

**NEWTON ORDINANCE NO. 4904-16**

**NORTH NEWTON ORDINANCE NO. 604-16**

**A JOINT ORDINANCE OF THE CITIES OF NEWTON AND NORTH NEWTON AMENDING THE ZONING ORDINANCES OF THE CITIES OF NEWTON AND NORTH NEWTON, KANSAS PERTAINING TO ZONING REGULATIONS; CREATING A NEW ARTICLE XVII ENTITLED AIRPORT-1 ZONING DISTRICT (AIR-1); PROVIDING FOR PERMITTED USES, PROHIBITED USES AND SPECIAL USES.**

**BE IT ORDAINED BY THE GOVERNING BODIES OF THE CITIES OF NEWTON, KANSAS, AND NORTH NEWTON, KANSAS:**

**SECTION 1.** The Zoning Ordinances of the Cities of Newton and North Newton, Kansas, are hereby amended to add and include the following Article XVII thereto, as follows:

**ARTICLE XVII**

**AIRPORT-1 ZONING DISTRICT**

- 17.1 **Airport-1 Zoning District (AIR-1).** This district is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Newton City-County Airport so as to protect the public investment in, and benefit provided by the facility to the region. This district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the Airport's operation or the public welfare.
- 17.2 **Applicability.** This Article is to be applied as a zoning district, to lands which include the Newton City-County Airport and any designated surrounding areas.
- 17.3 **Definitions.** In addition to the definitions set forth within the Zoning Ordinances the following definitions shall apply specifically to this Article. In the event that there is a conflict between definitions within the Zoning Ordinances and this Article, those in this Article shall control.
- A. **Airport:** The Newton City-County Airport.

- B. **Hazard to Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- C. **Height:** For the purpose of determining the height limits shown on the Official Newton City-County Airport Layout Plan, the datum shall be mean sea level elevation unless otherwise specified.
- D. **Nonconforming Use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article.
- E. **Obstruction:** Any structure, growth or object, including a mobile object, which creates a Hazard to Air Navigation.

17.4 **Permitted Uses, Special Uses and Prohibited Uses.** In addition to the limitations on development and use as outlined in this Section, the following uses are explicitly permitted or prohibited within the Airport-1 Zoning District as follows:

**A. Permitted Uses:**

1. Agricultural, including incidental non-residential facilities.
2. Air service buildings and facilities.
3. Aircraft manufacturing.
4. Aircraft maintenance facilities.
5. Aircraft repair and refurbishment.
6. Classrooms for aviation-related educational programs.
7. General Aviation Activities.
8. Parking lots and facilities.
9. Airport owned or operated facilities.
10. Automotive related; body repair shops, parts and supply distributors, rental/leasing agencies, sales and service.

11. Commercial Printing.
12. Hangars.
13. Laundry cleaning and garment services.
14. Machinery equipment and supplies.
15. Aircraft Sales.
16. Pilot training facilities.
17. Warehousing and storage.
18. Any other commercial activity that does not encourage concentrations of people and is found appropriate by the Zoning Administrator.

**B. Special Uses:** All uses not specifically designated as Permitted or Prohibited shall be considered Special Uses in the Airport-1 Zoning District, including the following:

1. Hotels, lodging/boarding houses, bed and breakfasts; and
2. Restaurants, bars and other food & beverage operations;

provided, however, that no Special Use Permit (SUP) shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

**C. Prohibited Uses.** The following land uses shall be prohibited from all land within the boundaries of the Airport-1 Zoning District:

1. Residential uses.
2. Manufactured Home Parks.
3. Churches.

4. Schools.
5. Theaters.
6. Amphitheaters.
7. Campgrounds.
8. Hospitals, nursing homes and retirement complexes.
9. Places of public assembly and any other use, which may be susceptible to being adversely affected by loud and extensive noise or would interfere in the operation of the Airport.
10. Landfills, garbage dumps, dump sites and other similarly titled facilities used for operations to process, bury, store or otherwise dispose of waste, trash and refuse that would attract birds or rodents.
11. Use or installation of flashing or illuminated advertising or business signs, billboards, lights, or other types of illuminated structures, which would be hazardous for pilots in distinguishing between Airport lights and others, or which result in glare in the eyes of pilots using the Airport.

**17.5 Use Limitations.**

- A. Notwithstanding any other provisions of these regulations, no use may be made of land or water 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 other lights; result in glare in the eyes of pilots using the airport; create bird strike hazards; impair visibility in the vicinity of the Airport; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.
- B. Notwithstanding any other provisions of these regulations, no structure or any attachment thereto shall be at such a height as shall create a Hazard to Air Navigation.

C. As a condition of approval of a Special Use Permit, the Planning Commission shall require appropriate noise attenuation techniques in the design and construction of buildings for these uses.

17.6 **Obstruction Marking and Lighting of Legally Nonconforming Structures.** The owner of any legally 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 Governing Body to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

17.7 **Removal of Abandoned or Destroyed Nonconforming Structures and Trees.** Whenever a legally nonconforming structure or tree is abandoned or has been damaged or destroyed, by any means, to the extent of more than 50% of its value, the Governing Body may require its removal unless it is made to conform with the applicable height limitations of these regulations.

**SECTION 2. Effective Date.** This ordinance shall not be effective unless it is duly adopted by the Governing Bodies of both the City of Newton, Kansas, and the City of North Newton, Kansas; and, upon such adoption, this ordinance shall take effect and be in force from and after its summary publication in THE NEWTON KANSAN, the official newspaper of said Cities.

[Signature page follows. Remaining portion of this page is blank]

*Glen L. Davis*

Glen L. Davis, Mayor

ATTEST:

*Denise R. Duerksen*

Denise R. Duerksen, City Clerk

**PASSED AND ADOPTED** by the governing body of the City of North Newton, Kansas, this 8<sup>th</sup> day of February, 2016.

*Ronald D. Braun*

Ronald D. Braun, Mayor

ATTEST:

*Pat Redding*

Pat Redding, City Clerk

