Zone. One hundred fifty (150) feet above the Airport elevation.
- (d) Conical Surface Height Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Surface Height Zone and at one hundred fifty (150) feet above the Airport elevation and extending to a height of three hundred fifty (350) feet above the Airport elevation.

(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.

(1) Future Uses. No change shall be made in the use of land and/or structure established in any Height Zone defined in this Chapter unless a Form 7460.1 from the FAA has been applied for and received a letter of determination that has “no objection” or “no objection with provisions”. Each application for a Form 7460.1 shall indicate the purpose for which the building permit or development project is desired, with sufficient particularity to be determined whether the use or structure would conform to the regulations of this Chapter. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application for a building permit, plat, or site plan. The building permit or development project shall be granted where compliance with this Chapter and this Zoning Code is demonstrated and determined by the Zoning Administrator. No building permit or development project shall be granted for any use inconsistent with the provisions of this Chapter.

(a) In the area lying within the limits of the established Height Zones, no FAA Form 7460.1, Notice of Proposed Construction or Alteration shall be required by this Chapter for any structure where:

(i) The structure is less than two hundred (200) feet above ground level, and

(ii) The structure is lower than an imaginary surface extending outward and upward at a slope of one hundred (100) feet horizontal for each one foot (1') vertical beginning at the closest point of the closest runway to the structure.

(E) Variances. Any person desiring to erect or increase the height of any structure or use of a property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration regarding the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Variances shall be allowed where it is found that a literal application or enforcement of the applicable regulations will result in unnecessary hardship and when the relief granted will not be contrary to the public interest; not create a hazard to air navigation; do substantial justice; and is consistent with the purpose of this Chapter.

(F) Enforcement. It shall be the duty of Zoning Administrator to administer and to enforce this Chapter. Applications for permits and variances shall be made to the City. Applications required by this Chapter shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be transmitted to it promptly by the City.