

BOARD OF COUNTY COMMISSIONERS

**OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 12-38

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AMENDMENTS TO FRANKLIN COUNTY ZONING REGULATIONS TO ARTICLE 3 (ZONING DISTRICTS AND GENERAL REGULATIONS), SECTION 3-1 ZONING DISTRICTS AND ZONING MAP ESTABLISHED; ADDING A NEW ARTICLE 18 ENTITLED "AIRPORT HAZARD OVERLAY (A-H)" ZONING DISTRICT; AND RENUMBERING EXISTING ARTICLES 18 THROUGH 27 OF THE FRANKLIN COUNTY ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF THE COUNTY IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-757

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to Kansas Statutes K.S.A. 19-101; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Board of County Commissioners did adopt the Zoning Regulations of Franklin County Kansas on August 14th, 2002 pursuant to the provisions of K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission did publish notice on October 23rd, 2012 that a public hearing would be held to consider an amendment to the Zoning Regulations of Franklin County Kansas as required by K.S.A. 12-757; and

WHEREAS, the Planning Commission did on November 15, 2012 hold a public hearing for the consideration of adopting said amendments to the Zoning Regulations as prescribed by K.S.A. 12-757; and

WHEREAS, the Franklin County Planning Commission, after duly considering in detail the amendment to add a new Article 18 entitled "Airport Hazard Overlay (A-H)" Zoning District and renumbering existing Article 18 through 27, to be in compliance with the County Comprehensive Plan and necessary to protect the public health, safety and general welfare; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all written reports, public and evidence regarding the prevention of hazards to air navigation necessary to 1.) protect the safety of residents and property within the Airport Hazard Zone; 2) protect pilots and other users of the airport; 3) protect the public investment in the airport; and further the public interest and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby adopt an Amendment to the County Zoning Regulations to add a new Article 18 entitled "Airport Hazard Overlay (A-H)" Zoning District and renumbering the existing Articles 18 through 27 accordingly as follows:

Part 1:ARTICLE 18

AIRPORT HAZARD OVERLAY (A-H) ZONING DISTRICT

Sections:

- 18-1.Purpose
- 18-2 Applicability, Enforcement, Conflict
- 18-3 Definitions
- 18-4 Airport Hazard Overlay (A-H) Zoning District
- 18-5Ottawa Airport Zone Height Limitations
- 18-6 Supplemental Notice of Construction Requirements
- 18-7Use Restrictions
- 18-8 Nonconformities
- 18-9 Permits
- 18-10 Administration
- 18-11Appeals
- 18-12Variances or Exceptions
- 18-13Validity

Section 18-1 Purpose

18-1.01The purpose of the Airport Hazard Overlay (A-H) Zoning District is to protect the safety of residents and private properties within the Airport Hazard Zone Boundaries, to protect pilots and others using the airport and to protect the public investment in the airport and its environs as provided in Federal Aviation Administration Regulations (FAR Part 77) and the “Terminal Instrument Procedures (TERPS) surfaces and the Vertically Guided Approach Surfaces (VGAS) for the airport as referenced in the “Kansas Airspace Awareness Tool”.

Section 18-2 Applicability, Enforcement and Conflict

18-2.01Land to which this Article applies.This article shall apply to all properties within the boundaries of the Airport Airspace Protection Area Map.

18-2.02Enforcement.The Planning Director hereby has this responsibility after review and recommendation of the Airport Advisory Board that any development within the Airport Hazard Overlay District is consistent with the requirements of this Article.

18-2.03Conflict.In the event of conflict between any zoning requirements in the Zoning Regulations and any other adopted standard or regulation in this Article, the more stringent limitation or requirements shall govern and prevail.

Section 18-3. Definitions

18-3.01As used in this Airport Hazard Overlay Zoning, words or phrases shall be interpreted as set forth in this Section unless the context otherwise requires:

ABANDONED:Means any item which has ceased to be used for its designed and intended purpose.

AIRPORT ADVISORY BOARD:Means the appointed advisory board for the OWI.

AIRPORT ELEVATION:Means the highest point of the airport’s usable landing area measured in feet above sea level (966 feet above sea level).

AIRPORT HAZARD:Means any structure or tree or use of land which obstructs or is hazardous to the airspace required for the flight of aircraft in landing or taking-off or permanently raises the published or planned approach minimums at the airport.

AIRPORT HAZARD AREA (also referred to as the “Airport Hazard Overlay District”):Means any area of land or water surrounding the Ottawa Airport upon which an airport hazard might be established – including any which may permanently raise the published or planned approach minimums of the airport – if not prevented as provided in this Resolution and as depicted on the “Airport Hazard Area Graphic” adopted by and made a part of this Resolution; and including the FAA Part 77 Civil Airport Imaginary Surfaces, which consist of the Horizontal Surface, Conical Surface, Primary Surface, Approach Surface, Transitional Surface and Precision Approach Surfaces; and the Terminal Instrument Procedures (TERPS) surfaces and the Vertically Guided Approach Surfaces (VGAS) for the airport as referenced on the Kansas Department of Transportation (KDOT) “Kansas Airspace Awareness Tool” at <http://www.ksdot.org/airspacetool>.

AIRPORT HAZARD AREA GRAPHIC:Means the map depicting the airspace Airport Airspace Protection Area and attached to this Article as Exhibit A, and made a part thereof.

AIRPORT LAYOUT PLAN (ALP):Means a plan adopted by the City Commission that depicts existing airport facilities and proposed developments as determined from the Airport Advisory Board’s review of the aviation activity forecasts, facility requirements and alternatives analysis.

APPROACH MINIMUMS:Means the minimum ceiling or visibility under which an aircraft may be landed with the use of a published approach procedure. It also means planned non-precision or precision instrument approach minimums so indicated on an approved Airport Layout Plan or any other planning document.

APPROACH SURFACE:Means 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 18.5 of these Regulations. The perimeter of the approach surface coincides with the perimeter of the approach zone.

CITY COMMISSION:Means the Governing Body for the City of Ottawa, Kansas.

CONICAL SURFACE:Means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet horizontally to each foot vertically (20:1) for a horizontal distance of 4,000 feet

FAA:Means the Federal Aviation Administration.

HAZARD TO AIR NAVIGATION:Means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS WILDLIFE:Means species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

HEIGHT:Means for the purpose of determining the height limits in all zones set forth in this Article and shown on the Ottawa Airport Hazard Area Graphic, the datum shall be mean heights as measured from the elevations of OWI Runways 17-35, 13-31 unless otherwise specified.

HORIZONTAL SURFACE:Means a horizontal plane 150 feet above the established airport elevations, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY: Means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (OWI Runways 17-35, 13-31).

OBSTRUCTION: Means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 18.5 of this Article.

OTTAWA AIRPORT (OTTAWA MUNICIPAL AIRPORT, OWI): Means the public-use airport owned and operated by the City of Ottawa, Kansas.

OWI: Means the three-letter identifier assigned by the Federal Aviation Administration to the public-use airport owned and operated by the City of Ottawa, Kansas.

PERSON: Means 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.

PRIMARY SURFACE: Means 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. The width of the primary surface is set forth in Section 18.4 of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: Means a defined area on an airport prepared for landing and taking-off of aircraft along its length.

RUNWAY, NON-PRECISION INSTRUMENT APPROACH: Means 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 (OWI Runways 17-35, 13-31).

RUNWAY, PRECISION INSTRUMENT APPROACH OR INSTRUMENT APPROACH PROCEDURE (IAP): Means a series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing, or to a point from which a landing may be made visually (OWI Runways 17-35, 13-31).

TERMINAL INSTRUMENT PROCEDURE (TERPS): Means surfaces that are constructed from the electronic signals transmitted by ground-based and satellite-based air navigation electronic equipment, which are the instrument procedures that aircraft pilots use to fly between airports and land on runways.

TRANSITIONAL SURFACES: Means these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect the horizontal and conical 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.

TREE: Means any object of natural growth.

VERTICALLY GUIDED APPROACH SURFACES (VGAS): Means satellite-based approach surfaces that are established to protect Instrument Approach Procedures (IAP) that provide vertical guidance and lower approach minima. Examples of landings systems protected by VGAS include Instrument Landing System (ILS) based approaches and GPS based procedures utilizing a Wide Area Augmentation System (WAAS) with

Localizer Performance with Vertical Guidance (LPV); and which can improve airport capacity when ground based systems are out of service, and provide accurate, reliable access to more airports previously not served by precision approaches.

WILDLIFE ATTRACTANTS: Means any human-made structure, land-use practice or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the Airport Hazard Area. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining or wetlands.

ZONES: APPROACH, TRANSITIONAL, HORIZONTAL, CONICAL, VGAS AND TERPS: Means the zones that are set forth in Section 18.4 of this Article.

Section 18-4. Airport Hazard Overlay Zoning District.

18-4.01 The airport Height and Hazard Regulations shall apply to the Airport Hazard Area as an "Airport Hazard Overlay District" to the County Zoning Regulations, in coordination with the City of Ottawa which shall have zoning jurisdiction over the remainder of said hazard area in the portions of the unincorporated Franklin County not within the City but within the Urban Growth Area. The Airport Hazard Area, wherein the Height and Hazard Regulations apply, include all of the land area as defined in these regulations, generally lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and any other territory surrounding the Ottawa Airport divided into zones – including the established and ultimate minimum approach surfaces and precision approaches, as depicted on the Ottawa Airport Hazard Area Exhibit A (which is based on the KDOT "Kansas Airspace Awareness Tool"), made a part hereof and attached to this Article. The Airport Hazard Area Exhibit A is provided to the public as an attachment to this Article for illustrative purposes only, in order to generally show where these regulations apply; and is not to be relied upon as a regulatory tool. For administrative purposes, when applying these regulations on a case-by-case basis, the standard FAA procedures for determining compliance of proposed structures with height and hazard standards should be relied upon as the starting point for interpreting the applicability of these regulations.

18-4.02 An area located in more than one of the following zones is considered to be in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. FAR Part 77 Surfaces, sub-part C Civil Airport Imaginary Surfaces Zones – the Horizontal Surface, Conical Surface, Primary Surface, Approach Surface and Transitional Surface as designated by the FAA:

1. *Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone (34:1)* – 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 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (OWI Runway 17-35).

2. *Visual Utility Runway* – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 2,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (OWI Runway 13-31, existing).

3. *Utility Runway with a visibility minimum at/or greater than one (1) mile 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. (OWI Runway 13-31, ultimate).

4. *Transitional Zone* – The transitional zones are the areas beneath the transitional surfaces.

5. *Horizontal Zone* – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of

each runway and connecting the adjacent arcs by drawings lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

6. *Conical Zone* – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

B. Runway Approach Minimum Zones – the approach zones to the runways, the minimum ceiling or visibility under which an aircraft may be landed with the use of a published approach procedure; and the planned non-precision or precision instrument approach minimums so indicated on the approved Airport Layout Plan (ALP) or the Airport Hazard Area Graphic, which depicts the Terminal Instrument Procedures (TERPS) surfaces and the Vertically Guided Approach Surfaces (VGAS) for the airport.

C. Terminal Instrument Procedures Surface (TERPS) Zones – which can extend ten (10) nautical miles from a runway, constructed from the electronic signals transmitted by ground and space based air navigation electronic equipment, which instrument procedures aircraft pilots use to fly between airports and land on runways.

D. Vertically Guided Approach Surfaces (VGAS) Zones – which provide lower minima for approach procedures that do not rely on ground based navigational systems, including Instrument Landing System (ILS), to improve airport capacity when ground based systems are out of service – for better access to runways with terrain or airspace constraints using curved RNAV legs and narrower protected surfaces; and for improved safety by eliminating circling maneuvers and providing laterally and vertically guided approaches not available through conventional ground-based Navigational Aid (NAVAID) procedures or through existing Area Navigation (RNAV) procedures.

Section 18-5 Ottawa Airport Zone Height Limitations

18-5.01 Except as otherwise provided in this Article, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of the applicable height herein established for such zone.

18-5.02 Such applicable height limitations are hereby established for each of the zones in question as follows:

A. FAR Part 77 Surfaces, sub-part C Civil Airport Imaginary Surfaces Zones – the Horizontal Surface, Conical Surface, Primary Surface, Approach Surface and Transitional Surface as designated by the FAA:

1. *Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone* – slopes thirty-four (34) feet outward for each foot upward (34:1) beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerlines of each runway (OWI Runway 17-35).

2. *Visual utility runway* – Slopes twenty (20) feet outward for each foot upward (20:1) 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. (OWI Runway 13-31, existing).

3. *Utility runway with a visibility minimum at/or greater than one (1) miles non-precision instrument approach zone* – slopes twenty (20) feet outward for each foot upward (20:1) 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 (OWI Runway 13-31, ultimate).

4. *Transitional Zones* – slope seven (7) feet outward for each foot upward (7:1) 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 elevations each runway. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface of each runway, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping

seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

5. *Horizontal Zone* – established at 150 feet above the airport elevation.

6. *Conical Zone* – slopes twenty (20) feet outward for each foot upward (20:1) beginning at the periphery of the horizontal zone and at 150 feet above the airport elevations and extending to a height of 350 feet above the airport elevations.

B. Runway Approach Minimum Zones – The slopes established by the minimum ceiling or visibility under which an aircraft may be landed with the use of a published approach procedure; and by the planned non-precision or precision instrument approach minimums so indicated on an approved Airport Layout Plan.

C. Terminal Instrument Procedures (TERPS) Surface Zones – The slopes established by the electronic signals transmitted by ground and space based air navigation electronic equipment, which instrument procedures aircraft pilots use to fly between airports and land on runways.

D. Vertically Guided Approach Surfaces (VGAS) Zones – The slopes established by the VGAS approach surfaces longitudinally centered on the extended runway centerline beginning at the runway threshold and extending outward and upward at a **slope** of 40:1 (2.5%) for a horizontal distance of 20,200 feet. The surface is 2,000 feet wide (1,000 feet either side of centerline) at the runway threshold and expands to a width of 8,000 feet at 10,200 feet from threshold. From 10,200 to 20,200 feet the surface is 8,000 feet wide (4,000 feet either side) and parallel to the runway centerline extended.

Section 18-6. Supplemental Notice of Construction Requirements.

18-6.01 In order to comply with Section 18.4, *Airport Zones* and Section 18.5, *Airport Zone Height Limitations* in this Article, as well as relevant FAA *Advisory Circulars*, including *Hazardous Wildlife Attractants on or Near Airport, AC No. 150/5200-33B*, this Section is established to require notice of construction or alteration to any object(s) that potentially affects the navigable airspace of the Ottawa Airport. Any application for a permit submitted to Franklin County that potentially affects the navigable airspace of the Ottawa Airport must include a completed Federal Aviation Administration (FAA) Form 7460-1 (2-99) *Notice of Proposed Construction or Alteration*. Any application to construct or alter any wildlife attractant or a proposed solid waste landfill shall be submitted with a completed FAA Form 7460-1 (2-99).

Section 18-7. Use Restrictions

18-7.01 Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article 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 wildlife attractants or habitat for hazardous wildlife, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. Furthermore, no use may be made of the land or water within any zone established by this Article that would result in permanently raising the published or planned approach minimums.

Section 18-8. Nonconformities.

18-8.01 The regulations prescribed in this Article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a legal nonconforming use.

18-8.02 Regulations Not Retroactive. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently prosecuted.

18-8.03 Marking and Lighting and Tree Trimming. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree, upon proper notification from the FAA and/or KDOT, is hereby required to permit the installation, operation and maintenance of such markers and lights by the City, upon recommendation by the Airport Advisory Board, or trimming, topping or cropping the tree at the expense of the Ottawa Airport.

18-8.04 Nonconforming Uses Abandoned or Destroyed. Whenever the Franklin County Planning Director determines that a nonconforming tree or structure has been abandoned or more than fifty-one percent (51%) destroyed, physically deteriorated, or decayed, no permit shall be granted that would allow the reconstruction of such abandoned or destroyed nonconforming structure or tree to exceed the applicable height limit or otherwise deviate from these Height and Hazard Regulations. Factors to be considered in determining abandoned could include: operability and functional utility of the item; last effective use; disrepair or damage; status of registration or licensing of the item; or the nature of the area and location of the item.

Section 18-9. Permits

18-9.01 No permit shall be granted for a use inconsistent with the provisions of this Article, or for a use that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or when the application for a permit is made; unless a variance has been approved.

18-9.02 Permits Required When. Permit applications shall be submitted for proposed structures in any of the zones or surfaces except as specifically provided in sub-section 2. Each permit application shall be submitted on forms required by the County to determine whether the resulting use, structure or tree would conform to these regulations. If such determination is in the affirmative, the permit shall be granted.

18-9.03 No Permit Required When. No permit shall be required for structures shorter than seventy-five (75) feet; provided that, in an approach or transitional zone the proposed structure or tree is more than 4,200 feet from the end of a runway; provided further that, this permit exception shall not be construed as permitting any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article.

18-9.04 Permit Conditioned on FAA Form 7460-1, "Notice of Construction". Any proposed construction, alteration or repair requiring a permit must have filed an FAA Form 7460-1 (FAA 77.13 Construction or Alteration Requiring Notice) with the appropriate FAA Regional Office. No construction, alteration or repair work may commence until the determination is received from the FAA and said determination is reviewed by the Planning Director in consultation with the Airport Advisory Board.

18-9.05 Permit may be Conditioned on Marking or Lighting and Tree Trimming. Any permit or variance granted may be conditioned on a requirement that the owner of the structure or tree in question install, operate and maintain, at the owner's expense, such markings and lights or tree trimming as may be deemed reasonably necessary to effectuate the purpose of this Article. If deemed proper by the Airport Advisory Board, this condition may be modified to require the owner to permit the City, at its own expense, to top, crop or trim the tree or install, operate and maintain the necessary markings and lights.

Section 18-10 Administration

18-10.01 It shall be the duty of the Planning Director to administer the regulations prescribed herein in

consultation with the recommendation of the Airport Advisory Board. Applications for permits shall be made to the Franklin County Planning Department upon a form for that purpose. Applications for appeals, variances or exceptions shall be made to the Planning Director upon a form published for that purpose per Article 24.

Section 18-11 Appeals

18-11.01 Any person aggrieved or any property owner in the Height and Hazard Area affected by any decision of the Planning Director made in the administration of this Article may appeal to the Board of Zoning Appeals per Article 24.

Section 18-12 Variance or Exception

18-12.01 Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of property, not in accordance with the regulations prescribed in this Article, may apply to the Board of Zoning Appeals for a variance or exception from such regulations. The application for variance or exception shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the published or planned approach minimums, operation of air navigation facilities, and the safe, efficient use of navigable airspace. Such variances shall be granted where it is duly found that a literal application or enforcement of these regulations will result in undue hardship and relief granted would not be contrary to the public interest, would not create a hazard to air navigation, would do substantial justice and would be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Ottawa Airport Advisory Board for review and comment.

18-12.02 The Board of 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, requirements, decision or determination which comes before it under the provisions of this Article.

Section 18-13 Validity

18-13.01 Should any section, clause or provision of this Article be declared invalid or unconstitutional by any court of record, the same shall not affect the validity of these Regulations as whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

18-13.02 Any previous Regulations or any parts of regulations in conflict with this Article are hereby repealed.

Part 2: Existing Article 18 "Special Use Permits" renumbered to Article 19

Part 3: Existing Article 19 "Nonconforming Uses" renumbered to Article 20

Part 4: Existing Article 20 "Parking and Loading" renumbered to Article 21

Part 5: Existing Article 21 "Sign Regulations" renumbered to Article 22

Part 6: Existing Article 22 "Amendment Procedures" renumbered to Article 23

Part 7: Existing Article 23 "Board of Zoning Appeals" renumbered to Article 24

Part 8: Existing Article 24 "Building Permits" renumbered to Article 25

Part 9:Existing Article 25 "Temporary Uses" renumbered to Article 26

Part 10:Existing Article 26 "Uses Prohibited" renumbered to Article 27

Part 11:Existing Article 27 "Miscellaneous" renumbered to Article 28

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 5th day of December 2012.This action shall become in full force and effect upon publication in the official county newspaper.

/s/ Steven W Harris
Steven W. Harris
Commissioner

Received and recorded this the 5th day of December 2012.

/s/ Shari Perry
Shari Perry
County Clerk