

Cherry Capital Airport Zoning



Cherry Capital Airport Zoning – Height and Use Regulations



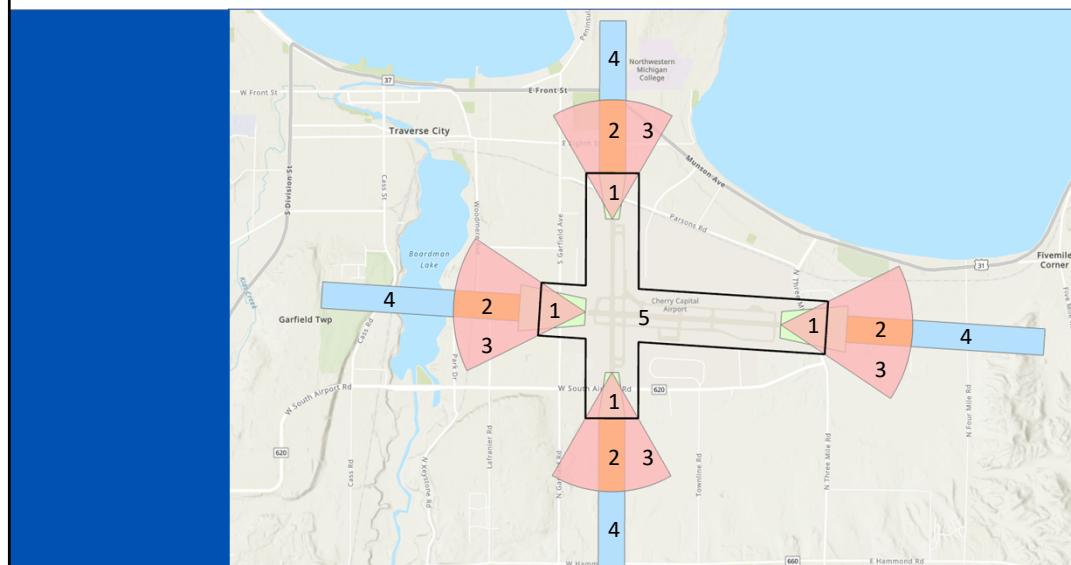
- Currently Federal & State regulation – no flexibility
- Request – establish Local Airspace Zoning Board to adopt a local ordinance to provide more local control and flexibility.

Cherry Capital Airport Zoning – Current Part 77 Height Regulations



The height limitations are on an imaginary surface with variable slopes. The maximum heights increasing with distance from the Airport.

Cherry Capital Airport Zoning – Land Use Zones



Cherry Capital Airport Zoning- Current Land Use Guidelines



- **Zone 1**
 - 0-5 people/acre, residential prohibited, ideally airport-owned
- **Zone 2**
 - 0-5 people/acre, residential prohibited, unoccupied (storage)
- **Zone 3**
 - <25 people/acre, low-density residential, limited uses
- **Zone 4**
 - <40 people/acre, low-density residential, limited uses
- **Zone 5**
 - 0-5 people/acre, residential prohibited, unoccupied (storage)

Cherry Capital Airport Zoning



Current Process – Height Regulations

- 1) Contact township or city zoning official to obtain land use permit
- 2) Zoning Official may or may not consult the AAP and let the applicant know that they should use online tool to determine whether project exceeds FAA notification surface within 20,000' of a runway end.
- 3) If notification criteria are met, submit an FAA airspace case (free)
- 4) For Buildings (not cranes) submit the airspace case number (20XX-AGL-XXXXX-OE) for a State of Michigan Tall Structures permit. (permit fee variable)
- 5) Airport receives notice of application from State and FAA. Contacts FAA or State with recommendations.
- 6) If a hazard is determined to exist, construction is not permitted.

Current Process – Land Use Regulations

- 1) Contact township or city zoning official to obtain land use permit.
- 2) Zoning official may or may not review zoning ordinance to determine whether proposed use is either consistent with the Land Use Guidelines or if not consistent, whether the proposed use was allowed prior to March 28, 2001.
- 3) If consistent or allowed prior to March 28, 2001, land use permit issued.
- 4) If inconsistent and not allowed prior to March 28, 2001, land use permit should not be issued, and variance should not be granted.

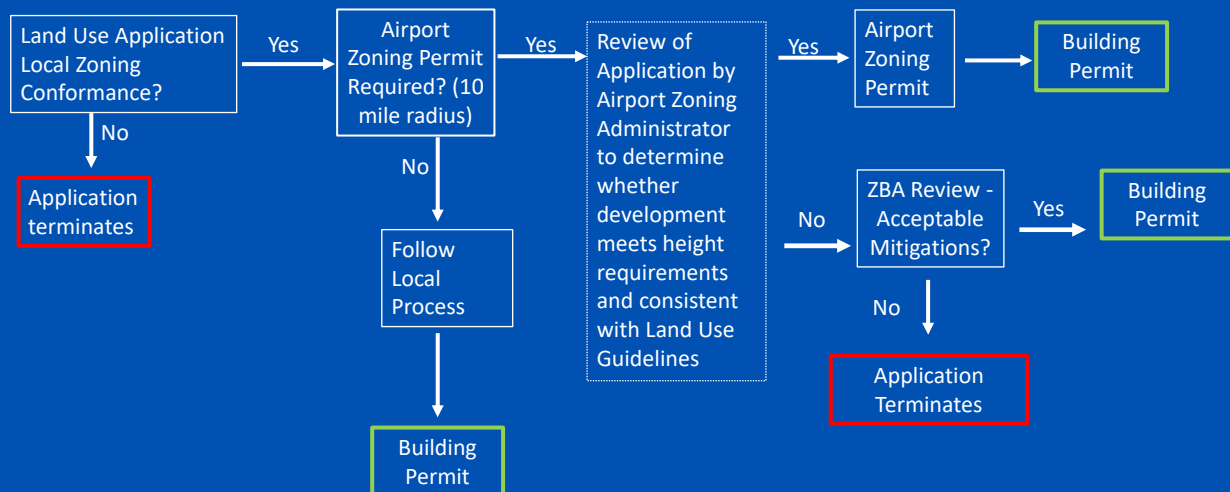
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Proposed Process – “One Stop Shop”

- 1) Contact township or city zoning official to obtain land use permit.
- 2) Official determines whether development is within 10-mile radius of Airport.
- 3) If yes, applicant is directed to file an application with the Airport Zoning Administrator.
- 4) Airport Zoning Administrator determines whether (a) the height limitations as designated by the airport zoning maps and ordinance would or would not be violated if the application were granted; and (b) whether the land use guidelines would or would not be violated if the application were granted and working with the city or township whether the use was a permitted use prior to 2001 and shall grant or deny the application accordingly.
- 5) If required, submit an FAA airspace case (free).
- 6) For Buildings (not cranes) submit the airspace case number (20XX-AGL-XXXXX-OE) for a State of Michigan Tall Structures permit. (permit fee variable).
- 7) If granted, construction permit process proceeds.
- 8) If denied, applicant may seek a variance of the standard violated (height or land use or both) from the Airport Zoning Board of Appeals (AZBA).
- 9) AZBA may grant variance on conditions to mitigate the height or use hazard or use incompatibility.

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Case Example

- 1) 2001 Zoning of Property in Airport Zone 3 (<25 people/acre, low-density residential): R15 Residential with a 15 residential unit maximum per parcel.
- 2) Zoning Ordinance is amended after 2001 to allow up to 40 residential units.
- 3) Developer submits a land use application for a zoning amendment to allow 40 residential units.

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Result Before Airport Zoning Ordinance

- 1) Submits application to city or township zoning administrator.
- 2) If Section 203 of the Michigan Zoning Enabling Act is followed, application denied.
- 3) If not and application is approved, use is unauthorized by law.

Result After Airport Zoning Ordinance

- 1) Submits Application to Airport Zoning Administrator.
- 2) Airport Zoning Administrator review
 - a. Deny – recommend mitigations for Zoning Board of Appeals (AZBA)
 - b. Approve – proponent reduces occupancy to 15
- 3) Proponent incorporates mitigations and applies to AZBA for variance.
- 4) AZBA approves variance with mitigations.
- 5) FAA\State submission process continues.

Thank You

