

SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT

ZONING RESOLUTION

March 30, 2004

Revised Draft

NOTE: Changes are shown as follows –

Proposed deleted text = ~~Strike Through~~

Proposed text to include = Underline

Existing text to remain = Black

Adopted - April 21, 1966

Clark-Greene County Airport Zoning Regulations For the Springfield Municipal Airport

Table of Contents

- I. Purpose
- II. Definitions
- III. Three Dimensional Surfaces
- IV. Airport Zoning Districts
- V. Public Streets
- VI. Use Restrictions
- VII. Non-Conforming Uses
- VIII. Permits and Variances
- IX. Enforcement
- X. Board of Appeals
- XI. Appeals
- XII. Judicial Review
- XIII. Penalties
- XIV. Amendments
- XV. Conflicting Regulations
- XVI. Severability
- XVII. Effective Date

Appendix A – FAA Regulations Part 77.25, “Objects effecting Navigable
Airspace”

Appendix B – Airport Zoning Districts

Appendix C – FAA Form 7460-1, “Notice of Proposed Construction or
Alteration”

XVIII. Clark-Greene County Airport Zoning Regulations For the Springfield Municipal Airport

I. Purpose

Airport zoning regulations may divide an airport hazard area into zones, and, within such zones, regulate and restrict land uses which by their nature constitute airport hazards, and regulate and restrict the height to which structures may be erected or objects of natural growth may be allowed to grow.

These Regulations are intended to comply with Title 14, Part 77 of the Code of Federal Regulations (14 C.F.R. Part 77) and Chapter 4563 of the Ohio Revised Code. To the extent that these regulations are determined to conflict with either the Federal Regulations, the State Statutes, or both, the Federal Regulations or State Statutes will govern. The Federal Regulations and the State Statutes are adopted by reference and made a part of these regulations.

II. Definitions:

- a. Airport – meaning Springfield Municipal Airport
- b. Airport Elevation – means the elevation of the highest point on the usable landing area. The airport elevation of these regulations is established as 1050.
- c. Airport Reference point – an established point having an equal relationship to all landings or take-off areas of the airports and is a geographic center of these areas.
- d. Height – means the height above sea level elevation, unless otherwise specified, which is used for the purpose of determining the height limits in all zones set forth in these regulations.
- e. Instrument Runway – means a runway equipped or to be equipped with electronic facilities where navigation aids permit the landing of aircraft under minimum visibility conditions. There is presently one instrument runway at Springfield Municipal Airport.
- f. Non-conforming Structure or Use – means a structure or use of land which existed prior to these regulations, and the height of which (1) exceeds the height limits of the zone it is in, and (2) measures more than 45 feet above the ground, and/or is used for purposes which (a) creates electrical interference with radio communication between airport and aircraft (b) make it difficult for airmen to distinguish between airport lights and others, (c) results in glare in the eyes of airmen using the airport or (d) impair visibility in the vicinity of the airport.
- g. Non-instrument runways – means a runway other than an instrument runway. There are two non-instrument runways at Springfield Municipal Airport.

- h. Person – means any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.
- i. Structure – means any erected object, including, without limitation, buildings, towers, smokestacks, and overhead transmission lines.
- j. Airport hazard - means any structure or object of natural growth or use of land within an airport hazard area that obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off of aircraft.
- k. Airport hazard area - means any area of land adjacent to an airport that has been declared to be an "airport hazard area" by the office of aviation in connection with any airport approach plan recommended by the office.

III. Three Dimensional Surfaces

In order to carry out the provisions of these regulations, there are hereby created and established certain zones as defined by Title 14: Aeronautics and Space, Part 77 – Objects Affecting Navigable Airspace, which include all of the area lying within the Horizontal Surface, Conical Surface, Primary Surface and Approach Surface. Such areas and zones are shown on the Clark-Greene County Airport Zoning Map, Appendix A, which is attached to these regulations and made a part hereof.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end. The various zones are hereby established and defined as follows:

a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface. 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.

(c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runways the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

IV Height Limitations

Except as otherwise provided in these Regulations, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by these Regulations, to a height in excess of the height limit herein established for such zones in question as follows:

1. ~~INSTRUMENT APPROACH ZONE~~ — One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway;
2. ~~NON INSTRUMENT APPROACH ZONES~~ — One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.
3. ~~TRANSITION ZONES~~ — The height limit of the transitional zones is the same as that of the approach zone at the point where the transitional zone joins the approach zone; or in the areas parallel to the runway, the height limit of the transitional zone 500 feet either side of the centerline of instrument runways and 250 feet either side of the centerline of non-instrument runways is the same as the elevation of the centerline of the runway, thence upward and

~~outward on a slope of seven feet horizontally to one foot vertically measured in a vertical plane at right angles to the runway centerline or its extension to an intersection with the horizontal surface zone, conical surface zone or to a maximum of 5,000 feet measured horizontally from the edge of the approach zone at the outside end of the approach zone.~~

- ~~4. HORIZONTAL ZONE — One hundred fifty (150) feet above the airport elevation or a height of 1,200 feet above mean sea level;~~
- ~~5. CONICAL ZONE — One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to an elevation of 1,550 feet.~~
- ~~6. RUNWAY LANDING AREA — The height limit of the runway landing is at ground level.~~

~~Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.~~

~~Except for Section V nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45 feet above the surface of the land.~~

IV Airport Zoning Districts

Zoning Districts. For the purposes of these regulations, the approach, transitional, horizontal, and conical surfaces at Springfield-Beckley Municipal Airport are divided into zoning districts which represent differing levels of safety concerns. These districts are noted on the official Zoning District Map (Appendix B) and designated throughout these regulations by the following numbers:

- 1) Airport Zoning District One (AZD-1) [land underlying the runway primary surface]
- 2) Airport Zoning District Two (AZD-2) [land underlying the inner approach and the middle approach.]
- 3) Airport Zoning District Three (AZD-3) [land underlying the horizontal surface, conical surface, outer approach, inner transitional surfaces, and outer transitional surfaces]

V Public Streets

No additional public streets shall be located less than 20 feet below the height limit of the approach zones after the effective date of these regulations.

VI Use Restrictions

Notwithstanding any other provisions of these regulations, no use may be made of and within any zone established by these regulations in such a manner as to create electrical interference with radio communication between airport and aircraft, make it difficult for airmen to distinguish between airport lights and others, result in glare in the eyes of

airmen using the Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

VII Non-Conforming uses

- (a) Regulations not Retroactive. These regulations shall not be construed to require removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of the adoption, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intending use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently ~~implemented~~ ~~prosecuted~~.
- (b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming 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 appropriate official to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Springfield.

VIII Permits and Variances

(a) In AZD-2, the following are required to obtain a Permit from the Airport Zoning Inspector, prior to their commencement:

(1) The construction or erection of any structure;

(2) The substantial alteration of any structure that would increase the height of such structure; and

(3) The rebuilding, repair, or substantial alteration of any non-conforming existing structure or use.

None of the above activities are permitted in AZD-2 without a proper permit issued by the Airport Zoning Inspector.

(b) Permits shall be granted upon the submission to the Airport Zoning Inspector of the following:

(1) An application for a permit, which shall be upon a form prescribed by the Airport Zoning Inspector; and

(2) An “acknowledgement of notice” from the Federal Aviation Administration, (FAA) issued pursuant to Title 14, Section 77.19 of the Code of Federal Regulations (14 C.F.R. Sec. 77.19), which indicates that the proposed

construction or alteration would not be a hazard to air navigation, or some other response from the FAA in response to a FAA Form 7460-1 submitted by the permit applicant that indicates that the proposed construction or alteration would not be a hazard to air navigation.

The “acknowledgement of notice” or equivalent response from the FAA may be obtained by submitting the FAA Form 7460-1 to the FAA Regional Office. A copy of FAA Form 7460-1 is found in Appendix C of these Regulations. Potential applicants are referred to 14 C.F.R. Sec. 77.17 for the requirements for submitting FAA Form 7460-1.

The applicant shall also abide by any conditions required by the FAA in response to the submission of FAA Form 7460-1.

(c) In AZD-3, no permit shall be required. However, any construction, alteration, rebuilding, or repair that would raise the height of any structure to be within the Horizontal Surface, Conical Surface, Primary Surface, Approach Surface, or Transitional Surface (as defined in Section III of these Regulations) shall file FAA Form 7460-1 with the appropriate FAA Regional Office prior to commencement of the construction, alteration, rebuilding or repair.

(d) Variances. Requests for variances shall be made by submitting an application, on a form prescribed by the Airport Zoning Inspector. The request for variance shall be handled in accordance with Sections 4563.14 and 4563.16 of the Ohio Revised Code and Section X of these Regulations.

~~No material change shall be made in the use of land as set forth in Section VI, and no structure shall be erected or substantially altered which would increase height of the structure or otherwise established in any airport approach zone, horizontal zone, conical zones or transitional zones unless a permit therefore shall have been granted by the Airport Zoning Inspector upon proper application. Each such application shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination made by the Airport Zoning Board or one of its designated agents is in the affirmative, the permit applied for shall be granted. No permit shall be granted that would allow the establishment or creation of an airport hazard. Nothing contained in this Section shall be construed as permitting or intending to permit any trees in excess of any height limit established by these regulations.~~

~~Non-Conforming Uses—Before any non-conforming existing use or structure may be substantially altered or repaired or rebuilt within any airport approach zone, horizontal zone, conical zone, or transitional zone, a permit must be secured authorizing such change or repair. Each such application shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination made by the Airport Zoning Inspector is in the affirmative, the permit applied for shall be granted. No permit shall be granted that would allow a non-~~

~~conforming use to be made higher or to become a greater hazard to air navigation than it was on the effective date of the resolution or than it is when the application for permit is made.~~

~~Applications—All applications shall be submitted in duplicate accompanied by accurate plans showing the 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.~~

IX Enforcement

It shall be the duty of the Airport Zoning Inspector to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Inspector upon a form furnished by him. Applications required by these regulations to be submitted to the Airport zoning Inspector shall be promptly considered and granted or denied by him. Applications for action by the Board of Appeals shall be forthwith transmitted by the Airport Zoning Inspector.

X Board of Appeals

- (a) There is hereby created a Board of Appeals to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Inspector in the enforcement of these regulations; (2) to hear and decide special exceptions to the terms of these regulations upon which such Board of Appeals under such regulations may be required to pass; (3) to hear and decide specific variances.
- (b) The Board of Appeals shall consist of five members appointed by the Airport Zoning Board and each shall serve for a term of three (3) years and until his successor is duly appointed and qualified. Of the members first appointed two shall be appointed for a term of one (1) year, two for a term of two (2) years, and one for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- (c) The Board of Appeals shall adopt rules for its governance and procedure in harmony with the provisions of these regulations. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes or its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Airport Zoning Inspector and shall be a public record.
- (d) The Board of Appeals shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts

- reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of these regulations.
- (e) The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the Airport Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variation in these regulations.

XI Appeals

- (a) Any person aggrieved, or any taxpayer affected, by any decision of the Airport Zoning Inspector made in his administration of these regulations, if of the opinion that a decision of the Airport Zoning Inspector is an improper application of these regulations, may appeal to the Board of Appeals.
- (b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Appeals, by filing with the Airport Zoning Inspector a notice of appeal specifying the grounds thereof. The Airport Zoning Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Inspector certifies to the Board of Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certification a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Appeals on notice to the agency from which the appeal is taken and on due cause shown.
- (d) The Board of Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (e) The Board of Appeals may, in conformity with the provisions of these regulations, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

XII Judicial Review

Any person grieved, or any taxpayer, or any legislative authority or any airport zoning board affected by any order of the Clark-Greene County Zoning Board of Appeals may appeal within thirty (30) days to the Court of Common Pleas of the County in which the affected real estate lies, as provided for by Section 4563.19, Revised Code of Ohio.

XIII Penalties

Each violation of these regulations or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than One Hundred Dollars (\$100) and each day a violation continues to exist shall constitute a separate offense.

XIV Amendments

The Clark-Greene County Airport Zoning Board, by a majority vote of its member, may from time to time, on its own motion or on the written application of any affected taxpayer or political subdivision located within the airport hazard area, amend, change or supplement these regulations. But no such amendment or change shall be made except after a public hearing at which parties in interest and citizens shall have an opportunity to be heard and after property notice has been published all as provided in Section 4563.06 of the Revised Code.

XV Conflicting Regulations

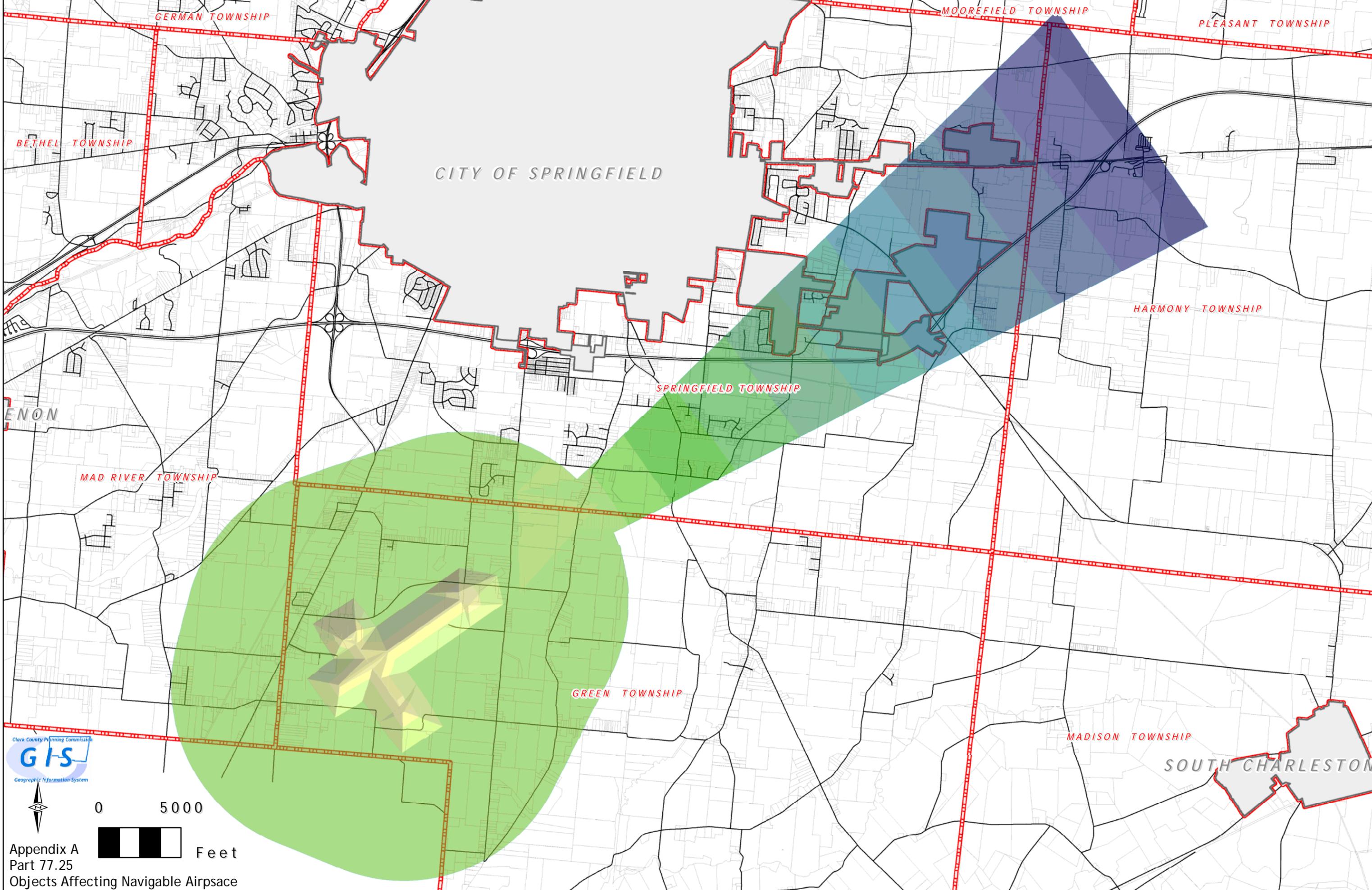
Where there exists a conflict between any of the regulations or limitations prescribed in these regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the limitation requirement best calculated to insure safety shall govern.

XVI Severability

If any section or provision of these regulations or the application thereof to any person or circumstance to be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so held to be unconstitutional or invalid, and to this end the provision of these regulations are declared to be severable.

XVII Effective Date

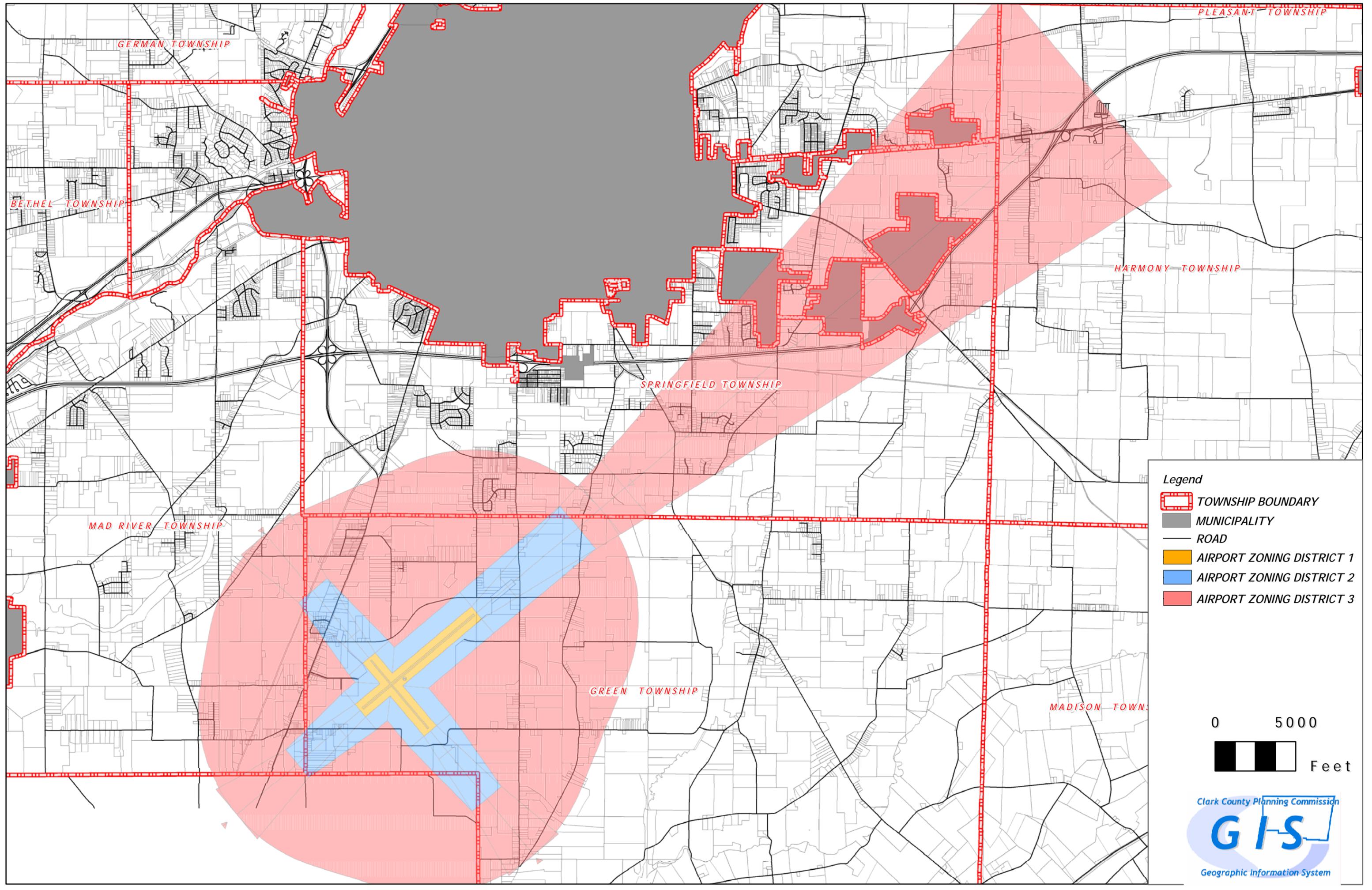
These regulations, and any amendments to these regulations, shall be in full force and effect from and after the earliest period allowed by law following publication, posting and passage thereof by the Clark- Greene County Airport Zoning Board.



Clerk County Planning Commission
GIS
Geographic Information System

0 5000
Feet

Appendix A
Part 77.25
Objects Affecting Navigable Airspace



GERMAN TOWNSHIP

PLEASANT TOWNSHIP

BETHEL TOWNSHIP

HARMONY TOWNSHIP

SPRINGFIELD TOWNSHIP

MAD RIVER TOWNSHIP

GREEN TOWNSHIP

MADISON TOWNSHIP

Legend

-  TOWNSHIP BOUNDARY
-  MUNICIPALITY
-  ROAD
-  AIRPORT ZONING DISTRICT 1
-  AIRPORT ZONING DISTRICT 2
-  AIRPORT ZONING DISTRICT 3

