

## ORDINANCE #65

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MILFORD TOWNSHIP PORTION OF THE QUAKERTOWN AREA ZONING ORDINANCE OF 1975 AS AMENDED BY REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE QUAKERTOWN AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

This ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act of 1945, April 17, P.L.237, 2 P.S. 1550, et seq. as amended, and the Pennsylvania Municipalities Planning Code, 1968, July 31, P.L. 805, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Quakertown Airport located in Milford Township and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimum of Quakertown Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Quakertown Airport and the public investment therein. Accordingly, it is declared:

- (1) That the Quakertown Airport and its surroundings is an airport hazard area within the meaning of the Airport Zoning Act of Pennsylvania;
- (2) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Quakertown Airport;
- (3) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (4) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, and marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania, as follows:

### SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the Airport Zoning Article of the Milford Township Portion of the Quakertown Area Zoning Ordinance of 1975, as amended.

### SECTION II

This Ordinance is an amendment and supplement to the Milford Township Portion of the Quakertown Area Zoning Ordinance of 1975, as amended (Ordinance #27 as subsequently amended) and is incorporated into and made a part of that Ordinance, and is to be administered and enforced in connection therewith. Current zoning districts, boundaries and use regulations as they are now set forth in that Ordinance and as they may be set forth in future amendments to that Ordinance, continue to be effective notwithstanding the provisions of this Ordinance. The Airport Zoning Map which is a part of this Ordinance is not a replacement for the Zoning Map of Milford Township which is a part of the Milford Township Portion of the Quakertown Area Zoning Ordinance of 1975, as amended, but is to be read and applied in conjunction with the map. It is the intent of this Ordinance that it and the Milford Township Portion of the Quakertown Area Zoning Ordinance of 1975, as amended, both apply to the area included by this Ordinance in the Airport Zoning Map. Where height limitations or other regulations are more restrictive in one Ordinance than in the other, the more restrictive regulations apply. This Ordinance is to be administered and enforced as a part of and in connection with the Milford Township Portion of the Quakertown Area Zoning Ordinance of 1975, as amended.

### SECTION III: DEFINITIONS

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

1. AIRPORT ELEVATION - 526 feet above mean sea level.
2. AIRPORT ZONING PLANNING AGENCY - The Agency appointed by Milford Township to recommend boundaries of the various zones to be established and the regulations to be adopted therefor. The Milford Township Planning Commission as its membership is composed from time to time is hereby appointed as the Airport Zoning Planning Agency.
3. APPROACH SURFACE - 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 V of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section IV of this Ordinance.
5. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
7. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
8. 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.

9. **NONCONFORMING USE** - As applied to the Airport Zones established by this Ordinance, the word shall also mean 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.

10. **NONPRECISION 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 nonprecision instrument approach procedure has been approved or planned.

11. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section V of this Ordinance.

12. **PERSON** - Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic; includes a trustee, a receiver, an assignee, or a similar representative thereof.

13. **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; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section IV of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

15. **STRUCTURE** - As applied to the Airport Zones established by this Ordinance, the word shall also mean 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.

16. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) 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 surface, 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.

17. **TREE** - Any object of natural growth.

18. **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.

19. **VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures.

20. **ZONING HEARING BOARD** - The Zoning Hearing Board of Milford Township, Bucks County, Pennsylvania.

## SECTION IV: AIRPORT ZONES

In order to carry out the provisions of this Ordinance, 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 Quakertown Airport and the land surrounding it. Such zones are shown on the Airport Zoning Map consisting of one sheet, prepared by G. Edwin Pidcock Co., Consulting Engineers, Allentown, Pa., dated August 1982, which is attached to this Ordinance 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:

1. Utility runway Visual Approach Zone - The inner edge of the Runway II 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 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument Approach Zone - The inner edge of the Runway 29 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 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
4. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. 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.

## SECTION V: AIRPORT ZONE HEIGHT LIMITATIONS

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

1. Utility Runway Visual Approach Zone - Slopes twenty (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 centerline.
2. Utility Runway Nonprecision Instrument Approach 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 centerline.

3. Transitional Zones - Slope seven (7) feet outward for each foot upward 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 airport elevation which is 526 feet above mean sea level. 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, and extending to where they intersect the conical surface.

4. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 676 feet above mean sea level.

5. Conical Zone - Slopes twenty (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.

6. Excepted Height Limitations - Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

## SECTION VI: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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.

## SECTION VII: NONCONFORMING USES

1. Regulations Not Retroactive - The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree which was lawfully in place but which does not conform to the regulations as of the effective date of this Ordinance, 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 was lawfully begun prior to the effective date of this Ordinance, 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 Bucks County Airport Authority 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 Bucks County Airport Authority.

## SECTION VIII: PERMITS

1. Future Uses - Except as specifically provided in 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 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. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VIII, 4.

Nothing contained in any of the following 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 Ordinance or the; Milford Township Portion of the Quakertown Area Zoning Ordinance, as amended except as set forth in Section V, 6.

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 seventy-five 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 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 seventy-five 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 seventy-five 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.

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 Ordinance or any amendments thereto 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 Board of Supervisors of Milford Township determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, 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 Ordinance, may apply to the Zoning Hearing Board 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. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and 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 spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the

Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager, if any, the Chairman of the Bucks County Airport Authority, and the owner of the real estate on which the airport is located for advice as to the aeronautical effects of the variance. If the Airport Manager, if any, the Chairman of the Bucks County Airport Authority, and the owner of the real estate on which the airport is located do not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be 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 may be necessary.

#### SECTION IX: ENFORCEMENT

It shall be the duty of the Zoning Officer of Milford Township to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer of Milford Township upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Zoning Officer of Milford Township shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer of Milford Township.

#### SECTION X:

So long as it is required to do so under the Airport Zoning Act, or other statute of Pennsylvania, the Zoning Officer and the Zoning Hearing Board which decides to grant a permit or a variance under this Ordinance shall notify the Pennsylvania Department of Transportation of its decision. Such notice shall be in writing and shall be sent so as to reach that Department at least ten (10) days before the date upon which the decision is to issue.

#### SECTION XI: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, including any other terms of the Milford Township Portion of the Quakertown Area Zoning Ordinance, as amended, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XII: SEVERABILITY

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

#### SECTION XIII: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety and general welfare and this Ordinance shall be in full force and effect from and after its passage.

ENACTED and ORDAINED this 31st day of March, A.D.,1987.

MILFORD TOWNSHIP SUPERVISORS

---

Jack M Blough Jr

---

John A Moyer

---

Charles Strunk