

# ZONING

## *27 Attachment 1*

Township of Salisbury

### **Appendix A Airport Approach Regulations**

#### **§ A.1. Purpose and Applicability.**

This Appendix is primarily intended to protect the public health and safety by preventing obstructions that could pose a serious threat to aircraft as they approach or take off from an airport. This section is adopted under the authority of the Pennsylvania Airport Zoning Act of 1984, as amended, 74 Pa.C.S.A, § 5911 et seq. All provisions of the remainder of this chapter shall apply to the provisions of this Appendix, including but not limited to the enforcement provisions, except where the requirements of this Appendix clearly differ from such other provisions.

#### **§ A.2. Definitions.**

For the purposes of this Appendix A, the following terms shall have the following meanings:

**AIRPORT** — The Lehigh Valley International Airport (hereafter “LVIA Airport”) and the Allentown Queen City Airport (hereafter “Queen City Airport”).

**AIRPORT ELEVATION** — The highest point of airport’s usable landing area, measured in feet above sea level. It shall be 394 feet for LVIA Airport and 399 feet for Queen City Airport.

**AIRPORT HAZARD** — Any structure or object, natural or human-made, 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 by “airport hazard” in 74 Pa.C.S.A. § 5102.

**APPROACH SURFACE** — An airport surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in this Appendix.

**CONICAL SURFACE** — An airport surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

**HORIZONTAL SURFACE** — A horizontal plane 150 feet above the established airport elevation.

**NONPRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing air navigation facilities with only

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horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**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** — 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 the runway.

**RUNWAY** — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**TRANSITIONAL SURFACES** — These airport surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically 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 ninety-degree angles to the extended runway center line.

**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.

### **§ A.3. Airport Zoning Agencies.**

The Township Planning Commission is hereby appointed to serve as the Township Airport Zoning Planning Agency. The Township Zoning Hearing Board is hereby appointed to serve as the Airport Zoning Board of Adjustment. Such agencies shall conduct such duties within the same procedures as are followed when conducting their primary role as the Planning Commission or Zoning Hearing Board.

### **§ A.4. Airport Zoning Map.**

The Airport Zoning Map shall be the "Height Limitation and Zoning District Map" prepared under the direction of the State Bureau of Aviation and dated 1989, and as may be officially amended in the future by such agency. This map and any subsequent official amendments are hereby incorporated by reference into this Appendix.

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### § A.5. Airport Zones.

The following zones are hereby established under this Appendix, as shown on the Official Airport Zoning Map, with the following stated height limitations. An area within more than one of the following zones shall be considered to be only within the most restrictive of those zones:

- A. Utility Runway Visual Approach Surface Zone (for a “utility runway”). An area established beneath the visual approach surface, and which has its inner edge coinciding with the width of the primary surface zone of the runway, and which is 250 feet wide. This zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface and has its center line following a continuation of the center line of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- B. Transitional Surface Zone. An area established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Airport Zoning Map. The height limitations of this zone shall slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation. See also the definition of “transitional surfaces.”
- C. Horizontal Surface Zone. An area established beneath the horizontal surface 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of either 5,000 feet (for all runways designated as utility or visual) or 10,000 feet (for all other runways) radii from the center of each end of the primary surface. This zone shall not include the approach surface nor the transitional surface zones. The height restrictions of this zone are established at 150 feet above the established airport elevation.
- D. Conical Surface Zone. An area established beneath the conical surface that commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet. The height limitations of this zone shall slope 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation.
- E. Utility Runway Nonprecision Instrument Approach Surface Zone. Established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of

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2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

### **§ A.6. Airport Height Regulations.**

Except as otherwise provided in this chapter, no structure shall be placed, erected or extended and no tree allowed to grow such that it would be within the applicable height limitation established by any of the following zones established by this Appendix: Conical Surface Zone, Horizontal Surface Zone, Transitional Surface Zone, Utility Runway Visual Approach Surface Zone or Utility Runway Nonprecision Instrument Approach Surface Zone.

### **§ A.7. Permits and Maximum Height.**

1. Except as specifically provided in the following subsections, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed:
  - A. In the area lying within the limits of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographical features, such tree or structure would extend above the height limit prescribed for such approach zones.
  - C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographical feature, would extend above the height limit prescribed for such transition zones.
2. To ensure compliance with this Appendix, a special permit shall be required from the Zoning Officer for the erection, placement or extension of any structure over

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45 feet in height over any of the ground area below any of the airport zones identified by the Airport Zoning Map. The applicant shall be responsible to show compliance with this Appendix.

### **§ A.8. Nonconformities.**

The nonconforming provisions of this chapter shall also apply to structures regulated by this Appendix. No structure that violates the maximum height requirements of this section shall be allowed to be extended further into the height limit, and no tree shall be allowed to grow into or further into the height limit.

### **§ 27-A.9. Variances.**

1. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply for a variance from the zoning regulations in question pursuant to Part 1. A variance shall only be granted after the requirements of § 27-112 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Part. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Part.
  - A. Notwithstanding any other provision of law, if the Zoning Hearing Board decides to grant a permit or variance under this Part, it shall notify the Pennsylvania Bureau of Aviation of its decision. This notice shall be in writing and shall be sent so as to reach the Bureau at least 10 days before the date upon which any permit is to be issued.
  - B. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this Part may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

### **§ A.10. Aircraft Hazards.**

1. No use or structure shall occur in such a way as to create any of the following hazards to aircraft:

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- A. Electrical interference with navigational signals or aircraft radio communications.
  - B. Visual interference or confusion between aircraft lights or airport approach lights and other lights.
  - C. Glare in the eyes of pilots.
  - D. Impaired visibility around the airport.
  - E. Bird strike hazards.
  - F. The growth of any tree into the applicable height limitations of the zones established by this Appendix.
  - G. Other hazards that threaten to interfere with safe landing, takeoff or maneuvering of aircraft using an airport.
2. Because of the highly technical and specialized nature of these requirements, the Township shall not accept any liability or responsibility for identifying aircraft hazards on its own but shall instead investigate written complaints filed by licensed pilots, responsible government officials and operators of airports.

### **§ A.11. Marking of Hazards.**

1. The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Township.
2. The Zoning Officer shall have the authority to require the owner of a structure receiving a permit or variance under this Appendix after the adoption of this Appendix to provide and maintain at the property owner's expense sufficient markings and or lighting, within the regulations and/or standards of the Federal Aviation Administration.

### **§ A.12. Closure.**

1. If Queen City Airport would be officially closed as a fixed-wing airport as determined by the Zoning Officer, the provisions of this Appendix regarding Queen City Airport shall be automatically repealed. If one runway of such airport is closed, the regulations regarding such approach shall be automatically repealed.