

LENAWEE COUNTY AIRPORT  
ZONING ORDINANCE

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## FORWARD

An Ordinance establishing airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Lenawee County Airport; providing for the allowance of variances from such regulations; designating the Administrative Agency charged with the administration and enforcement of such regulations; establishing an airport zoning board of appeals, providing for enforcement; and imposing penalties for violation of this Ordinance.

Pursuant to the authority conferred by the provisions of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and as amended Act No. 158 of the Public Acts of the State of Michigan for the year 1976 for the purpose of promoting the health, safety and general welfare of the inhabitants of the county of Lenawee by preventing the establishing of airport hazards and thereby protecting the general public, users of the Lenawee County Airport and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airport and the public investment therein;

The Lenawee County Board of Commissioners and the Lenawee County Airport Zoning Board under the provisions of Section 13 of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and as amended Act No. 158 of the Public Acts of the State of Michigan for the year 1976, does hereby ordain the following to be known as the Lenawee County Airport Zoning Ordinance.

TABLE OF CONTENTS

LENAWEE COUNTY AIRPORT ZONING ORDINANCE  
PREPARATION, ADOPTION AND AMENDED ..... 2

FORWARD ..... 3

INDEX ..... 4, 5, & 6

ARTICLE I                      PURPOSE OF LIMITATIONS

1.01 Title ..... 7

1.02 Objective ..... 7

1.03 Hazard Area ..... 7

1.04 Hazards ..... 7

1.05 Existing Non-Conforming Objects ..... 7

1.06 Creation of the Zoning Board ..... 8

1.07 Height Requiring Permits ..... 8

1.08 Land-Use Types Requiring Permits ..... 8

1.09 Provisions for Variance ..... 8

1.10 Where to Review Copies of this Ordinance ..... 8

ARTICLE II                      DEFINITIONS

2.01 Words and Phrases ..... 9

2.02 Airport ..... 9

2.03 Airport Hazard ..... 9

2.04 Airport Hazard Area ..... 9

2.05 Airport Zoning Act ..... 9

2.06 Board ..... 9

2.07 Land-Use Guidance Zone ..... 9

2.08 Above Mean Sea Level ..... 10

2.09 Non-Conforming Use ..... 10

2.10 Person ..... 10

2.11 Structure ..... 10

2.12 Tree ..... 10

2.13 Zoning Administrator ..... 10

ARTICLE III                      ZONES

3.01 Airport Hazard Area ..... 11

3.02 Airport Zoning Plans ..... 11

3.03 Legal Height Limitations ..... 11

3.04 Unlawful Land Use ..... 11

3.05 Non-Conforming Existing Uses ..... 12

## TABLE OF CONTENTS

3.06	Alterations to Non-Conforming Land Use .....	12
3.07	Land Use Guidance Zone .....	12
	Protection Zone 1 .....	12,13
	Protection Zone 2 .....	14
	Protection Zone 3 .....	14
	Accident Safety Zones, Land Use Guidelines, Zone 1 .....	16
	Accident Safety Zones, Land Use Guidelines, Zone 2 .....	17
	Accident Safety Zones, Land Use Guidelines, Zone 3 .....	18
	Accident Safety Zones, Land Use Guidelines, Zone 4 .....	19
	Accident Safety Zones, Land Use Guidelines, Zone 5 .....	20
	Accident Safety Zones, Land Use Guidelines, Zone 6 .....	21

### ARTICLE IV                      ORDINANCE ADMINISTRATION

4.01	Approach Standards .....	22
4.02	Zoning Administrator as Administrator Agency .....	22
4.03	Board of Appeals .....	22

### ARTICLE V                      PERMITS

5.01	Permit Maps .....	25
5.02	Application for Permits .....	25
5.03	Permit Procedures .....	25
	Procedure One .....	26
	Procedure Two .....	26
	Procedure Three .....	26
5.04	Exception for Emergency Repairs .....	26

### ARTICLE VI                      JUDICIAL ACTIONS

6.01	Appeals to Circuit Court .....	27
6.02	Penalties .....	27
6.03	Appearance Ticket Authorization .....	27
6.04	Civil Action Available .....	27

### ARTICLE VII                      FEDERAL LAWS

7.01	Federal Laws .....	28
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### ARTICLE VIII                      SEVERABILITY OF PROVISIONS

8.01	Severability of Provisions .....	28
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TABLE OF CONTENTS

ARTICLE IX                    AMENDMENTS

9.01 Amendments .....28

ARTICLE X                    REPEAL OF PRIOR ZONING ORDINANCE

10.1 Repeal (if needed).....29

ARTICLE XI                    EFFECTIVE DATE

11.1 Effective Date.....29

      Signature Page.....29

## ARTICLE I

### PURPOSE OF LIMITATIONS

#### 1.01 Title and Effective Dates

This Ordinance is to be known and may be cited as the “Lenawee County Airport Zoning Ordinance.” It was adopted on March 27, 1979.

This Ordinance was Amended and Adopted on October 12, 2005 and became effective on October 21, 2005.

#### 1.02 Objective

The principle objective of this Ordinance is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

#### 1.03 Hazard Area

This Ordinance establishes regulations on land within a ten (10) mile radius of the Lenawee County Airport. This Ordinance establishes a huge air bowl with a maximum height limitation of 500 feet above the established elevation of the airport at the outer edge and has a minimum height limitation of 25 feet above ground at some locations in the approaches to the runways immediately adjacent to the airport. The height limitations of this Ordinance become less severe as the distance from the airport is increased.

#### 1.04 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

#### 1.05 Existing Non-Conforming Objects

1. This Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. This Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would be subject to undesirable effects that may be caused by operation of aircraft.

#### 1.06 Creation of the Zoning Board

The Lenawee County Airport Zoning Board was created by the Lenawee County Board of Commissioners and the Michigan Aeronautics Commission for the express purpose of establishing airport zoning regulations. The Board has been charged with the responsibility of administering and enforcing the provisions of this Ordinance with the understanding that the Zoning Administrator will seek close cooperation with County, Townships and City Zoning Boards.

#### 1.07 Heights Requiring Permits

To effectively administer this Ordinance, the Lenawee County Airport Zoning Board established application heights, which are below the allowable height limits of this Ordinance. This was done to make it easier for the local Zoning Boards and the general public to decide whether an application for a permit must be filed with the Zoning Administrator. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application. (25' within 6.32 miles of airport; 100' from 6.32 miles to 10 miles.)

#### 1.08 Land-Use Types Requiring Permits

To promote the general purpose and objectives of this Ordinance and its effective administration, all persons making use of land within the areas shown on the enclosed maps are advised to consult Section 3.07 of this Ordinance as to undesirable land uses within designated Airport land-use guidance zones.

#### 1.09 Provisions for Variance

This Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Zoning Board and Zoning Administrator, with the cooperation of the public, to have this Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

#### 1.10 Where to Review Copies of this Ordinance

Information regarding height limits and copies of this Ordinance are available at the offices of the Administrative Agency, the Lenawee County Airport, or the Michigan Department of Transportation, Capital City Airport, 2700 East Airport Service Drive, Lansing, Michigan 48906. A copy of this Ordinance is also on file with the Lenawee County Clerk and the Lenawee County Courthouse.

ARTICLE II  
DEFINITIONS

2.01 Words and Phrases

As used in this Ordinance, the words, terms and phrases set forth in Sections 2.02 through 2.13 inclusive, shall have the meanings prescribed in such sections unless the context otherwise requires.

2.02 Airport

“Airport” means the Lenawee County Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other existing or future interests.

2.03 Airport Hazard

“Airport Hazard” means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or of appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

2.04 Airport Hazard Area

The term “Airport hazard area” means any area of land or water, or both, lying within a ten (10) mile radius from the established center of the Lenawee County Airport in which an airport hazard might exist if not prevented by this Ordinance.

2.05 Airport Zoning Act

The term “Airport Zoning Act” refers to Act no. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.06 Board

The term “Board” means the Board of Appeals as hereinafter created and designated below.

2.07 Land Use Guidance Zone

The term “land-use guidance zone” means an area or zone in which certain types of land use are not recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at the Lenawee County Airport.



## 2.08 Above Mean Sea Level

The term “above mean sea level” denotes elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

## 2.09 Non-Conforming Use

The term “non-conforming use” means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment as of the effective date of such regulation.

## 2.10 Person

The term “person” means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation, or other body politic, including any trustee, receiver, assignee or other similar representative.

## 2.11 Structure

The term “structure” means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, and radio and television aerials and antennae, stationary balloons but not including highways and their appurtenances.

## 2.12 Tree

The term “tree” means any object of natural growth.

## 2.13 Zoning Administrator

“Zoning Administrator” means the Director of Aeronautics or Manager of the Airport, or his designee, who is designed and charged with the administration and enforcement of this Ordinance.

## ARTICLE III

### ZONES

#### 3.01 Airport Hazard Area

There is hereby established an airport hazard area, which area or zone consists of all the lands within Lenawee County lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally ten (10) miles from the established center of the usable landing area of the airport, known as the airport reference point. The boundaries of the hazard areas are shown on the airport zoning plans numbered 2 through 4, which maps are attached and made a part of this Ordinance.

#### 3.02 Airport Zoning Plans

The height limitations shown on the attached zoning plans are imposed on the lands in the airport hazard areas, the same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established elevation of the airport, which elevations are shown on the zoning plans.

#### 3.03 Legal Height Limitations

No person may erect or maintain any structure to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps, or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or to establish any use of lands contrary to the provisions of this Ordinance.

#### 3.04 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any airport hazard area which:

- a. Would create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by aircraft;
- b. Would make it difficult for flyers to distinguish between airport lights and other lights or result in glare to the eyes of flyers using the airport;
- c. Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- d. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling

facility within 10,000 feet of any runway at the airport, unless the construction, location and operations of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.

- e. Would otherwise endanger the landing, taking off, or maneuvering of aircraft.
- f. Would attract birds or other wildlife.
- g. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration

### 3.05 Non-Conforming Existing Uses

The provisions of Section 3.03 of this Ordinance shall not apply to structures, trees or other non-conforming uses existing in an airport hazard area on the effective date of this Ordinance, unless the Zoning Administrator determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed.

### 3.06 Alterations to Non-Conforming Land Use

The provisions of Section 3.03 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as through the same were new uses.

### 3.07 Land-Use Guidance Zone

- (a) Purpose- The purpose of Airport Protection Zones as defined in Section 2.07, is to designate areas wherein certain types of land uses are not recommended due to undesirable effects that may be caused due to the operation of aircraft within such zones.
- (b) Acceptable Land Use- The uses of land within the areas shown on the Zoning Plans are non acceptable land-uses as outlined in land-use guidance as shown on Addendum Sheet 4 of the Airport Zoning Plans.

#### Protection Zone No. 1

- 1. Churches
- 2. Convent – Monastery – Rectory
- 3. Dormitory – Resident Halls
- 4. Hospitals

5. Low Density Housing – One Acre or More
6. Mobile Homes
7. Multi-Family Apartments or Dwellings
8. Orphanages
9. Retirement Homes
10. Schools
11. Single Family House – Subdivision
12. Universities
13. Factories – Scientific Instrument
14. Research Laboratories
15. Factories – Soft Goods – Food
16. Aircraft Sales
17. Aircraft Repair Service
18. Air Terminals – Passengers
19. Aviation Schools
20. Aviation Services – Photo, etc.
21. Auditoriums – Exhibit Halls
22. Banks
23. Bus Terminals – Passengers
24. Hotels & Motels
25. Marine Terminals – Passengers
26. Office Building
27. Public Buildings
28. Railroad Terminals – Passengers
29. Restaurants
30. Retail Stores
31. Shopping Centers
32. Theaters
33. Athletic Fields
34. Bowling Alleys
35. Fairgrounds
36. Golf Courses
37. Marinas
38. Outdoor Theaters
39. Playgrounds
40. Race Tracks
41. Riding Academies & Trails
42. Stadiums
43. Swimming Pools - Public
44. Tennis Courts – Public
45. Dairy Farming
46. Landscape Nurseries
47. Poultry Farming
48. Stock Farming
49. Stock Yards

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## Protection Zone No. 2

1. Churches
2. Convents – Monastery – Rectory
3. Dormitory – Residence Halls
4. Hospitals
5. Low Density Housing – One Acre or More
6. Mobile Homes
7. Multi-Family Apartments or Dwellings
8. Orphanages
9. Retirement Homes
10. Schools
11. Single-Family House – Subdivision
12. Universities
13. Factories – Scientific Instrument
14. Research Laboratories
15. Air Terminals – Passenger
16. Auditoriums – Exhibit Halls
17. Banks
18. Bus Terminals – Passengers
19. Hotels & Motels
20. Marine Terminals – Passengers
21. Office Buildings
22. Public Buildings
23. Railroad Terminals – Passengers
24. Restaurants
25. Retail Stores
26. Shopping Centers
27. Theaters
28. Athletic Fields
29. Bowling Alleys
30. Fairgrounds
31. Outdoor Theaters
32. Playgrounds
33. Race Tracks
34. Stadiums
35. Poultry Farms

## Protection Zone No. 3

1. Churches
2. Convent – Monastery – Rectory
3. Dormitory – Residence Halls
4. Hospitals

5. Mobile Homes
  6. Orphanages
  7. Schools
  8. Single-Family House - Subdivision
  9. Universities
  10. Factories 0 Scientific Instrument
  11. Research Laboratories
  12. Theaters
  13. Outdoor Theaters
  14. Poultry Farms
- 4 A person or person who elect to establish any land use within an Airport Protection Zone which is not recommended by this Section shall have no claim or cause of action against the Airport, nor any municipality or governmental agency operating said airport or responsible for the administration of this Ordinance. Any person or person electing to establish such non-recommended uses following the effective date of this Ordinance shall do so at their individual risk.

## ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND PLANNING STRATEGIES FOR NEW DEVELOPMENT

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
<b>Zone 1</b> (See special note)	<b>Population Density</b>	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> <li>1. 0-5 people/acre</li> <li>2. Airport sponsor should purchase property if possible.</li> <li>3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots).</li> </ol>
	<b>Residential vs. Non-residential Land Use</b>	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> <li>1. Create a height hazard overlay ordinance around the airport.</li> <li>2. Airport sponsor should purchase property if possible.</li> <li>3. Airport sponsor should obtain aviation and obstruction easements.</li> <li>4. During the site development process, shift all structures away from the runway centerlines if possible.</li> <li>5. Landscaping requirements shall establish only low growing vegetation.</li> <li>6. Prohibit high overhead outdoor lighting.</li> <li>7. Require downward shading of lighting to reduce glare.</li> <li>8. Evaluate all possible permitted conditional uses to assure compatible land use.</li> </ol>
	<b>Special Function Land Use</b>	Prohibit all Special Function Land Uses	<ol style="list-style-type: none"> <li>1. Prohibit overhead utilities and all noise sensitive land uses.</li> <li>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches.</li> <li>3. Limit storage of large quantities of hazardous or flammable material.</li> <li>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</li> </ol>

Special note: Since the dimensions of Zone 1 correspond to the dimensions of the Runway Protection Zone (RPZ), those Airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ or otherwise require rights to the property for RPZ.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 2	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> <li>1. 0-5 people/acre</li> <li>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots).</li> </ol>
	Residential vs. Non-residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> <li>1. Create a height hazard overlay ordinance around the airport.</li> <li>2. Obtain avigation and obstruction easements.</li> <li>3. During site development process, shift all structures away from the runway centerlines if possible.</li> <li>4. Prohibit mobile home parks.</li> <li>5. Landscaping requirements shall establish only low growing vegetation.</li> <li>6. Prohibit high overhead outdoor lighting.</li> <li>7. Require downward shading of lighting to reduce glare.</li> <li>8. Evaluate all possible permitted conditional uses to assure compatible land use.</li> </ol>
	Special Function Land Use	Prohibit all Special Function Land Use	<ol style="list-style-type: none"> <li>1. Prohibit overhead utilities and all noise sensitive land uses.</li> <li>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches.</li> <li>3. Limit storage of large quantities of hazardous or flammable material.</li> <li>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</li> </ol>

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Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> <li>1. &lt;25 people/acre</li> <li>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini storage, small parking lots)</li> </ol>
	Residential vs. Non-residential Land Use	<p><u>Runway &lt; 4,000 feet</u> - prohibit all residential land uses</p> <p><u>Runway 4,000 - 5,999 feet</u> - Limit residential development to Low Density standards.</p> <p><u>Runway &gt; 6,000 feet</u> - Limit residential development to Low Density housing standards.</p> <p>All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<ol style="list-style-type: none"> <li>1. Create a height overlay ordinance around the airport.</li> <li>2. Obtain aviation and obstruction easements.</li> <li>3. During site development process, shift all structures away from the runway centerlines if possible.</li> <li>4. Prohibit mobile home parks.</li> <li>5. Landscaping requirements shall establish only low growing vegetation.</li> <li>6. Prohibit high overhead outdoor lighting.</li> <li>7. Require downward shading of lighting to reduce glare.</li> <li>8. Evaluate all possible permitted conditional uses to assure compatible land use.</li> </ol>
	Special Function Land Use	Prohibit all Special Function Land Use	<ol style="list-style-type: none"> <li>1. Prohibit overhead utilities and all noise sensitive land uses.</li> <li>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches.</li> <li>3. Limit storage of large quantities of hazardous or flammable material.</li> <li>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</li> </ol>

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Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 4	Population Density	Limit population concentrations.	1. < 45 people/acre in building, < 75 people /acre outside buildings.
	Residential vs. Non-residential Land Use	<u>Runway &lt; 4,000 feet</u> - Limit residential development to Low Density housing standards. <u>Runway 4,000 - 5,999 feet</u> - Limit residential development to Low Density standards. <u>Runway &gt; 6,000 feet</u> - Limit residential development to Low Density housing standards.	1. Create a height overlay ordinance around the airport. 2. Obtain avigation and obstruction easements. 3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline. 4. Prohibit mobile home parks. 5. Require downward shading of lighting to reduce glare. 6. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning. 2. Prohibit high overhead utilities and all noise sensitive land uses.

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 5	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> <li>0 - 5 people/acre</li> <li>Zone Land uses, which by their nature will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</li> </ol>
	Residential vs. Non-residential Land Use	Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> <li>Airport sponsor should purchase property if possible.</li> <li>Create a height hazard overlay ordinance around the airport.</li> <li>Obtain aviation and obstruction easements.</li> <li>During site development process, shift all structures away from the runway center-lines if possible.</li> <li>Landscaping requirements shall establish only low growing vegetation.</li> <li>Prohibit high overhead outdoor lighting.</li> <li>Require downward shading of lighting to reduce glare.</li> <li>Evaluate all possible permitted conditional uses to assure compatible land use.</li> </ol>
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> <li>Prohibit overhead utilities and all noise sensitive land uses.</li> <li>Zone land for uses other than for schools, play fields, hospitals, nursing homes, day care facilities, and churches.</li> <li>Limit storage of large quantities of hazardous or flammable material.</li> <li>Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</li> </ol>

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Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 6	Population Density	Limit large concentrations of	1. < 100 people/acre in buildings, < 150 people/acre outside buildings.
	Residential vs. Non-residential Land Use	Limit residential development to housing standards consistent with planning strategies. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.	<ol style="list-style-type: none"> <li>1. Prohibit mobile home parks near runways longer than 4,000 feet.</li> <li>2. Create a height overlay around the airport.</li> <li>3. Obtain avigation and obstruction easements.</li> <li>4. Clustered development to maintain as long as open space remains unbuilt. Place clustered development away from extended runway centerline.</li> <li>5. Prohibit mobile home parks.</li> <li>6. Require downward shading of lighting to reduce glare.</li> <li>7. Evaluate all possible permitted conditional uses to assure compatible land use.</li> </ol>
	Special Function Land Use	Prohibit all Special Function Land Uses.	<ol style="list-style-type: none"> <li>1. Prohibit all Special Function Land.</li> <li>2. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</li> </ol>

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## ARTICLE IV

### ORDINANCE ADMINISTRATION

#### 4.01 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on sheets (2, 3, & 4) of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits the Zoning Administrator will arrive at the proper height limitations by interpolating between contours shown on the zoning plans.

#### 4.02 Zoning Administrator as Administrative Agency

The manager of the Lenawee County Airport is hereby designated the Zoning Administrator charged with the duty of administering and enforcing this Ordinance. The Zoning Administrator shall act as the "administrative agency" referred to in the Airport Zoning Act. The duties of the Zoning Administrator shall include those of issuing permits as provided below, but the Zoning Administrator shall not have or exercise any of the powers or duties delegated to the Board of Appeals. The Zoning Administrator is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. The Zoning Administrator may adopt such rules of procedures as may be necessary in connection with the administration and enforcement of this Ordinance.

#### 4.03 Board of Appeals

There is hereby created a Board of Appeals consisting of five (5) members, each to be appointed for a term of three (3) years and until his or her successor is appointed and qualified, one of whom shall be designated as Chairman and one of whom shall be designated as Vice-Chairman, which appointments shall be made by the Lenawee County Airport Zoning Board and provided that upon such appointments being initially made, one member of said Board shall be appointed for a term of one (1) year, two for terms of two (2) years each, and two for terms of three (3) years each. Board members shall be removable by the appointing body for cause shown, upon written charges and after notice and an opportunity to be publicly heard. The Board of Appeals has the powers set forth in Section 28 of the Airport Zoning Act and shall exercise such powers as are conferred upon it in the Airport Zoning Act and in this Ordinance.

- a. Official Name: The Board of Appeals shall be officially known as the Lenawee County Airport Zoning Board of Appeals

- b. Compensation: The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Board of Commissioners.
- c. Rules and Procedures: The Board of Appeals shall adopt rules concerning its organization and procedure, appeal forms, and other authorized matters, consistent with the provisions the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to, providing a reasonable period of time which appeal may be taken to it from an action of the Zoning Administrator. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine, and notice of all meetings shall be given to all members. An annual meeting shall be held during the month following the anniversary date of this Ordinance. The Chairman, or in his or her absence the Vice-Chairman, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absence or failing to vote, then so indicating and the Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Board and shall be a public record.
- d. Powers: The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulations, decision or determination made by the Zoning Administrator under the powers conferred upon it by this Ordinance.
- e. Who May Appeal: Any person, including the governing body of any political subdivision, aggrieved by any decision of the Zoning Administrator made in the administration of this Ordinance, may appeal to the Board of Appeals.
- f. Appeal Procedure: All appeals from actions of the Zoning Administrator shall be taken within the time and in the manner provided by the rules of the Board of Appeals, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds of appeal. The Zoning Administrator shall promptly transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause

imminent peril to life or irreparable damage to property. In that case, proceedings shall not be stayed otherwise than by order of the Board and on due cause shown. The Board shall fix a time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board shall, in conformity with the provisions of this Ordinance, reverse or affirm, or modify, wholly or partly the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator.

- g. Certificates of Variance: An application for certificates of variance is to be submitted on the form provided for by the rules of the Board of Appeals. If the application is granted, the applicant will receive a certificate of variance in the form prescribed by such rules. The certificate shall provide that it is not effective for a period of thirty (30) days following the date of its issuance. Immediately upon issuance, copies of the certificate shall be filed with the Zoning Administrator, the Michigan Aeronautics Commission and each political subdivision affected by the certificate. In acting upon applications for variance, variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and approach protection but would do substantial justice and be in accordance with the spirit of the regulations of this Ordinance; provided, however, that any variance may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance. Nothing in this section shall be construed to permit a use which would conflict with any general zoning ordinance or regulations of any political subdivision applicable to the same area.

## ARTICLE V

### PERMITS

#### 5.01 Permit Maps

There are attached hereto as Sheets (1) one through (5) five of the airport zoning maps, a "permit map" sheets (2) two through (4) four showing applicable height limitations within the airport hazard areas above which permits are required under this Ordinance. The permit maps are affixed to this Ordinance for the information of and consulted by all persons proposing to make uses of land within the airport hazard areas, whether the same be new uses or changes in existing uses, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to such violations.

#### 5.02 Application for Permits

Applications for permits shall be made to the Zoning Administrator in three (3) copies upon forms furnished by the Zoning Administrator, and the Administrator shall within 15 days from the application, determine whether the height limitations as designated by the Airport Zoning Maps and this Ordinance, would or would not be violated if the application were granted and shall grant or deny the application accordingly (the Administrator not being vested with authority to permit a variance). The Zoning Administrator shall advise applicant of its action within three (3) days after the action has been taken. In the event of a denial, the applicant may apply to the Board of Appeals for a certificate of variance. The Zoning Administrator is authorized and directed to approve all applications for permits for uses not exceeding 25 feet in height above the existing ground level as the same may exist on the effective date of this Ordinance, notwithstanding anything to the contrary herein contained, it being intended that the minimum height limitation to be imposed by this Ordinance shall be 25 feet above the ground levels existing on the date of this Ordinance. The issuance of a permit shall not be construed to permit a use that violates Section 3.05 of this Ordinance or any general zoning Ordinance or regulations of any political subdivision applicable to the same area.

#### 5.03 Permit Procedures

Persons desiring to create new uses, or to change existing uses must file an application for a permit if the proposal involves objects that exceed 25' within 6.32 miles of the airport or exceed 100' between 6.32 miles and 10 miles from the airport or in any case where an object may be in violation of Section 3.04 of the Ordinance.



Procedure One:

If it appears, after consulting the permit map, that the proposed new use, or changed existing use, clearly would not violate the terms of this Ordinance, then the new use may be created, or existing use changed, without applying for a permit hereunder or taking any further action under this Ordinance.

Procedure Two:

If it appears, after consulting the permit map, that the proposed new use, or changed existing use may possibly violate the terms of this Ordinance, then the new use shall not be created, or existing use changed until a proper permit has first been obtained from the Zoning Administrator in accordance with the provisions of this Ordinance. Inasmuch as the height limitations imposed in the airport hazard area steadily incline from the airport center, and at various rates according to location of approaches, the permit maps are only approximations for any given segment of the airport hazard area and therefore a height limitations may be somewhat greater than accorded by the maps, depending upon the particular parcel of land involved. The purpose of this second procedure is, therefore, to enable the Zoning Administrator to make exact mathematical determinations and enable users of land within the hazard area to avoid violations of this Ordinance.

Procedure Three:

If it appears, after consulting the permit maps, that the proposed new use, or change in existing use, clearly will violate the provisions of this Ordinance, then no such new or changed use shall be undertaken unless the person proposing to undertake it shall first apply to the Board of Appeals and obtain a certificate of variance in accordance with the procedures contained in this Ordinance.

5.04 Exception for Emergency Repairs

No permit shall be required for the emergency repair or emergency replacement of non-conforming public utility structures, other than buildings, when the height of such structures will not be increased by such repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

ARTICLE VI

JUDICIAL ACTION

### 6.01 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court of the County of Lenawee as provided in Section 30 of the Airport Zoning Act.

### 6.02 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

### 6.03 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violation of this Ordinance, pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 366 of the Public Acts of 1984 and Act No. 49 of the Public Acts of 1988, being sections 764.9c and 7649f of the Michigan Compiled Laws:

The Lenawee County Sheriff and all other Deputies of the Lenawee County Sheriffs.

### 6.04 Civil Action Available

The Lenawee County Board of Commissioners may, in the name of the County of Lenawee, may in addition to any criminal action taken, institute in the Circuit Court of Lenawee County, an action to prevent, restrain, correct or abate any violation of this Ordinance, or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and regulations adopted and orders and rulings made pursuant thereto.

## ARTICLE VII

### FEDERAL LAWS FEDERAL AVIATION REGULATIONS

#### 7.01 Federal Laws (FAR Part 77.14 CFR 77.1 et seq.)

The Airport Zoning Ordinance is not intended to conflict with existing Federal approach protection regulations. The Federal Aviation Administration requires that they be given notice of any construction or alteration:

- (a) That would be more than 200 feet above ground level at its site.
- (b) That would be above an imaginary surface extending outwards and upward at 100:1 slope within 20,000 feet of the nearest point of a runway more than 3,200 feet in length.
- (c) That would be above an imaginary surface extending outward and upward at 50:1 slope within 10,000 feet of the nearest point of a runway less than 3,200 feet in length.

## ARTICLE VIII

### SEVERABILITY OF PROVISIONS

#### 8.01 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

## ARTICLE IX

### AMENDMENTS

#### 9.01 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Lenawee County Board of Commissioners after a public hearing is held in relation to the proposed amendment-pursuant to Section 19 of the Airport Zoning Act.

## ARTICLE X

### REPEAL OF PRIOR ZONING ORDINANCE

#### 10.1 Repeal (when and if needed)

The Board of Commissioners of the County of Lenawee hereby repeals the *Lenawee County Airport Zoning Ordinance*, dated March 27, 1979, effective March 27, 1979.

## ARTICLE XI

### EFFECTIVE DATE

#### 11.1 Effective Date

This Amended Lenawee County Airport Zoning Ordinance shall take effect on October 21, 2005.