

ROSS COUNTY AIRPORT ZONING REGULATIONS

Regulations restricting the height of structures and objects of natural growth within the hazard area of the Ross County Airport; creating various zones; defining certain terms used; referring to the Ross County Airport Zoning Map, which is made a part hereof; providing for enforcement and imposing penalties; and establishing a Ross County Airport Zoning Board of Appeals.

P R E A M B L E

These regulations are adopted pursuant to the authority conferred by Section 4563.01 through 4563.99 of the Revised Code of the State of Ohio. It is hereby found that the existence of an airport hazard would endanger the lives and property of users of the Ross County Airport and of occupants of land in its vicinity. An airport hazard would in effect reduce the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Ross County Airport and public investment therein.

Accordingly, it is declared:

- (1) That the creation or establishment of an airport hazard shall be a public nuisance;
- (2) That it is necessary in the interest of the public health, public safety and general welfare, that the creation or establishment of airport hazards be prevented; and
- (3) That the prevention of these hazards should be accomplished, to the extent legally possible, by the adoption of Airport Zoning Regulations.

It is further declared that both 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 political subdivisions may raise and expend public funds and acquire land or interests in land.

ROSS COUNTY AIRPORT ZONING REGULATIONS

CONTENTS

PREAMBLE

- 1.0 Purpose
- 1.01 Definitions
- 1.02 Interpretation
- 1.03 Separability
- 1.04 Adoption
- 1.05 Airport Zoning Districts
- 1.06 Structures and Objects of Natural Growth
- 1.07 Other Obstructions
- 1.08 Zoning Map
- 1.09 Nonconforming Uses
- 1.10 Amendments
- 1.11 Appeals
- 1.12 Administration and Enforcement
- 1.13 Permits
 - 1.131 Applications
 - 1.132 Application Fee
 - 1.133 Permits Not Granted
 - 1.134 Violation of Regulations
- 1.14 Penalties
- 1.15 Effective Date

1.0 PURPOSE

It is the purpose of section 1.00 to 1.15, inclusive, to regulate land uses within the airport hazard areas of the Ross County Shoemaker Airport in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of policies and recommendations of county planning documents, the airport master plan, and...

Accordingly, it is declared that:

- I. the creation or establishment of noncompatible land uses which have the potential to reduce the size area available for taking off, maneuvering, and landing of aircraft, this, tending to impair or destroy the utility of the airport, and the public investment therein, is a public nuisance and an injury to the region served by the Ross County Shoemaker Airport.
- II. certain other land uses in the vicinity of the airport also have the potential for being hazardous to normal aircraft operations or to increase the potential for personal and property damage in the event of an aircraft accident; therefore, it is necessary in the interest of the public health, public safety, and general welfare that the incompatible use of land within certain airport zones be prevented, and
- III. the prevention of these incompatible land uses should be accomplished to the extent legally possible, by the exercise of the police power.

1.01 DEFINITIONS

The following definitions shall apply in the interpretation of this Resolution.

“Airport” means any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes.

“Airport Hazard” means any use of land within an airport hazard area which obstructs the air space required for flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such air navigation.

“Airport Hazard Area” means any area of land adjacent to an airport, which includes any of the following zones:

Primary Area – A surface longitudinally centered on a runway, extending 200 feet beyond each end of the runway, and with a width governed by the type of approach currently or planned to be available. The elevation is the same as the nearest point on the runway centerline.

Approach Area – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The surface dimensions are based on the type of approach currently or planned to be available, and include the following three sections:

Inner-approach – Commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered on the extended runway centerline, beginning 200 feet beyond each end of the runway, with dimensions governed by the requirements of a precision approach.

Middle-approach – That section of the approach area extending from the outer edge of the RPZ to the approach surface's junction with the horizontal surface.

Outer-approach – That section of the approach area extending upward from the horizontal surface to the end of the approach area, the length of which is governed by the requirements of a precision approach.

Transitional Area – Surface extending upward and outward at right angles to the runway centerline extended at a slope of 7 to 1, from the sides of the approach surfaces. This surface is divided into the following two sections:

Inner-transitional – That part of the transitional area beginning at the edge of the primary surface and extending outward and upward to a horizontal distance of 350 feet.

Outer-transitional – That part of the transitional area beginning at the outer edge of the inner-transitional area outward and upward to the horizontal surface.

Horizontal Area – A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging an arc of specified radii of 10,000 feet from each runway end.

Conical Area – 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.

“Ross County Shoemaker Airport Zoning Board” refers to the authority, which adopts, administers, and enforces the airport zoning regulations. This role is filled by the Ross County Board of Commissioners.

“Airport Zoning Board of Appeals” means that body appointed by the airport zoning board for the purpose of hearing and deciding appeals from any order, requirement, decision, or determination made by the airport zoning board in enforcement of the airport zoning regulations, hearing and allowing, refusing, or allowing with modification or condition, any variance from the term of the airport zoning regulation, and affirming, reversing, or modifying any order, requirement, decision, or determination of the airport zoning board.

“Airport Zoning Commission” means that body appointed by the airport zoning board to recommend the boundaries of the various zones and the uses permitted therein.

“Political Subdivision” means any municipal corporation, township, or county.

“Person” means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

1.02 INTERPRETATION

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. In the event of conflict between the requirements of this Resolution and any other requirements of any other lawfully adopted rules, regulations ordinances, or resolutions applicable to the same area, the most restrictive limitations or requirements best calculated to insure safety, or that impose higher standards, shall govern.

1.03 SEPARABILITY

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.04 ADOPTION

The Board of County Commissioners of Ross County, State of Ohio, acting as the Ross County Shoemaker Airport Zoning Board, adopt the provisions set forth in this Resolution, specifying permitted land uses within each zone of the Airport Hazard Area.

1.05 AIRPORT ZONING DISTRICTS

The following Airport Zoning Districts are hereby established for the Ross County Shoemaker Airport Zoning Regulations, and shall be governed by the accompanying regulations:

- (A) Airport Zoning District One (AZD-1)
 - (1) AZD-1 encompasses land lying within the runway primary area.
 - (2) Permitted uses within AZD-1 include open space and permitted airport uses.

- (B) Airport Zoning District Two (AZD-2)
 - (1) AZD-2 encompasses land underlying the inner approach, the middle approach, and the inner horizontal areas.
 - (2) Permitted uses within AZD-2 include open space, agriculture (restricted to low growth agriculture under the inner approach), and airport related uses.

- (C) Airport Zoning District Three (AZD-3)
 - (1) AZD-3 encompasses land underlying the outer approach and outer transitional areas.
 - (2) Permitted uses within AZD-3 include open space, agriculture, general commercial, and general industrial.

- (D) Airport Zoning District Four (AZD-4)
 - (1) AZD-4 encompasses land underlying the outer horizontal and conical areas.
 - (2) Permitted uses within AZD-4 include open space, agriculture, general commercial, general industrial, institutional, and residential.
 - (3) Residential development occurring within AZD-4 shall include deed restrictions stating that the occupants understand the effects of living in the proximity of an airport and waive their rights to oppose any continued growth of the airport for its current purposes.

1.06 STRUCTURES AND OBJECTS OF NATURAL GROWTH

Structures and objects of natural growth shall meet the obstruction standards adopted by the Ohio Department of Transportation under Section 4561.32 of the Ohio Revised Codes that are based in whole upon the obstruction standards set forth in part 77 of the Federal Air Regulations (14C.F.R. 77.21 as amended) to uniformly regulated the height and location of structures and objects of natural growth in any airport's clear zone surface, approach surface, or transitional surface, and a copy of such regulations shall be available at the Ross County Commissioners Office.

1.07 OTHER OBSTRUCTIONS

Notwithstanding any other provision of this section, no use may be made of land within any zone established by this section in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport, or to otherwise endanger the landing, taking off, or maneuvering of aircraft.

1.08 ZONING MAP

The districts established in Section 1.05 must be shown on official maps, which, together with all data, references, explanatory material and notations thereon, are hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

1.09 NONCONFORMING USES

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed herein, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged in such a way as to increase the enclosed floor area of said use by more than 50% of the enclosed floor area that existed at the effective date of adoption or amendment of this Resolution;
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located, and the nonconforming use may not thereafter be resumed;
4. No additional use not conforming to the requirements of this Resolution shall be commenced in connection with such nonconforming use of land.

1.10 AMENDMENTS

The Board of County Commissioners of Ross County, State of Ohio may amend or change the provisions of this Resolution after a public hearing in relation thereto, at which all parties in interest and citizens shall have the opportunity to be heard. At least thirty (30) days notice of the hearing shall be published in a newspaper of general circulation in Ross County.

1.11 APPEALS

Any person desiring to use property in any manner in conflict with the provisions set forth in this Resolution may apply to the Airport Zoning Board of Appeals for a variance from the zoning regulations in question. The board of appeals may subject any variance to any reasonable conditions that they deem necessary.

Any person aggrieved by any decision of an administrative agency made in its administration of the provisions set forth in this Resolution, may appeal to the Airport Zoning Board of Appeals authorized to hear and decide appeals from the decisions of such administrative agency, as follows:

- a.) All appeals shall be taken, within twelve (12) days after an order is filed in the office of the administrative agency, by filing with the administrative agency from which the appeal is taken and with the Airport Zoning Board of Appeals a notice of appeal specifying the grounds of such appeal.
- b.) An appeal shall halt all proceedings in furtherance of the action appealed from unless the administrative agency from which the appeal is taken certifies to the Airport Zoning Board of Appeals that a halt would cause imminent danger to life or property.
- c.) The Airport Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time.
- d.) The Airport Zoning Board of Appeals may reverse, affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from.

Any person aggrieved, or any taxpayer, or any legislative authority, or any Airport Zoning Board affected by any order of the Airport Zoning Board of Appeals may appeal within thirty (30) days to the court of common pleas of Ross County, and upon appeal thereof a trial de novo shall be had.

1.12 ADMINISTRATION AND ENFORCEMENT

The Ross County Shoemaker Airport Zoning Board may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Resolution. The courts shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of the regulations adopted through this Resolution and orders and rulings made pursuant thereto.

1.13 PERMITS

Within the airport hazard area, no subdivisions or splits of property nor construction of a multi-family residential use, non-residential use, or mobile home park facility shall occur until an application has been made to, and the proper permit has been obtained from, the Ross County Shoemaker Airport Zoning Board or its duly authorized agent or representatives.

1.131 APPLICATIONS

All applications shall be accompanied by accurate plans showing the use, height above ground, the height above mean sea level and the location of the proposed structure as well as such other information as may be necessary to determine and provide for the enforcement of these regulations. The Ross County Shoemaker Airport Zoning Board shall provide application forms for permits.

1.132 APPLICATION FEE

All applications for permits shall be accompanied by a fee of \$5.00 to be paid to the Ross County Shoemaker Airport Zoning Board or the duly authorized agent or representative of the Board issuing such permit.

1.133 PERMITS NOT GRANTED

No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming structure in violation of these regulations or applicable State statutes.

1.134 VIOLATION OF REGULATIONS

It shall constitute a violation of these regulations for any person, firm, or corporation, either owner or agent, to do any of these things mentioned in the first paragraph of this section (Section 1.13) without first obtaining the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Any person who shall proceed thereafter with the work for which the permit was issued without having obtained a new permit in accordance with this regulation shall be deemed guilty of violation thereof.

1.14 PENALTIES

Whoever violates the provisions set forth in this Resolution shall be fined not more than one hundred dollars per offense. Each days willful continuation of such violations is a separate offense.

1.15 EFFECTIVE DATE

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

[Signature]

Prosecuting Attorney
Approved as to form

James H. Caldwell
Commissioner

Robert Bruce
Commissioner

H. Hughes Caw
Commissioner

Gail L. Stout
Clerk

Date 4/23/07





