

OSHTEMO CHARTER TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN

**NOTICE OF ZONING PUBLIC HEARING**

PLEASE TAKE NOTICE that the Planning Commission of Oshtemo Charter Township will conduct a public hearing on Thursday, June 8, 2023, commencing at 6:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include the amendment to the Township Zoning Ordinance to add the Airport Zoning Ordinance.

The principal objective is to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

OSHTEMO CHARTER TOWNSHIP AIRPORT ZONING ORDINANCE  
GENERAL

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 Newman's Airport (a public use airport); Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Oshtemo Charter Township.

The Oshtemo Charter Township under the provisions of Section 13, 14, 17 of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session), does hereby ordain as follows:

**ARTICLE 1**  
**PURPOSE AND LIMITATIONS**

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the "Oshtemo Charter Township Airport Zoning Ordinance."

1.2 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.

1.3 Hazard Area

The Ordinance establishes regulations on land within a two-mile radius of Newman's Airport subject to the jurisdictional boundaries of the Township.

1.4 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property.

### 1.5 Existing Non-Conforming Objects

The Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective.

### 1.6 Administration

The Director of the Planning Department shall administer and enforce the provisions of the Ordinance.

### 1.7 Heights Requiring Permits

To effectively administer the Ordinance, the Township hereby establishes application heights which are below the allowable height limits of the Ordinance.

### 1.8 Land-Use Types Requiring Permits

All persons making use of land within the areas shown on Land Use Guidelines sheets 1-5 of the zoning plans are advised to consult Section 3.07 of this Ordinance.

### 1.9 Provisions for Variance

The Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary.

### 1.10 Where to Obtain Copies of this Ordinance

Available at the Oshtemo Charter Township offices at 7275 West Main St Kalamazoo, Michigan, 49009. A copy of the Ordinance is on file with the Oshtemo Charter Township Clerk.

## **ARTICLE 2 DEFINITIONS**

### 2.1 Words and Phrases

For the purposes of this Ordinance, the words, terms and phrases set forth in Sections 2.2 through 2.13 inclusive, shall have the meanings prescribed in those sections

## **ARTICLE 3 ZONES**

### 3.1 Airport Hazard Areas

An airport hazard area is established, which area or zone consists of all the lands within Kalamazoo County lying beneath the approach, transitional, horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally two miles (see attached Sheet A) from the established center of the usable landing areas of the airport, known as the airport reference point. No person shall erect or add to the height of or replace an object within an area two miles from the nearest boundary of Newman's Field which will result in an object height extending higher than the height determined by the ratio of 20:1 between the nearest boundary of the airport and the object. The boundaries of the hazard areas are shown on the airport zoning plans numbered 1-5, which maps are attached and made a part of this Ordinance.

### 3.2 Airport Zoning Plans

The height limitations shown on the attached airport zoning plans are imposed on the

lands in the airport hazard areas as shown on Land Use Guidelines sheets 1-5 of the Zoning Plans.

### 3.3 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.

### 3.4 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 communications.
- (b) Would make it difficult to distinguish between airport lights and others.
- (c) Would create air pollution to impair the visibility.
- (d) Would locate or permit the operation of a dump or waste disposal site, sanitary landfill.
- (e) Would otherwise endanger the landing, taking off of aircraft;
- (f) Would attract birds.
- (g) Would raise the descent minimums of any instrument approach.

### 3.5 Non-Conforming Existing Uses

The provisions of Section 3.3 of this Ordinance shall not apply to structures, trees or other nonconforming uses existing in an airport hazard area on the effective date of this Ordinance.

### 3.6 Alterations to Non-Conforming Land Use

The provisions of Section 3.3 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 though the same were new uses.

### 3.7 Land-Use Guidance Zone

- (a) Purpose. The purpose of land-use guidance zones defined in Section 2.7, is to designate areas in which certain types of land uses are recommended due to undesirable effects.
- (b) Acceptable Land-Use. The uses of land within the areas shown on the zoning plans are acceptable land-uses as outlined in land-use guidance chart II, as shown on Land Use Guideline Sheets 1-5 of the airport zoning plans.

## **ARTICLE 4**

### **ORDINANCE ADMINISTRATION**

#### 4.1 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on Land Use Guideline sheets 1-5 of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission.

#### 4.2 Planning Director as Administrator

The Planning Director is designated the Administrator charged with the duty of

administering and enforcing this Ordinance.

#### 4.3 Board of Appeals

There is hereby created a Board of Appeals. 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.

### **ARTICLE 5 PERMITS**

#### 5.1 Permit Maps

There is attached hereto as Land Use Guideline Sheets 1-5 of the airport zoning maps, a "permit map" showing applicable height limitations within the airport hazard areas above which permits are required under this Ordinance.

#### 5.2 Application for Permits

Applications for permits shall be made to the Planning Director.

#### 5.3 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 50' within 2 miles of the airport.

#### 5.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures, other than buildings, when the height of such structures will not be increased by such repairs or replacement.

### **ARTICLE 6 JUDICIAL ACTION**

#### 6.1 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 Kalamazoo as provided in Section 30 of the Airport Zoning Act

#### 6.2 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor.

#### 6.3 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violations of this Ordinance.

#### 6.4 Civil Action Available

The Township, may in addition to any criminal action taken, institute in the Circuit Court of Kalamazoo County, an action to prevent, restrain, correct or abate any violation of this Ordinance.

**ARTICLE 7  
FEDERAL LAWS  
FEDERAL AVIATION REGULATIONS**

7.1 Federal Laws (Part 77, 14 C.F.R. §77.1 et seq.)

The airport zoning ordinance is not intended to conflict with existing federal approach protection laws.

**ARTICLE 8  
SEVERABILITY OF PROVISIONS**

8.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance.

**ARTICLE 9  
AMENDMENTS**

9.1 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Township after a Public Hearing.

You are invited to attend this public hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to: Planning Commission, 7275 W. Main Street, Kalamazoo, MI 49009, up to the date of the hearing and may be received by the Planning Commission at the hearing. All materials relating to these requests may be examined at Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the hearing, to individuals with disabilities. Individuals with disabilities requiring auxiliary aids should contact the Township by phone, or in writing, at least seven (7) days prior to the scheduled public hearing date.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Iris Lubbert, Planning Director  
(269) 216-5223

