

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2553

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1443, THE MONROEVILLE ZONING ORDINANCE, AS AMENDED, SETTING FORTH ITS AUTHORITY TO ESTABLISH "AIRPORT DISTRICT OVERLAY REGULATIONS" 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, the Municipalities Planning Code, 53 P.S. 10101 et seq., authorizes the Municipality of Monroeville to regulate zoning and land use in the Municipality; and

WHEREAS, Ordinance No. 1443, the Municipality of Monroeville Zoning Ordinance (the "Zoning Ordinance") regulates zoning and land use within the Municipality; and

WHEREAS, the Council of the Municipality of Monroeville desires to amend the Zoning Ordinance to insert specific Airport District Overlay Regulations; and

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 *The Allegheny County Airport and Pittsburgh Monroeville 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 *Allegheny County Airport and Pittsburgh Monroeville Airport*; 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; and

WHEREAS, The Council of the Municipality of Monroeville did hold public hearing on the 8th day of May, 2012;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville and it is hereby ordained and enacted by the Council of the Municipality of Monroeville, Allegheny County, and the Commonwealth of Pennsylvania as follows:

A. Purpose. The purpose of this Ordinance is to create an airport district overlay that considers safety issues around the *Allegheny County Airport and Pittsburgh Monroeville Airport*, 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, 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 Zone 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 *Allegheny County Airport* is 1,250 feet above mean sea level and the *Pittsburgh Monroeville Airport* at 1187 feet above mean sea level.

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.

BOA: Pennsylvania Department of Transportation Bureau of Aviation

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. (PennDOT)

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

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation, that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

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 Ordinance or an amendment thereto.

Non-Precision 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 non-precision 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 by this Ordinance.

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 (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

Runway: A defined area of 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 Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.

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 or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

D. Establishment of Airport Zones: There are hereby created and established certain zones within the Airport District Overlay Ordinance, defined in Section C and depicted on Figure 1 and illustrated on *The Pittsburgh-Monroeville Airport* (4G0) Airspace Plan (PaDOT 4G0 Part 77 Surface Overlay Map, as amended), and on *The Allegheny County Airport* (AGC) Airspace Plan (Drawing 8 of 14 of the AGC Airport Master Plan, as amended), Figures 2, 3, and 4, all hereby adopted as part of this Ordinance, which include:

1. **Approach Surface Zone**
2. **Conical Surface Zone**
3. **Horizontal Surface Zone**
4. **Primary Surface Zone**
5. **Transitional Surface Zone**

E. Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, *shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof.* The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department'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 in Section F.

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. No notice or review under this section is required for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

F. Variance. 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 FAA and the Department'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:

1. No Objection - The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.
2. 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 in Section I - Obstruction Marking and Lighting.
3. 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.

The Monroeville Zoning Hearing Board shall hear requests for variances dependant upon the "No Objections" or "Conditional Determination" made by the FAA and the Department'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. Applications for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.

G. Standards for Variances. The Board may grant a variance, if all of the following findings are made where relevant in a given case:

- A. That such unnecessary hardship has not been created by the applicant,
- B. Will not be contrary to the public interest,
- C. Will not create a hazard to air navigation,
- D. Will do substantial justice,
- E. Will be in accordance with the intent of this Ordinance

In granting any variance, the Board may attach such reasonable conditions and safeguards, as recommended the FAA and the Department's BOA, to implement the purposes of this Ordinance.

H. Hearings: The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. The public hearing shall commence within 60 days of the filing of an administratively complete application;
- B. Public notice shall be given, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Council shall designate by Ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance, or in absence of Ordinance provisions, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
- C. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the Municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;
- D. The parties to the hearing shall be the Municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board;
- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;

G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded;

H. The Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost; and

I. The Board or hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the materials, so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

I. Appeals.

1. **Jurisdiction:** The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land uses Ordinance, except those challenges brought before Council pursuant to Sections 609.1 and 916.1(a)(2) of the MPC;
- B. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of this Ordinance or any amendment thereto;
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any enforcement notice or the registration or refusal to register any nonconforming use, structure or lot;
- D. Appeals for variance of the terms of this Ordinance;
- E. Appeals from the Zoning Officer's preliminary opinion determination as authorized by Section 916.2 of the MPC; and
- F. Applications for the extension or expansion of legally existing Nonconforming use.

J. Time Limitation:

A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Municipal officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves he had no notice, knowledge or reason to believe such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor interest;

B. The failure of anyone, other than the landowner, to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or Zoning Map pursuant to Section 916.2 of the MPC, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative or preliminary approval; and

C. The landowner shall file any appeals from determinations adverse to the landowner within 30 days after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within 10 days after receipt of the enforcement notice.

K. Stay of Proceedings:

A. Upon the filing of any proceedings referred to in this zoning Ordinance and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any other Municipal agency or body and all official action there under shall be stayed unless the Zoning Officer or any other appropriate Municipality agency or body certifies to the Board facts indicating that such a stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or other appropriate agency or body; and

B. When an application for development, preliminary or final, has been duly approved and persons other than the applicant file proceedings designed to reverse or limit the approval with the Board, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

L. Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the *Allegheny County Airport or Pittsburgh Monroeville Airport*.

M. Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning Ordinance,) may only be reestablished consistent with the provisions herein.

N. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Section F to require the owner of the structure or object of natural growth in question to permit the municipality, 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.

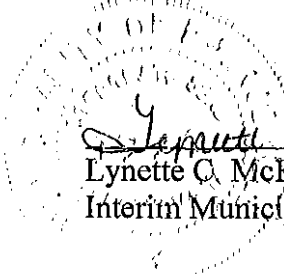
O. Conflicting Regulations. Where a conflict exists between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

P. Violations and Penalties. Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense.

Q. Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstance 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 severable.

ORDAINED and ENACTED this 8th day of May, 2012.

ATTEST:

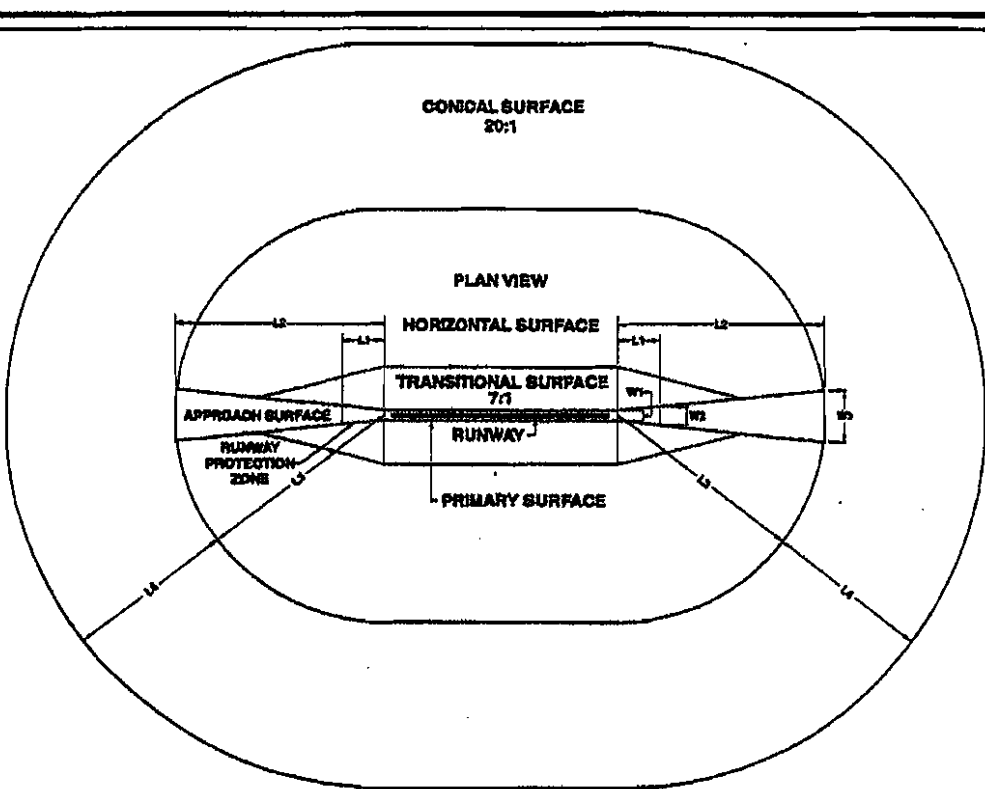


Lynette C. McKinney
Lynette C. McKinney
Interim Municipal Manager

MUNICIPALITY OF MONROEVILLE

Gregory Erosenko
Gregory Erosenko
Mayor

FIGURE 1: PART 77 SURFACE AREAS

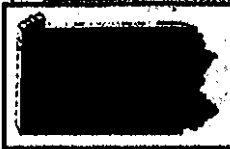


FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

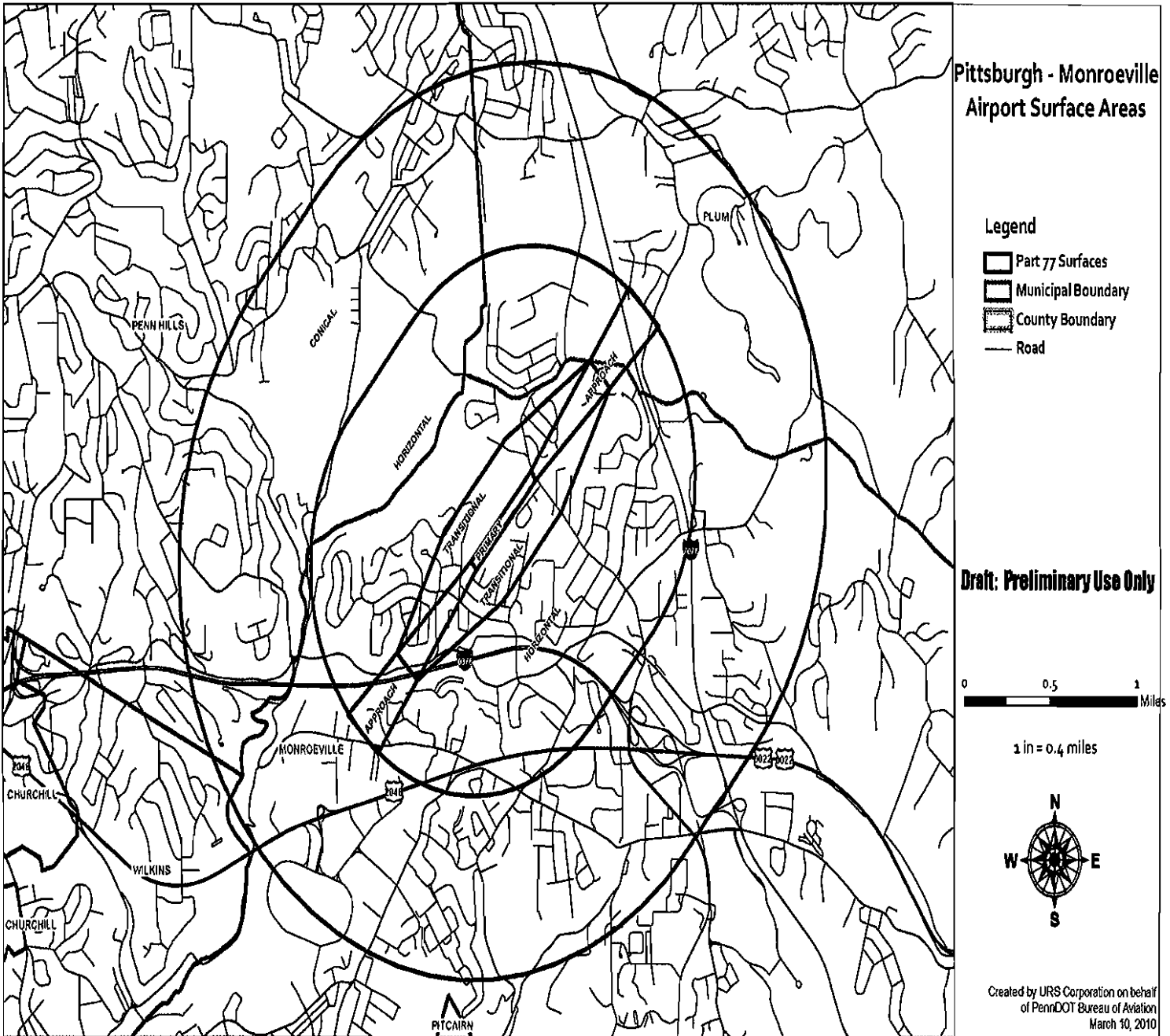
Runway Type	Runway End		Conical Surface (L4)	Horizontal Surface (L5)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L2)	Inner Width (W1)	Outer Width (W3)			
Small Airplanes ²	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	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	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3/4	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
		P	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes ²	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	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3/4	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
		P	4,000	10,000	10,000	1,000	3,500	34:1	1,000	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	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP 3/4	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		P	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	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
 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums
 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

Source: Federal Aviation Administration

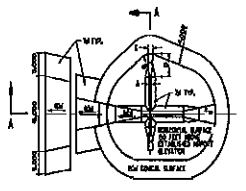
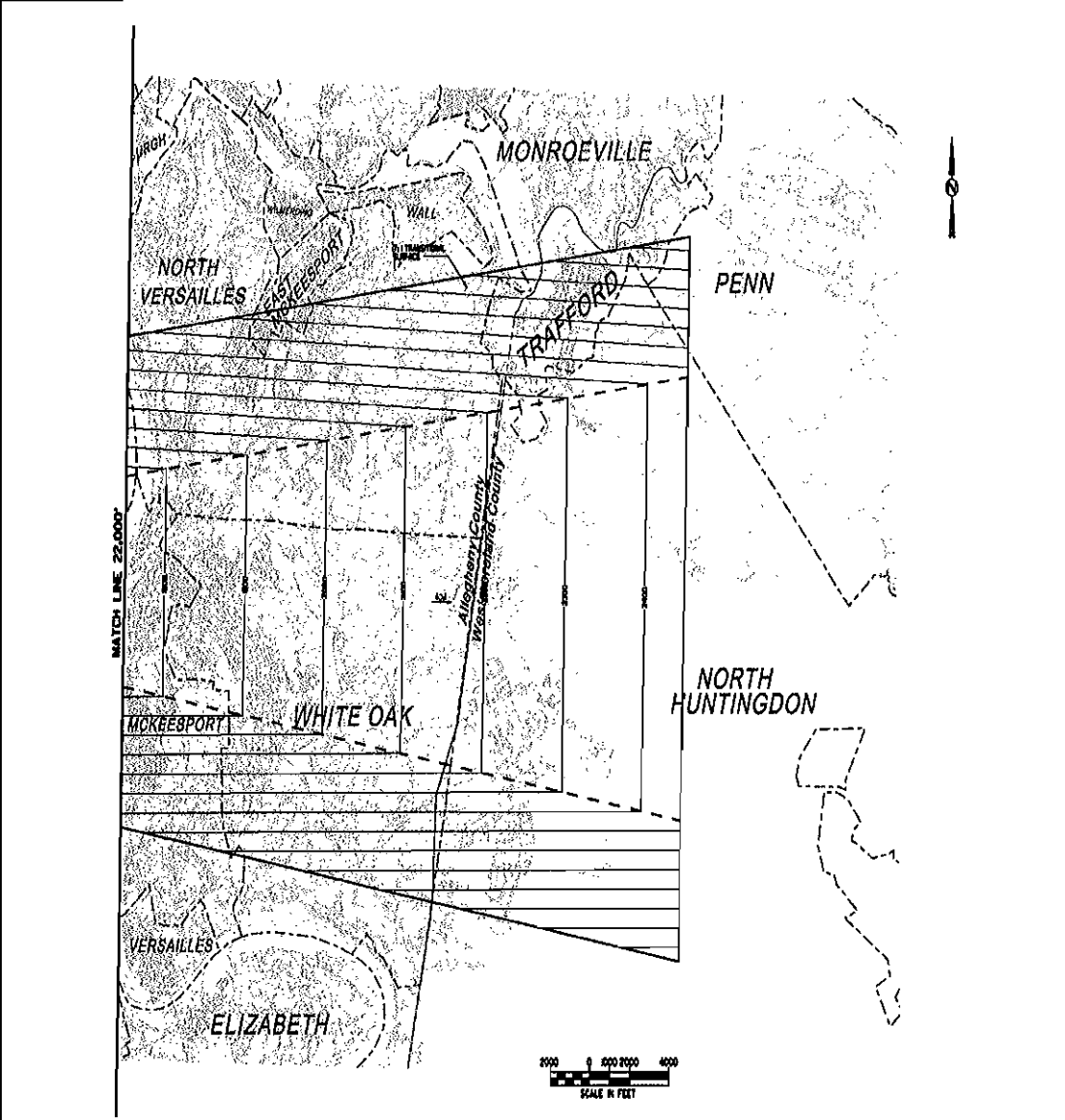


PITTSBURGH-MONROEVILLE AIRPORT SURFACE AREAS

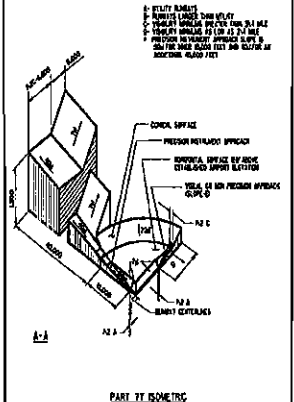


ALLEGHENY COUNTY AIRPORT SURFACE AREAS

- GENERAL NOTES**
- ELEVATIONS SHOWN ARE IN FEET.
 - CONSTRUCTIONS CALCULATED FROM ULTIMATE PLANNING CONSIDERATIONS.
 - CONSTRUCTIONS DERIVED FROM EXISTING DATA AND CONSTRUCTION REPORT AND SUBJECT TO THE AIRPORT'S CONSTRUCTION SCHEDULE. CONTACT THE AIRPORT AUTHORITY FOR THE LATEST CONSTRUCTION SCHEDULE.
 - REFER TO SHEETS 77-01 AND 77-02 FOR THE APPROACH PLAN AND PROFILES FOR RUNWAYS 77-01 AND 77-02, RESPECTIVELY.



NO.	DESCRIPTION	DIMENSION (STANDARD FEET)			
		MIN. DIM.	MAX. DIM.	MIN. DIM.	MAX. DIM.
1	WIDTH OF TAXIWAY A	100	100	100	100
2	WIDTH OF TAXIWAY B	100	100	100	100
3	WIDTH OF TAXIWAY C	100	100	100	100
4	WIDTH OF TAXIWAY D	100	100	100	100
5	WIDTH OF TAXIWAY E	100	100	100	100
6	WIDTH OF TAXIWAY F	100	100	100	100
7	WIDTH OF TAXIWAY G	100	100	100	100
8	WIDTH OF TAXIWAY H	100	100	100	100
9	WIDTH OF TAXIWAY I	100	100	100	100
10	WIDTH OF TAXIWAY J	100	100	100	100



PLANS PREPARED BY

 WILBUR SMITH ASSOCIATES

DESIGNED BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

DATE	BY	REVISION DESCRIPTION

DATE: 07/20/01
 BY: WOLFE PV



ALLEGHENY COUNTY AIRPORT
 AIRPORT
 WEST MIFFLIN, PENNSYLVANIA

PROJECT NO: 845-08
 DATE: AUGUST 2005
 SHEET 8 OF 14 OF XX

MONROEVILLE

