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AIRPORT ZONING REVISION
FOR THE
STATE OF OHIO
CARROLL COUNTY-TOLSON AIRPORT

Adopted by the
AIRPORT ZONING BOARD OF CARROLL COUNTY
_____, 2024

**AIRPORT ZONING REVISION
FOR
THE CARROLL COUNTY – TOLSON AIRPORT**

A RESOLUTION REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE CARROLL COUNTY – TOLSON AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE CARROLL COUNTY AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS RESOLUTION; PROVIDING FOR ENFORCEMENT; ESTABLISHING AN AIRPORT ZONING BOARD AND AN AIRPORT ZONING BOARD OF APPEALS; AND IMPOSING PENALTIES.

This Revision amends the existing Carroll County Airport Zoning Resolution adopted March 15, 1967.

This Revision is adopted pursuant to the authority conferred by Chapter 4563, Section 4563.01 through 4563.99 of the Revised Code of the State of Ohio. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Carroll County - Tolson Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Carroll County - Tolson Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Carroll County - Tolson Airport and the public investment therein.

Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Carroll County - Tolson Airport;
- (2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;
and
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or making and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

THEREFORE, BE IT RESOLVED BY THE AIRPORT ZONING BOARD OF CARROLL COUNTY, STATE OF OHIO:

SECTION I: SHORT TITLE

This Revision shall be known and may be cited as the Carroll County Airport Zoning Resolution.

SECTION II: DEFINITIONS

As used in this Revision, unless the context otherwise requires:

1. AIRPORT - Means the Carroll County-Tolson Airport.
2. AIRPORT OWNER - Means Carroll County Airport Authority or their successors.
3. AIRPORT ELEVATION – The highest point of an airport’s usable landing area measured in feet from sea level. This elevation for the Carroll County – Tolson Airport is currently 1163.6 feet (estimate) above mean sea level (AMSL).
4. AIRPORT ZONING BOARD - Means the Carroll County Commissioners.
5. AIRPORT ZONING ADMINISTRATOR – Carroll County EMA
6. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Revision. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
7. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section III of this Revision.
8. BOARD OF AIRPORT ZONING APPEALS - A board consisting of 5 members appointed by the Carroll County Board of Commissioners as provided in Section 4563.13 of the Ohio Revised Code.
9. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
10. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
11. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Revision and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
12. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

13. NONCONFORMING USE - Any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Revision or an amendment thereto.
14. NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
15. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Revision.
16. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
17. PRIMARY SURFACE - A surface longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this Resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. For purposes of these regulations, the primary surface and runway refer to those shown on the Carroll County-Tolson Airport Layout Plan.
18. PROPOSED FACILITIES – For purposes of these regulations, any reference to proposed runway or proposed surfaces or zones means the proposed facilities as depicted on the Airport Layout Plan in effect the date the regulations were passed.
19. RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
20. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
21. TRANSITIONAL SURFACES - These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
22. TREE - Any object of natural growth.

23. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Revision, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Carroll County-Tolson Airport. Such zones are shown on the Carroll County Airport Zoning Map, which is attached to this Revision and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Non-Precision Instrument Approach Zone** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces.
3. **Horizontal Zone** - The horizontal zone is established by a horizontal plane 150 feet above the airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. **Conical Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Revision, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Resolution to a height in excess of the applicable height herein established for such zone. Unless a permit or variance was granted for a structure to be erected or tree to be planted or to grow to a height in excess of the applicable zone the structure or tree shall be lowered or removed at the property owner's expense.

Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone** – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Transitional Zones - Slope 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 1163.6 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.
3. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 1,313.6 feet above mean sea level.
4. Conical Zone - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (1,313.6 AMSL) and extending to a height of 350 feet above the airport elevation (1,513.6 AMSL).

SECTION V: USE RESTRICTION

Notwithstanding any other provision of this Revision, no use may be made of land or water within any zone established by this Resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing 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 Carroll County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the property owner in accordance with FAA marker or light requirements.

SECTION VII: PERMITS

1. Future Uses: No material change shall be made in the use of land, no structure shall be erected, altered or otherwise established, and no tree shall be planted in any zone hereby created unless a permit is granted by the Airport Zoning Board. Each application for a permit shall indicate the use, structure or tree for which the permit is desired, with sufficient particularity to allow for a determination of whether the resulting use, structure, or tree would conform to the regulations herein prescribed. At a minimum, the permit shall include the location of the building or other object (in latitude and longitude) and the height (in feet) of all vertical surfaces so that a determination can be made as to its clearance or penetration of established approach or transitional surfaces. If it is determined by the Airport Zoning Board that the propose building, structure or object does not penetrate an established zone, the permit shall

be granted. No permit shall be granted that would allow the establishment or creation of an airport hazard.

2. Existing Uses – Before any existing use, object or structure may be replaced, substantially altered, repaired or rebuilt within any airport zone established herein, a permit must be secured authorizing such replacement, change or repair. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to determine if the resulting use, object or structure would conform to the regulations herein prescribed. If such determination made by the Airport Zoning Board is in the affirmative, the permit applied for shall be granted. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the original Resolution or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the Airport Zoning Board determines that a nonconforming tree or structure has been abandoned, voluntarily discontinued for 2 years or more, or more than 80 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.
4. Variances - Once a permit has been denied by the Airport Zoning Board, any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property, not in accordance with the regulations prescribed in this Resolution, may apply to the Board of Airport Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Revision. Additionally, no application for variance to the requirements of this Revision may be considered by the Board of Airport Zoning Appeals unless a copy of the application has been furnished to the Airport Authority for advice as to the aeronautical effects of the variance. If the Airport Authority does not respond to the application within 15 days after receipt, the Board of Airport Zoning Appeals may act on its own to grant or deny said application.
5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Revision and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Airport Zoning Appeals, this condition may be modified to require the owner to permit the Airport Owner, at the property owner's expense, to install, operate, and maintain the necessary markings and lights.
6. Compliance with this section does not relieve a proponent of growth or erection of structures from the requirement to obtain a permit from the Ohio Department of Transportation, as

required under ORC Section 4561.33 through 4561.39 or filing a Form 7460-1 "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Carroll County Airport Zoning Board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the staff of the Carroll County Airport Zoning Board upon a form published for that purpose. Applications required by this Revision to be submitted to the staff of the Carroll County Airport Zoning Board shall be promptly considered and granted or denied. Application for action by the Board of Airport Zoning Appeals shall be forthwith transmitted by the staff of the Carroll County Airport Zoning Board.

All applications shall be submitted in duplicate accompanied by accurate plans showing the height above ground, the height above mean sea level and the location of the proposed structure as well as such other information as may be necessary to determine and provide for the enforcement of these regulations. Application forms for permits and variances shall be provided by the Airport Zoning Board or its administrative agency. All applications for permits, variances, and appeals shall be accompanied by a fee as determined by the Airport Zoning Board, to be paid to the administrative agency.

SECTION IX: BOARD OF AIRPORT ZONING APPEALS

1. There is hereby created a Board of Airport Zoning Appeals of Carroll County to have and exercise the following powers: (1) to hear and decide appeals, filed pursuant to Section 4563.18 of the Revised Code, from any order, requirement, decision, or determination made by the Carroll County Airport Zoning Board in the enforcement of this Revision, as provided in Sections 4563.11 and 4561.12 of the Revised Code; (2) to hear and decide special exceptions to the terms of this Revision upon which such Board of Airport Zoning Appeals under such regulations may be required to pass; and (3) to hear and decide specific variances under Section 4563.16 of the Revised Code.
2. The Board of Airport Zoning Appeals shall consist of five members appointed by the Carroll County Board of Commissioners and each shall serve for a term of three years until a successor is duly appointed and qualified. The first members of such Board of Airport Zoning Appeals shall be so designated that two shall serve for one year, two shall serve for two years; and one shall serve for three years. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.
3. The Board of Airport Zoning Appeals shall adopt rules for its governance and in harmony with the provisions of this Revision, all in accordance with Section 4563.01 through 4563.99 of the Ohio Revised Code. Meetings of the Board of Airport Zoning Appeals shall be held at the call of the Chairperson and at such other times as the Board of Airport Zoning Appeals may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Airport

Zoning Appeals shall be public. The Board of Airport Zoning 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 Carroll County Commissioners and on due cause shown.

4. The Board of Airport Zoning Appeals shall make written findings of facts 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 Revision.
5. The concurring vote of a majority of the members of the Board of Airport Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency or decide in favor of the application on any matter upon which it is required to pass under this Revision, or to effect variation to this Revision.

SECTION X: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the administrative agency, made in the administration of the Revision, may appeal to the Board of Airport Zoning Appeals.
2. All appeals hereunder must be taken within twenty days after an order is filed in the office of the administrative agency, as provided by the rules of the Board of Airport Zoning Appeals, by filing with the Airport Zoning Board notice of appeal specifying the grounds thereof. The Airport Zoning Board shall forthwith transmit to the Board of Airport Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Zoning Board certifies to the Board of Airport Zoning 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 the opinion of the Airport Zoning Board cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Airport Zoning Appeals or notice to the Airport Zoning Board and on due cause shown.
4. The Board of Airport Zoning Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Airport Zoning Appeals may, in conformity with the provisions of this Revision, 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.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Airport Zoning Appeals, may appeal to the Carroll County Common Pleas Court.

SECTION XII: PENALTIES

Each violation of this Revision or of any regulation, order, or ruling promulgated hereunder shall be punishable by a fine of not more than 100 dollars; and each day a violation continues to exist shall constitute a separate offense.

SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Revision and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Revision or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Revision which can be given effect without the invalid provision or application, and to this end, the provisions of this Revision are declared to be severable.

SECTION XV: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Revision is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Revision shall be in full force and effect from and after its passage by the Carroll County Airport Zoning Board and publication and posting as required by law.

ADOPTED BY THE CARROLL COUNTY AIRPORT ZONING BOARD THIS _____ DAY
OF _____, 2024

Airport Zones

- Legend**
- Approach Zone
 - Conical Zone
 - Horizontal Zone
 - Primary Surface
 - Runway Centerline



