

PART 17

“APZ” AIRPORT ZONING OVERLAY DISTRICT REGULATIONS

Section 1700. Application.

The regulations and standards contained in this Part shall apply within the Airport Zoning Overlay District to all applications to:

- A. erect a new structure;
- B. add to or increase the height of an existing structure; and
- C. establish, erect, and/or maintain any use, structure, or object (natural or manmade).

Section 1701. Purpose and Intent

The purpose and intent of the Airport Zoning Overlay District is to:

- A. create an overlay zoning district that considers safety issues around the Capital City Airport (CXY) and Harrisburg International Airport (MDT);
- B. regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
- C. create appropriate related zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones; and
- D. create a permitting process for certain uses, structures, and objects within said related zones.

Section 1702. Relation to Other Zoning Districts

The Airport Zoning Overlay Zoning 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 1703. Conflict

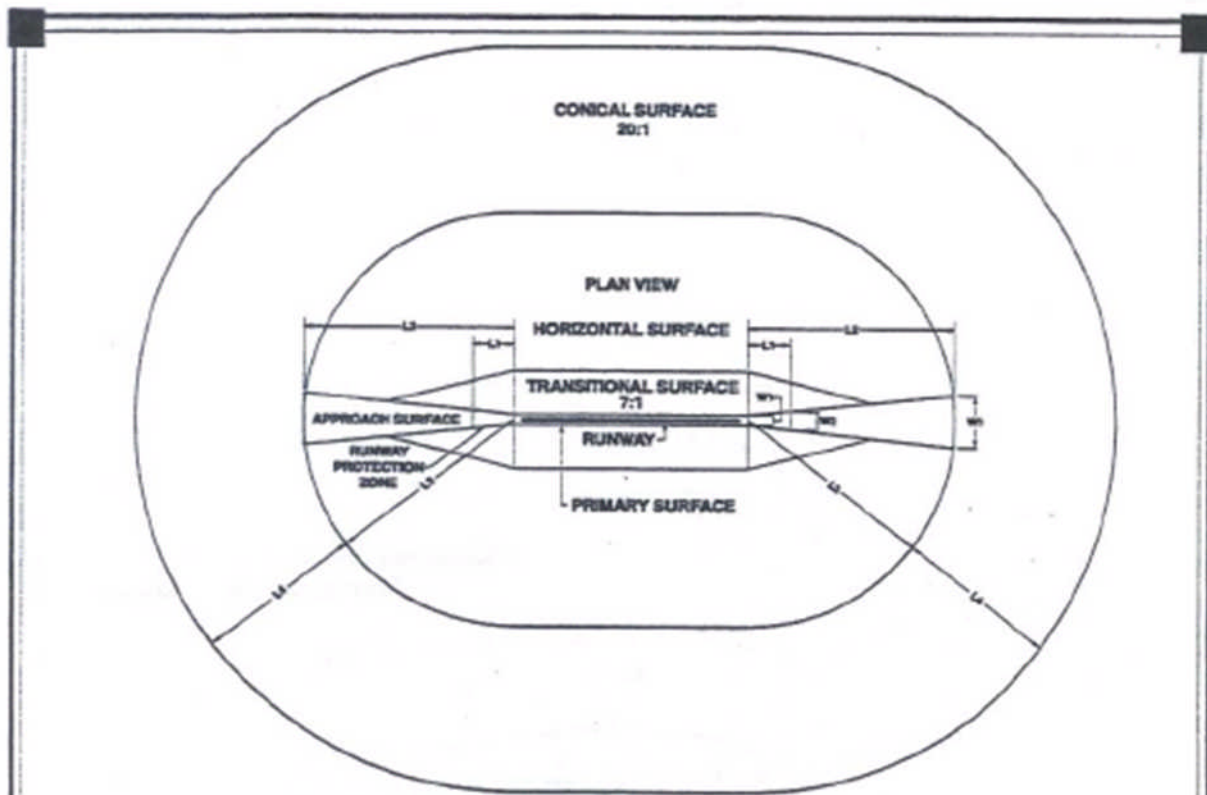
Wherever and whenever the requirements of this Part are at variance with the requirements of any other Part and/or Section of this Chapter, the most restrictive, or that imposing the higher standards shall govern.

Section 1704. Establishment of Airport Zones

The Airport Zoning Overlay District is hereby established and certain zones within the Airport Zoning Overlay District, defined in Part 2 of this Chapter and depicted on Figure 17-1 and illustrated on the “Borough of Highspire, Dauphin County, PA: Airport Zoning Overlay District Map”, as follows:

- A. Approach Surface Zone.
- B. Conical Surface Zone.
- C. Horizontal Surface Zone.
- D. Primary Surface Zone.

E. Transitional Surface Zone.



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

Runway Type	Runway End		Conical Surface (L1)	Horizontal Surface (L2)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface	
	Approach	Other			Length (L3)	Inner Width (W1)	Other Width (W2)				
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	P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1	
		NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	NP 3/4	4,000	5,000	5,000	500	2,000	20:1	500	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	P	4,000	10,000	5,000	1,000	3,500	20:1	1,000	7:1	
		NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	NP 3/4	4,000	10,000	10,000	500	3,500	34:1	500	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	P	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1	
		V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/60:1	1,000	7:1	
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/60:1	1,000	7:1	
NP 3/4	V	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/60:1	1,000	7:1		
	P	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/60:1	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

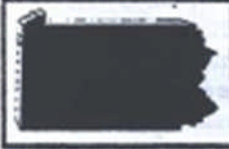


Figure 17-1 FAR Part 77 Surfaces and Dimension Requirements (Source: Model Zoning Ordinance Language for an Airport District Overlay; PennDOT, 2010)

Section 1705. Permit Applications

A. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (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 PennDOT's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof. PennDOT's BOA response must be included with this permit application for it to be considered complete. If PennDOT's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Zoning Overlay District. If PennDOT'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 herein Section 1706.

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

1. No permit is required for the routine maintenance and repairs to, or the replacement of parts of existing structures which do not enlarge or increase the height of an existing structure.
2. In the areas lying within the limits of the horizontal zone and/or conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet or 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.
3. In the areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (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 limit prescribed for such approach zones.
4. 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 seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
5. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Zoning Overlay District, except that 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 1706. Variances.

In addition to the provisions set forth in Part 3 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 Federal Aviation Administration's (FAA) and PennDOT'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:

A. No Objection

The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

B. 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 herein Section 1709.

C. 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. 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 purpose and intent of this Part.

Section 1707. Use Restrictions

Notwithstanding any other provisions of this Part, no use shall be made of land, water, or structure within the Airport Zoning Overlay District in such a manner as to:

- A. create electrical interference with navigational signals or radio communications between the airport and aircraft;
- B. make it difficult for pilots to distinguish between airport lights and others;
- C. impair visibility in the apply within the Airport Zoning Overlay District;
- D. create bird strike hazards; or
- E. otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).

Section 1708. Pre-Existing Nonconforming Uses, Structures, and Trees

The regulations prescribed by this Part shall not be construed to require the removal, lowering, or otherwise change to, or alteration of any use, structure, and/or tree identified as non-conforming to the regulations of this Part as of the effective date of this Part, or to otherwise interfere with the continuance of a nonconforming use, structure, and/or tree. No nonconforming use or structure shall be altered, nor tree permitted to grow higher, so as to increase the nonconformity (relating to height and the use restrictions set forth herein this Part). A nonconforming use, structure or tree, once abandoned or damaged or destroyed as per to the standards in Part 5 of this Chapter may only be reestablished consistent with the provisions herein this Part and Part 5 of this Chapter.

Section 1709. Obstruction Marking and Lighting

Any permit or variance granted pursuant to the provisions of this Part and Part 5 of this Chapter may be conditioned according to the process described herein Section 1706 to require the owner of the structure or object of natural growth in question to permit the Borough of Highspire, 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.