

ARTICLE XIVA

AOZ – AIRPORT OVERLAY ZONING DISTRICT

SECTION 14A.01 INTENT.

The Airport Overlay Zoning District, is an additional set of zoning regulations governing development permitted by the terms of the underlying zoning district for specific properties located in proximity to the South Haven Airport as required by Section 203 (2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, and the Airport Zoning Act, P.A. 23 of 1950 (Ex Sess.).

The intent of these additional regulations is to prevent the location of potential hazards to aviation by restricting the height of buildings and structures located on individual properties abutting and in proximity to the South Haven Airport.

SECTION 14A.02 AIRPORT APPROACH (OR LAYOUT PROTECTION PLAN

The Michigan Department of Transportation, Aeronautics Division has prepared and the Michigan Aeronautics Commission has approved an Approach (or Layout) Plan prepared pursuant to Section 151 of the Michigan Aeronautics Code, P.A. 327 of 1945, as amended, for the South Haven Airport. This Plan is composed of two maps and one explanatory sheet, including the:

MDOT Bureau of Aeronautics Land Use Zoning for South Haven Regional Map which describe accident safety zones on and surrounding the airport where land use planning and regulatory measures will be applied.

Accident Safety Zones, Land Use Guidelines and Planning Strategies for New Development which describe specific land use characteristics, land use guidelines and land use planning strategies for each accident safety zone.

Part 77 Surface Map which details the maximum allowable height for buildings and structures with the AOZ – Airport Overlay Zoning District.

Section 14A.03 – Jurisdiction of Overlay Zoning District.

The geographic jurisdiction of the AOZ – Airport Overlay Zoning District shall be that area defined in the Part 77 Surface Map dated 06/28/02, as well as any subsequent revisions or amendments, prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Protection Plan, prepared pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces.

Section 14A.04 – Relationship to Underlying Zoning Regulations.

The AOZ – Airport Overlay Zoning District imposes certain restrictions upon the location and height of buildings and structures specifically allowed in each underlying zoning district classification shown on the zoning map.

A. Uses Permitted by Right but Subject to the Maximum Height Limitations.

Any use permitted by right allowable by the terms of the underlying zoning district shall be permitted provided the location and height of all buildings and structures do not exceed the maximum height limitations set forth in the Part 77 Surface Map. Uses permitted by Special Use approval may be permitted provided the density or potential occupancy does not exceed the limitations of the Accident Safety Zones Land Use Guidelines.

B. Zoning Board of Appeals May Grant Variances to Height Limitations.

An applicant may request and the Zoning Board of Appeals may grant a variance from the height limitation terms of this district upon filing an approved “Acknowledgment of Notice” and receipt of a “Determination of No Hazard” issued by the Federal Aviation Administration and a Michigan Department of Transportation “Tall Structures Permit” issued pursuant to P.A. 259 of 1959, as amended, permitting the construction of a building or structure exceeding the height limitation imposed upon the property as set forth in the Part 77 Surface Map.

Section 14A.05 – Nonconforming Uses of Land, Buildings and/or Structures.

Nonconformities shall comply with all Federal Aviation Administration and/or Michigan Department of Transportation Aeronautics Division regulations as well as Article XVII – Nonconforming land, building and structural uses, of this ordinance.

Section 14A.06 – Site Plan and Approval Requirements.

A site plan prepared pursuant to Article XXIII Section 23.04B, showing the location and height of all buildings and structures shall accompany an application for a building permit for new construction or renovation of an existing building or structure on any property within the AOZ District. The Zoning Administrator or Building Official may accept less information than required in cases where the applicant can provide adequate information to determine the exact location of the building(s) and/or structure(s) upon the property and the location of boundaries of the height requirements imposed by the Part 77 Surface Map.

Section 14A.07 – Notification of the Federal Aviation Administration (FAA).

All applicants for a building permit in the AOZ District shall provide notice to the Michigan Department of Transportation, Aeronautics Division and the Federal Aviation Administration as required pursuant to CFR Title 14, Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.13, Construction or Alteration Requiring Notice.

Section 14A.08 – FAA Determination & MDOT Permit to be filed Prior to Issuance of Building Permit.

For any proposed structure or addition that breaks an imaginary surface or plane extending outwards and upwards at the rate of one (1) foot rise for every 100 feet of horizontal distance within 20,000 feet of the nearest point of all runways, the Zoning Administrator and/or Building Official shall not issue a zoning compliance permit or building permit until the applicant has filed with the Township (1) the “Acknowledgement of Notice” and a “Declaration of No Hazard” issued by the Federal Aviation Administration; and (2) the Michigan Department of Transportation “Tall Structure Permit” issued pursuant to P.A. 259 of 1959, as amended, concerning the proposed construction or alteration.

Section 14A.09 – Zoning Map Designation and Part 77 Map Incorporation by Reference.

The Official Zoning Map shall include an AOZ – Airport Overlay Zoning District, which shall refer to the boundary of the Part 77 Surface Map dated 06/28/02 prepared by the Michigan Department of Transportation, Aeronautics Division and approved by the Michigan Aeronautics Commission as part of the Airport Approach Plan, pursuant to CFR Title 14; Part 77, Objects Affecting Navigable Air Spaces and more specifically Part 77.25, Civil Airport Image Surfaces of which the Part 77 Surfaces Map shall be incorporated by reference as part of the Official Zoning Map.