### TO WHOM IT MAY CONCERN:

### YOU ARE HEREBY NOTIFIED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE SUPPLEMENTING AND AMENDING VOLUME II CHAPTER 148
ENTITLED "LAND DEVELOPMENT" OF THE <u>CODE OF THE TOWNSHIP OF</u>
READINGTON, 2000, AS HERETOFORE SUPPLEMENTED AND AMENDED, AND THE
ZONING MAP IS HEREBY SUPPLEMENTED AND AMENDED.

### ORDINANCE # 18-2007

**BE IT ORDAINED**, by the Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows:

1. A new Section within Article IV, §148-27.4 entitled "Solberg-Hunterdon Air Safety and Historic Airport District", is hereby created as an overlay zone within the AR Agricultural Residential Zone and the RR Rural Residential Zone that will provide standards for safety, land use and development controls within and around the existing Solberg-Hunterdon Airport as follows:

### SOLBERG - HUNTERDON AIR SAFETY AND HISTORIC AIRPORT DISTRICT

Section 148-27.4. Solberg-Hunterdon Air Safety and Historic Airport District (Overlay District)

### A. Purpose and General Provisions

- 1. <u>Air Safety and Zoning:</u> The "Air Safety and Zoning Act of 1983", P.L. 1983, chapter 260, and the provisions of N.J.A.C. 16:62, "Air Safety and Zoning" authorizes municipalities to delineate airport safety zones, regulate land uses within the delineated zones, and regulate the height of structures and plantings so as to promote the public safety and to promote compatible land uses and compatible development in and around public use airports. As used in this Ordinance, "airport" or "airports" shall mean and refer to Solberg-Hunterdon Airport, in Readington Township, Hunterdon County, New Jersey.
- 2. <u>Solberg-Hunterdon Air Safety and Historic Airport District:</u> An overlay district is herein established and airport safety zones are herein established at Solberg-Hunterdon Airport in accordance with the provisions of the "Air Safety and Zoning Act of 1983", P.L. 1983, chapter 260, and the provisions of N.J.A.C. 16:62, "Air Safety and Zoning".

- 3. <u>Airport Defined:</u> This ordinance is based upon, and presumes, an airport layout for Solberg-Hunterdon Airport as described in the March 3, 2005, map prepared H. Clay McEldowney, PE/LS, and identified as drawing number 5761-F. The Solberg-Hunterdon Airport is depicted on this map as "Parcel 4", with a gross area of 102.23 acres and a net area of 101.55 acres. The Airport has two bidirectional public use runways, runways 4/22 and runways 13/31.
- 4. <u>Interpretation:</u> The provisions of this ordinance overlay and supplement the other underlying zone standards and procedures of the Code of the Township of Readington. In the event of a conflict between a standard or procedure required pursuant to this ordinance and other underlying zone standards and procedures of the Code of the Township of Readington, the standard or procedure required pursuant to this ordinance shall prevail to the extent as necessary to effectuate the purposes herein.
- 5. <u>Historic Airport District Purpose:</u> A purpose of the establishment of this ordinance is to recognize and memorialize the State, national and international historic significance of Solberg-Hunterdon Airport, recognize and memorialize that Solberg-Hunterdon Airport is part of the historic and cultural heritage of Readington Township, and to establish standards within the district consistent with these purposes.
- 6. <u>Airport Safety Zone Purpose</u>: The purpose of the Airport Safety Zones established herein is to set minimum standards for the control of obstructions and provide for safe and compatible adjoining land uses within the zones. No person shall build, rebuild, create or cause to be built, rebuilt or created any object or structure, or plant, or cause to be planted, or permit to grow, any tree or vegetation contrary to the standards and procedures of the "Air Safety and Zoning Act of 1983", P.L. 1983, chapter 260, The "Municipal Land Use Law", P.L. 1975 chapter 291, the provisions of N.J.A.C. 16:62, "Air Safety and Zoning", and the standards of this Ordinance.
- 7. Existing Non-Conforming Structures and Plantings: Nothing in this ordinance shall be interpreted as requiring the removal or lowering of, or any other change or alteration to any structure or planting not conforming to these regulations at the time of their adoption.
- 8. <u>Municipal Land Use Law Procedures:</u> The provisions of this Ordinance and the administration of Airport Safety Zone standards and procedures shall be done in conformance with the applicable provisions of N.J.S.A. 40:55D "The Municipal Land Use Law".

### B. Coordination with other Aviation Regulatory Agencies

I. <u>State License Required:</u> Airports in the Air Safety and Historic District shall maintain a current valid license from the State of New Jersey pursuant to the provisions of N.J.A.C. 16:54, "Licensing of Aeronautical and Aerospace Facilities". Failure to maintain a current valid NJ license renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.

- 2. <u>Conformance With State Aeronautics Regulations:</u> Airports in the Air Safety and Historic District shall maintain conformance with the substantive and procedural standards of N.J.A.C. 16:54, "Licensing of Aeronautical and Aerospace Facilities", N.J.A.C. 16:55, "Licensing of Aeronautical Activities", N.J.A.C. 16:56, "Airport Safety Fund Program", N.J.A.C. 16:59, "Air Races, Meets, and Exhibitions", N.J.A.C. 16:59, "Aeronautical Investigation and Enforcement", and N.J.A.C. 16:62, "Air Safety and Zoning". Failure to maintain conformance with these regulations renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.
- 3. <u>Conformance With Federal Aeronautics Regulations:</u> Airports in the Air Safety and Historic District shall maintain conformance with all lawful orders, directives, and requirements of the Federal Aviation Administration, United States Department of Transportation, United States Transportation Security Agency, and the National Transportation Safety Board. Failure to maintain conformance with these regulations renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.
- 4. <u>Site Planning and Internal Layout:</u> The site planning and internal layout of airport land uses, paving, buildings and structures shall conform to such minimum internal setback and vertical height standards as may be prescribed by the applicable regulatory airport licensing and airport certification standards promulgated by the New Jersey Department of Transportation, Division of Aeronautics, and the United States Department of Transportation, Federal Aviation Administration.
- 5. <u>Airport Hazard Agreements Recognized:</u> In the event that an airport owner or operator has a written agreement with the New Jersey Department of Transportation, Division of Aeronautics, or the United States Department of Transportation, Federal Aviation Administration, for the control of airport hazards or vertical height development, the airport owner or operator shall comply with the most protective provisions of both said agreement and this Ordinance.
- 6. <u>Informal Development Review Procedures Encouraged:</u> Although not a requirement, applicants for changes of use of airport land, new airport development, or airport redevelopment are encouraged to make full use of informal development review procedures that may be available from State and Federal regulatory entities and the Township. It shall be the policy of the Township to encourage such informal review processes so as to help effectuate timely and cooperative coordination between the airport and State, Federal and local levels of government.
- 7. <u>Variance Procedure</u>: The developer of a project requiring a variance or the creation or establishment of a prohibited land use or vertical height development within an Airport Safety Zone shall first apply for approval of the creation or establishment of a prohibited land use or vertical height development from the appropriate Township Board pursuant to the provisions of N.J.S.A. 40:55D, The Municipal Land Use Law". If the appropriate Township Board approves the creation or establishment of a prohibited land use or vertical height development within the Airport Safety Zone such approval shall be conditioned on the developer applying for and receiving a permit from the New Jersey Department of Transportation pursuant to the provisions of N.J.A.C 16:62, "Air Safety and Zoning". Construction, development or creation of any prohibited land use shall not commence until a permit has been issued by the New Jersey Department of Transportation.

### C. Delineation of the Airport Safety and Historic Airport District

- 1. Airport Safety Zone Delineation: The Airport Safety Zone is delineated by the establishment of of subzones of standard sizes around and off of the ends of public use airport runways. The three types of subzones comprising an Airport Safety Zone are the Runway Subzone, the Runway End Subzones, and the Clear Zones located within the Runway End Subzone. The overall Airport Safety Zone for an airport is geometrically constructed by defining and locating the Runway Subzone and the Runway End Subzones for each public use runway. The outermost boundaries of the overlapping subzones comprise the outermost boundary of the Airport Safety Zone. The area within the outermost boundaries is the area regulated by the provisions of this Ordinance. The Airport Safety Zone description in this paragraph shall be interpreted in conformance with the controlling regulations for Airport Safety Zone delineation found in N.J.A.C. 16:62, "Air Safety and Zoning".
  - a. Runway Subzone Delineation: The Runway Subzone of an Airport Safety Zone shall consist of a rectangle having a uniform width of two thousand three hundred fifty (2,350) feet centered longitudinally upon the runway centerline. The length of each Runway Subzone shall be determined by the following methodology. Each Runway Subzone shall have two two ends, the location of such ends being determined by a line drawn perpendicular to the runway centerline at a point two hundred (200) feet inside of the airport property line from the point where the extended runway centerline intersects with the airport property line. The Runway Subzone description in this paragraph shall be interpreted in conformance with the controlling regulations for Runway Subzone delineation found in N.J.A.C. 16:62, "Air Safety and Zoning". (see Exhibit 1, Airport Safety Zone: Runway Subzone Plan in Appendix)
  - b. Runway End Subzone Delineation: The Runway End Subzone of an Airport Safety Area shall consist of trapezoids located at either end of the Runway Subzone along the runway's flight approach and departure path. Each Runway End Subzone shall extend three thousand (3,000) feet from the end of the Runway Subzone, as measured along the extended centerline of the runway. The base of the Runway End Subzone shall be defined by the end of the Runway Subzone, and shall have a width of two thousand three hundred fifty (2,350) feet. The width of the Runway End Subzone shall progressively decrease as the distance from the end of the Runway End Subzone increases. Its final width at its final length of three thousand (3,000) feet shall be eight hundred fifty (850) feet. The Runway End Subzone description in this paragraph shall be interpreted in conformance with the controlling regulations for Runway End Subzone delineation found in N.J.A.C. 16:62, "Air Safety and Zoning". (see Exhibit 3, Airport Safety Zone: Runway End Subzone(s) Plan in Appendix)
  - c. <u>Clear Zone Delineation</u>: The Clear Zone of an Airport Safety Zone shall consist of trapezoids located within the Runway End Subzones along the runway's flight approach and departure path. Each clear Zone shall extend one thousand (1,000) feet from the end of the Runway Subzone, as measured along the extended

centerline of the runway. The base of the Clear Zone shall be co-located with the end of the Runway Subzone, and shall have a width of two hundred fifty (250) feet. The width of the Clear Zone shall progressively increase as the distance from the end of the Runway Subzone increases. Its final width at its final length of one thousand (1,000) feet shall be four hundred fifty (450) feet. The Clear Zone description in this paragraph shall be interpreted in conformance with the controlling regulations for Clear Zone delineation found in N.J.A.C. 16:62, "Air Safety and Zoning". (see Exhibit 5, *Airport Safety Zone: Clear Zone Plan* in Appendix)

- d. <u>Delineation of Air Safety and Historic Airport District</u>: The Air Safety and Historic Airport District shall consist of all lands which are within any delineated Runway Subzone and any Runway End Subzone established by this Ordinance. The Air Safety and Historic District is geometrically constructed by defining and locating the Runway Subzone and the Runway End Subzones for each public use runway. The outermost boundaries of these overlapping subzones comprise the outermost boundary of the Air Safety and Historic District. The area within the outermost boundaries is the area regulated by the provisions of this Ordinance. (see Exhibit 6, *Zoning Map* and Exhibit 7, *Airport Districts* in Appendix)
- 2. <u>Historic Airport Sub-Area:</u> The Historic Airport sub-area lies within the overall Air Safety and Historic Airport District. The boundaries of this sub-area encompass the existing Solberg-Hunterdon Airport facilities and are coterminous with "Parcel 4", as identified on the plan entitled "Map for Chambers Brook and Holland Brook Greenway", dated March 3, 2005, prepared H. Clay McEldowney, PE/LS, and identified as drawing number 5761-F. This area is created to provide for maintenance, development and redevelopment of airport facilities related to the existing Solberg-Hunterdon Airport use. (see Exhibit 6, *Zoning Map* and Exhibit 7, *Airport Districts* in Appendix)

### D. Vertical Development Restrictions Within the Air Safety and Historic Airport District.

- I. <u>Vertical Development Regulated:</u> The maximum height of any structure or planting within the Air Safety and Historic District shall not exceed the vertical development standards established herein. All elevations shall be in relation to the horizontal plane established by runway end centerline elevations and not the natural grade of the land. For example, if a point in the Airport Safety Zone permits at a specific point development of up to "x" feet, that means "x" feet above the runway horizontal plane, not "x" feet above the natural grade of the land at that point in the Airport Safety Zone.
- 2. <u>Runway Subzone Vertical Standards</u>: The vertical standards within the Runway Subzones are determined by first establishing the elevations at the runway centerlines at the ends of the Runway Subzone of the Airport Safety Zone. From these elevations at the Runway Subzone ends, a line is run ninety degrees outward from each side of the runway centerline for a distance of one hundred twenty five (125) feet. Within the area defined by these four points, no development is allowed above the natural grade of the soil except for runway and flight safety equipment.

The vertical standards within the remainder of the Runway Subzone of the Airport Safety Zone are determined by establishing planes from the edges of the longitudinal zero foot development restriction line established in the prior paragraph which slope upward at a rate of seven (7) feet horizontally to one foot vertically. This upward plane ceases when it reaches the outer longitudinal borders of the Runway Subzone of any Airport Safety Zone at the elevation of one hundred fifty feet above its starting point at the longitudinal zero foot development line. (see Exhibit 2, Airport Safety Zone: Vertical and Horizontal Planes of Runway Subzone in Appendix)

- Runway End Subzone Vertical Standards: The vertical standards within Runway End Subzones of an Airport Safety Zone are determined by first establishing a plane with a rising slope of one foot upward to twenty (20) feet outward to the end of the Runway Subzone to the outermost end of the Runway End Subzone. This plane is bisected by the extended runway centerline and is two hundred fifty (250) feet in total width at its innermost dimension and widens uniformly along its three thousand (3,000) foot length so as to have a total width of eight hundred fifty (850) feet at its outermost dimension where it intersects with the outermost portion of the Runway End Subzone at the elevation of one hundred fifty (150) feet above its starting point at the zero foot dimension line. The vertical standards within the remainder of the Runway End Subzone of an Airport Safety Zone are determined by establishing sloping planes from the outermost longitudinal edges of the plane established in the prior paragraph. These planes rise upward at a rate of one foot upward to seven (7) feet outward from the plane established in the prior paragraph above to where they meet the outermost longitudinal boundaries of the Runway End Subzones at the elevation of one hundred fifty (150) feet. (see Exhibit 4, Airport Safety Zone: Vertical and Horizontal Planes of Runway End Subzone in Appendix)
- 4. <u>Clear Zone Standards:</u> The vertical standards within runway Clear Zones are in addition to and more restrictive than the vertical standards for Runway End Subzones. Runway Clear Zones shall be maintained to such regulatory standards as may be prescribed by the New Jersey Department of Transportation, Division of Aeronautics, in N.J.A.C. 16:62, "Air Safety and Zoning". The methodologies used to establish the vertical development restrictions within Runway Subzones, Runway End Subzones, and Clear Zones shall be interpreted in conformance with the controlling regulations for vertical development restrictions found in N.J.A.C. 16:62, "Air Safety and Zoning".

### E. Permitted Principal Uses Within the Historic Airport Sub-Area

The following principal uses are permitted within the Historic Airport Sub-Area (as defined herein within section C.2.):

- I. Airport, provided that said airport is a licensed public use airport and has met the State and Federal regulatory requirements delineated in section B of this ordinance;
- 2. Conservation
- 3. Agriculture
- 4. Passive recreation.

### F. Permitted Accessory Uses Within the Historic Airport Sub-Area

The following accessory uses are permitted within the Historic Airport Sub-Area (as defined herein within section C.2.) in addition to the airport use:

- 5. Aircraft rental, charter, sales, leasing, storage and tiedown;
- 6. Sale of aircraft fuels, fluids, lubricants, parts, supplies and equipment;
- 7. Aircraft and aircraft component repair and maintenance;
- 8. Pilot flight schools and training;
- 9. Aircraft mechanic schools and training;
- 10. Equipment and appurtenances for aircraft communication, navigation and orientation:
- II. Food and beverage vending machines, provided that any internally illuminated panels are not visible from a public right-of-way, public open space, residential use or residential property line;
- 12. Restaurant, not exceeding forty (40) seats;
- 13. Rental car, not exceeding five (5) on site rental vehicles;
- 14. Gift shop;
- 15. Sale of supplies and equipment for pilots and aircrew members, provided that there is no outdoor display of merchandise;
- 16. Airport museum;
- 17. Office, terminal, waiting room, weather briefing, and conference room facilities; and,
- 18. Conservation
- 19. Agriculture
- 20. Passive recreation.

### G. Permitted Uses Outside of the Historic Airport Sub-Area

Those lands that are within the Air Safety and Historic Airport District, but do not lie within the Historic Airport Sub-Area, shall be subject to the underlying zoning district standards, but shall adhere to all development controls established by this ordinance relative to land use and bulk.

### H. Prohibited Land Uses:

The following uses are prohibited within the Air Safety and Historic Airport District:

- 1. Residential dwelling units not situated on a lot of at least three (3) acres in size;
- 2. Residential dwelling units in a Clear Zone;
- 3. Planned unit developments and multifamily dwellings;
- 4. Hospitals;
- 5. Schools (not including pilot and aircraft mechanic schools);
- 6. Above ground bulk tank storage of compressed flammable or compressed toxic gases or liquids;
- 7. Above ground bulk tank storage of flammable or toxic gases or liquids in Runway End Subzones:
- 8. Uses that may attract massing birds; and,
- 9. Above grade major utility transmission lines and mains;
- 10. Use of aircraft hangars for non-aviation purposes. For example, the use of aircraft hangars for non-aviation purposes such as the storage or sheltering of automobiles, boats, or household or business goods is prohibited;
- 11. All uses not specifically permitted.

### I. Regulations for Airports

Airports shall be required to meet the following regulations for airports.

- Conformance with State and Federal Requirements: Airports shall maintain conformance with all applicable rules, regulations and lawful orders, directives and requirements of the State of New Jersey and the United States Federal Government.
- 2. <u>Ordinance Conformance:</u> Airports shall maintain conformance with the substantive and procedural standards of the Air Safety and Historic District Ordinance and the Code of Readington Township and any deed restrictions which may apply to the airport property.
- 3. <u>Landscaping and Maintenance</u>: Areas of the Historic Airport Sub-Area not utilized by structures or paved surfaces shall be planted and maintained so as to promote a desirable visual environment and to promote good drainage and soil erosion management practices.
- 4. Setbacks: The minimum setback for airport buildings, structures, paving and aircraft

parking shall be twenty five (25) feet from the boundaries of the Historic Airport Sub Area; the minimum setback for airport buildings, structures, paving and aircraft parking from public rights-of-way shall be fifty (50) feet; the minimum setback from the longitudinal centerline of any runway from the boundaries of the Historic Airport Sub Area shall be one hundred twenty five (125) feet.

- 5. <u>Floor Area:</u> The maximum permitted cumulative floor area for aircraft hangars and aircraft maintenance shall not exceed 150,000 square feet. The maximum permitted cumulative floor area for other permitted and accessory airport uses shall not exceed 35,000 square feet.
- 6. <u>Airport Museum Incentive:</u> The first 1,000 square feet of "airport museum" building usage at an airport shall not be counted against the maximum permitted floor area of 35,000 square feet for "other permitted and accessory uses".
- 7. <u>Historic Design Incentive:</u> If the Planning Board or Zoning Board of Adjustment determines that a proposed new airport development or redevelopment application incorporates significant design, aesthetic, and architectural features that promote and recognize the historic heritage of the airport, 10% of the floor area of such development or redevelopment shall not be counted against the maximum permitted floor area of 150,000 square feet or 35,000 square feet specified herein.
- 8. <u>Aircraft Hangar Incentive:</u> The Township finds that fully enclosed lockable aircraft hangars designed and used to accommodate a single aircraft offer superior aircraft security, aircraft protection, and minimize aircraft related "attractive nuisance" problems. Proposals for the development of new fully enclosed lockable aircraft hangars designed and used to accommodate a single aircraft, shall be permitted to exclude 10% of the floor area of such development from the tabulation of the maximum permitted floor area of 150,000 square feet specified herein.
- 9. <u>Automobile Parking</u>: The airport shall have available a sufficient amount of on-airport automobile parking to accommodate airport business demands:
- a. Airport: I space/every 3 outdoor tiedowns; plus I space for every 2,000 sf of hanger space; plus I space for each employee on the greatest shift

b. Restaurant: 1 space / 3 seats

c. Retail: 1 space / 300 sf

d. Flight School: 1 space/1,000 sf

e. Museum: 1 space / 500 sf

 Vehicle and Pedestrian Supervision: The airport shall provide for such on-airport fencing, signage, and supervision of vehicles and pedestrians so as to provide for the general public safety.

Historic Airport District", as an over	ended to depict the "Solberg-Hunterdon Air Safety and lay zone, and to depict the Historic Airport sub-area herein. (see Exhibit 6, Zoning Map and Exhibit 7,
portion of this Article is for any reas administrative agency of competent j	ph, section, subsection, sentence, clause, phrase or son held invalid or unconstitutional by any Court or urisdiction, such portion shall be deemed a separate, and such holding shall not affect the validity of the of.
4. Inconsistency. All ordinance Ordinance are hereby repealed to the e	ces or parts of ordinances inconsistent with this extent of such inconsistency.
5. Effective Date. This ordinance publication thereof according to law.	e shall take effect immediately upon final passage and
ATTEST:	
Vita Mekovetz, RMC Township Clerk/Administrator	Mayor Gerard Shamey
<b>CERTIFIED</b> to be a true copy of an ordinance finally adopted by the Township Committee at a regular meeting on	
Vita Mekovetz, RMC Township Clerk/Administrator	

### APPENDIX OF EXHIBITS SOLBERG-HUNTERDON AIR SAFETY AND HISTORIC AIRPORT DISTRICT



## Airport Safety Zone: Runway Subzone Plan

### Airport Safety Zone: Vertical and Horizontal Planes of Runway Subzone Exhibit 2

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

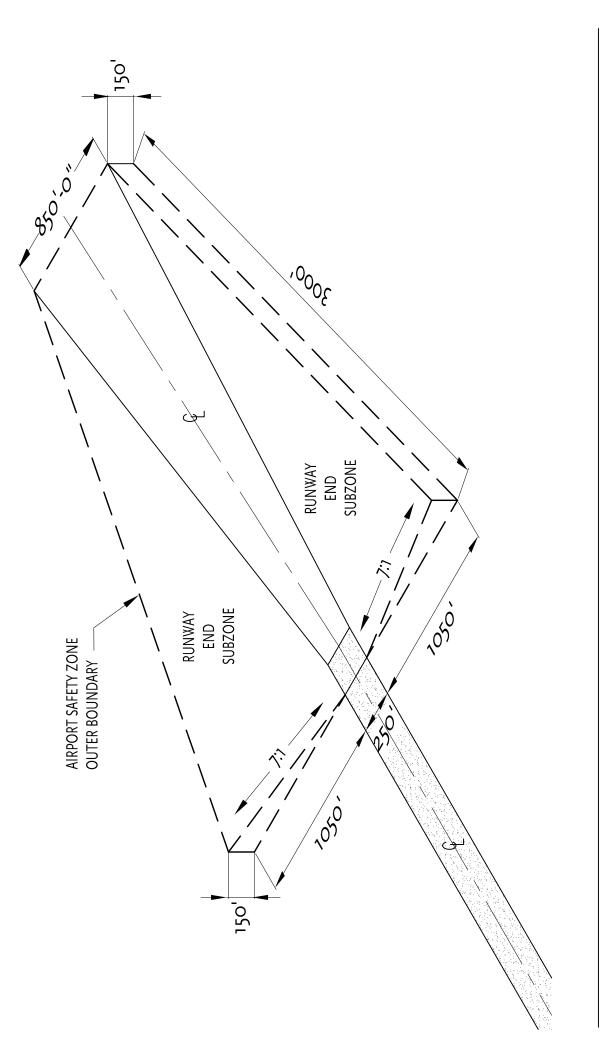


Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

# Airport Safety Zone: Runway End Subzone(s) Plan

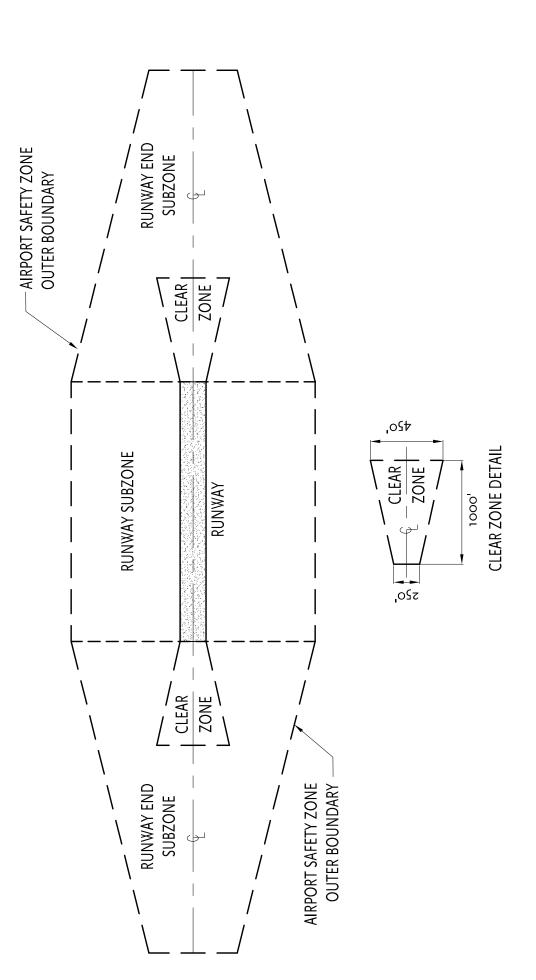
May 2007

Exhibit 3



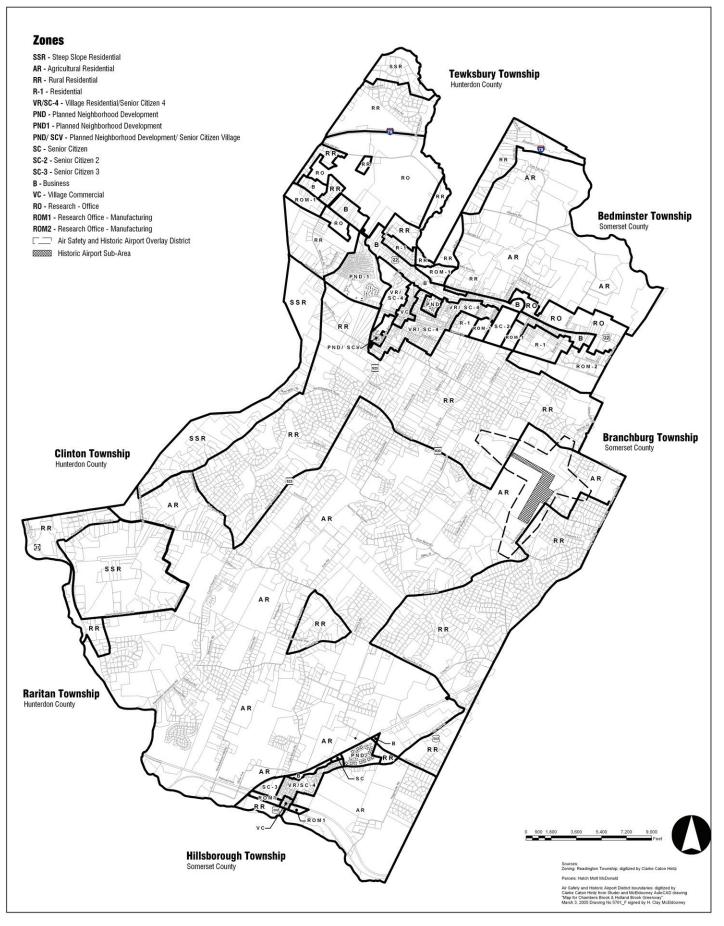
## Airport Safety Zone: Vertical and Horizontal Planes of Runway End Subzone Exhibit 4

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture







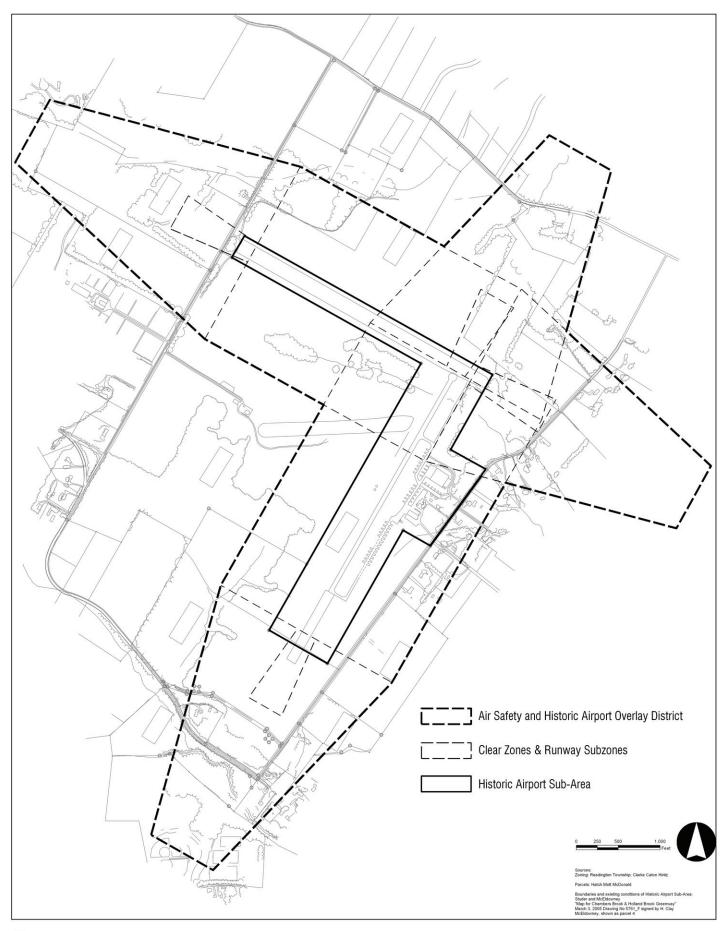


Ехнівіт 6

**Zoning Map** 

Clarke Caton Hintz





Ехнівіт 7 **Airport Districts** 

Clarke Caton Hintz





A TRUE COPY OF WHICH ORDINANCE IS PRINTED ABOVE WAS
INTRODUCED AT THE MEETING OF THE TOWNSHIP COMMITTEE ON MAY
21, 2007 AND THAT IT IS THE INTENTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF READINGTON TO CONSIDER PASSAGE OF SAID
ORDINANCE AT THE REGULAR MEETING OF THE TOWNSHIP COMMITTEE
TO BE HELD AT THE MUNICIPAL BUILDING, 509 ROUTE 523, WHITEHOUSE
STATION, NEW JERSEY, ON JUNE 6, 2007 AT 8:00 P.M. AT WHICH TIME AND
PLACE, OR AT ANY TIME OR PLACE TO WHICH THE MEETING SHALL BE
FROM TIME TO TIME ADJOURNED AN OPPORTUNITY WILL BE GIVEN TO
ALL PERSONS WHO MAY BE INTERESTED THEREIN TO BE HEARD

VITA MEKOVETZ, RMC/CMC MUNICIPAL

CLERK/ADMINISTRATOR

CONCERNING SAID ORDINANCE.

DATE: May 22, 2007