

MAMA GLS

Education Conference

Grand Traverse Resort, Acme MI | June 27-28, 2025



AIRPORT ZONING

Karrie A. Zeits, General Counsel & Property Manager, Northwest Regional Airport Authority

AGENDA

- **Introduction**
- **Height and Land Use Restrictions**
- **Integration into Planning & Zoning.**
- **Addressing Gaps in Existing Ordinances.**
- **Summary.**
- **Q&A**

WHY AIRPORT ZONING MATTERS: BY THE NUMBERS

2017 MICHIGAN AVIATION SYSTEM PLAN

215 Licensed Public Use Airports:

- 86 are privately owned
- 129 are publicly owned
- 18 public have scheduled air carrier service

Source: 2023 Michigan Airport Directory, MDOT Office of Aeronautics

Figure 1-1: 2017 MASP Study Airports (114)



Source: MDOT AERO

WHY AIRPORT ZONING MATTERS

- **Structures and trees that project above the height limitations near an airport are considered hazards to flying and endanger lives and property.**
- **Some types of uses interfere with flying and endanger lives and property, such as uses that would interfere with radio communication systems and other navigational aids or devices used by an airport and aircraft, reduce visibility, create confusing lights, or would be hazardous or create hazards to the safe landing at or taking off of aircraft from an airport (birds).**
- **New or expansions of uses of land near an airport that are incompatible with such proximity create safety issues as well as quality of life issues.**

AIRPORT ZONING ACT

MCL 259.442: The commission shall formulate, adopt and revise, when necessary, an airport approach plan for each publicly owned airport in this state. Each such plan shall indicate and determine the circumstances in which structures and trees are or would be airport hazards, the airport hazard area within which measures for the protection of the airport's aerial approaches should be taken, and what the height limits and other objectives of such measures should be.

MCL 259.433: The term “airport hazard”, when used in this act means any structure or tree or use of land or of appurtenances thereof which obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous or creates hazards to such safe landing or taking off of aircraft.

MCL 259.434: The term “airport hazard area”, when used in this act means any area of land or water, or both, upon which an airport hazard might be established if not prevented as provided in this act, including any such area which has been declared to be an “airport hazard area” by the Michigan aeronautics commission in connection with any airport approach plan adopted by said commission.

MICHIGAN ZONING ENABLING ACT

MCL 125.3203 Zoning ordinance; plan; incorporation of airport layout plan or airport approach plan; zoning ordinance adopted before or after March 28, 2001; applicability of public transportation facilities.

(2) If a local unit of government adopts or revises a plan required under subsection (1) after an airport layout plan or airport approach plan has been filed with the local unit of government, the local unit of government shall incorporate the airport layout plan or airport approach plan into the plan adopted under subsection (1).

(3) In addition to the requirements of subsection (1), a zoning ordinance adopted after March 28, 2001 shall be adopted after reasonable consideration of both of the following: (a) The environs of any airport within a district. (b) Comments received at or before a public hearing under section 306 from the airport manager of any airport.

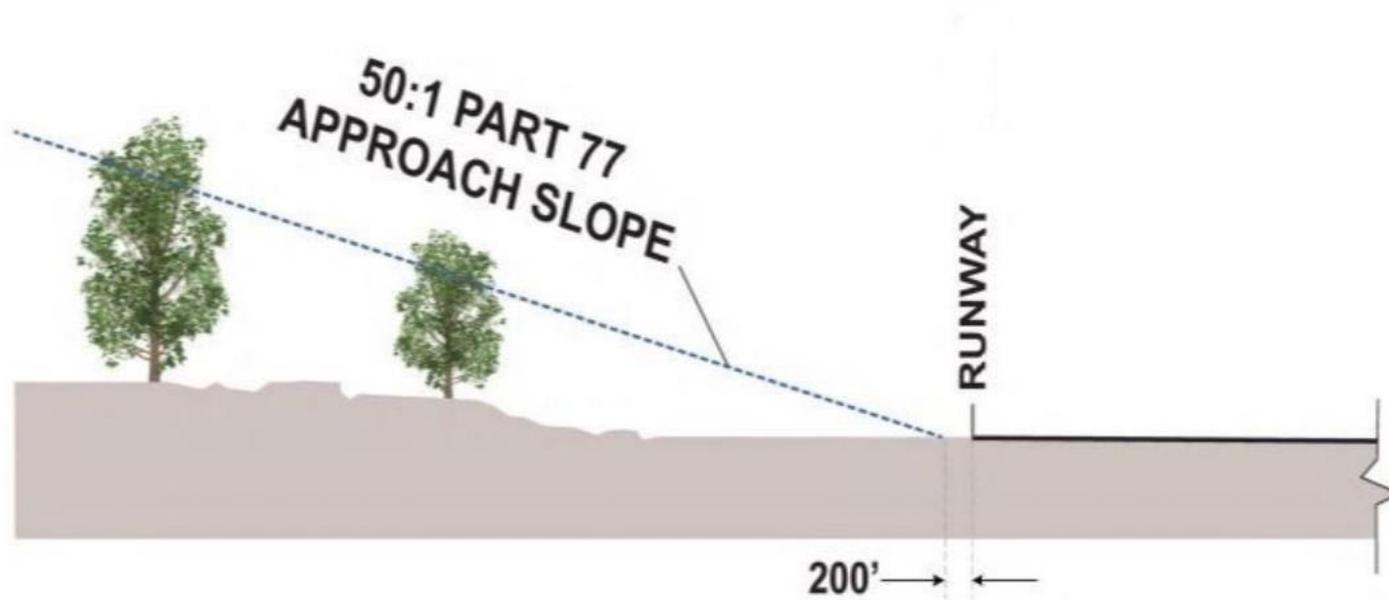
(4) If a zoning ordinance was adopted before March 28, 2001, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. A zoning ordinance amendment adopted or variance granted after March 28, 2001 shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance amendment to the electors under section 402 or the right to file a protest petition under section 403.

To continually promote the compatible land use zone surrounding public use airports, we are once again providing you with the most current copy of your airport approach plan. These **land use zoning guidelines** and **FAA Part 77 height protections** approved by the Michigan Aeronautics Commission (MAC) are to be included as part of the Cherry Capital Airport Approach Plan. At its July 19, 2001, meeting the MAC officially approved an Airport Approach Plan for your airport. An amendment to zone 3 of the Land Use Guidelines portion of the plan was also approved by the MAC at its November 15, 2006 meeting. Please file a copy of this document with the appropriate agencies and/or municipalities.

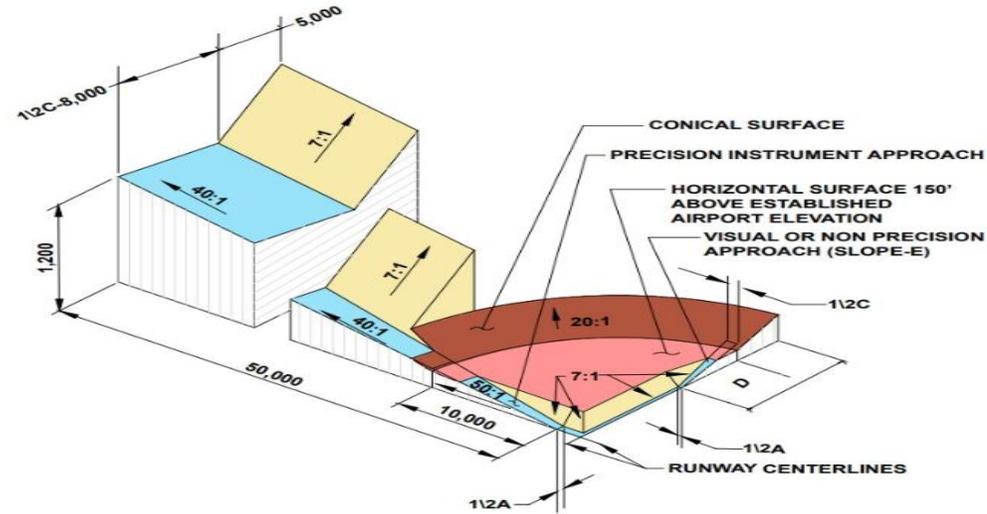
The Airport Approach Plan consists of height protection for the FAA Part 77 surfaces surrounding the airport and land use protection using standards adopted by the MAC. The Aeronautic Code of the State of Michigan requires these plans, as well as a copy of your Airport Layout Plan (ALP), be filed with the local planning agencies and/or political subdivisions underlying the areas depicted on the plans. Once filed with the local planning agency, section 125.3203 of the Zoning Enabling Act, Act 110 of 2006 requires these plans be included in the community's Master Plan which should provide an additional level of protection for the airport.

Please notify our office with the enclosed form once you have filed your Airport Approach Plan with the appropriate agencies and/or municipalities. You may also send it to me electronically to the email address listed below.

PART 77 SURFACES

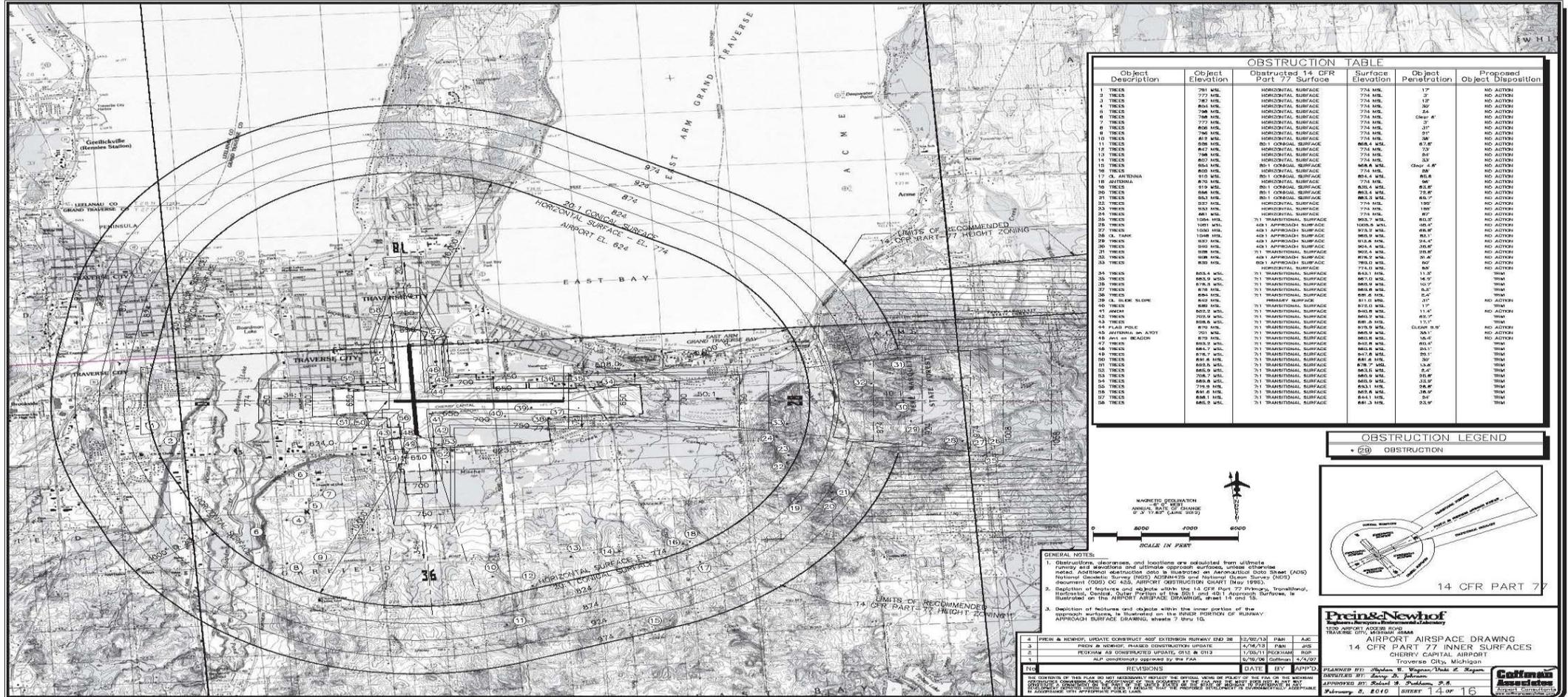


PART 77 SURFACES



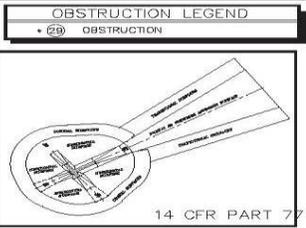
14 CFR Part 77 Imaginary Surfaces

Airport Elevation: 624



OBSTRUCTION TABLE					
Object Description	Object Elevation	Obstructed 14 CFR Part 77 Surface	Surface Penetration	Object Elevation	Proposed Object Disposition
1 TOWER	791 MSL	HORIZONTAL SURFACE	774 MSL	17'	NO ACTION
2 TOWER	772 MSL	HORIZONTAL SURFACE	774 MSL	2'	NO ACTION
3 TOWER	765 MSL	HORIZONTAL SURFACE	774 MSL	9'	NO ACTION
4 TOWER	764 MSL	HORIZONTAL SURFACE	774 MSL	10'	NO ACTION
5 TOWER	758 MSL	HORIZONTAL SURFACE	774 MSL	16'	NO ACTION
6 TOWER	758 MSL	HORIZONTAL SURFACE	774 MSL	16'	NO ACTION
7 TOWER	777 MSL	HORIZONTAL SURFACE	774 MSL	3'	NO ACTION
8 TOWER	808 MSL	HORIZONTAL SURFACE	774 MSL	34'	NO ACTION
9 TOWER	786 MSL	HORIZONTAL SURFACE	774 MSL	12'	NO ACTION
10 TOWER	802 MSL	HORIZONTAL SURFACE	774 MSL	28'	NO ACTION
11 TOWER	808 MSL	80-1 CONICAL SURFACE	808.4 MSL	87.6'	NO ACTION
12 TOWER	802 MSL	HORIZONTAL SURFACE	774 MSL	28'	NO ACTION
13 TOWER	786 MSL	HORIZONTAL SURFACE	774 MSL	12'	NO ACTION
14 TOWER	802 MSL	HORIZONTAL SURFACE	774 MSL	28'	NO ACTION
15 TOWER	808 MSL	HORIZONTAL SURFACE	774 MSL	34'	NO ACTION
16 TOWER	808 MSL	HORIZONTAL SURFACE	774 MSL	34'	NO ACTION
17 36 ANTENNA	808 MSL	80-1 CONICAL SURFACE	808.4 MSL	87.6'	NO ACTION
18 ANTENNA	870 MSL	HORIZONTAL SURFACE	774 MSL	106'	NO ACTION
19 TOWER	875 MSL	80-1 CONICAL SURFACE	808.4 MSL	82.6'	NO ACTION
20 TOWER	884 MSL	80-1 CONICAL SURFACE	808.4 MSL	75.6'	NO ACTION
21 TOWER	883 MSL	80-1 CONICAL SURFACE	808.4 MSL	74.6'	NO ACTION
22 TOWER	852 MSL	HORIZONTAL SURFACE	774 MSL	78'	NO ACTION
23 TOWER	861 MSL	HORIZONTAL SURFACE	774 MSL	87'	NO ACTION
24 TOWER	1084 MSL	7-1 TRANSITIONAL SURFACE	774 MSL	310'	NO ACTION
25 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
26 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
27 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
28 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
29 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
30 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
31 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
32 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
33 TOWER	1081 MSL	44-1 APPROACH SURFACE	1078.4 MSL	305.4'	NO ACTION
34 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
35 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
36 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
37 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
38 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
39 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
40 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
41 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
42 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
43 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
44 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
45 ANTENNA ON ROOF	701 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	107.4'	NO ACTION
46 ANTENNA ON ROOF	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
47 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
48 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
49 TOWER	878.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	70.5'	TMW
50 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
51 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
52 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
53 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
54 TOWER	808.4 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	11.0'	TMW
55 TOWER	774.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	33.5'	TMW
56 TOWER	774.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	33.5'	TMW
57 TOWER	801.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	7.5'	TMW
58 TOWER	801.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	7.5'	TMW
59 TOWER	801.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	7.5'	TMW
60 TOWER	801.9 MSL	7-1 TRANSITIONAL SURFACE	808.4 MSL	7.5'	TMW

GENERAL NOTES:
 1. Obstruction elevations and locations are calculated from ultimate runway end elevations and ultimate approach surfaces, unless otherwise noted. Obstruction elevation codes are illustrated on Attachment Sheet (A20) National Geodetic Survey (NGS) AD9594220 and National Ocean Survey (NOS) Requirement Code (RC) 455. AIRPORT OBSTRUCTION CODE (AOB) (May 1985).
 2. Depiction of features and objects within the 14 CFR Part 77 Primary, Transitional, Intermediate Outer Surface, Intermediate Inner Surface, and Obstacle Surfaces.
 3. Depiction of features and objects within the inner portion of the approach surfaces, as illustrated on the RUNED PORTION OF RUNWAY APPROACH SURFACE DRAWING, sheets 7 thru 15.

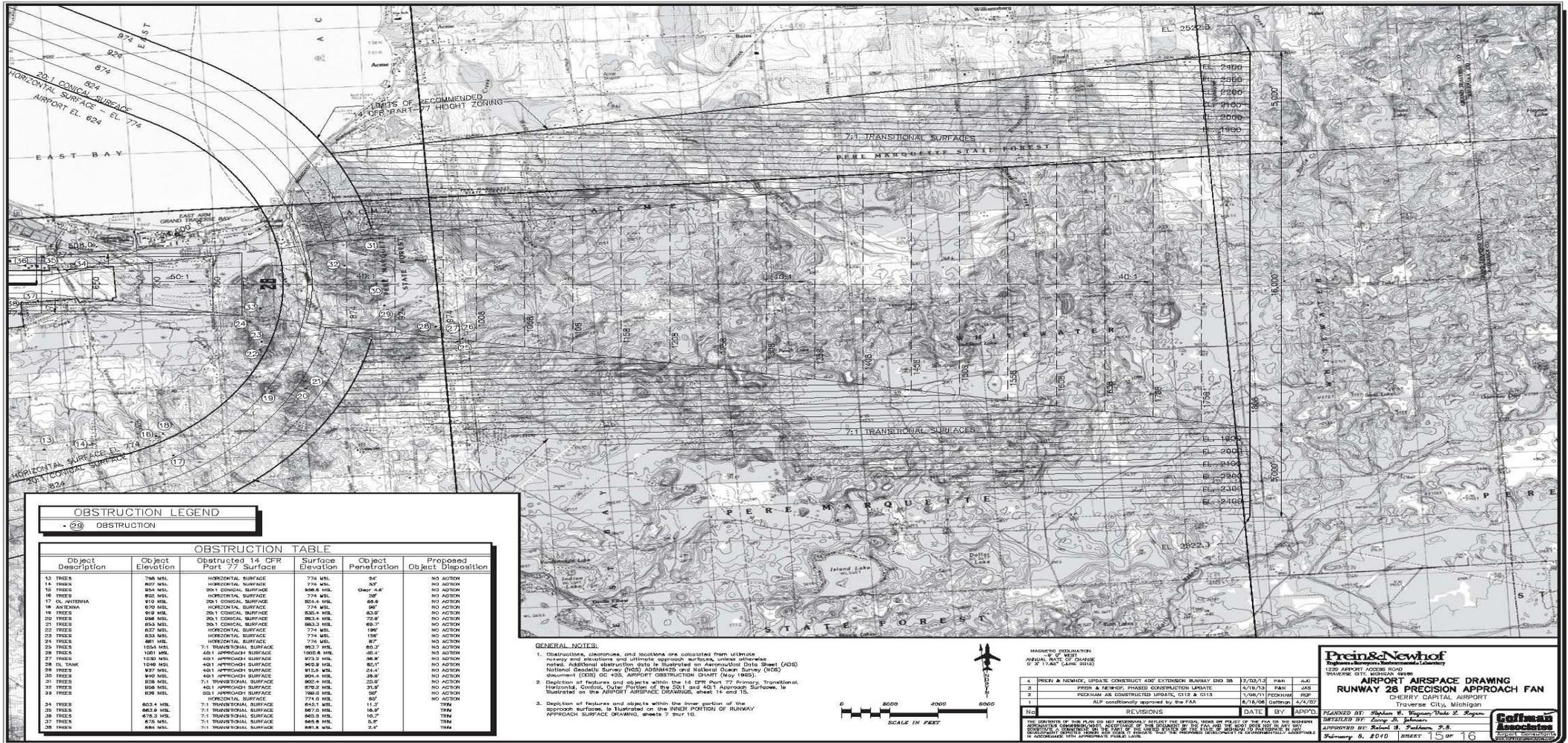


NO.	REVISIONS	DATE	BY	APPROV.
4	PRELIMINARY UPDATE OBSTRUCT 400' EXTENSION RUNWAY END 38	12/26/23	PAH	AJC
3	FIELD SURVEY, FINISH OBSTRUCTION UPDATE	4/26/23	PAH	JOS
2	REVISION AS CONSTRUCTION UPDATE, 0512 & 0113	1/26/21	PECKHAM	BOB
1	ALP construction approved by the FAA	6/26/20	Carlson	2/2/20

THE DRAWING OF THIS PLAN AND ALL REVISIONS REFLECT THE OFFICIAL VIEW OF PROJECT OF THE FAA OR THE MEMBER ENGINEER'S COMPANY. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OR ARCHITECT.

PREPARED BY: **Prain & Newhof**
 1520 AIRPORT ACCESS ROAD
 TRAVERSE CITY, MICHIGAN 49606
 AIRPORT AIRSPACE DRAWING
 14 CFR PART 77 INNER SURFACES
 CHERRY CAPITAL AIRPORT
 TRAVERSE CITY, MICHIGAN

DATE: 12/26/23
 APPROVED BY: **Robert W. Prain, P.E.**
 REGISTERED PROFESSIONAL ENGINEER
 MICHIGAN LICENSE NO. 9400
 February 8, 2025 SHEET 14 OF 16



OBSTRUCTION LEGEND					
- 28 - OBSTRUCTION					
OBSTRUCTION TABLE					
Object Description	Object Elevation	Obstructed 14 CFR Part 77 Surface	Surface Elevation	Object Penetration	Proposed Object Disposition
13 TREES	796 MSL	HORIZONTAL SURFACE	774 MSL	22'	NO ACTION
14 TREES	807 MSL	HORIZONTAL SURFACE	774 MSL	33'	NO ACTION
15 TREES	804 MSL	20:1 CONICAL SURFACE	804 MSL	0.0'	NO ACTION
16 TREES	810 MSL	HORIZONTAL SURFACE	774 MSL	36'	NO ACTION
17 OL ANTENNA	910 MSL	20:1 CONICAL SURFACE	854 MSL	56.8'	NO ACTION
18 ANTENNA	810 MSL	HORIZONTAL SURFACE	774 MSL	36'	NO ACTION
19 TREES	919 MSL	20:1 CONICAL SURFACE	854 MSL	63.0'	NO ACTION
20 TREES	888 MSL	20:1 CONICAL SURFACE	854 MSL	72.8'	NO ACTION
21 TREES	853 MSL	20:1 CONICAL SURFACE	854 MSL	69.0'	NO ACTION
22 TREES	857 MSL	HORIZONTAL SURFACE	774 MSL	180'	NO ACTION
23 TREES	833 MSL	HORIZONTAL SURFACE	774 MSL	156'	NO ACTION
24 TREES	881 MSL	HORIZONTAL SURFACE	774 MSL	82'	NO ACTION
25 TREES	1054 MSL	7:1 TRANSITIONAL SURFACE	893.0 MSL	80.0'	NO ACTION
26 TREES	1051 MSL	40:1 APPROACH SURFACE	1010.8 MSL	102.4'	NO ACTION
27 TREES	1030 MSL	40:1 APPROACH SURFACE	973.0 MSL	36.8'	NO ACTION
28 OL TOWER	1048 MSL	40:1 APPROACH SURFACE	902.8 MSL	82.1'	NO ACTION
29 TREES	977 MSL	40:1 APPROACH SURFACE	912.8 MSL	24.4'	NO ACTION
30 TREES	940 MSL	40:1 APPROACH SURFACE	904.8 MSL	38.8'	NO ACTION
31 TREES	908 MSL	7:1 TRANSITIONAL SURFACE	892.4 MSL	25.0'	NO ACTION
32 TREES	898 MSL	40:1 APPROACH SURFACE	876.0 MSL	21.0'	NO ACTION
33 TREES	858 MSL	50:1 APPROACH SURFACE	786.0 MSL	90.0'	NO ACTION
34 TREES	853 MSL	HORIZONTAL SURFACE	774 MSL	11.0'	TRM
35 TREES	862.0 MSL	7:1 TRANSITIONAL SURFACE	842.0 MSL	16.0'	TRM
36 TREES	878.0 MSL	7:1 TRANSITIONAL SURFACE	848.0 MSL	10.0'	TRM
37 TREES	878 MSL	7:1 TRANSITIONAL SURFACE	848.0 MSL	6.0'	TRM
38 TREES	894 MSL	7:1 TRANSITIONAL SURFACE	881.6 MSL	2.4'	TRM

GENERAL NOTES:

- Obstructions, locations, and locations are consistent from previous survey and elevation and ultimate approach surfaces, unless otherwise noted. Additional obstruction data is illustrated on obstruction Data Sheet (ADS) National Obstruction Survey (NOS) ADDENDUM and National Obstruction Survey (NOS) document (NOS) CC 105. AIRPORT OBSTRUCTION CHART (AO) (AO).
- Depiction of features and objects within the 14 CFR Part 77 Primary, Transitional, Horizontal, Obstacle Clearance Surface of the 50:1 and 40:1 Approach Surfaces, is illustrated on the AIRPORT AIRSPACE DRAWINGS, sheet 14 and 15.
- Depiction of features and objects within the lower portion of the approach surfaces, is illustrated on the WINDY PORTION OF RUNWAY APPROACH SURFACE DRAWINGS, sheets 7 thru 10.



MAGNETIC DECLINATION
ANNUAL RATE OF CHANGE
0.5° N (1.1" ANNUAL CHANGE)

1	PREIN & NEWHOFF, UPDATE CONSTRUCTION 400' EXTENSION RUNWAY END 28	2/25/12	PLAN	AJC
2	PREIN & NEWHOFF, PHASE 2 EXTENSION SERVICE	1/17/11	PLAN	JMS
3	PECKHAM AIR CONSTRUCTION UPDATE, C12 & C13	1/26/11	PECKHAM	RSP
4	ALP construction approved by the FAA	8/14/08	CONTRACT	AZA/DA
5	REVISIONS	DATE	BY	REASON

SCALE IN FEET
0 2000 4000 6000

Prein & Newhof
Professional Surveying, Planning and Consulting
1220 AIRPORT ACCESS ROAD
TRAVERSE CITY, MICHIGAN 49606

AIRPORT AIRSPACE DRAWING
RUNWAY 28 PRECISION APPROACH FAN
CHERRY CAPITAL AIRPORT
Traverse City, Michigan

PREPARED BY: *William R. Wagner, Dale E. Rogers*
DESIGNED BY: *Lucy S. Johnson*
APPROVED BY: *Robert S. Paulmann, P.E.*
February 6, 2010

Goffman Associates
1220 AIRPORT ACCESS ROAD
TRAVERSE CITY, MICHIGAN 49606

Sheet 15 of 16

ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND PLANNING STRATEGIES FOR NEW DEVELOPMENT

Accident Safety Zone	Land Use Characterization	Land Use Guidelines	Land Use Planning Strategies
Zone 1 Low Density	Residential or Non-Residential Land Use	Prohibit all residential land uses. All non-residential land uses must be sited to the east of the runway. Prohibit all Special Function Land Use.	<p>1. All development must be sited to the east of the runway.</p> <p>2. All development must be sited to the east of the runway.</p> <p>3. All development must be sited to the east of the runway.</p> <p>4. All development must be sited to the east of the runway.</p> <p>5. All development must be sited to the east of the runway.</p> <p>6. All development must be sited to the east of the runway.</p> <p>7. All development must be sited to the east of the runway.</p> <p>8. All development must be sited to the east of the runway.</p>
Special Function Land Use	Prohibit all Special Function Land Use.	Prohibit all Special Function Land Use.	<p>1. Prohibit all Special Function Land Use.</p> <p>2. Prohibit all Special Function Land Use.</p> <p>3. Prohibit all Special Function Land Use.</p> <p>4. Prohibit all Special Function Land Use.</p> <p>5. Prohibit all Special Function Land Use.</p> <p>6. Prohibit all Special Function Land Use.</p> <p>7. Prohibit all Special Function Land Use.</p> <p>8. Prohibit all Special Function Land Use.</p>

Special Note: When the dimensions of a Land Use are greater than the dimensions of the Runway Protection Zone (RPZ), then special attention shall be given to the Runway Protection Zone (RPZ) and the dimensions of the Runway Protection Zone (RPZ) shall be used to determine the dimensions of the Runway Protection Zone (RPZ).

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characterization	Land Use Guidelines	Land Use Planning Strategies
Zone 2	Prohibition Density	Prohibit all residential land uses. All non-residential land uses must be sited to the east of the runway. Prohibit all Special Function Land Use.	<p>1. All development must be sited to the east of the runway.</p> <p>2. All development must be sited to the east of the runway.</p> <p>3. All development must be sited to the east of the runway.</p> <p>4. All development must be sited to the east of the runway.</p> <p>5. All development must be sited to the east of the runway.</p> <p>6. All development must be sited to the east of the runway.</p> <p>7. All development must be sited to the east of the runway.</p> <p>8. All development must be sited to the east of the runway.</p>
Special Function Land Use	Prohibit all Special Function Land Use.	Prohibit all Special Function Land Use.	<p>1. Prohibit all Special Function Land Use.</p> <p>2. Prohibit all Special Function Land Use.</p> <p>3. Prohibit all Special Function Land Use.</p> <p>4. Prohibit all Special Function Land Use.</p> <p>5. Prohibit all Special Function Land Use.</p> <p>6. Prohibit all Special Function Land Use.</p> <p>7. Prohibit all Special Function Land Use.</p> <p>8. Prohibit all Special Function Land Use.</p>

COMPATIBLE LAND USE MATRIX

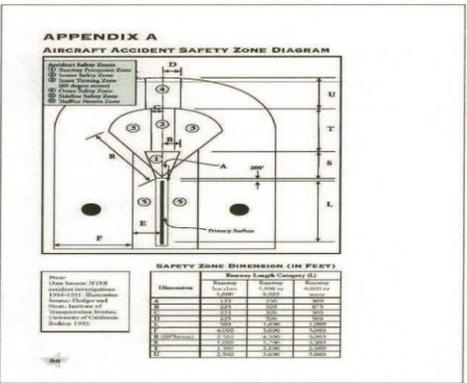
Accident Safety Zone	Land Use Characterization	Land Use Guidelines	Land Use Planning Strategies
Zone 3	Prohibition Density	Prohibit all residential land uses. All non-residential land uses must be sited to the east of the runway. Prohibit all Special Function Land Use.	<p>1. All development must be sited to the east of the runway.</p> <p>2. All development must be sited to the east of the runway.</p> <p>3. All development must be sited to the east of the runway.</p> <p>4. All development must be sited to the east of the runway.</p> <p>5. All development must be sited to the east of the runway.</p> <p>6. All development must be sited to the east of the runway.</p> <p>7. All development must be sited to the east of the runway.</p> <p>8. All development must be sited to the east of the runway.</p>
Special Function Land Use	Prohibit all Special Function Land Use.	Prohibit all Special Function Land Use.	<p>1. Prohibit all Special Function Land Use.</p> <p>2. Prohibit all Special Function Land Use.</p> <p>3. Prohibit all Special Function Land Use.</p> <p>4. Prohibit all Special Function Land Use.</p> <p>5. Prohibit all Special Function Land Use.</p> <p>6. Prohibit all Special Function Land Use.</p> <p>7. Prohibit all Special Function Land Use.</p> <p>8. Prohibit all Special Function Land Use.</p>

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characterization	Land Use Guidelines	Land Use Planning Strategies
Zone 4	Prohibition Density	Prohibit all residential land uses. All non-residential land uses must be sited to the east of the runway. Prohibit all Special Function Land Use.	<p>1. All development must be sited to the east of the runway.</p> <p>2. All development must be sited to the east of the runway.</p> <p>3. All development must be sited to the east of the runway.</p> <p>4. All development must be sited to the east of the runway.</p> <p>5. All development must be sited to the east of the runway.</p> <p>6. All development must be sited to the east of the runway.</p> <p>7. All development must be sited to the east of the runway.</p> <p>8. All development must be sited to the east of the runway.</p>
Special Function Land Use	Prohibit all Special Function Land Use.	Prohibit all Special Function Land Use.	<p>1. Prohibit all Special Function Land Use.</p> <p>2. Prohibit all Special Function Land Use.</p> <p>3. Prohibit all Special Function Land Use.</p> <p>4. Prohibit all Special Function Land Use.</p> <p>5. Prohibit all Special Function Land Use.</p> <p>6. Prohibit all Special Function Land Use.</p> <p>7. Prohibit all Special Function Land Use.</p> <p>8. Prohibit all Special Function Land Use.</p>

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characterization	Land Use Guidelines	Land Use Planning Strategies
Zone 5	Prohibition Density	Prohibit all residential land uses. All non-residential land uses must be sited to the east of the runway. Prohibit all Special Function Land Use.	<p>1. All development must be sited to the east of the runway.</p> <p>2. All development must be sited to the east of the runway.</p> <p>3. All development must be sited to the east of the runway.</p> <p>4. All development must be sited to the east of the runway.</p> <p>5. All development must be sited to the east of the runway.</p> <p>6. All development must be sited to the east of the runway.</p> <p>7. All development must be sited to the east of the runway.</p> <p>8. All development must be sited to the east of the runway.</p>
Special Function Land Use	Prohibit all Special Function Land Use.	Prohibit all Special Function Land Use.	<p>1. Prohibit all Special Function Land Use.</p> <p>2. Prohibit all Special Function Land Use.</p> <p>3. Prohibit all Special Function Land Use.</p> <p>4. Prohibit all Special Function Land Use.</p> <p>5. Prohibit all Special Function Land Use.</p> <p>6. Prohibit all Special Function Land Use.</p> <p>7. Prohibit all Special Function Land Use.</p> <p>8. Prohibit all Special Function Land Use.</p>



AT THE SEPTEMBER 16, 2009 MICHIGAN AERONAUTICS COMMISSION MEETING, THESE LAND USE GUIDELINES WERE AMENDED AND APPROVED TO BE USED IN AIRPORT APPROACH PLANS FOR ALL LICENSED PUBLIC USE AIRPORTS. THIS DOCUMENT AMENDS ALL PREVIOUSLY APPROVED AIRPORT APPROACH PLANS. LAND USE GUIDELINES APPROVED BY THE COMMISSION. FOR A COPY OF THE OFFICIAL BOARD CONTRACT THE COMMISSION MEETING AT 517-336-3566.

ANY AIRPORT SPONSOR OR DELAY AUTHORIZED REPRESENTATIVE OF A ZONED LOCAL GOVERNMENT THAT MAY REQUEST THAT THE AIRPORT APPROACH PLAN, ALL SUCH REQUESTS MUST COMPLY WITH THE REQUIREMENTS FROM THE CURRENT PLAN. THE REASON FOR THE REQUESTED CHANGE AND STANDARDS USED TO JUSTIFY THE MODIFICATION PLEASE CONTACT THE AIRPORTS DIVISION PLANNING AMENDMENTS.



LAND USE GUIDELINES FOR STATE OF MICHIGAN AIRPORT APPROACH PLANS

MICHIGAN DEPARTMENT OF TRANSPORTATION AIRPORTS DIVISION
LANSING, MICHIGAN

NO.	DATE	DESCRIPTION	BY	CHKD
1	11/18/09	ORIGINAL APPROVAL	J. J. J.	J. J. J.
2	11/18/09	AMENDMENT	J. J. J.	J. J. J.
3	11/18/09	AMENDMENT	J. J. J.	J. J. J.
4	11/18/09	AMENDMENT	J. J. J.	J. J. J.
5	11/18/09	AMENDMENT	J. J. J.	J. J. J.
6	11/18/09	AMENDMENT	J. J. J.	J. J. J.
7	11/18/09	AMENDMENT	J. J. J.	J. J. J.
8	11/18/09	AMENDMENT	J. J. J.	J. J. J.
9	11/18/09	AMENDMENT	J. J. J.	J. J. J.
10	11/18/09	AMENDMENT	J. J. J.	J. J. J.

APPROVED: *[Signature]* 11/18/09



- **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)**

OTHER CONSIDERATIONS

Form 7460 (exceptions apply):

- Any construction more than 200 feet AGL.
- Any construction exceeding the 100 to 1 surface for a horizontal distance of 20,000 feet from a runway greater than 3200 feet in length.
- Any construction exceeding the 50 to 1 surface for a horizontal distance of 10,000 feet from a runway less than 3,200 feet in length.

<https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home>

OTHER CONSIDERATIONS

Michigan Tall Structure Act: <https://www.michigan.gov/mdot/travel/mobility/aeronautics/airspace-zoning/applying-for-tall-structure-permit>

Unless an airspace study results in a finding of noninterference, the Tall Structure Act requires us to object to:

- Structures greater than 1000 ft. high (500 feet in a VFR flyway or in the vicinity of a natural landmark).
- Structures which would increase the Minimum Obstruction Clearance Altitude for an instrument approach procedure.
- Structures which obstruct imaginary surfaces (as defined in the Tall Structure Act).
- Structures which violate a local airport zoning ordinance.

INTEGRATION INTO PLANNING AND ZONING

Do's	Don'ts
Review AAP and ALP Provided by Local Airport	Ignore airport zoning in development approvals.
Incorporate Land Use Concepts in Master Plan	Approve structures without checking FAA and Tall Structure Act Requirements.
Coordinate with the Airport early during planning and rezoning processes to avoid conflicts.	Assume your Zoning Ordinance Overrides AAPs and ALPs.
Consider AAP and ALP provided by Local Airport before adopting any re-zoning	Leave gaps in your ordinance.
Consider AAP and ALP provided by Local Airport before any variance request.	Forget to update plans when Airport AAPs and ALPs change.
Understand and apply height and land use restrictions.	
Review Ordinances adopted before March 28, 2001	

ADDRESSING GAPS

- **Legal Risks of Non-Compliance = Unlawful Use.**

Creating or maintaining an airport hazard is not just a safety issue—it is legally defined as a public nuisance and an unlawful use. MCL 259.441.

Frenchtown Charter Twp v City of Monroe, 275 Mich App 1 (2007)

Facts: Cousinos own land in the Township near the Monroe Custer Airport. The City owns the Airport. The Cousinos submitted a rezoning request to the Township to rezone the land to single-family residential from agricultural. The rezoning request was denied by the City because the Cousinos' land was within "accident safety zone 5," which prohibits residential use. The Township filed a declaratory judgment action against the City, in which the Cousinos filed a cross-claims against various parties alleging inverse condemnation. The Trial Court ruled that the Township could not rezone the property because it was prohibited by state law.

Held: "It is undisputed that the airport approach plan issued by the Michigan Aeronautics Commission designates that the Cousino property is in 'accident safety zone 5' and that residential land use is prohibited in that zone. The Michigan Legislature required the issuance of the airport approach plan, it was drafted by the Aeronautics Commission, and local government units are obligated to comply with the plan under state law and are bound not to alter zoning classifications designated by the airport approach plan." MCL 125.3203(4). As a result, the Cousinos could not establish an inverse condemnation claim against the Township or the City because if they granted the rezoning request, it would run contrary to state law.

ADDRESSING GAPS

AIRPORT ZONING ACT-AIRPORT ZONING REGULATIONS

- **Creation of Zoning Board or Joint Zoning Board.**
- **Airport Zoning Regulations act as an overlay district.**
- **Regulates height of structures and trees.**
- **Regulates land uses.**
- **Creates legal non-conforming uses/structures.**
- **Establishes variance process.**

ADDRESSING GAPS - VARIANCES

MCL 259.454 and *Pegasus Wind LLC v Tuscola County*, 513 Mich 35 (2024)

Standards for a Variance or Exception.

- A literal application or enforcement of the Ordinance would result in practical difficulty or unnecessary hardship in the development of the land sought to be developed;
- the relief granted would not be contrary to the public interest;
- the relief granted would do substantial justice; and
- the relief granted would be in accordance with the spirit of the regulations of this Ordinance.

Any variance or exception may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance, the public interest, and the protection of the size of the area available for the landing on, taking off from, and maneuvering of aircraft around the Airport.

SUMMARY



Airport Zoning Is a Legal and Safety Imperative.

Structures and land uses near airports must comply with height and use restrictions to protect public safety and airport operations.



Local Governments Should Integrate Airport Plans.

Master plans and zoning decisions should incorporate and consider Airport Layout Plans (ALPs) and Airport Approach Plans (AAPs).



Ordinance Gaps Create Legal Risk

Non-compliance can result in unlawful uses, public nuisance claims, and blocked development approvals.



Available Tools to Address Gaps.

Airport Zoning Act and Variances



Proactive Planning Prevents Problems.

Review and update ordinances regularly, coordinate with airport authorities, and educate planning staff.



Questions?

Karrie A. Zeits | General Counsel & Property Manager

Northwest Regional Airport Authority

Cherry Capital Airport

727 Fly Don't Drive

Traverse City, MI 49686

karrie.zeits@tvcairport.com

231-947-2250 ext 110