

TA26-01 Ordinance 5 – Airport Overlay (APO) Amendment

The Airport Overlay District already identifies the right airport-compatibility concerns – height and obstructions, lighting, visibility, electrical interference, and bird/waterfowl attraction – but the code largely treats those issues as things to weigh during rezonings. The practical problem is that many modern industrial projects can be permitted through site plan and building permit pathways without a rezoning, which means airport-compatibility review can occur late, or inconsistently, even though the underlying hazards are the same. This amendment closes that gap by making the key APO requirements operate as enforceable, location-based development standards, so projects in the overlay are reviewed for airport impacts early enough to avoid redesigns, delays, and avoidable hazards.

First, the ordinance clarifies that the APO requirements tied to structures and lighting apply to all new development in the overlay, not just rezonings. The logic is simple: an airport hazard is a physical condition created on a site within an approach environment. It does not depend on whether the entitlement was discretionary or by right. By making the core standards apply to development generally, the City avoids a loophole where a project in the APO can advance without the same level of compatibility screening simply because it did not require a rezoning petition.

Second, the ordinance tightens the “structures” language to reflect how contemporary facilities are actually built and operated. Airport-relevant height is often driven by rooftop mechanical units and screens, antennas, exhaust stacks, and tall poles, not only the primary building roofline. By explicitly including those appurtenances, the code becomes enforceable against the elements that most commonly create airspace conflicts. The ordinance also moves FAA notice documentation earlier in the process by requiring proof of FAA Form 7460-1 acknowledgement prior to site plan approval when a project is subject to site plan review, while still preserving the building-permit timing requirement. The purpose is to avoid approving a site plan that later cannot be built as designed because the FAA or airport identifies an obstruction or hazard. In the same spirit, the ordinance adds a clear statement that temporary construction cranes and similar temporary structures must comply with applicable FAA notice requirements, recognizing that cranes can be the tallest objects on a site and can present short-term but serious airspace and safety issues during construction.

Third, the ordinance improves the usefulness of APO review by requiring site plans in the overlay to disclose maximum heights above grade for buildings and related appurtenances. Without that information, neither staff nor the airport can reliably evaluate whether a proposal may affect protected airspace or trigger FAA notice. The ordinance then establishes a targeted referral process to the Airport Director for projects that include specific features commonly associated with aviation risk: standby generators, substantial fuel storage, cooling systems that may generate visible plumes or steam, tall outdoor lighting, or any structure or appurtenance that requires FAA notice under Part 77. This is not a prohibition. It is an early coordination step

designed to surface aviation concerns when the plan can still be adjusted through notes, placement, shielding, operational commitments, or other mitigation.

Finally, the ordinance strengthens the lighting standard to make it more concrete and operationally meaningful. It explicitly addresses glare and the risk of lighting that could be confused with airport lighting or that impairs pilot vision, which is one of the most direct ways off-airport development can create safety concerns. It also makes explicit that development in the APO cannot be operated in a way that impairs visibility through smoke, steam, dust, or particulates; cannot create electrical or electromagnetic interference with airport communications, radar, or navigation aids; and cannot create conditions that attract birds and waterfowl in ways that increase strike risk. The logic is performance-based: The City is not trying to regulate a particular industry by name inside the overlay. It is setting clear, enforceable expectations that any development in the APO must avoid creating the specific hazard types that airports are known to be vulnerable to.

Taken together, these changes make the APO function the way it is intended to function in practice: predictable standards tied to location, earlier identification of airspace and operational hazards, and a clean review path that helps projects move forward without late-stage surprises – especially for facilities like data centers that can be by-right yet include generators, fuel, cooling equipment, and security lighting that can matter a lot in an airport environment.