

Airport Compatibility Overlay (ACO) District

3.01 ACO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
<p>The Airport Compatibility Overlay (ACO) District is intended to: (1) minimize land uses located in close proximity to an airport that may adversely impact the airport's operations; (2) discourage land uses located in close proximity to an airport that may be adversely impacted by the airport's operations; (3) minimize wildlife incursions on airport property or airspace, particularly migratory birds; (4) disallow tall structures that impede aircraft operations; (5) disallow lighting and other development features that could disrupt aircraft operations; (6) encourage land uses that add value to and complement the airport; and (7) reduce risk to life and property from aircraft crashes.</p> <p>By assuring all development at the airport and development around the airport are compatible, three benefits are gained. They are (1) maximize the opportunity for Federal and State funding (typically 80% and 10% of all costs respectively) for airport expansions, acquisitions, and improvements; (2) maximize the FAA's support for airport expansion and increases in operations; and (3) minimize complaints and remonstrations against airport expansion and increases in operations. See the next paragraph for further clarification on the importance of this overlay district.</p> <p>All airports that receive Federal grants are obligated by contract to follow FAA Advisory Circulars; essentially they become "mandatory circulars." Failure to follow the Advisory Circulars may result in forfeiture of current funding and/or loss of standing to apply for future funding.</p> <p>The regulations and restrictions for the ACO District are based on FAA Advisory Circulars, NTSB crash statistics, FAA Land Use Planning Guides, State of Indiana Tall Structures Act, the 2004 Land Use Report from the National Association of State Aviation Officials, University of Berkeley Transportation Institute's study on the location of general aviation aircraft accidents in relationship to runways, and the Aircraft Owner's and Pilot's Association's Guide to Airport Noise and Compatibility of Land Use.</p>	<p>All permitted uses in the base zoning district are permitted in the ACO District except as restricted in <i>Section 3.04</i>. All special exception uses permitted in the base zoning district are allowed as such in the ACO District except as restricted in <i>Section 3.04</i>.</p>	<p>The development standards from the base zoning district shall apply to the ACO District in addition to the development standards described in <i>Section 3.05</i>.</p>

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3.02 ACO District Applicability

The following requirements apply to all land within the ACO District as defined in *Section 3.03: ACO District Boundary* and were created per *FAA Advisory Circular AC 150.2500-33B*. Under no circumstances shall a planned development or rezoning of property change the applicability of the ACO District's land use restrictions and additional development standards.

3.03 ACO District Boundary

The boundaries for the ACO District shall include any land fully or partially within five (5) nautical miles (30,380.59 feet) of the airport property and may be shown on the Official Zoning Map as a hatched or textured pattern, and noted in the map legend as the Airport Compatibility Overlay (ACO) District.

3.04 ACO District Restriction of Permitted and Special Exception Land Uses

- A. Effect on Base Zoning: All uses allowed as a permitted use or special exception use in the base zoning district shall remain permitted except as described in *Section 3.04(B)*, *3.04(C)*, and *3.04(D)*.
- B. Within Five (5) Statute Miles of the Airport:
1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within five (5) statute miles of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception use:
 - a. Grain elevator
 - b. Grain storage, outdoor or open
 - c. Recycling processing, outdoor or open
 - d. Sanitary landfill/refuse dump
 - e. Putrescible waste processing or disposal facility
 - f. Transfer station, outdoor or open (grain/fruit/vegetables)
 - g. Transfer station, outdoor or open (recycling/putrescible waste)
 2. *Discouraged Land Uses and Site Features*: When the airport's facility is fully or partially located within five (5) statute miles from the boundary of the subject property, the following land use and site feature shall not be allowed as a permitted use. However, they may be granted as a special exception when the base zoning district permits the land use as a permitted use or special exception use; or if the base zoning district permits the site feature:
 - a. Golf course
 - b. Constructed wetlands
 - c. Recreation pond
 - d. Retention pond
 - e. Wastewater treatment facility
 - f. Aquaculture
 - g. Livestock production
- C. Within 10,000 Feet of the Airport:
1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within 10,000 feet of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception:
 - a. All land uses and site features listed in *Section 3.04(B)(1)*
 - b. Wetland
 - c. Golf course
 - d. Recreational pond
 - e. Retention pond
 - f. Wastewater treatment facility
 - g. Aquaculture
 - h. Livestock production

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D. Within One (1) Nautical Mile of the Airport:

1. *Prohibited Land Uses and Site Features:* When the airport facility and/or a 1,500 feet runway extension line (i.e. an imaginary line extending the centerline of an existing or proposed runway) is fully or partially located within one (1) nautical mile from the boundary of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception:
 - a. All land uses and site features listed in *Section 3.04(C)(1)*
 - b. Assisted living
 - c. Auditorium
 - d. Bed and breakfast
 - e. Boarding house
 - f. Composting facility
 - g. Construction material landfill
 - h. Child care institution
 - i. Church, temple, or mosque
 - j. Dwelling, manufactured home
 - k. Dwelling, multiple-family
 - l. Dwelling, single-family attached
 - m. Dwelling, single-family detached
 - n. Dwelling unit (upper floors)
 - o. Electrical generation plant
 - p. Ethanol plant (or other biofuel plant)
 - q. Fair housing facility (large)
 - r. Fair housing facility (small)
 - s. Hospital
 - t. Incinerator
 - u. Library, public
 - v. Liquid fertilizer storage/distribution
 - w. Manufactured home park
 - x. Mobile home park
 - y. Movie theater
 - z. Nursing home
 - aa. Radio/TV station
 - ab. Retirement community
 - ac. Sanitary landfill/refuse dump
 - ad. School (P-12)
 - ae. Stadium
 - af. Storage tanks (hazardous)
 - ag. Telecommunication facility
 - ah. Trade or business school
 - ai. University or college

E. Discretion of the Zoning Administrator: The Zoning Administrator may restrict any additional land use or site feature not listed if it is either a:

1. *Noise Sensitive Land Use:* A noise sensitive land uses that would now or in the future likely be negatively impacted by airport and aircraft operations,
2. *Life Safety Risk:* A land use where a large number of people gather for events or a large number of people work in a small area which, if a airplane crashed, could injure or kill numerous people, or
3. *A Wildlife Attractant:* A land use that encourages migratory, raptor, vulture, or other large birds to land, eat, or reside on the subject property, or that attracts wild animals to or toward the airport's vicinity.

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3.05 ACO District Development Standards

The following development standards are required as follows in order to promote the intent of the ACO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*.

- A. Effect on Development Standards of the Base Zoning: All development standards in the base zoning district shall remain permitted except as described in *Section 3.05(B), 3.05(C), and 3.05(D)*.
- B. Cross Reference:
 1. *Federal Aviation Administration*: The maximum height of any structure shall be in accordance with *Federal Aviation Regulations (FAR) Part 77*.
 2. *Indiana Department of Transportation*: New structures and additions or alterations to existing structures are subject to review by the Indiana Department of Transportation when within five (5) nautical miles of the airport facility. All developments in this area shall review *IC 8-21-10* for determination of applicability and notification standards.
 3. *Plan Commission*: Any zoning ordinance amendment or rezoning which results in an allowance for tall structures or noise sensitive land uses within five (5) nautical miles of the airport, or that allows structures greater than 500 feet above ground level shall comply with *IC 8-21-10* and *IC 36-7-4-604(i)*.
 4. *Board of Zoning Appeals*: Any request for a variance that may result in a structure's height exceeding the thresholds outlined in *IC 8-21-10* shall comply with *IC 36-7-4-918.5*.
- C. Within 10,000 Feet of the Airport: When the airport facility is fully or partially located within 10,000 feet from the boundary of the subject property, the following development standards apply:
 1. *Waiver to Not Remonstrate*: All applicants, regardless of whether they are requesting a land use currently considered noise sensitive or not, shall be required to sign a waiver indicating that they, nor their heirs or successors shall have the right to remonstrate against the airports operations or any future airport expansions; that they understand that the airport facility is expected to expand; and that they understand that the frequency of aircraft, hours of aircraft operation, and types of aircraft will likely expand. The waiver shall be signed and placed in the Zoning Administrator's files prior to granting an Improvement Location Permit. Subdivisions of land shall be required to record the waiver as a deed restriction in perpetuity on each resulting lot. The waiver shall also be recorded at the County Recorder's Office within five (5) days of the Improvement Location Permit's issuance or else the Improvement Location Permit shall be void.
 2. *Wetlands*: Construction of a new primary structure or a fifty percent (50%) expansion of an existing primary structure on properties with wetlands shall be required to drain or fill the wetlands and mitigate the environmental damage according to state and federal regulations; or shall prepare and implement a wildlife mitigation plan assuring that any current or future wildlife hazards are addressed immediately. The wildlife mitigation plat shall be written according to FAA Advisory Circular and other FAA published guidance.
 3. *Storm Water Management*: All management of on-site storm water shall be achieved by drainage swales, detention ponds, and/or piping the water to a retention pond facility, constructed with appropriate wildlife management techniques, outside of the 10,000 feet buffer around the airport. Detention ponds shall have under-drains to help dissipate water, and shall be designed to fully drain within forty-eight (48) hours of a storm event.

D. Within One (1) Nautical Mile:

1. *Maximum Lot Coverage:* Thirty percent (30%) for residential, fifty-five percent (55%) for commercial and institutional, and seventy percent (70%) for industrial zoning districts.
2. *Landscaping Standards:*
 - a. *Minimize Attractiveness:* Landscaping within in the ACO District shall be designed and maintained to minimize its attractiveness to wildlife.
 - b. *Turf Grass:* At least eighty percent (80%) of all land not covered by a building, structure, wetland, creek, natural lake, or woodlot shall be maintained with turf grass. Turf grasses shall be selected based on minimizing attraction of wildlife.
3. *Lighting Standards:* Adjustments to lighting standards are as follows:
 - a. *Fixture Limitations:* No parking lot lighting, street lighting, exterior building lighting, or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure, or building shall be a full cutoff fixture.
 - b. *Movement Limitations:* No lighting shall spin, oscillate, or blink within the ACO District, except the airport's fixtures and equipment installed on or off the airport property.
4. *Location Standards:* No structure shall be located within 1,000 feet of a runway unless it is uses as a part of the airport facility or aviation operation.
5. *Airport Noise:* Any noise restrictions in *Article 5: Development Standards* shall not apply to the airport, airport facility, or aircraft operations.
6. *Noise Mitigation:* Any permitted primary structures used for office, institutional, residential, or medical purposes are encouraged to be constructed to a Sound Transmission Class of 50.
7. *Site Design Standards:* Site design of any property or design of any structure shall not resemble an airport, taxiway, or runway.
8. *Setback from Airport:* All structures, except structures of the airport, shall be setback at least 100 feet from airport property; and at least 500 feet from the centerline of each existing and proposed runway, and from an imaginary line extending the centerline of the existing and proposed runways by 1,500 feet.
9. *Condition of a Variance:* As a condition of approval as a special exception, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.
10. *Discretion of the Zoning Administrator:* The Zoning Administrator may require additional and reasonable development standard that serve the district's intent when necessary.

3.06 ACO District Conditions of Variances, Special Exceptions and other Approvals

- A. Wildlife Hazard Mitigation, Condition of Approval: As a condition of approval as a special exceptions or use variance, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.
- B. Noise Mitigation, Condition of Approval: As a condition of approval as a special exception or use variance, the Board of Zoning Appeals may require a primary structure to be constructed to a Sound Transmission Class of 50, commonly used when soundproofing homes near airports. This requirement would result in the ceiling, walls and windows to all be constructed to a reasonably higher standard necessary to mitigate airport noise.