

SUBCHAPTER 48

RESIDENTIAL SINGLE FAMILY AIRPARK OVERLAY (RSA) ZONE

48.005 Purpose and Intent:

The purpose of this Subchapter is to recognize the impacts and hazards associated with the operation of the Independence State Airport, and the uniqueness of airpark-type development. It is the intent of this chapter to promote the public health and safety in the vicinity of airfields by minimizing exposure to crash hazards and high noise levels generated by air field operations by encouraging future development which is compatible with the continued operation of airfields, and established Airpark development.

48.010 Definitions: As used in this Subchapter, the following terms are defined:

AIRPORT HAZARD: Any structure over 35 feet in height, or object of natural growth, use of land or item determined by the Federal Aviation Administration (FAA) and Oregon Department of Aviation, which obstructs or interferes with the airspace required for the flight of aircraft in landing or taking off at the airfield, and any use of land which is injurious to persons or property because of its proximity to the airfield.

LAND USE, COMPATIBLE: The use of land so defined by this Ordinance.

RESIDENTIAL, AIRPARK DEVELOPMENT: Existing or proposed single-family residential development where the majority of homes have or will have aircraft hangars in addition to single-family homes. Also, all existing or proposed lots having rear lot lines abutting an existing or proposed aircraft taxi way.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed new runway or runway extension shown on an Airport Master Plan or other planning document.

TREE: Any object of natural growth.

WATER SURFACES: For the purposes of this Subchapter, water surfaces shall have the same meaning as land for the establishment of protective zones.

48.015 RSA Overlay Height Limitations.

Except as otherwise provided in this Subchapter, no structure shall be erected, altered, or maintained, in any zone created by this Ordinance to a height in excess of the applicable height limitations already established in the base zoning districts.

- A. Excepted Height Limitations: Nothing in this Chapter shall be construed as prohibiting the growth of any tree to a height up to fifty (50') above the surface of the land.

B. Proposed structures which exceed the maximum height in the base zoning district would be permitted upon the approval of a Variance in accordance with Chapter 70. The appropriateness of the request for the Variance may be evaluated by use of comments from the Federal Aviation Administration and/or Oregon Department of Aviation.

48.020 RSA Overlay Zone – Map and Boundary

A. Establishment of RSA Zoning Map: The RSA Overlay Zone herein established is shown on the official City of Independence Zoning Map.

B. RSA Overlay Zoning Boundary. The RSA Overlay Zoning boundary lines shown on the official Zoning Map shall be located as to include all property within city limits between Hoffman Road north to city limits and between the Independence State Airport runway and Stryker Road. Excluding the commercial area between Airport Drive and said runway, south of Cherokee Taxiway. The RSA boundary is attached as Exhibit “A” of this subchapter.

48.025 Permitted Uses.

The use of the land and buildings must be in compliance with the base zoning district as established by the Official City of Independence Zoning Map, and is further limited to the following permitted uses for the RSA Overlay Zone:

A. Residential Airpark Development.

B. Accessory uses and structures:

1. Aircraft Hangar. No aircraft hangar shall be constructed on any parcel or lot without an existing residential dwelling. An aircraft hangar cannot be used as a residence.

Notwithstanding any other provisions of this Subchapter, no use may be made of land or water within the zone established by the Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airfield and aircraft, make it difficult for pilots to use the airfield, impair visibility in the vicinity of the airfield, create bird strike hazards, or otherwise materially endanger or interfere with the landing, take off, or maneuvering of aircraft intending to use the airfield; such as buildings with reflective glass or any type of reflective/glare producing exterior, high intensity recreation type lights (especially on high standards), smoke, antennas, microwave towers, ham radio towers, open water impoundment, land fills, garbage dumps, or incinerators, or high tension transmission lines.

C. Streets and sidewalks;

D. Projects identified in the Transportation System Plan.

48.030 Supplementary RSA Overlay Provisions.

A. Avigation Easement. When a subdivision plan or lot split is required for any property within the RSA Overlay Zone, the property owner shall dedicate an avigation easement to the City and Oregon Department of Aviation over and across that property. The easement shall hold the City, Oregon Department of Aviation, public and airfield, harmless from any damages caused by noise, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airfield, not including the physical impact of aircraft or parts thereof.

B. Notification of Buyers. No person shall sell, nor offer for sale, any property within the RSA Overlay Zone unless the prospective buyer has been notified of the fact that the property is within the RSA Overlay Zone.

C. Land Use Exemptions. Existing subdivision plats, existing zoning, existing building permits, and any comprehensive plans adopted prior to the adoption of this Subchapter are excepted from the foregoing land use prohibitions and discouragements. However, the requirements for avigation easements and buyer/lessor notification apply to those exempted uses when a lot split is required or when a parcel and/or building is to be sold.

48.035 Density.

The density of residential development upon any parcel or lot in the RSA Zone shall not exceed three dwelling units per acre.

48.040 Lot Frontage.

Each lot in the RSA Zone shall have a minimum of 75 feet of frontage on a public street.

48.045 Lot Width.

The minimum width at the front property line of any lot created in the RSA Zone shall be 75 feet.

48.050 Lot, Rear Property Line.

Any lot created in the RSA Zone will have a rear property line which abuts an existing or proposed taxiway.

RSA OVERLAY ZONE

