

## TOWN OF WHEATFIELD

### DRAFT AIRPORT PROTECTION OVERLAY DISTRICT

March, 2016

#### Airport Overlay District:

##### A. Purpose:

Federal Aviation Administration (FAA) Part 77 Regulations require certain height limits on structures surrounding airports in order to provide for safe and effective operations of air traffic at these facilities. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is also necessary to prevent the creation or establishment of airport hazards. These regulations vary based upon the size, type and nature of the airport and the type of landing systems in place for each runway. This Airport Protection Overlay District, shown on the Town's official Zoning Map, is intended to regulate development in the vicinity of the Niagara Falls International Airport in a manner that is consistent with FAA regulations and to protect public health, safety, and the general welfare for and around the Niagara Falls International Airport and its runways.

##### B. Airport Protection Overlay District Boundary

1. The Airport Protection Overlay consists of two distinct areas; the airport protection area and the airport potential impact area.
2. This Overlay district area and sub-areas are clearly identified on the Town's Zoning Map.
3. When interpreting these boundaries, any project site within the boundary or adjacent to the boundary, as determined by the Town's Code Enforcement Officer, will need to meet the requirements of this overlay.
4. Any project site that lies on the boundary of the two sub-areas, will be considered to be within the airport protection area.

##### C. Permitted Principal Uses

Within the borders of the Airport Overlay District, all uses are permitted as indicated in the underlying zoning district (and as limited in section F. of this law).

##### D. Application Procedures:

1. Any application for a variance, a building permit or a site plan or subdivision approval within the district shall include a site survey that depicts accurate elevations, based on United States Geological Survey data, for all areas of the site where structures are proposed.

2. All projects within the airport protection area of the district shall be submitted by the applicant (proof of mailings/filings shall be provided to the Town) to the FAA, the Niagara Frontier Transportation Authority, and the Niagara Falls Air Reserve Station/Department of Defense for review and comment prior to issuance of any approval. Comments, if any, from these agencies shall be taken into consideration by the Town in the review of the proposed project. Conditions can be placed on the project in response to these comments.
3. Projects located only in the airport potential impact area, will be required to complete the FAA screening tool for obstructions (copy to be supplied to the Town). If found to present a potential obstruction, the applicant must proceed to the next step of registration under FAA requirements. All correspondence resulting from this step must be provided to the Town and will be considered by the Planning Board per paragraph D. 2. Any structure proposed that is 200 feet or higher will be treated as those in the Airport Protection area.

E. Height Limitations:

1. No structure or appurtenance within the Airport Overlay District shall exceed the height limitations as shown on the "FAR Part 77 Surfaces" map on file at the Wheatfield Town Hall without approval from the FAA.
2. Any approval or permit by the Town may include conditions, if any, required by the FAA.

F. Other Limitations:

1. Any projects proposed within the airport protection area of the overlay district shall not have new ponds or other bodies of water unless specifically waived by the Town (Planning Board)
2. Other restrictions/requirements in the airport protection area for lighting, communication devices, issues with glare, landscaping, storage of materials and signage may be requested or required by the Planning Board.