

OSHTEMO CHARTER TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN

**NOTICE OF ORDINANCE ADOPTION**

TO: THE RESIDENTS AND PROPERTY OWNERS OF OSHTEMO CHARTER TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that on the 11th day of July, 2023, at its meeting, the Township Board amended the Oshtemo Charter Township Zoning Ordinance, by the adoption of Ordinance No. 654, which provides, in summary, as follows:

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.

**SECTION 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 (See Map A).

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 non-conforming use structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective.

#### 1.6 Administration

The Administrator shall administer and enforce the provisions of the Ordinance.

#### 1.7 Heights Requiring Permits

To effectively administer the Ordinance, the Township hereby establishes application requirement for all new structures over 50 ft in height within the Hazard Area (see Map A) or for new uses or changes in use within the Accident Safety Zones (see Map B).

#### 1.8 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 Land-Use Guidelines Table 1-5 of the zoning plans are advised to consult Section 3.07 of this Ordinance as to undesirable land uses within designated airport Land-Use guidance zones.

#### 1.9 Provisions for Variance

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

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

Information regarding height limits and copies of the Ordinance are available at the Oshtemo Charter Township offices at 7275 West Main St Kalamazoo, Michigan, 49009.

### **SECTION 2 DEFINITIONS**

For the purposes of this Ordinance, the words, terms and phrases set forth in Sections 2.1 through 2.13 inclusive, shall have the meanings prescribed in those sections.

### **SECTION 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, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a

radius extending horizontally two miles (see Map A).

### 3.2 Airport Zoning Plans

The height limitations shown on the attached airport Land-Use Guideline Tables numbered 1-5 of 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 Land-Use Guideline Tables 1-5 of the zoning plans.

### 3.3 Height Limitation

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 for flyers to distinguish between airport lights and other lights;
- (c) Would create air pollution impairing visibility;
- (d) Would locate or permit the operation of a dump, waste disposal site, sanitary landfill;
- (e) Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- (f) Would attract birds.
- (g) Would raise the descent minimums of any instrument approach procedure to the airport.

### 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.

### 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 not recommended due to undesirable effects that may be caused by the operation of aircraft.
- (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.

## **SECTION 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 Tables 1-5 of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration.

### 4.2 The Administrator

The Administrator is charged with the duty of administering and enforcing this Ordinance.

### 4.3 Board of Appeals

The Zoning Board of Appeals has the powers set forth in Section 28 of the Airport Zoning Act.

## **SECTION 5 PERMITS**

### 5.1 Permit Maps

There is attached hereto as Land Use Guideline Tables 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 Administrator upon forms furnished by the Administrator. Within 15 days from the application, the Administrator will determine whether the height limitations as designated by the Airport Zoning Map (A)

and Airport Safety Map (B) and this Ordinance, would or would not be violated if the application were granted and shall grant or deny the application accordingly.

### 5.3 Permit Procedures

Persons wishing to create new uses or to change existing uses requiring site plan approval, must designate on their site plan application if the proposed use or change in use, is within the Airport Safety Zones set forth on the Accident Safety Zone Map (B), is greater than 50 feet in height and lies within the Hazard Area of Newman's Field (see Map A) or is within the accident safety zones of Newman's Field (see Map B).

### 5.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures.

## **SECTION 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 Zoning Board of Appeals, may appeal to Circuit Court of the County of Kalamazoo as provided in Section 30 of the Airport Zoning Ordinance.

### 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.

## **SECTION 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.

## **SECTION 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.

## **SECTION 9 AMENDMENTS**

### **9.1 Amendments**

This Ordinance, and the regulations prescribed herein, may be amended pursuant to Section 19 of the Airport Zoning Act.

## **SECTION 10 EFFECTIVE DATE**

### **10.1 Effective Date**

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended, or repealed.

PLEASE TAKE FURTHER NOTICE that all Ordinances, or parts of Ordinances, inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

PLEASE TAKE FURTHER NOTICE that the full text of the Ordinance has been posted for public inspection at Oshtemo Township Hall, 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's website, [www.oshtemo.org](http://www.oshtemo.org).

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