

**CHAPTER 27**

**ZONING**

**PART 1**

**AIRPORT ZONING**

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**PART 1**

**AIRPORT ZONING**

**§27-101. Short Title.**

This Part shall be known and may be cited as the “Bradford County Airport Zoning Ordinance.”

(Ord. 29, 7/1/1991, §I; as amended by Ord. 47, 7/9/2001)

**§27-102. Definitions.**

As used in this Part, unless the context otherwise requires:

AGENT — the Zoning Administrator as appointed by the Supervisors of Towanda Township.

AIRPORT — Bradford County Airport. [Ord. 47]

AIRPORT ELEVATION — 725 feet above mean sea level.

APPROACH SURFACE — an imaginary 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 §104 of this Part. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL and CONICAL ZONES — these zones are set forth in §103 of this Part.

CONICAL SURFACE — a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet.

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

HEIGHT — for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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

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**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 Part or an amendment thereto.

**NONPRECISION INSTRUMENT RUNWAY** — a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision 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 in §104 of this Part.

**PERSON** — 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.

**PRECISION INSTRUMENT RUNWAY** — a runway having an 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 similar 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 that runway. The width of the primary surface is set forth in §103 of this Part. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**RUNWAY** — a defined area on 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 SURFACES** — these surfaces extend outward at 90° angles to the runway centerline 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.

**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 and less.

VISUAL RUNWAY — a runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. 29, 7/1/1991, §II; as amended by Ord. 47, 7/9/2001)

**§27-103. Airport Zones.**

In order to carry out the provisions of this Part, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Bradford County Airport. Such zones are shown on the Bradford County Airport Zoning Map consisting of one sheet, which is attached to this Part and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows: [Ord. 47]

- A. Runway Larger Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the end of the primary surface and is 500 feet wide. The approach zone expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the end of the primary surface and is 1,000 feet wide. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Transitional Zones. The transitional zones are the areas on the ground directly beneath the transitional surfaces.
- D. Horizontal Zone. The horizontal zone is defined by arcs 10,000 feet from the center of each end of the primary surface of each runway, connected by lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. 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.

(Ord. 29, 7/1/1991, §III; as amended by Ord. 47, 7/9/2001)

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### §27-104. Airport Zone Height Limitations.

Except as otherwise provided in this Part, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Part to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Runway Larger Than Utility Visual Approach Zone. Slopes 25 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 centerline.
- B. Precision Instrument Runway Approach Zone. Slopes 50 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 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- C. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surfaces, and extending to a height of 150 feet above the airport elevation which is 725 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surfaces, 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 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway centerline.
- D. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 875 feet above mean sea level.
- E. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- F. Excepted Height Limitation. Nothing in this Part shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land, except where such structure or tree is within a more restrictive zone.

(Ord. 29, 7/1/1991, §IV)

**§27-105. Use Restriction.**

Notwithstanding any other provisions of this Part, no use may be made of land or water within any zone established by this Part 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 bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(Ord. 29, 7/1/1991, §V)

**§27-106. Nonconforming Uses.**

1. Regulations Not Retroactive. The regulations prescribed in this Part shall not be construed to require the removal, lowering or other change or alteration to any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Part, and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Agency to indicate to the operator 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 Bradford County Airport owner. [Ord. 47]

(Ord. 29, 7/1/1991, §VI; as amended by Ord. 47, 7/9/2001)

**§27-107. Permits.**

1. Future Uses. Except as specifically provided in subsections (A), (B) and (C) hereunder, 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 therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detailed information to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted, No permit for a use inconsistent with the provisions of this Part shall be granted unless a variance has been approved in accordance with §107(4).

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- A. In the area lying within the limits of the horizontal zone and conical 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 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 zone, 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 topographic features, would extend above the height limit prescribed for such transition zones. 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 Part except as set forth in §104(F).
2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation, than it was on the effective date of this Part or any amendments hereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
  3. Nonconforming Uses Abandoned or Destroyed. Whenever the Agent determines that a nonconforming tree or structure has been discontinued or not maintained in structural condition existing as of the time of passage of this Part, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
  4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Part, may apply to the Board of Zoning Appeals for a variance from such regulations. 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. No such variance shall be authorized by the Board unless it finds that the strict application of this Part would produce undue hardship; that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; that the authorization of such variance will not be of substantial detriment to the adjacent property and that the character of the district will not be changed by the granting of the variance; and that such variance will not create a hazard to air navigation. The Board of Zoning Appeals may re-



quest the advice of the Federal Aviation Administration or the airport authority as to the aeronautical effects of the requested variance.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Part and is deemed reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as required by the appropriate governmental bodies and regulatory agencies. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Bradford County Airport, at its own expense, to install, operate and maintain the necessary markings and lights. [Ord. 47]

(Ord. 29, 7/1/1991, §VII; as amended by Ord. 47, 7/9/2001)

#### **§27-108. Enforcement.**

It shall be the duty of the agent to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the agent upon a form published for that purpose. Applications required by this Part to be submitted to the agency shall be promptly considered and granted or denied within 30 days after submission of the application. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the agent.

(Ord. 29, 7/1/1991, §VIII)

#### **§27-109. Appeals.**

1. Any person aggrieved or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of this Part, may appeal to the Board of Zoning Appeals.
2. All appeals hereunder must be taken within a reasonable time as provided by Municipalities Planning Code, as amended, by filing with the Zoning Administrator and the Board of Zoning Appeals a notice of appeal specifying the grounds therefore. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board of Zoning 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 the opinion of the Zoning Board Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or Common Pleas upon application and notice to the Zoning Administrator and on due cause shown.

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4. The Board of Zoning Appeals shall fix a reasonable time for hearing appeals, and shall give public notice as required by the Municipalities Planning Code 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 or by agent or by attorney.
5. The Board of Zoning Appeals may, in conformity with the provisions of this Part, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

(Ord. 29, 7/1/1991, §IX)

### **§27-110. Judicial Review.**

Any person aggrieved, or any taxpayer affected by, any decision of the Board of Zoning appeals may appeal to the Court of Common Pleas as provided in.

(Ord. 29, 7/1/1991, §X; as amended by Ord. 47, 7/9/2001)

### **§27-111. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 29, 7/1/1991, §XI; as amended by Ord. 47, 7/9/2001)

### **§27-112. Conflicting Regulations.**

If any of the provisions of this Part or the application thereof to any person or circumstances are held valid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

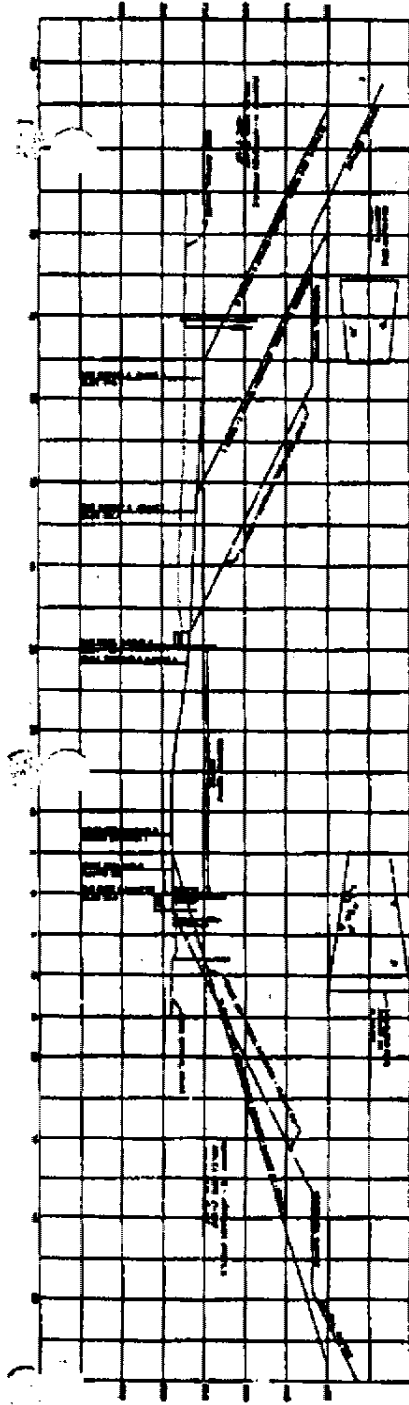
(Ord. 29, 7/1/1991, §XII)

**§27-113. Amendments.**

This Part shall continue in force and effect regardless of any change in designation, ownership or operation of Bradford County Airport.


(Ord. 29, 7/1/1991, §XIII; as amended by Ord. 47, 7/9/2001)

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ALL DIMENSIONS SHOWN ON THIS PLAN ARE TO BE CONSIDERED AS APPROXIMATE UNLESS OTHERWISE SPECIFIED. THE PLANNING BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE CITY OF FORT LEE, VIRGINIA. THIS PLAN IS VALID FOR THE CITY OF FORT LEE, VIRGINIA.

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