

ORDINANCE NO. 2013-

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA, PROVIDING FOR AIRPORT ZONING REGULATIONS WITHIN THE AIRPORT ZONING OVERLAY DISTRICT CREATED BY THIS ORDINANCE THAT CONSIDERS SAFETY ISSUES AROUND CAPITAL CITY AIRPORT (CXY) AND HARRISBURG INTERNATIONAL AIRPORT (MDT); RESTRICTING HEIGHTS OF ESTABLISHED USES, CONSTRUCTED STRUCTURES, AND OBJECTS OF NATURAL GROWTH WITHIN SAID OVERLAY ZONING DISTRICT, AND CREATING A PERMITTING PROCESS RELATING THERETO WITHIN SAID OVERLAY DISTRICT.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, that a Part 18, as hereinafter set forth, is hereby adopted and added to Chapter 27, ZONING, of the Township of Conewago Code of Ordinances.

Part 18

Airport Zoning Overlay District Regulations

Section 101. Application.

- A. The regulations and standards contained in this Part shall apply to all applications to:
1. erect a new structure
 2. add to or increase the height of an existing structure; and
 3. establish, erect, and/or maintain any use, structure, or object (natural or manmade), within the Airport Zoning Overlay District of the Conewago Township, Dauphin County, PA.

Section 201. Purpose and Intent

- A. The purpose and intent of the Airport Zoning overlay District is to:
1. create an overlay district that considers safety issues around the Capital City Airport (CXY) and Harrisburg International Airport (MDT);
 2. regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
 3. create a permitting process for certain uses, structures, and objects within said related zones.

Section 301. Relation to Other Zoning Districts

- A. The Airport Zoning Overlay District shall not modify the boundaries of any other overlay zoning district. Where identified, the Airport Zoning Overlay District shall impose certain requirements on land use, construction and development in addition to those contained in the applicable underlying zoning district and/or applicable overlay zoning district for the same area.

Section 401. Definitions

The following words and phrases when used in this ordinance shall have the meaning given to them in this section unless the context clearly indicates otherwise.

AIRPORT(S) – HARRISBURG INTERNATIONAL AIRPORT (MDT) AND CAPITAL CITY AIRPORT

(CXY): Any area of land or water which is used, or intended to be use, for the landing and takeoff of

aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term “Airport” includes public airports, but excludes private airports and heliports. Public and private airports are defined separately in this section.

Airport Elevation: The highest point of an airport’s useable landing area measured in feet above sea level. The Airport elevation for Harrisburg International Airport is three hundred ten (310) feet; the Airport Elevation for Capital City Airport is three hundred forty seven (347) feet.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot

vertically for a horizontal distance of four thousand (4,000) feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.

Department: Pennsylvania Department of Transportation.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Larger Than Utility Runway: 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.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Section 501. Conflict

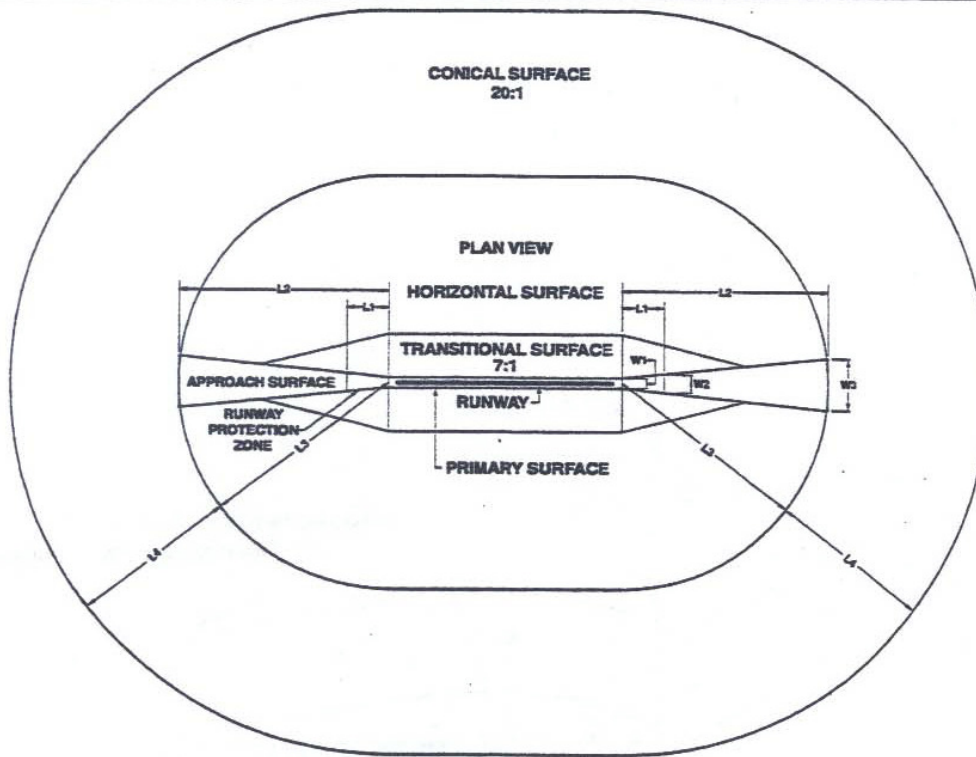
A. Wherever and whenever the requirements of this Part are at variance with the requirements of any other Part and/or Section of this Chapter, the most restrictive, or that imposing the higher standards shall govern.

Section 601. Establishment of Airport Zones

A. There are hereby created and established certain zones within the Airport Zoning Overlay District, defined in Article 2 of this Chapter and depicted on Figure 1 and illustrated on the “Conewago Township, Dauphin County, PA: Airport Zoning Overlay District Map” as follows:

1. Approach Surface Zone.
2. Conical Surface Zone.
3. Horizontal Surface Zone.
4. Primary Surface Zone.
5. Transitional Surface Zone.

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

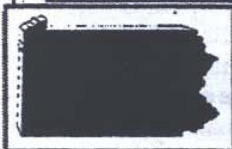
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L3)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Other Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes ³	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3/4	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes	NP 3/4	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet
2 - Less than 12,500 lbs maximum certified takeoff weight
3 - Greater than 12,500 lbs maximum certified takeoff weight

V = Visual approach 20:1
NP = Nonprecision approach 34:1
NP 3/4 = Nonprecision approach with visibility minimums as low as 3/4 statute miles 34:1
P = Precision approach 50:1

Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums

Source: Federal Aviation Administration



Pennsylvania Land Use
Compatibility
Guidelines



**FAR PART 77 SURFACES
AND DIMENSION REQUIREMENTS**

Exhibit
3

Section 701. Permit Applications

A. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.9(2) (as amended or replaced), proposals for applications to:

1. erect a new structure;
2. add to or increase the height of an existing structure; or
3. establish, erect, and/or maintain any use, structure, or object (natural or manmade), in the Airport Zoning Overlay District:

shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. In addition, a Conewago Township permit application must be submitted for any structure, object, or modification to an existing structure that would exceed one-hundred (100) feet above ground level. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section Variance.

B. Exceptions. In the following circumstances notification of an approval by PennDOT's Bureau of Aviation (BOA) shall not be required:

1. In areas lying within the overlay zone, no permit shall be required for any tree or structure less than one-hundred (100) feet of vertical height above the ground, except then, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
2. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

Section 801. Variances

A. In addition to the provisions set forth in Part 17 of this Chapter relating to variances, Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 1101, Obstruction Marking and Lighting.
 3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- B. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

Section 901. Use Restrictions

- A. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to:
1. create electrical interference with navigational signals or radio communications between the airport and aircraft;
 2. make it difficult for pilots to distinguish between airport lights and others;
 3. impair visibility in the vicinity of the airport;
 4. create bird strike hazards; or
 5. otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).

Section 1001. Pre-Existing Non-Conforming Uses

- A. The regulations prescribed by this Ordinance 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 Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance.) may only be reestablished consistent with the provisions herein.

Section 1101. Obstruction Marking and Lighting

- A. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in Section 801. Variance, to require the

owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

Section 1201. Conflict or Inconsistency With Other Ordinances

A. The provisions of this Ordinance shall supersede the provisions of any other Township Ordinances to the extent of any conflicting or inconsistent provisions.

Section 1301. Adoption

This Ordinance is hereby enacted and adopted by the Board of Supervisors this _____ day of _____, 2013, to become effective five (5) days after enactment.

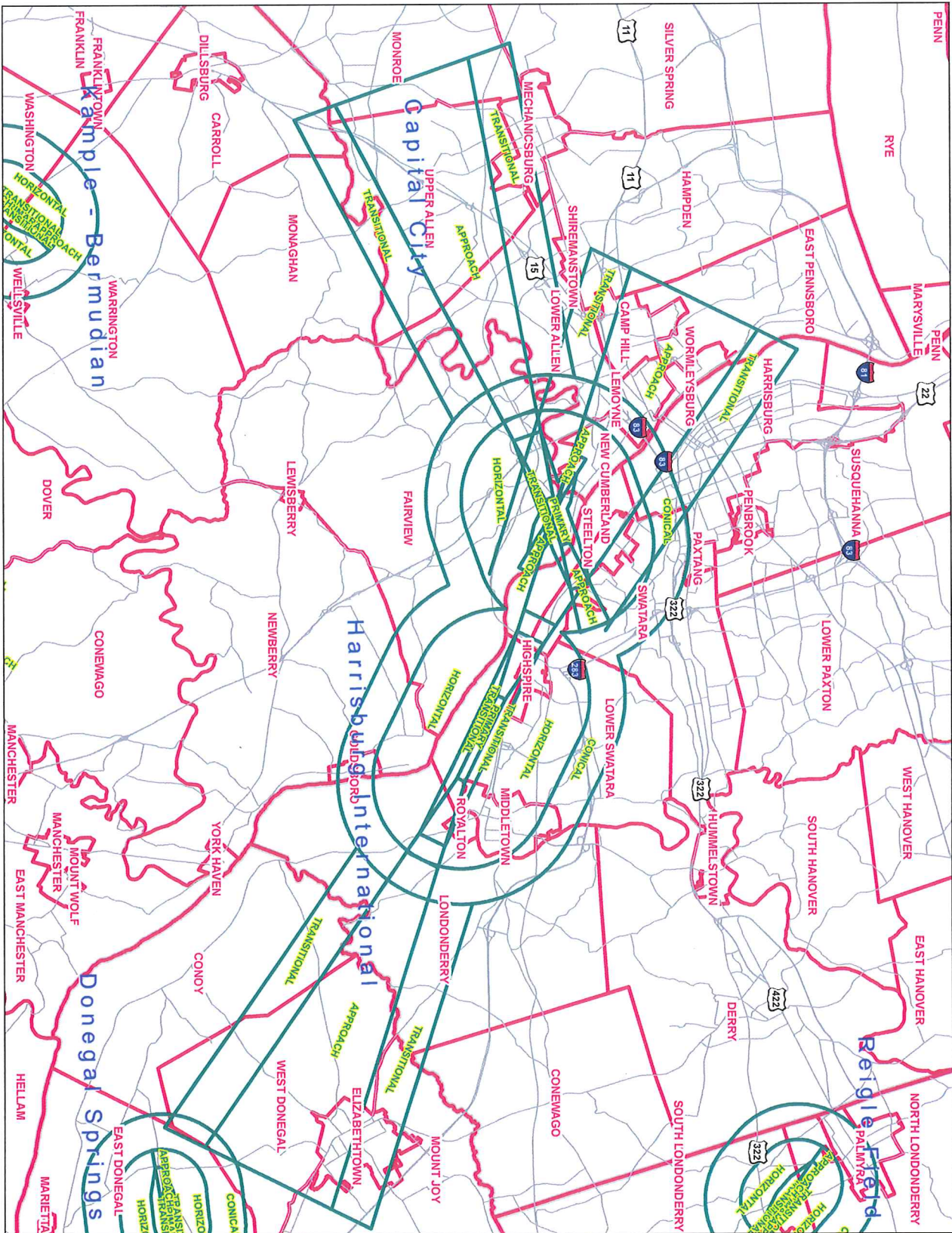
TOWNSHIP OF CONEWAGO
DAUPHIN COUNTY, PENNSYLVANIA

ATTEST:

By: _____
Joel Buckley, Chairman

By: _____
Secretary





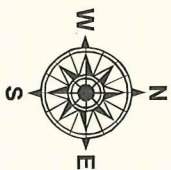
Capital City and Harrisburg International Airport Surface Areas

- Legend**
- Part 77 Surfaces
 - Municipal Boundary
 - County Boundary

Draft: Preliminary Use Only



1 in = 1.9 miles



Created by URS Corporation on behalf of PennDOT Bureau of Aviation
May 26, 2010