

TOWNSHIP OF NEWLIN
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2013-04

AN ORDINANCE OF THE TOWNSHIP OF NEWLIN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE NEWLIN TOWNSHIP CODE, BEING THE ZONING ORDINANCE, THEREBY SETTING FORTH ITS AUTHORITY TO ESTABLISH AN “AIRPORT DISTRICT OVERLAY” TO INCLUDE: PURPOSES OF THE DISTRICT, DEFINITIONS, AIRPORT ZONES, AIRPORT ZONE HEIGHT LIMITATIONS; PERMITS REQUIRED; USE RESTRICTIONS; NONCONFORMING USES; VARIANCES; CONFLICTING REGULATIONS; AND AMENDING THE OFFICIAL ZONING MAP BY THE ADOPTION OF AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY ZONING MAP.

WHEREAS, certain airport hazards, as defined, in effect reduce the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of G. O. Carlson Airport and the public investment therein; and

WHEREAS, the creation or establishment of an airport hazard, as defined, is a public nuisance and may injure the region served by the G. O. Carlson Airport; and

WHEREAS, an airport hazard does not relate to hazards created by the presence of the G. O. Carlson airport, but instead refers to tall structures that may endanger aircraft; and

WHEREAS, it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of airport hazards, as defined, be prevented; and

WHEREAS, the prevention of these airport hazards, as defined, should be accomplished, to the extent legally possible, by the exercise of police power without compensation; and

WHEREAS, both the prevention of the creation or establishment of airport hazards, as defined, and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards, as defined, are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land:

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Newlin Township, Chester County, Pennsylvania, and it is hereby ENACTED and ORDAINED, that the Newlin Township Code of Ordinances, being the Zoning Ordinance, is amended as follows;

SECTION 1. Article I, Section 107, is amended to read as follows:

Section 107 ZONING DISTRICTS

The following districts are established:

- A. Flexible Rural Development
- B. Flood Plain Conservation Overlay
- C. Steep Slope Conservation Overlay
- D. Village Overlay
- E. Airport Overlay

The entire Township is constituted within the Flexible Rural Development District, and this District is not mapped. The Flood Plain Conservation and Steep Slope Conservation Overlay districts are not mapped, but apply to areas that meet the definitions of flood plains and steep slopes in this Ordinance. The Village Overlay district, applicable to Embreeville and Mortonville villages, is mapped in the Appendix to this Zoning Ordinance, Village Overlay Districts. The Airport Overlay district applies to the G. O. Carlson Airport, including the Chester County G. O. Carlson Airport Surface Areas illustrated in the Appendix to this Zoning Ordinance.

SECTION 2. A new **Section 504** is added to read as follows:

AIRPORT DISTRICT OVERLAY ORDINANCE

- A. Purposes.** The purposes of this section are to create an airport district overlay that:
 1. Considers safety issues around the G. O. Carlson Airport.
 2. Regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones.
 3. Creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.
- B. Relation to Other Zoning Districts.** The Airport District Overlay shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.
- C. 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 Elevation: The highest point of an airport’s useable landing area measured in feet above sea level. The airport elevation of the G. O. Carlson Airport is 660 feet MSL.

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.

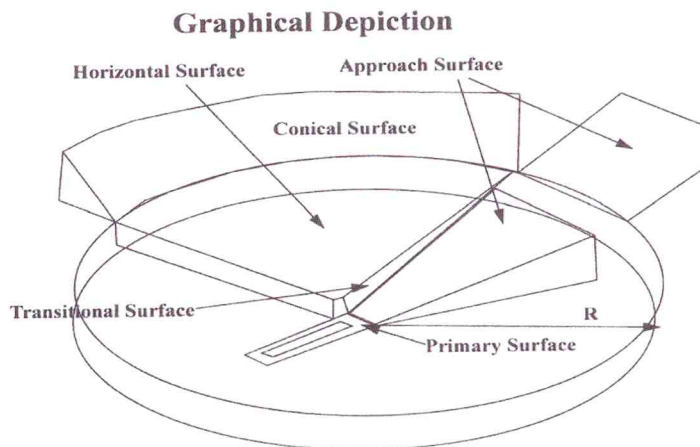


Figure 1.

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 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 Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

