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AIRPORT ZONING REGULATIONS
FOR THE NEIL ARMSTRONG AIRPORT

State Route 219, Washington Township

Auglaize County, Ohio

As Amended March 12, 2013
Reprinted March 13, 2013

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RESOLUTION
of
THE AUGLAIZE COUNTY ZONING BOARD

ADOPTING REGULATIONS RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH WITHIN THE HAZARD AREA OF THE NEIL ARMSTRONG AIRPORT, WASHINGTON TOWNSHIP, AUGLAIZE' COUNTY, OHIO; CREATING VARIOUS ZONES; DEFINING TERMS USED; REFERRING TO THE NEIL ARMSTRONG AIRPORT ZONING MAP WHICH IS MADE A PART HEREOF; PROVIDING FOR ENFORCEMENT AND IMPOSING PENALTIES; AND ESTABLISHING AN AUGLAIZE/SHELBY COUNTY BOARD OF APPEALS.

WHEREAS, the Auglaize/Shelby Zoning Board formed appointed the Auglaize/Shelby County Zoning Commission to recommend the boundaries of the various zones to be established for the Neil Armstrong Airport and regulations to be adopted therefore; and,

WHEREAS, the said Auglaize/Shelby County Zoning Commission has made its preliminary report, given notice by publication, held public hearing, and has submitted to the Auglaize/Shelby County Zoning Board its final report consisting of regulations restricting the height of structures and objects of natural growth within the hazard area of the Neil Armstrong Airport; creating various zones; defining certain terms used; referring to the Neil Armstrong Airport Zoning map which is made a part of said final report; providing for enforcement and imposing penalties; providing for hardship variance; establishment of an Auglaize/Shelby County Zoning Board of Appeal; and,

WHEREAS, the Auglaize/Shelby County Zoning Board has given notice by publication of a hearing for the purpose of considering the final report of said Commission and of determining the boundaries of the various zones to be established and the regulations to be adopted therefore and has conducted such public hearing, and appointed an Auglaize/Shelby County Zoning Board of Appeals; and,

WHEREAS, an airport hazard endangers the lives and property of users of the Neil Armstrong Airport and of occupants of land in its vicinity; an airport hazard in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Neil Armstrong Airport and the public investment therein; that the creation or establishment of an airport hazard is a public nuisance; it is necessary, in the interest of the public health, public safety and general welfare, that the creation or establishment of airport hazards be prevented; and that the prevention of these hazards should be accomplished, to the extend legally possible; by the exercise of the police power without compensation, now therefore,

Be it resolved by the Auglaize/Shelby County Zoning Board:

SECTION I: That the final report of the said Auglaize County Zoning Commission should be and hereby is adopted.

SECTION II: That the boundaries of the various zones established for the Neil Armstrong Airport and the regulations adopted therefore shall be attached and made a part of this resolution as if fully written herein and are as follows:

ARTICLE 1

SHORT TITLE

This Regulation shall be known and may be cited as "THE AUGLAIZE/SHELBY COUNTY AIRPORT ZONING REGULATIONS".

ARTICLE 2

DEFINITIONS

As used in these regulations, unless the context otherwise requires;

1. ABUTTING: Abutting shall mean bordering.
2. ACCESSORY BUILDING: A subordinate building, located on the same lot or parcel of land as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land. No accessory buildings shall be used for any purpose other than that allowed by existing or future zoning regulations.
3. AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry and the necessary accessory uses for packaging, treating or storing the produce.
4. AIRPORT: Means The Neil Armstrong Airport.
5. AIRPORT ELEVATION: Means the established elevation of the highest point on the usable landing area. The Neil Armstrong Airport elevation in these regulations is established as 910.25.
6. AIRPORT HAZARD: An airport hazard is any structure or object of natural growth located, or use of land, in the airport hazard area which projects into any of the zones herein described and obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft landing, taking-off or using the airport.
7. AIRPORT HAZARD AREA: All the area encompassed by the various zones (approach, transitional, horizontal, and conical) as determined by the Auglaize County Zoning Board in cooperation with the Ohio Division of Aviation and shown on the Zoning Map. The zones are further described in Article 3, pages 5 & 6 of these regulations.
8. AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area and so designated. The established Neil Armstrong Airport Reference Point (ARP) is LAT. 40°-29'34 LONG. 84°-18'-01".
9. AUGLAIZE/SHELBY COUNTY, OHIO, ZONING BOARD: The Auglaize/Shelby County Boards of County Commissioners shall constitute the Auglaize/Shelby County Zoning Board, whose responsibility shall be to adopt, administer and enforce airport zoning regulations for such airport hazard areas. Ohio Revised Code Section 4563.03. The Auglaize/Shelby County Zoning Board shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan

approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be available in the office of the zoning inspector, and may be altered or amended only by the Auglaize/Shelby County Zoning Board. No permit will be issued until the appropriate fee has been paid, and no hearing or appeal will be conducted until the requested deposit has been posted with Auglaize County. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal and will receive a refund or billing for the difference between their deposit and the total costs.

10. AUTHORIZED ADMINISTRATION AND AGENCY: Auglaize/Shelby County Regional Planning Commission.
11. AUTHORIZED REPRESENTATIVE: Executive Director, Auglaize/ Shelby County Regional Planning Commission.
12. BOARD OF APPEALS: The Auglaize Shelby County Board of appeals consists of five (5) members appointed by the Auglaize/Shelby County Zoning Board as provided in the Ohio Revised Code, Section 4563.13.
13. ERECT: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.
14. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal or other governments of underground surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, water supply or sewage disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith; reasonable necessity for the furnishing of adequate service by such public utilities, municipal or other governments or for the public health, safety or general welfare, but not including buildings.
15. FOLIAGE: Means any object of natural growth, including trees, plants, shrubs, etc.
16. HEIGHT: For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map.
17. LANDING AREA: Means the area of the airport used for the landing, taking off or taxiing of aircraft.
18. NONCONFORMING USE: Means any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of these regulations or an amendment thereto.
19. NON-PRECISION INSTRUMENT RUNWAY: Means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment.
20. PERSON: Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

21. PLANE: A surface, real or imaginary, in which any of two points are taken. The straight line that joins them lies wholly in that surface.
22. PRECISION INSTRUMENT RUNWAY: Means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR), or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions. It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan.
23. PRIMARY SURFACE: This surface extends to a minimum of 250 feet either side of the centerline of the runway and extending 200 feet from both ends of the runway.
24. REGIONAL PLANNING COMMISSION: The Auglaize/Shelby County Regional Planning Commission consisting of the Auglaize/Shelby County Board of Commissioners or duly appointed representatives appointed by the Board of Commissioners to act-in their behalf, and one representative from each township, village, town, and city in the county.
25. RUNWAY: Means the paved surface, constructed or to be constructed, of an airport landing strip including planned extensions thereof.
26. STRUCTURE: Means any object constructed installed or used for residential, business, industrial or other public or private purpose, or accessory thereto, and including buildings, towers, smoke stacks, overhead transmission lines, tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under, upon or above the surface of the ground.
27. USE: The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.
28. VARIANCE: A variance is a relaxation of the terms of these zoning Regulations. Where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
29. VISUAL RUNWAY: Means a runway intended solely for the operation of aircraft using visual approach procedures.
30. ZONE: A zone is the airspace above a plane or conical surface as described in Article 3, pages 5 & 6 of these regulations.
31. ZONING MAP: The Auglaize/Shelby County, Ohio Zoning Map for the Neil Armstrong Airport, showing the boundaries of the restrictive zones, together with all amendments subsequently adopted. A copy of which is attached and is part of these regulations.

ARTICLE 3

ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, visual approach zones, transition zones, horizontal zone and conical zone of the Neil Armstrong Airport. Such zones are shown on The Neil Armstrong Airport Zoning Map consisting of one sheet, prepared by The Auglaize County Engineer's Office and dated which is attached to these regulations and made a part hereof. The various zones are hereby established and defined as follows:

- 3:1 PRECISION INSTRUMENT APPROACH ZONE: A precision instrument approach zone is established at the end of each precision instrument runway for precision instrument landings and takeoffs. The precision instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- 3:2 NON-PRECISION INSTRUMENT APPROACH ZONE: A non-precision instrument approach zone is established at the end of each non-precision instrument runway for non-precision instrument landings and takeoffs. The non-precision instrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 4,500 feet at a distance of 13,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.
- 3:3 VISUAL APPROACH ZONE: A visual flight rules approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway widening thereafter uniformly to a width of 2000 feet at a distance of 5,000 feet beyond each end of the primary surface, its center-line being a continuation of the centerline of the runway.
- 3:4 TRANSITION ZONES: Transition zones are hereby established adjacent to the runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the visual runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of each precision or non-precision instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to precision and non-precision instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surfaces of the horizontal and conical zones.
- 3:5 HORIZONTAL ZONE: A horizontal zone is hereby established as the area 150 feet above the airport elevation or a height of 1,059 feet above mean sea level within a boundary established by a circle, the center of which is the center of the runway, with a radius of 15,840 feet. The horizontal zone does not include the approach or transition zones.

- 3:6 CONICAL ZONE: A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward at a slope of 20 feet horizontal for each one (1) foot vertical there from a distance of 10,560 feet. The conical zone does not include the approach or transition zones.

ARTICLE 4

HEIGHT LIMITATIONS AND RESTRICTIONS

- 4.1 HEIGHT RESTRICTIONS: Except as otherwise provided in these regulations, no structure shall be erected, replaced, constructed or altered, nor shall objects of natural growth be permitted to grow to such height as to project into any of the respective zones described in Article 3. Where an area is covered by more than one height restriction, the more restrictive limitations shall prevail.
- 4.2 PRECISION 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 centerline elevation of the end of each precision 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.
- 4.3 NONPRECISION 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 centerline elevation of the end of each non-precision instrument runway and extending to a point 6,000 feet from the end of the runway.
- 4.4 VISUAL APPROACH ZONES: One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the runway and extending to a point 5,200 feet from the end of the runway.
- 4.5 TRANSITION ZONES: One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of visual runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the precision or non-precision instrument runways, extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation which is 1059 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the point where they intersect the horizontal or conical surfaces.
- 4.6 HORIZONTAL ZONE: One hundred fifty (150) feet above the airport elevation or a height of 1,059 feet above airport elevation (Page 2 No.5).
- 4.7 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 a height of 350 feet above the airport elevation,
- 4.8 EXCEPTED HEIGHT LIMITATIONS: Nothing in this Regulation shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 40 feet above the surface of the land, except as otherwise specified.

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

ARTICLE 5

USE RESTRICTIONS

Notwithstanding any other provisions of this Regulation, no use may be made of land within any zone established by this Regulation in such a manner as to create electrical interference with radio communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft, or in any other manner constituting an airport hazard.

ARTICLE 6

NONCONFORMING USE

- 6.1 REGULATIONS NOT RETROACTIVE: The regulations prescribes herein shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this Regulation, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Regulation, and is diligently prosecuted.
- 6.2 MARKING AND LIGHTING: Notwithstanding the preceding provision of this Section, the owner of any nonconforming 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 Federal Aviation Administration 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 Auglaize County, Ohio.

ARTICLE 7

PERMITS

- 7.1 LOCATIONS WHERE PERMITS ARE REQUIRED: Within the primary surface, adjacent transition zones and approach zones located within the limits of the horizontal and conical zones, no excavations shall be commended, no wall, structure, building or any part thereof shall be built, constructed or altered, nor shall any structure be moved or object of natural growth permitted, until an application has been made to and a proper permit has been obtained from the Auglaize/Shelby County Zoning Board or its duly authorized representative. For all other areas within the Airport Hazard Areas as defined in Article 2, page 2 of this regulation, the provisions of this section shall not apply to any structure or natural growth, which does not exceed the height of the imaginary surface of the Airport Hazard Area at that point. If the height of any structure or natural growth is proposed or allowed to exceed the height of the Airport Hazard Area, then the process of permit application shall be followed. The Auglaize/Shelby County Zoning Board may grant such permits upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe.

- 7.2 APPLICATIONS: Application forms for permits shall be provided by the Auglaize/Shelby County Zoning Board or duly authorized representative of the Board at no charge. All applications shall be submitted in duplicate to the Auglaize/Shelby County Zoning Board accompanied by accurate plans showing the exact location and height above ground, the height above mean sea level as well as such other information as may be necessary to determine and provide for enforcement of these regulations. Applications may be submitted to the Auglaize County Board of Commissioners Office Wapakoneta, Ohio 45895. Also one copy shall be sent to the Auglaize County Airport Authority: P.O. Box 400 New Knoxville, Ohio 45871.
- 7.3 FUTURE USES: Except at specifically provided in paragraphs a, b, and c hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- (a) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
 - (b) In the areas lying within the limits of the instrument and visual approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such instrument or visual approach zone.
 - (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Regulation except a set forth in Article 4, page 6.

- 7.5 EXISTING USES: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Regulation or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- 7.6 NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Auglaize/Shelby County Zoning Board or their duly authorized representative, the Airport manager, Neil Armstrong Airport, determines that a nonconforming structure or tree has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- 7.7 **VARIANCES:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed herein, may apply to the Board of Appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Regulation. To obtain application for a variance the same procedure is to be followed as described in Section 7.2, page 8.
- 7.8 **HAZARD MARKING AND LIGHTING:** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Regulation and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit Auglaize County, Ohio at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.
- 7.9 **PERMITS NOT GRANTED:** No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming structure to be made higher, or a nonconforming object of natural growth to become a hazard to air navigation in violation of these regulations or applicable State statutes.

ARTICLE 8

VIOLATIONS AND PENALTIES

It shall constitute a violation of these regulations for any person, firm or corporation, either owner or agent, to do any of those things mentioned herein to exceed the height limitations specified or failure to comply with the applicable hazard provisions without having first obtained the proper permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Any person who shall proceed thereafter with the work for which the permit was issued shall be deemed guilty of violation thereof. Each violation of this Regulation, any order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$100, and each day a violation continues to exist shall constitute a separate offense.

ARTICLE 9

ENFORCEMENT

It shall be the duty of the Auglaize/Shelby County Zoning Board or its duly authorized Representative to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the authorized representative of the Auglaize/Shelby County Zoning Board upon a form furnished by them. Applications required by this Regulation to be submitted to the authorized representative of the Auglaize/Shelby County Zoning Board shall be promptly considered and granted or denied by him. Applications for action by the Board of Appeals shall be forthwith transmitted by the authorized representative of the Auglaize/Shelby County Zoning Board of Appeals.

ARTICLE 10

AUGLAIZE COUNTY, OHIO. BOARD OF ZONING APPEALS

There is hereby created an Auglaize/Shelby County Board of Zoning Appeals to be appointed by the Auglaize/Shelby County Zoning Board.

- 10.1 BOARD STRUCTURE. The Board of Appeals shall consist of five members. Each shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, two shall be appointed, for a term of one year, two for a term of two years and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing meetings of the Board of Appeals shall be hold 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.
- 10.2 APPEALS BOARD POWERS:
- (a) To adopt rules governing the organization of the Board of Appeals, its proceedings and to regulate the mode and manner of conducting hearings. All hearings shall be public.
 - (b) To hear and decide appeals, filed pursuant to section 4563.18 of the Ohio Revised Code, from any order, requirement, decision or determination made by the Auglaize/Shelby County Zoning Board in the enforcement of the airport zoning regulations, an provided in Section 4563.11 and 4563.12 of the Ohio Revised Code.
 - (c) To hear and allow, refuse or allow with modifications or conditions, any variance from the terms of the airport zoning regulations which the Auglaize/Shelby County Zoning Board may be authorized to pass upon pursuant to such regulations.
 - (d) To hear and decide specific variances under Section 4503.16 of the Ohio Revised Code. The Board of Appeals shall keep minutes of 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 Board of Appeals and shall be made a public record.
 - (e) The Board of Appeals shall make written findings of the fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision. or determination which comes before it under the provisions of this Regulation.
 - (f) 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 Administrative Agent or to decide in favor of the applicant on any matter upon which it is required to pass under this Regulation, or to effect any variation in this Regulation.

ARTICLE 11

APPEALS

- 11.1 Any person aggrieved, or any taxpayer affected, by any decision of the agent of the Auglaize/Shelby County Zoning Board made in his administration of this Regulation, may appeal to the Board of Appeals.
- 11.2 All appeals hereunder must be taken within twenty (20) days after an order is filed in the office of the administrative agency, by filing with the Administrative Agent a notice of appeal specifying the grounds thereof. The Administrative Agent shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- 11.3 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Agent 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 certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Appeals on notice to the Administrative Agent and on due cause shown.
- 11.4 The Board of Appeals shall fix a date for hearing appeals, within sixty (60) days from the date the appeal is filed, give public notice and due notice to the parties in interest, and decide the same within sixty (60) days from the date of the hearings. Upon the hearing any party may appear in person or by agent or by attorney.
- 11.5 The Board of Appeals may, in conformity with the provisions of this Regulation, 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.

ARTICLE 12

JUDICIAL REVIEW

Any person aggrieved or any taxpayer, or any legislative authority, or any airport zoning board affected by any order of the Auglaize 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 by Section 4563.19, of the Ohio Revised Code.

ARTICLE 13

CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Regulation 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 more stringent limitation or requirement shall govern and prevail.

ARTICLE 14

SEVERABILITY AND REPEAL

- 14.1 SEVERABILITY: This Regulation and the various parts, articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Regulation shall not be affected thereby.
- 14.2 REPEAL: All other Regulations of the County inconsistent herewith and to the extent of such inconsistency and no further are hereby repealed.

ARTICLE 15

CHANGES TO REGULATION

The Auglaize/Shelby County Zoning Board, by a majority vote of its members, 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 public hearing at which parties in interest and citizens shall have an opportunity to be heard. At least thirty (30) days notice of the public hearing shall be published in a newspaper of general circulation in the political subdivision in which the airport hazard area to be rezoned is located.

ARTICLE 16

MAP

Attached hereto and made a part thereof is a map consisting of one shoot showing the Neil Armstrong Reference Point (ARP), elevation, runway, zones and heights set forth herein. The designations of zones and heights set forth on such map are made a part hereof and incorporated herein by reference. The original map shall be displayed and maintained in the offices of the Auglaize County Engineering Office, 1014 South Blackhoof Street, Wapakoneta, Ohio.

ARTICLE 17

EFFECTIVE DATE

These regulations shall be in full force and effect from and after the earliest period allowed by law following publication, posting and passage hereof by the Auglaize/Shelby County, Ohio, Zoning Board.

Adopted by the Auglaize/Shelby County Zoning Board this 12TH day of MARCH, 2013.

John N. Bergman
Auglaize/Shelby County Zoning Board

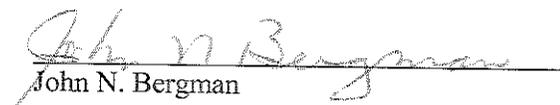
Attest: Janet E. ...
Secretary

Board of County Commissioners
Auglaize County, Ohio

Board of County Commissioners
Shelby County, Ohio


Don Regula


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