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**Jefferson County Airport Zoning Commission**

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August 13, 2020

Jefferson County Airport Zoning Board  
Board of Commissioners of Jefferson County - Courthouse  
301 Market Street  
Steubenville, OH 43952

Re: Jefferson County Airport Zoning Commission – Final Report

Dear Zoning Board:

Here is the airport zoning commission's final report. The report is presented in the format of a resolution for your convenience. The materials include a comprehensive recommendation for boundaries and various zones to be established and regulations to be adopted to ensure the safety of persons and security of property on and about the airport.

This report is based on many hours of research, education, and deliberation in all relevant matters including, but not limited to, statutory provisions for airport zoning, the airport facility/uses, the surrounding property facilities/uses, Federal/FAA regulations-guidance, State/ODOT-Aviation regulations-guidance, airport zoning examples from throughout Ohio, airport zoning examples from throughout the country, communication with ODOT-Aviation, and communication with localities to be impacted. The airport's outside engineering firm has reviewed all geographic and regulatory references and created overlay maps to depict the text with geo-reference. Finally, we have solicited input from the public to improve this recommendation and as statutorily required.

We respectfully ask that you and your counsel review this final report and consider it for formal action. In the event you require procedural or substantive changes we remain at your service.

The individuals you selected to serve on this commission took a genuine interest in this matter, and I'm particularly grateful for their service. Thank you for allowing us to assist in raising the standard of safety at our county airport.

Yours truly,



Brandon K. Reese  
Chair

BKR/br

# Airport Zoning Resolution Jefferson County Airpark Wintersville, Ohio

LAND USE AND HEIGHT OVERLAY ZONING  
EFFECTIVE DATE: ?



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## Section 1. Introduction and Resolution

ZONING RESOLUTION FOR JEFFERSON COUNTY AIRPARK THE BOARD OF COUNTY COMMISSIONERS SERVING AS THE AIRPORT ZONING BOARD OF JEFFERSON COUNTY PROPOSE TO ADOPT THIS ZONING RESOLUTION FOR THE PURPOSE OF RECOMMENDING THE BOUNDARIES OF THE VARIOUS ZONES TO BE ESTABLISHED AND THE REGULATIONS TO BE ADOPTED THEREFORE IN THE JEFFERSON COUNTY AIRPARK HAZARD AREA AS PROVIDED FOR UNDER SECTION 4563.01 TO 4563.21 INCLUSIVE, OF THE REVISED CODE, STATE OF OHIO.

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

A resolution providing for the zoning of the Airport Hazard Area of the JEFFERSON COUNTY AIRPARK in JEFFERSON County, Ohio, by regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the Airport Hazard Area of the JEFFERSON COUNTY AIRPARK by creating airport approach, turning and transitional zones, and establishing the boundaries thereof as may be deemed advisable for such purposes; providing for certain changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing a method of administering and carrying out the purposes of this resolution and prescribing penalties and proceedings for the administration and enforcement of this resolution.

## Section 2. Authority

Whereas the Board of County Commissioners of JEFFERSON County are empowered under provisions of the Revised Code of the State of Ohio, Sections 4563.01 to 4563.21 inclusive, and 4563.99, to adopt, administer, and enforce airport zoning regulations.

## Section 3. Statement of Purpose and Findings

The Jefferson County Airpark (“Airport”) is acknowledged as an essential public facility to the State of Ohio and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airport. There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, and affects an individual’s quality of life nor prevents the safe movement of aircraft at the Airport.

For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the authority. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which Jefferson County may raise and expend public funds, as an incident to the safe operation of an airport.

## Section 4. Short Title

This resolution shall be known and may be cited as the Jefferson County Airport Zoning Resolution, and it is referred to as the “Resolution” within this document.

## Section 5. Applicability

This resolution encompasses a general area surrounding the Airport. Specific dimensions associated with the zoning boundary are detailed in this document.

## Section 6. Definitions

### 6.1 Airport. (FAA FAR Sec. 152.3)

Any areas of land or water that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or

intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. The Jefferson County Airpark is owned by Jefferson County and operated by the Jefferson County Regional Airport Authority (“JCRAA”).

#### 6.2 Airport Elevation. (FAA AC 150/5190-4A)

The highest point on an airport's usable landing area measured in feet from sea level.

#### 6.3 Airport Hazard. (FAA FAR Sec. 152.3)

Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.

#### 6.4 Airport Layout Plan (ALP). (FAA FAR Sec. 152.3)

The plan of an airport showing the layout of existing and proposed airport facilities.

#### 6.5 Airport Overlay Zones.

A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

**Zone A [Runway Protection Zone]** - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.

**Zone B [Approach Surface]** - is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.

**Zone C [Transitional Surface]** - includes those areas that are parallel to the runway pavement and extend from the edge of the primary surface.

**Zone D [Horizontal Surface]** - is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.

**Zone E [Conical Surface]** - is the outermost zone of the overlay areas and has the least number of land use restriction considerations. Zone E begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

#### 6.6 Airport Zoning Permit.

Airport zoning permit allowing new development or alteration or expansion of a nonconforming use.

#### 6.7 Airspace.

The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

#### 6.8 Airport Land Use & Height Overlay Zoning Map.

The airport land use & height overlay zoning map is compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace." It shows the area affected by the Airport Overlay Zoning Resolution, and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.

#### 6.9 Approach Slope. (FAR Part 77)

The ratio of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The ratio is 20:1 for all utility and visual runways extended from the primary surface a distance of 5,000 feet.

#### 6.10 Approach Surface. (FAA AC 150/5190-4A)

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 this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

### 6.11 Compatibility.

The degree to which land uses or types of development can coexist or integrate.

### 6.12 Compatible Land Use.

Those developments that comply with generally accepted restrictions on location, height, and activity that provide for safe aircraft movement and airport operations. Additionally, it includes the preservation of public health, safety, and welfare for those persons located in the airport's environs.

### 6.13 County.

Jefferson County, Ohio.

### 6.14 Easement. (FAA AC 5020-1)

The legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified form of development or activity, as well as any other legal rights in the property that may be specified in the easement document.

### 6.15 Federal Aviation Administration (FAA).

A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.

### 6.16 Federal Aviation Regulations (FAR). (FAA FAR)

Regulations established and administered by the FAA that govern civil aviation and aviation related activities. FAR Part 36. (FAA FAR Sec. 36.1) Regulation establishing noise standards for civil aviation fleet. FAR Part 91. (FAA FAR Sec. 91.1) Regulation pertaining to air traffic and general operating rules, including operating noise limits. FAR Part 150. (FAA FAR Sec. 150.1) Regulation pertaining to airport noise compatibility planning. FAR Part 161. (FAA FAR Sec. 161.1) Regulation pertaining to notice and approval of airport noise and access restrictions.

FAR Part 77. (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

### 6.17 Height.

Height is utilized for the purpose of determining the height limits in all zones set forth in this Resolution and shown on the Official Height Zoning Map; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

### 6.18 Imaginary Surfaces. (FAA FAR Part 77.25)

Those areas established in relation to the airport and each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Horizontal surface. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

Conical surface. The conical surface extends upward and outward from the periphery of the



horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.

Approach surface. The approach surface is longitudinally centered on an extended runway centerline, and extends outward and upward from the end of the runway primary surface.

#### 6.19 Incompatible Land Use. (FAA FAR Sec. 150.7)

The use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, landfills, and libraries) including, but not limited to, uses indicated under FAA AC 150/5200-34A, Ohio Administrative Code 3745-27-20, and FAA AC 150/5200-33B.

#### 6.20 Land Use Compatibility.

The coexistence of land uses surrounding the airport with airport-related activities.

#### 6.21 Lighting and Marking of Hazards to Air Navigation.

Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

#### 6.22 Mitigation.

The minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.

#### 6.23 Noise Impact.

A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

#### 6.24 Noise Sensitive Area. (FAA AC 91-36D)

Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural

and historical sites where a quiet setting is a generally recognized feature or attribute.

#### 6.25 Non-Conforming Use. (FAA Web site)

Any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.

#### 6.26 Object. (FAA AC 150/5300-13)

Includes, but is not limited to above ground structures, navigational aids, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

#### 6.27 Obstacle Free Zone (OFZ). (FAA 150/5300-13)

The OFZ is the airspace below 150 feet (45 m) above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAID's that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.

#### 6.28 Obstruction. (FAA AC 150/5190-4A)

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.

#### 6.29 Overlay Zone.

A mapped zone imposing requirements in addition to those of the underlying zoning district.

#### 6.30 Primary Surface. (FAA AC 150/5190-4A)

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the



elevation of the nearest point on the runway centerline.

#### 6.31 Primary Runway. (FAA AC 150/5325-4B)

The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

#### 6.32 Public Use Airport. (FAA AC 150/5190-6)

Means either a publicly owned airport or a privately owned airport open for public use.

#### 6.33 Runway Protection Zone (RPZ). (FAA AC 150/5300-13)

An area off the runway end designed to enhance the protection of people and property on the ground.

#### 6.34 Structure.

Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

#### 6.35 Variance.

An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning resolution. A lawful exception from specific zoning resolution standards and regulations predicated on the practical difficulties and/or unnecessary hardships by the petitioner being required to comply with the regulations and standards from which a variance is sought.

#### 6.36 Visual Approach.

An approach to an airport conducted with visual reference to the terrain.

#### 6.37 Visual Runway. (FAA AC 150/5300-13)

A runway without an existing or planned straight-in instrument approach procedure.

#### 6.38 Wildlife Hazards.

Wildlife (birds, mammals, reptiles), including feral animals and uncontrolled domesticated

animals associated with aircraft strike problems, and capable of causing structural damage to airport facilities or attractants to other wildlife that pose a strike hazard.

## Section 7. Air Space Obstruction Zones & Airport Overlay Zoning Maps

The zones established by this resolution are illustrated on the official Jefferson County Airport Land Use & Height Overlay Zoning Map attached to this resolution. Such Official Airport Land Use & Height Overlay Zoning Map may be amended from time to time, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this resolution. In the event there is ever a conflict/discrepancy between a map and the terms of this resolution, the terms of the resolution shall prevail.

## Section 8. Airport Zoning Requirements

In accordance with Section 4563, Revised Code, the following airport zoning requirements are satisfied by this resolution: 1.) All airport zoning regulations adopted under sections 4563.01 to 4563.21, inclusive, of the Revised Code shall be reasonable, and none shall impose any requirement or restriction which is not reasonably necessary to insure the safety of aircraft in landing and taking off and the safety of persons occupying or using the area and the security of property thereon. In determining what regulations are necessary, each political subdivision or airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the percent of slope or grade customarily used in descent or ascent of the aircraft expected to use the airport with reference to their size, speed, and type, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put or

is adaptable; 2.) No airport zoning regulations adopted under sections 4563.01 to 4563.21 of the Revised Code shall require the removal, lowering, or other change or alteration of any structure or object of natural growth not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in section 4563.14 of the Revised Code. Jefferson County and JCRAA shall not be responsible for the removal of trees, structures, or other natural or man-made obstructions that are not conforming to the regulations of this resolution at any time and shall be responsibility of the property owner; and 3.) Nothing in sections 4563.01 to 4563.21 of the Revised Code, shall confer any power on any political subdivision or airport zoning board to prohibit the use of any land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, or animal and poultry husbandry, except where such use shall create an airport hazard. The provisions of sections 4563.01 to 4563.21 of the Revised Code shall not apply in respect to the location, relocation, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures, now existing or constructed in the future, of any public utility or railroad.

## Section 9. Nonconformities

It is the intent of this resolution to permit legal nonconforming buildings, structures, or natural resources to continue, if they lawfully exist at the time of adoption of this resolution, until they are removed but not to encourage their continuance, unless such nonconforming use is determined by the FAA to be a hazard within one of the airport zones and must be altered or changed in accordance with FAA regulations. It is further the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used to add other nonconforming structures prohibited elsewhere in the defined airport zones. Any buildings, structures, land uses that are not properly and

continuously permitted and/or licensed by any applicable federal, state, and local authority shall not be considered lawfully existing at the time of adoption of this resolution and must conform to this airport zoning resolution immediately.

In accordance with Section 4563.09, Revised Code, and stated above in Section 8. of this resolution, any preexisting nonconforming structure, tree, or land use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted. With that stated, where a lawful building or structure exists prior to the effective date of adoption or amendment of this resolution that cannot be built under the terms of this airport resolution by reason of restrictions on height or land use compatibility, such structure may be continued so long as it remains otherwise lawful and in compliance with FAA regulations; subject to the following provisions: 1.) No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity. Such structure may be enlarged or altered in a way that does not increase its nonconformity; 2.) Should such nonconforming structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost, it shall be reconstructed only in conformity with the provisions of this airport resolution; 3.) Should any nonconforming land uses be discontinued for a period of six (6) months or should such land use fail to maintain in good standing any required permit, license, or the like to conduct use by any federal, state, or local authority it shall thereafter conform to the regulations of this airport zoning resolution; 4.) Should any nonconforming structure be moved within the boundaries of any of the five (5) airport zones for any reason or for any distance whatever, it shall thereafter conform to the regulations of this airport zoning resolution; and 5.) Discontinuance. In the event a nonconforming building, structure or use is discontinued for a period of six (6) months, the height or land use compatibility shall conform

thereafter to the provisions of this airport zoning resolution.

On any nonconforming building or structure, work may be done on ordinary repairs or replacement of non-bearing walls not exceeding seventy-five percent (75%) of the assessed value of the building, provided the cubic content of the building shall not be increased. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, buildings or structures.

### Section 10. Land Use Safety Zones

FAR Part 77 Surfaces and Runway Protection Zones have been combined to create five (5) airport overlay zones. These five zones are

Table 1. Zone A – Dimensional Requirements

	Runway Ends	Approach Visibility Minimums	Dimensions		
			Length L feet	Inner Width W1 feet	Outer Width W2 feet
Existing Runway	Runway 14	Visual and $\geq$ 1 mile	1000	500	700
	Runway 32	Visual and $\geq$ 1 mile	1000	500	700

The RPZ dimensional standards are for the runway end with the specified approach visibility minimums.  
Source: FAA AC 150/5300-13, current edition, Airport Design Standards

### Zone B – Approach Surface Zone

Zone B is a critical airport overlay zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, nonprecision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The approach surface is longitudinally centered on the extended runway

designed to maintain compatible land uses around the Airport. The zones shall be evaluated for compatible land uses. Specific dimensions for the individual zones are noted in the following tables and text. The Airport Land Use & Height Overlay Zoning Maps may be evaluated to estimate the specific area of impact associated with each zone. However, the terms of this document shall be binding in the event of conflict/discrepancy.

### Zone A – Runway Protection Zone (RPZ)

Zone A is intended to provide a clear area that is free of above ground obstructions and structures. RPZs are designed with the intent to protect people and property on the ground. They are located at the end of each runway and should ideally be controlled by the airport. Control is preferably exercised by acquisition of sufficient property interest to achieve and maintain an area that is clear of all incompatible land uses, objects, and activities.

centerline and extends outward and upward from the end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and expands uniformly. Table 2 below illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

Table 2. Airport Overlay Zones B through E Dimensional Standards

Item	Runway Dimension Standards (feet)	
	Runway 14	Runway 32
Primary surface width and Zone B inner width	500	500
Zone B end width	3,500	3,500
Zone B length	10,000	10,000
Zone C width	1,050	1,050
Zone D radius	5,000	5,000
Zone E width	4,000	4,000

### Zone C – Transitional Surface

Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90 degree angle. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft. The transitional surface (Zone C) extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one-foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

### Zone D – Horizontal Surface

Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc for all runway ends designated as non-precision runway airports is 10,000 feet.

### Zone E – Conical Surface Zone E

Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone

begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet. Height limitations for the surface range from 150 feet above the airport reference elevation at the inner edge to 350 feet at the outer edge.

## Section 11. Land Use Zone Compatibility

The need to plan for compatible land use near airports is not new. Compatible land use was recognized as early as 1952 in a document entitled *The Airport and Its Neighbors - The Report of the President's Airport Commission*. The incidence of incompatible land uses and impact on airport operations and development have escalated. As decisions to allow incompatible land uses near airports threaten the nation's aviation system, implementation of compatible land use controls have become an industry priority. It is important for the Airport to maintain an obstruction-free airport and associated airspace. This includes the area that encompasses the airport, runway protection zones, approach areas, and general vicinity of the airport. While some of these areas are owned by airports, the bulk of the land beyond airport boundaries is privately owned and managed by the local municipality and/or county in which the airport jurisdiction falls. FAA criteria, such as grant assurances and design guidelines, along with aviation accident

statistics, provide the foundation and the justification for compatible land uses.

The above stated definition appears vague since no specific land use types are specified. However, the vagueness is intentional because nearly every type of land use can be both compatible and incompatible depending upon the particular aspects of the land use, including management of the land use, location of the land use relative to the airport. For example, land uses typically considered to be compatible with airport operations include commercial, industrial, and agricultural activities. With that said, each of these uses may also contain aspects considered incompatible such as: 1.) Commercial uses may have dense concentrations of people; 2.) Industrial uses that can generate smoke/steam that creates visual obstructions; 3.) Agricultural and waste operations can act as wildlife attractants.

In many instances the compatibility of the land uses must be evaluated in detail, case-by-case, as related to the Airport. Descriptions of land use issues include high concentrations of people, tall structures, visual obstructions, and wildlife attractants.

Lastly, land use compatibility is critical to the Airport because certain grant assurances are required as part of a project application from airports that are eligible to request federal funds. Upon acceptance of grant money, these assurances are incorporated into and become part of the grant agreement. Airports are obligated to comply with specific assurances, which include the maintenance of compatible land use within the vicinity of the airport. Specifically, Grant Assurance 21 included in the September 1999 amendment to 49 USC 47107, requires all airports that accept federal money to take appropriate action against incompatible land uses in the immediate vicinity of the airport.

Such actions include adopting zoning laws and zoning changes that will increase airport land use compatibility. This grant assurance obligates an airport to protect the federal investment through the maintenance of a safe operating environment. The development of compatible land uses near airports is supported through cooperative comprehensive planning that includes FAA standards. Land use compatibility is a requirement for eligibility to receive FAA grant money for airport improvements. Adjacent land uses that are not compatible with airports may result in the loss of federal or state funding for airports.

The following tables shall be utilized to evaluate land use compatibility for various land use classifications.

1.) Uses identified as **COMPATIBLE** shall not require additional review; however, consideration should be given to the following areas of concerns: High concentrations of people, tall structures, visual obstructions, or wildlife attractants; 2.) Uses found to be **NOT COMPATIBLE** shall be precluded from development within the specific zones. The applicant reserves the right to apply for a variance for an incompatible use to be built within the requested airport zone and in accordance with FAA requirements. Variances will be reviewed in accordance with this resolution; and 3.) Uses found to require **ADDITIONAL REVIEW** shall be evaluated for general compatibility as provided by this resolution for potential conflicting land uses or potential negative effects that may need to be mitigated. If the areas of concern are addressed by the applicant, the zoning permit may be recommended. If no areas of potential conflicting uses or incompatible land uses are identified, or need to be mitigated, the zoning permit may be recommended.

Table 3. Jefferson County Airport Zone – Land Use Chart

Jefferson County Airport Zone – Land Use Chart					
C = Compatible	AR = Additional Review Required			NC = Not Compatible	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E
<b>Residential Uses</b>					
<b>Single Family Detached Dwelling</b> (i.e. single family residential)	AR	AR	C	C	C
<b>Multi-Family Uses</b> (i.e. apartments, condos, townhouses, etc.)	AR	AR	C	C	C
<b>Group Living Uses</b> (i.e. group or nursing homes, assisted living)	AR	AR	C	C	C
<b>Manufactured/Mobile Housing Parks</b>	AR	AR	C	C	C
<b>Commercial Uses</b>					
<b>Eating and Drinking Establishments</b> (i.e. restaurants, cafes, fast food, bars, nightclubs, taverns, etc)	AR	AR	C	C	C
<b>Quick Vehicle Servicing Uses</b> (i.e. gas station, unattended card key service stations, car washes, etc.)	AR	AR	C	C	C
<b>General Office Uses</b> (i.e. business offices, financial businesses, government offices =/ 35ft in height)	AR	AR	C	C	C
<b>Medical Office/Clinic Uses</b> (i.e. medical/dental clinics, chiropractic, physical therapy =/ 35ft in height)	AR	AR	C	C	C
<b>Retail Sales</b> (i.e. convenience stores, electronics, furniture, groceries, hardware, malls, etc.)	AR	AR	C	C	C
<b>Outdoor Storage and Self-Service Storage</b> (i.e. storage yards, vehicle sales, landscaping, equipment sales, warehousing, etc.)	AR	AR	C	C	C
<b>Vehicle Repair Uses</b> (i.e. repair or service shops, alignment, tire sales)	AR	AR	C	C	C
<b>All Other Commercial Uses</b> Any other commercial use not classified in one of the above listed categories	AR	AR	C	C	C
<b>Industrial Uses</b>					
<b>Light Manufacturing</b> (i.e. research, HVAC, plumbing, janitorial, engineering, assembly, warehouse, etc.)	AR	AR	C	C	C



<b>Heavy Manufacturing</b> (i.e. concrete plants, packing, animal, ethanol or other facilities with excessive smoke or dust, etc.)	NC	NC	AR	C	C
<b>Mining and Extraction Uses</b>	NC	AR	AR	C	C
<b>Salvage Operations</b> (i.e. collect, store, and dismantle damage or discarded vehicles, machinery, etc.)	AR	C	C	C	C
<b>Waste Related Uses</b> (i.e. recycling centers, landfills, waste transfer stations, hazardous waste collection sites, etc.)	NC	NC	NC	AR	AR
<b>Civic and Public Uses</b>					
<b>Basic Utility Uses (Private)</b> (i.e. utility facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	AR	C	C
<b>General Community Services</b> (i.e. libraries, community centers, police/fire, etc.)	AR	AR	C	C	C
<b>Daycare Uses</b> (i.e. daycare, preschools, after school care, etc.)	AR	AR	C	C	C
<b>Educational Facilities</b> (i.e. any public or private school)	AR	AR	AR	C	C
<b>Hospitals</b> (i.e. hospitals, medical centers, etc.)	AR	AR	AR	C	C
<b>Religious Assembly of Civic Uses</b> (i.e. churches, religious use or civic clubs)	AR	AR	AR	C	C
<b>Infrastructure Uses</b>					
<b>Communication Uses</b> (i.e. wireless, emergency towers, antennas, etc)	NC	AR	AR	AR	AR
<b>Transportation and Parking Uses</b> (i.e. highways, local roads, parking lots, etc.)	C	C	C	C	C
<b>Utility Uses (Private)</b> (i.e. solar power, wind generators, wind farms)	NC	NC	AR	AR	AR
<b>Agricultural Uses</b>					
<b>Agriculture Plant-related</b> (i.e. crops, vegetable, fruit, and tree farms, etc.)	AR	C	C	C	C
<b>Agriculture Animal-related</b> (i.e. livestock production, dairies, horse farms)	AR	C	C	C	C



<b>Agricultural Housing</b> (i.e. residential dwellings used for agricultural support purposes)	AR	AR	AR	C	C
<b>Agricultural Facilities/Buildings</b> (i.e. fuel storage/pumping facility, grain elevator, livestock/seed/grain sales, etc.)	NC	AR	C	C	C
<b>Recreational Uses</b>					
<b>Outdoor Commercial Recreation</b> (i.e. camping, swimming pool, drive-in theaters, amphitheaters, fairgrounds, race tracks, etc.)	AR	AR	AR	C	C
<b>Indoor Commercial Recreation</b> (i.e. health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters, etc.)	AR	AR	C	C	C
<b>Golf Recreation</b> (i.e. driving ranges, golf courses, country clubs, etc.)	AR	AR	AR	C	C
<b>Parks</b> (i.e. aquatic, neighborhood, school, city)	AR	C	C	C	C

If a specific use of land, building or structure is proposed by an applicant and not clearly identified on the land use compatibility charts, the authority charged with administering this resolution shall be solely responsible for determining the level of land use compatibility in each applicable zone. If the applicant disagrees with the decision, they may appeal the decision in accordance with this resolution.

FAA Advisory Circular 150/5200-34A is specifically included here by reference. This airport zone elects to adopt such protection, without regard to airport classifications, categorizations, air carrier operations, enplanements, or other operations type categories. In relevant part, this circular requires a minimum separation distance of six (6) statute miles between a solid waste landfill and a public airport.

Ohio Administrative Code 3745-27-20(C)(1) is specifically included here by reference. This airport zone elects to adopt such protection as an airport used by turbojet aircraft. In relevant

part this regulation prohibits placement of a sanitary landfill facility within ten thousand feet (10,000) of an airport runway end.

## Section 12. Airport Zoning Resolution Administration

In accordance with Section 4563.03(B), Revised Code, the Board of County Commissioners of Jefferson County (“Jefferson County Commissioners”) shall constitute the airport zoning board, which shall have the power to adopt, administer, and enforce airport zoning regulations. The chairman shall be the same as currently serving the Jefferson County Commissioners unless otherwise elected by them. Airport zoning regulations adopted under this resolution shall be administered and enforced by JCRAA, the operators of the Airport, with consultation from the local officials from adjoining affected communities.

## Section 13. Airport Zoning Permit Review

**13.1 Future Uses:** No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established in any airport zone unless a permit is granted by the Airport Zoning Board or JCRAA upon proper application therefore. Each such application shall indicate the use or structure for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulation herein prescribed. At a minimum, the permit shall include the location of the building (in latitude and longitude), its height (in feet), and all intended uses so that a determination can be made as to its clearance or penetration of established approach or transitional surfaces. If it is determined that the proposed building or structure does not penetrate an established approach or transitional surface and its use is compatible, the permit shall be granted. No permit shall be granted that would allow the establishment or creation of an airport hazard.

**13.2. Existing Uses:** Before any existing use or structure may be replaced, substantially altered or repaired or rebuilt within any airport zone 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 permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination made by the Airport Zoning Board or JCRAA is in the affirmative, the permit applied for may be granted. No permit shall be granted that would allow a nonconforming use to be made higher or to become a greater hazard to air navigation than it was on the effective date of the resolution or than it is when the application for permit is made.

**13.3. Issuing Agents:** For the purpose of issuing permits as designated under this resolution, the Airport Zoning Board designates the JCRAA to act as the Board's exclusive agent. JCRAA may create, require, and administer all applications,

forms, and materials to effectuate this resolution including, but not limited to, a properly completed FAA Form 7460-1 Notice of Proposed Construction or Alteration. JCRAA shall be empowered to request and require any and all information that may be requested and required by the airport zoning board.

**13.4. Approval of Zoning Permit:** Within fourteen (14) days after the receipt of an application, the JCRAA shall either approve or disapprove the application. It shall be the duty of the JCRAA to determine if such proposed building or structure meets the initial criteria for additional height and land use review or if the proposed use is exempted from additional review. JCRAA may approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, JCRAA shall recommend denial of the permit to Jefferson County Commissioners as the airport zoning board. Should the permit be denied by the Jefferson County Commissioners, the applicant shall have the right to request an appeal as prescribed in this resolution. Airport zoning permits may be reviewed and granted in conjunction with any zoning permit in the county or other affected communities, if any exist.

**13.5. Expiration of Zoning Permit:** If the work described in the zoning permit has not begun within one (1) year from the date of issuance, the permit will expire. It shall be considered revoked. Written notice may be given to the persons affected. If the work described in the zoning permit has not been completed within two (2) years of the date of issuance the permit shall expire and is revoked. Written notice may be given to the affected parties, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

**13.6. Failure to Obtain a Zoning Permit:** Failure to obtain a zoning permit shall be punishable violation of this Resolution.

**13.7. Construction to be as Provided in Application:** Zoning permits issued on the basis of plans and applications approved by the Zoning

Board's agent authorize only the construction and specific use detailed in the application. Any construction which increases the height contrary to the permit issued or the specific use(s) not considered with the permit issued shall be deemed as a punishable violation of this Resolution.

**13.8. Stop Work Order:** Subsequent to determination that work is being done contrary to this Resolution, the JCRAA shall write a stop work order and post it on the premises involved. Removal of a Stop Work Order, except by the order of JCRAA, shall constitute a punishable violation of this Resolution.

**13.9. Zoning Permit Revocation:** JCRAA may issue a notice to revoke a permit which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

**13.10. Notice of Violation:** Whenever the Zoning Board or its agent determines that there is a violation of any provision of this Resolution a warning shall be issued and shall serve as a notice of violation. Such order shall be in writing; identify the violation; include a statement of the reason or reasons why it is being issued and refer to the sections of the Resolution being violated; and state the time by which the violation shall be corrected. Service of the notice of violation shall be as follows: A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or B. By certified mail through US Postal Service addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Board's agent. Service shall be deemed complete when the certificate of mailing is entered on record, provided that the ordinary mail envelope is not returned by the post office with an endorsement showing failure of delivery; or C. By posting a copy of the notice form in a

conspicuous place on the premises found to be in violation.

## Section 14. Hazardous Markings and Lighting

This section provides for safe aircraft operations, as well as the health, safety, and welfare of individuals on the ground within the vicinity of the airport by identifying lighting and marking requirements. Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the owner of such property, building, structure or object requiring such lighting or marking requirements within the findings of an FAA 7460-1 airspace analysis.

## Section 15. Height Limitations

No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this resolution to a height in excess of the applicable height limitations set forth in this resolution and the airport zoning map. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers provided in this resolution and/or depicted on the "Official Jefferson County Airport Land Use & Height Overlay Map" within the airport zoning district encompassed by this resolution. The Airport Land Use & Height Overlay Map is located in the JCRAA offices at the airport terminal building. An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review. Furthermore, if the height limitations of this airport zoning resolution and accompanying Airport Land Use

& Height Overlay Map are in conflict with the underlying height limitations imposed by any other authority, the more restrictive height limitation shall apply.

## Section 16. Airport Zoning Board of Appeals

The Airport Zoning Board of Appeals shall consist of five members, each to be appointed for a term of three years by the Jefferson County Commissioners and subject to removal by the appointing authority for cause upon written charges and after public hearing. The first members of such board of 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. The Airport Zoning Board of Appeals shall have powers and authority specified under Section 4563, Revised Code, hereby included by reference.

Any person aggrieved by any decision of the airport zoning board made in its administration of airport zoning regulations adopted under sections 4563.01 to 4563.21, inclusive, of the Revised Code, or any governing body of a political subdivision or any airport zoning board which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the airport zoning board of appeals.

All appeals taken under this section shall be taken within twenty days after an order is filed in the office of the airport zoning board, as provided by the rules of the airport zoning board of appeals, by filing with the airport zoning board from which the appeal is taken, JCRAA, and with the airport zoning board of appeals a notice of appeal specifying the grounds of such appeal. The airport zoning board from which the appeal is taken shall transmit to the airport zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport zoning board certifies to the airport

zoning 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 its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by order of the airport zoning board of appeals on notice of the agency from which the appeal is taken and on due notice to the parties in interest.

The airport zoning board of appeals shall fix a reasonable time for the hearing of 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, by agent, or by attorney. The airport zoning board of appeals, in conformity with sections 4563.01 to 4563.21, inclusive, of the Revised Code, may reverse, affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from.

## Section 17. Variances

In accordance with Section 4563.16, Ohio Revised Code, any person desiring to employ a land use, erect any structure, or increase the height of any structure, or permit the increases in height of any object of natural growth, or otherwise use his property in any manner in conflict with airport zoning regulations adopted under sections 4563.01 to 4563.21, inclusive, of the Revised Code, may apply to the airport zoning board of appeals for a variance from the zoning regulations in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest or create conditions dangerous to the safety of aircraft using the airport, but would do substantial justice and would not be in conflict with factors set down for consideration in sections 4563.07 and 4563.08 of the Revised Code. The board of appeals may subject any variance to any reasonable conditions that they deem necessary.

No application for variance to the requirements of this resolution may be considered by the Board of Appeals unless a copy of the application has been submitted to JCRAA for an opinion as to the aeronautical effects of the variance. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations adopted pursuant to this chapter or to effect any variance therefrom.

### Section 18. Judicial Review

Any person aggrieved, or any taxpayer, or any legislative authority, or any airport zoning board affected by any order of the airport zoning board of appeals may appeal within thirty (30) days to the court of common pleas of Jefferson County, and upon appeal thereof a trial de novo shall be had.

### Section 19. Penalties and Fines

Any violation of this resolution or of any regulation, order, or ruling promulgated hereunder shall constitute an infraction. Each day a violation continues shall constitute a separate offense that shall be fined not more than one hundred dollars (\$100).

Jefferson County Commissioners may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of sections 4563.01 to 4563.21, inclusive, of the Revised Code, or of airport zoning regulations adopted under such sections, or of any order or ruling made in connection with the administration or enforcement. The court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of sections 4563.01 to 4563.21, inclusive, of the Revised Code, and of

the regulations adopted and orders and rulings made pursuant thereto.

### Section 20. Conflicting Regulations

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

### Section 21. Severability and Repeal

If any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the resolution, which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable. All other regulations and/or resolutions inconsistent with this resolution shall be repealed to the extent of inconsistency and no further.

### Section 22. Effective Date

This resolution shall be in effect from and after its adoption by the governing body and publication and posting as required by law, as provided for in Chapter 4563, Revised Code.

### Section 23. Adoption of Resolution

Adopted by the Board of Commissioners of Jefferson County Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(insert signature blocks)

# Final Rpt

# Final Rpt

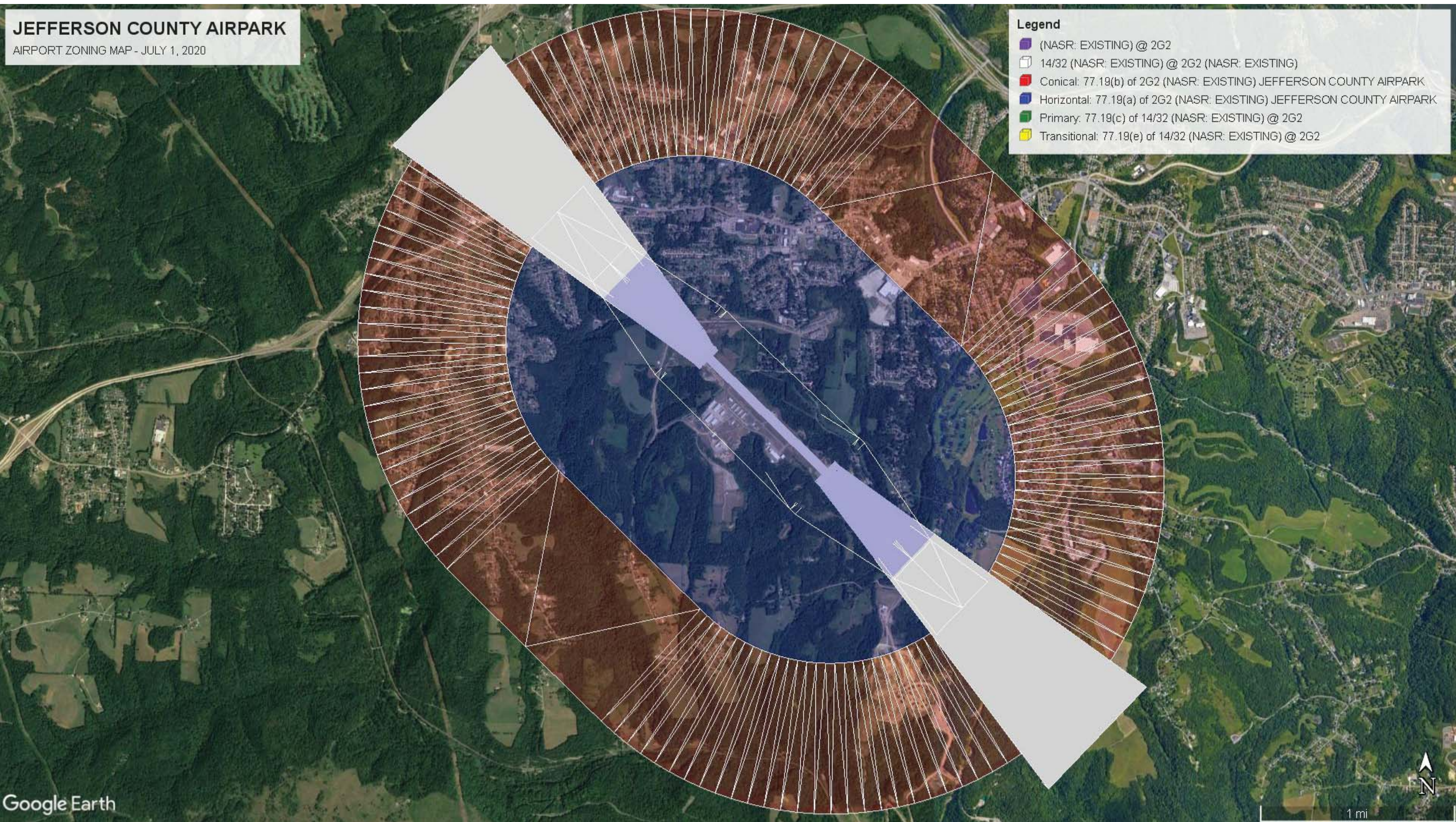


# JEFFERSON COUNTY AIRPARK

AIRPORT ZONING MAP - JULY 1, 2020

## Legend

- (NASR: EXISTING) @ 2G2
- 14/32 (NASR: EXISTING) @ 2G2 (NASR: EXISTING)
- Conical: 77.19(b) of 2G2 (NASR: EXISTING) JEFFERSON COUNTY AIRPARK
- Horizontal: 77.19(a) of 2G2 (NASR: EXISTING) JEFFERSON COUNTY AIRPARK
- Primary: 77.19(c) of 14/32 (NASR: EXISTING) @ 2G2
- Transitional: 77.19(e) of 14/32 (NASR: EXISTING) @ 2G2





# JEFFERSON COUNTY AIRPARK

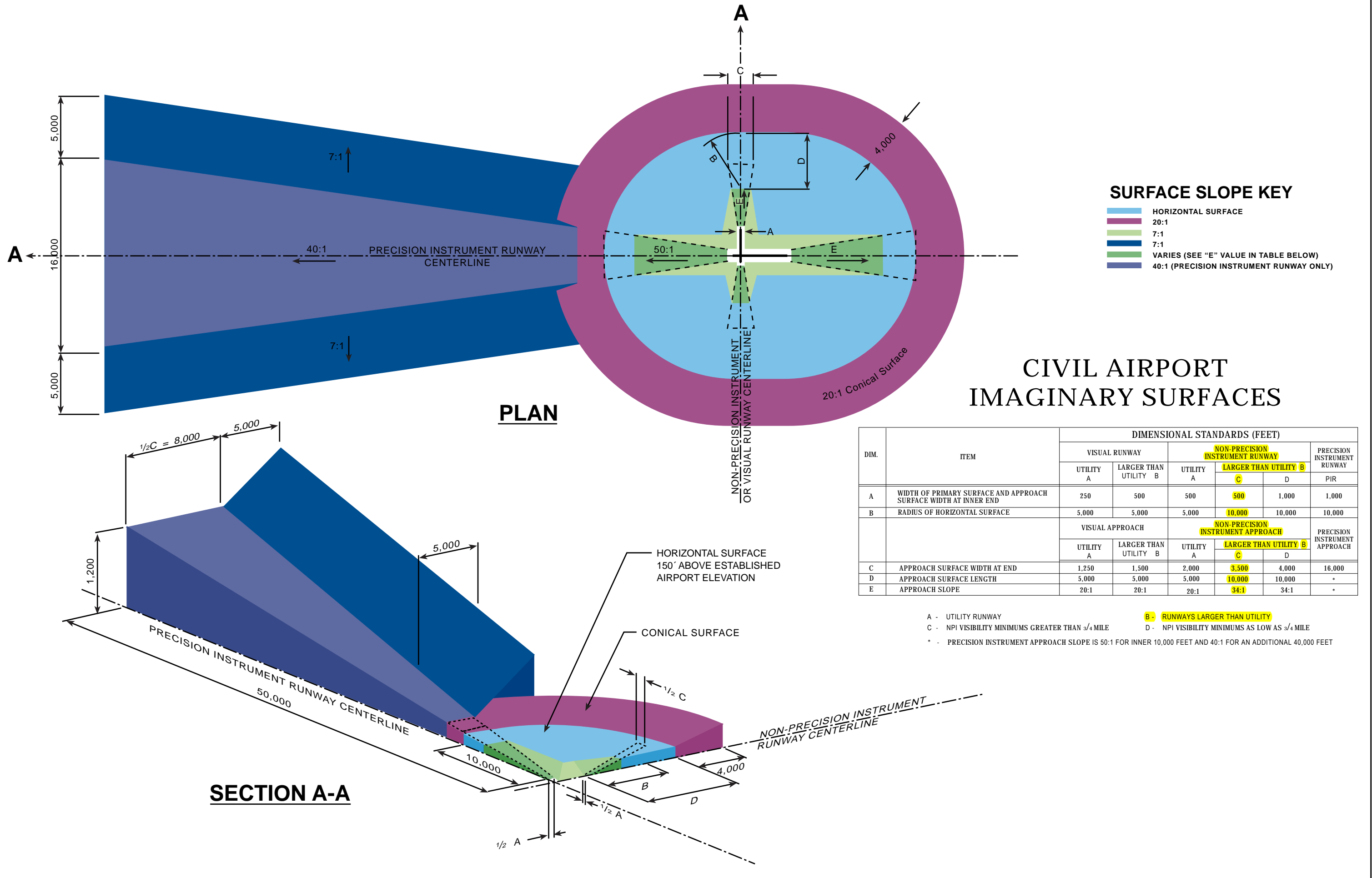
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**SURFACE SLOPE KEY**

- HORIZONTAL SURFACE
- 20:1
- 7:1
- 7:1
- VARIES (SEE "E" VALUE IN TABLE BELOW)
- 40:1 (PRECISION INSTRUMENT RUNWAY ONLY)

**CIVIL AIRPORT  
IMAGINARY SURFACES**

**PLAN**

**SECTION A-A**

DIM.	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		UTILITY A	LARGER THAN UTILITY B	UTILITY A	LARGER THAN UTILITY B C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		UTILITY A	LARGER THAN UTILITY B	UTILITY A	LARGER THAN UTILITY B C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

- A - UTILITY RUNWAY
- B - RUNWAYS LARGER THAN UTILITY
- C - NPI VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
- D - NPI VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
- \* - PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

# Final Rpt