

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT PLANNING COMMISSION

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

February 1, 2022

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of January 4, 2022

2. Consider Items Removed from Consent

3. Information Items

- a. Community Development Updates

4. Administration

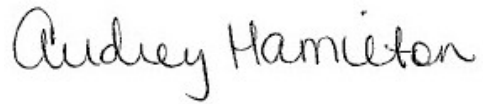
- a. Discussion, Consideration and Possible Action on Amending Sections 157.006 (Definitions) and 157.031 (Uses Permitted in Districts) of the Code of Ordinances of the City of Durant, Oklahoma
- b. Discussion, Consideration and Possible Action on Amending Sections 155.02 (Definitions) and 155.05 (Use Restriction) of the Code of Ordinances of the City of Durant, Oklahoma

5. New Business

ADJOURNMENT

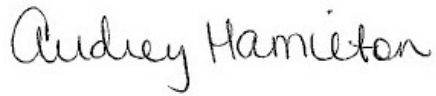
CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 19th day of Durant, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 28th day of January, 2022.

A handwritten signature in cursive script that reads "Audrey Hamilton".

Audrey Hamilton, City of Durant

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 30th day of December, 2021.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
January 4, 2022 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Planning Commission Chair Kevin Keener called the meeting to order at 5:30 p.m.

INVOCATION/FLAG SALUTE

Commission Member Jackson provided the invocation. Commission Member Knight led the flag salute.

ROLL CALL

Present:

Planning Commission Chairman Kevin Keener
Planning Commission Vice Chairman Drew Jackson
Planning Commissioner Clent Horner (appeared at 5:40 p.m.)
Planning Commissioner Shane Knight
Planning Commissioner Whitney Kerr

Absent:

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

a. Consider Approval of Regular Meeting Minutes of December 7, 2021

Motion was made by Commission Member Jackson and seconded by Commission Member Knight to approve the minutes as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

4. Administration

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC 2022-01, a Rezoning request for property located at 802 Rodeo Road

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from A-1, General Agriculture District to C-3, General Commercial District for property located at 802 Rodeo Road. The applicant approached staff regarding the rezoning of this property to maintain their existing business ventures. The applicant has requested some additional terms to go along with their rezoning. The property is approximately 4.6 acres and currently has a shop building on the property. The area is made up of mostly Agriculture Zone properties and this request appears to be what is considered spot zoning. The subject property does meet the requirements for the lot area that is required within the requested zoning type. It should be noted that the facade ordinance that is referred in the terms being requested by the applicant does not apply to property zoned Agriculture but does apply to Commercial zoned properties. Additionally, current off-street parking requirements require all off-street parking areas, driveways, etc. to be surfaced with concrete, asphalt, or double bituminous asphalt in accordance with ODOT (Oklahoma Department of Transportation) standards. The current Land Use Map has this area as low density residential land uses; therefore, this rezoning request is not in line with the Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has received one letter of protest regarding this rezoning request.

Philip Smith spoke in favor.

Motion was made by Commission Member Jackson and seconded by Commission Member Kerr to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on PC 2022-02, a Rezoning request for property located near Hillcrest Avenue and McLean Drive

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from I-1, Light Industrial District to R-3, General Residential District for property located near the intersection of Hillcrest Avenue and McLean Drive. The applicant approached staff regarding the rezoning of this property with the desire to develop a new multi-family residential development. The property is approximately 20 acres and currently is a vacant piece of property. The area is made up of a mix of Residential and Industrial Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. It should be noted that the Durant Industrial Authority has a contract to sale this piece of property to SG Blocks and a letter has been provided by the DIA giving permission for the buyer to apply for the rezoning. This letter has been approved by the City Attorney. The current Land Use Map has this area as industrial land uses; therefore, this rezoning request is not in line with the Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any phone calls or letters regarding this rezoning request.

Rockey Butler spoke in favor.

Motion was made by Commission Member Horner and seconded by Commission Member Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

6. New Business

There was no new business.

ADJOURNMENT

Motion made by Commission Member Knight and seconded by Commission Member Horner to adjourn the meeting.



THE CITY OF DURANT

Office of Community Development

Date: 02/01/2022
To: Planning Commission
From: Danielle O'Neal, Community Development Director
Re: Community Development Updates

Updates from Community Development as of January, 2022

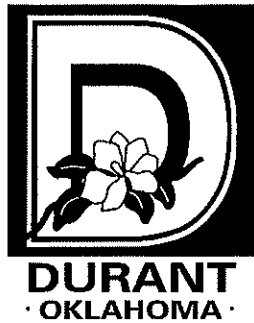
Staff was asked to provide some updates to the Planning Commission regarding a couple of projects that staff has been working on but more particularly dealing with the Land Use Code Update that has been discussed.

Community Development staff works very hard to help all the citizens we come in contact with to navigate the various permitting, licensing and development processes that the City of Durant has. Staff works to help streamline processes as well. Staff has been quite busy with potential developments that could be on the horizon.

One of the items staffed worked on, was having more review time for applications that come into Community Development for the Planning Commission and City Council. Previously, the deadline was a day and a half before publications were legally going out. In many cases, staff would receive applications right up until the deadline. Obviously, this did not provide staff very much time to review the legal information on the application or any details of the application. After some thought, staff decided to move the deadline date two weeks prior to when the publications have to be sent out. As a note, state statute requires a publication period of 21 days prior to the Planning Commission meeting date. With the new deadline complete applications are now due 36 days prior to the Planning Commission meeting. Staff will no longer accept any applications after that point in time for that particular Planning Commission meeting. These two weeks will primarily be used for staff to complete the review of legal information and get the case ready for publication.

Staff also has worked with a firm to help create an online zoning map. The online zoning map has been completed and is now available for anyone interested in the zoning classifications within the city limits of Durant. The online zoning map can be found under mapping on the Community Development portion of the City of Durant website.

The other major item that staff has made significant progress on is the Title XV, Land Use Chapter of Ordinance update. Staff sent out a Request for Qualifications for the rewrite and received back four responses. Staff reviewed the proposals and held interviews with the firms. Staff will be placing a recommendation to the City Council to select a firm to help rewrite Title XV for the February Council meeting. Therefore, depending on the outcome of the City Council meeting, we could be starting the rewrite process by the beginning of March.



THE CITY OF DURANT

Office of Community Development

Date: 02/01/2022
To: Planning Commission
Case: PC 2022-06
From: Danielle O'Neal, Community Development Director
Re: Discussion, Consideration and Possible Action on Amending Sections 157.006 (Definitions) and 157.031 (Uses Permitted in Districts) of the Code of Ordinances of the City of Durant, Oklahoma

Request: Discussion, Consideration and Possible Action on Amending Sections 157.006 (Definitions) and 157.031 (Uses Permitted in Districts) of the Code of Ordinances of the City of Durant, Oklahoma.

Background: Staff recognized that there were some definitions that were not included within our ordinances as well as where those type of land uses would be allowed within City Limits. The definitions that were researched were commercial feedlot, motor freight terminal and stockyard. Therefore, staff completed some research on this and was able to put together some definitions as well as adding commercial feedlot and stockyard to the uses permitted table.

Analysis: Staff looked into several cities but most that staff researched did not have a definition for commercial feedlot or for stockyard. However, staff was able to find a definition and allowable uses looking at the City of Oklahoma City. Staff also used wording that the USDA has for what they consider a feedlot.

Based on what staff researched and the concerns that could come with these type of uses, staff placed commercial feedlots as restricted within the Agriculture and Industrial zoning classifications as well as referenced the airport zoning ordinance that would help ensure these types of uses will not cause issues for any aircraft flying into our airport. Staff placed within the definitions of a feedlot that these uses will need to be on a minimum of 20 acres and not to be placed within a half mile of any residential district. By being restricted if one is wanting to be placed somewhere within city limits, then they would be required to obtain a conditional use permit.

Staff placed stockyards as restricted within the Agriculture and Industrial zoning classification and referenced the airport zoning ordinances to help ensure these types of uses do not become an issue for aircraft that use our airport. The restricted for this also means that if one came in, then they would be required to obtain a conditional use permit. The definition does include a minimum site to be five acres and not to be placed within a half mile of a residential zoned district.

Motor freight terminal is already listed on the uses permitted table, but there was not a definition for what a motor freight terminal was. Staff was able to look at several definitions from several cities, which were quite similar to each other, and drafted a definition for your review.

Staff Recommendation: Staff recommends approval of the amendments presented.

Required Action: Hear the item and recommend approval or denial of the amendments to Section 157.006 (Definitions) and 157.031 (Uses Permitted in Districts). Any specific conditions imposed by the Commission should be read into any approval motion.

ORDINANCE NO. O-2022-04

AN ORDINANCE AMENDING DURANT CODE OF ORDINANCES §157.006 DEFINITIONS AND §157.031 USES PERMITTED IN DISTRICTS DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. Amending the Durant Code of Ordinances §157.006 Definitions and §157.031 Uses Permitted in Districts to read as described in Attachment A:

SECTION 2. REPEALER CLAUSE.

All Ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3. EMERGENCY CLAUSE.

For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 8th day of February, 2022.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk

ATTACHMENT A

§ 157.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word BUILDING shall mean as well the word STRUCTURE; the word USED shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; and the word SHALL is mandatory and not directory.

ACCESSORY OR AUXILIARY USE OR STRUCTURE. A use or structure customarily incidental, appropriate and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

ADVERTISING SIGN OR STRUCTURE. Any material or structure or any character whatsoever, placed for outdoor advertising purposes. The term PLACED shall include making visible in any manner whatsoever. The area of the advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning or other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of these regulations.

AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of garbage to swine or other animals, stockyards or commercial feed lots for cattle.

ALLEY. A minor right-of-way, dedicated to public use, not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

ASSISTED LIVING FACILITY. A development designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR. Incidental replacement of parts and motor service to passenger cars and trucks not exceeding 1 1/2 tons capacity.

AUTOMOBILE SERVICE STATION OR FILLING STATION. Any area used for retail sale of gasoline or oil fuels or automobile accessories and incidental services, including facilities for lubricating and washing and cleaning, but not including painting, major repair or the sale of butane or propane fuels.

AUTOMOBILE WASH OR AUTOMATIC CAR WASH. A building or structure or chain conveyors, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles.

BASEMENT. A story wholly or partly underground. For purposes of height measurement, a BASEMENT shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

BLOCK. In describing the boundaries of a district, the word BLOCK refers to the legal description. In all other cases, the word BLOCK refers to the property abutting on one side of the street between two intersecting streets or a street and a railroad right-of-way or watercourse.

BOARD OF ADJUSTMENT. The Board of Adjustment for the city, also referred to as Board.

BOARDING HOUSE AND ROOMING HOUSE. A place where meals or lodging are provided for persons other than the family or their relation, excluding facilities for transient persons such as hotels, motels, inns and other such facilities.

BUFFER ZONE. Also called TRANSITION AREAS, as used between Industrial Districts and other nonindustrial districts, shall be defined as or considered being streets, thoroughfares, streams, creeks, landscaped areas within an existing setback or parking lots.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as herein provided.

BUILDING ACCESSORY. The subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

BUILDING COVERAGE. The lot area covered by all buildings located thereon, including the area covered by all the hanging roofs.

BUILDING LINE. A line established beyond which no part of a building shall project, except as otherwise provided by these regulations.

BUILDING, PRINCIPAL. A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site.

BULK LIMITATIONS (FLOOR AREA RATIO). The number of square feet of floor area as defined herein which is permitted for each square foot of lot area.

BULLETIN BOARD. Any board or sign erected for announcement purposes.

CAMPING PARTY. A person or group of not more than ten persons occupying any site within a park for not more than 30 days annually.

CARPORT. A roof extension or separate roof supported only by free standing columns; an unimproved structure with no plumbing or electricity; constructed and maintained in such a manner as to allow full visibility through the structure from any side, with no partially or fully opaque wall.

CELLAR. That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

CEMETERY. A land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

CHILD CARE CENTER. Any place, home or institution which receives eight or more children under the age of 16 years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

CITY BUILDING INSPECTOR. The Building Inspector of the city.

CITY ENGINEER. The City Engineer of the city.

CLUB. A nonprofit association of persons who are bona fide members, paying regular dues and organized for some common purpose, but not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMERCIAL FEEDLOT: Premises where animals are fed or kept for commercial use or for animal products or to increase value of the animal. The primary enterprise is to feed and market animals. This site should be at least 20 acres in size and shall not be permitted within one-half mile of any residential district.

COMPREHENSIVE PLAN. The comprehensive plan of the city.

COUNCIL. The City Council and includes the use of the words Council, City Commission and Board of Commissioners.

DUPLEX. Same as two-family dwelling.

DWELLING. Any building or portion thereof designed or used exclusively as a residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel or motel.

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three or more families or housekeeping units.

DWELLING, SINGLE-FAMILY. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

DWELLING, TWO FAMILY. A building designed for or used exclusively by two families or housekeeping units.

DWELLING UNIT. One or more rooms, designed for or used by one family.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, transformation and regulation stations, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, street and area lighting facilities, hydrants and other similar equipment and accessories thereof reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXCEPTION. A variance from the requirements of these regulations properly authorized by the Board of Adjustment.

FAMILY. A person living alone or two or more persons living together, related by blood or marriage, as a single housekeeping unit using a single facility for culinary purposes in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house or sorority house.

FAMILY CHILD CARE HOME. Any place, home which receives more than four and seven or less children under the age of 16 years, who are not of common parentage, for care apart from their parents, legal guardians or custodians, when such care is received for regular periods of time for compensation.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings.

FRONTAGE. The width of a lot measured at right angles to the depth on the front or street side of the lot.

GARAGE APARTMENT. A dwelling for one family erected as a part of a private garage.

GARAGE, PARKING. Any building or portion thereof used for the storage of four or more automobiles in which any servicing may be provided is incidental to the primary use for storage purposes and where repair facilities are not provided.

GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.

GARAGE, PUBLIC. The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.

GARAGE, REPAIR. A building in which are provided facilities for the care, servicing, repair or equipping of automobiles.

HEIGHT. The vertical measurement of any building or structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure or building.

HEIGHT LIMIT. The limit of height as imposed in these regulations for any structure or building or permitted use within the zoning district.

HOME OCCUPATION. Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof and which is conducted entirely within the main or accessory building; provided, that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated name plate, not more than two square feet in area attached to the main or accessory building and no mechanical equipment is used except such as is customary for purely domestic or household purposes.

HOTEL. A building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, hospital, asylum, orphanage or building where persons are housed under a restraint.

IMPERVIOUS COVERAGE. The lot area covered by a surface that is impervious to absorption of stormwater (rain) into the ground. It is further defined in terms of a percolation rate slower than 120 minutes per inch of water.

INDUSTRY. Storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.

INSTITUTIONAL USES. Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social or philanthropic activities normally operated on a nonprofit basis.

JUNK OR SALVAGE YARD. A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvage material incidental to manufacturing operations.

KENNEL. Any structure or premises on which five or more dogs over four months of age are kept.

LOADING SPACE. An off-street space or berth on the same lot with the building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LONG-TERM CARE FACILITY. A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by these regulations, and having access on a public street.

LOT, CORNER. A lot which has at least two adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT, WEDGE SHAPED. A lot situated so that the front is either wider or narrower than the rear of the lot.

LOTS OF RECORD. A designated separate and distinct parcel on a legally recorded subdivision plat or a legally recorded deed filed in the records of the county.

MAXIMUM COVERAGE. The maximum amount of land that may be covered by buildings on any lot.

MEAN LOT ELEVATION. The average elevation of a lot.

MEDICAL FACILITIES.

(1) **CONVALESCENT, REST OR NURSING HOME.** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

(2) **DENTAL CLINIC OR MEDICAL CLINIC.** A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.

(3) **DENTAL OFFICE or DOCTOR'S OFFICE** means the same as a dental or medical clinic.

(4) **HOSPITAL.** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.

(5) PUBLIC HEALTH CENTER. A facility primarily utilized by a health unit for providing public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

(6) SANATORIUM. An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

MOBILE HOME COURT. A parcel of land under single ownership which has been planned and improved for a placement of mobile homes for non-transient use.

MOBILE HOME LOT. A parcel of land for the exclusive use of the occupants of a single mobile home.

MOBILE HOME STAND. The part of an individual lot which has been reserved for the placement of a mobile home.

MOTOR FREIGHT TERMINAL. A building or area that has a principal use for dispatch, freight pickup, distribution and storage. This may include intermodal distribution facilities for transport or shipping by motor vehicle.

NONCONFORMING USE. A parcel of land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

OFF-STREET PARKING. The provision of space reserved exclusively for the parking of motor vehicles entirely off the public street and lying wholly within the property boundaries of the parcel of land affected.

OIL AND GAS WELLS. Any hole or holes, bore or bores, to any depth for the purpose of producing and recovering any oil, gas or liquefied petroleum matter or deleterious substances, or for the injection or disposal of any of the foregoing.

OPEN SPACE. An area included in any side, rear or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky except for ordinary projection of cornices and eaves or porches.

PARCEL. A lot as defined herein.

PARKING AREA, PRIVATE. An open area for the same uses as private garage.

PARKING AREA, PUBLIC. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free or as an accommodation for clients or customers.

PARKING SPACE. A permanently surfaced area either within a structure or in the open, exclusive of driveways or access drives for the parking of motor vehicles.

PERMITTED USES. The use of a structure or of a tract of land allowed by the use regulations of these regulations.

RECREATIONAL VEHICLE. A motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.

RECREATIONAL VEHICLE PARK. Any property where one or more lots are rented to users of recreational vehicles and which are occupied for temporary purposes.

RECREATIONAL VEHICLE SITE. A plot of ground within a recreational vehicle park for one recreational vehicle, automobile and camping party.

REHABILITATION CARE FACILITY. A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

ROOMING HOUSE. See BOARDING HOUSE.

SIGN. Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any lettering, model, banner, flag, pennant, insignia, decoration, device or representation used as or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include the similar structure or device located within a building except for illuminated signs within show windows. The sign includes any billboard, but does not include the flag, pennant or insignia of any nation or association of nations or any state, city or other political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

SIGN, ILLUMINATED. A sign designed to give forth any artificial light or designed to reflect light from one or more sources, natural or artificial.

SIGN, PROJECTING. A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

SIGN, TEMPORARY. Signs of a temporary nature used to advertise the premises for sale, rent or lease.

STOCKYARD. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sale yards. The minimum site should be five acres in size. No such use shall be permitted within one-half mile of any residential zoned district.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST. The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar used for residence purposes shall be deemed the first story; provided that a basement or cellar used purely for recreational purposes shall not be deemed the first story.

STORY, MEZZANINE. A story which covers one-third or less of the story directly underneath it.

STREET. A public right-of-way more than 20 feet in width which provides a public means of access to abutting property and used primarily for vehicular circulation. The term STREET shall include avenue, drive, circle, road, parkway, boulevard, land, place highway, thoroughfare and any other similar term.

STREET, COLLECTOR. As described and shown on the major street plan.

STREET, INTERSECTING. Any street which adjoins another street at an angle whether or not it crosses the other.

STREET, MAJOR. As described and shown on the major street plan.

STREET, MINOR. Any street not designated as a major or collector street and intended to serve or provide access exclusively to the properties abutting thereon.

STRUCTURAL ALTERATION. Any change in the structural members of a building such as walls, columns, beams or girders.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveway and similar improved areas).

THOROUGHFARE-EXPRESSWAY. A primary thoroughfare with divided roadways, partial or full control of access in general with grade separations at intersections. A FREEWAY shall mean an expressway with full control of access and meeting the standards of the Bureau of Public Roads, U.S. Department of Commerce.

THOROUGHFARE-PRIMARY OR SECONDARY. An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare or major street plan for the city or county or other road or street designated as a secondary thoroughfare on the plan, respectively.

THOROUGHFARE PLAN. The part of the Comprehensive Development Plan referring to transportation development goals, principles and standards and also includes use of the words major street plan and trafficways plan.

TOURIST COURT. An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons.

TRAFFIC SIGNALING DEVICE. A sign, device or mechanical contrivance, used for the control of motor vehicular and pedestrian movement.

TRAILER OR MOBILE HOME. A portable or mobile living unit used or designed for human occupancy on a permanent basis.

USE. The purpose for which land or a building or structure is arranged, designed or intended or for which either land, building or structure is or may be occupied or maintained.

UTILITY SERVICE INSTALLATION. Any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

VARIANCE. Any modification of the terms of these regulations.

WORSHIP FACILITY. A place of worship and religious training that may also include one dwelling unit for the housing of religious organization personnel.

YARD, FRONT. A yard extending across the full width of a lot from side lot line to side lot line abutting on a street beyond which a building may not protrude.

YARD, REAR. A yard extending across the rear of a lot measured from side lot line to side lot line and at opposite end to the front lot line.

YARD, SIDE. A yard extending from front building line to the rear building line abutting the side lot line beyond which no building may protrude.

ZONING MAP. The adopted zoning map or maps of the city, together with all amendments.

ZONING COMMISSION or COMMISSION. The Zoning Commission as established by city ordinance pursuant to state statutes.

§ 157.031 USES PERMITTED IN DISTRICTS.

(A) (1) The uses permitted in the various districts are shown in division (C) of this section. The uses permitted in a more restricted district may be permitted in a less restricted district; provided, however, that the yard space and other requirements of the more restricted district shall apply. For purposes of applying this rule each district shown in the subsequent list shall be considered to be more restrictive than the one listed to the right.

(2) Adult-oriented establishments as defined by § 110.060 of this code shall not be located within any use district except as indicated on the table in this section.

(B) It is intended that these regulations be interpreted as permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes only upon individual review and approval by the Planning and Zoning Commission and the City Council.

(C) The City of Durant is hereby divided into 13 use districts. The most restrictive use district being R-1 and the least restrictive being I-2. The permitted uses of each use district in order of restriction are designated on the following graph as follows:

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Accessory uses, incidental to those listed	None	1/200 sq. ft. of occupancy area	X	X	X	X		X	X	X	X	X	X	X	R
Adult-oriented establishment	110.060									X					
Advertising signs or structures	159.01 et seq.	None	X	X	X	X		X	X	R	X	X			X
Agriculture: farming, dairying, horticulture, animal & poultry, husbandry, excluding the <u>commercial feeding of offal or garbage stockyards or commercial cattle feedlots</u>	None §155	1/400 sq. ft. GFA	X												
Agriculture: gardening, not commercial	None	1/400 sq. ft. GFA	X	X	X	X									
Agriculture: <u>commercial feedlots</u>	§157.006 / §155	1/400 sq. ft. GFA	R										R	R	
Agriculture: <u>Stockyard</u>	§157.006 / §155	1/400 sq. ft. GFA	R										R	R	
Ambulance service, office or garage	None	1/500 sq. ft. GFA or 1/employee +1/vehicle operated in use								X	X	X			R
Amusement enterprises	None	1/200 sq. ft. GFA+ 1/3 occupants at max. occupancy								X	X	X			
Artificial limbs, orthopedic appliances	None	1/150 sq. ft. GFA													R

Artist supplies and hobby shops	157.052	1/100 sq. ft.							X	X	X	X			
Assisted living facility	None	1/bed + 1/each employee on max. shift				R			X	X	X	R			X
Athletic fields	157.055	20/field or 1/4 seats, whichever is greater	X	R	R	R	R	R	R	R	R		R	R	R

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Automotive rental and sales, new and used	None	1/150 sq. ft. GSA+ 1/vehicle offered for sale or rent + 1/each employee on max. shift								X	X				
Automotive service	157.052	1/300 sq. ft. + 1/each employee on max. shift + 1/each vehicle in operation + 1/each vehicle being serviced							X	X	X				
Automotive wrecking and junk yards	157.055	1/300 sq. ft. + 1/employee on max. shift + 1/each vehicle used in operation of use + 1/each vehicle being serviced or processed												X	
Bakery shop	None	1/200 sq. ft. GSA + 1/employee							X	X	X	X			
Banks, saving institutions	None	1/200 sq. ft. + 6 stacking spaces for 1st drive-in window and 4 stacking spaces for each add 'l drive-in window						R	X	X	X	X			

Banquet, exhibition, meeting and reception halls	157.055	1/4 persons based on design capacity of building, or 5/1,000 sq. ft. GFA, whichever is greater			R	R				X	X	X	X			
Barber, beauty shops	157.046	1/200 sq. ft. GSA + 1/employee							X	X	X	X				R

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Bars & taverns (Accessory use for restaurants only)		157.047								X	X	X			
Bars & taverns (drinking places)		157.047								R	R				
Beer and ale wholesalers		1/employee on max. shift + 1/150 GSA											X	X	
Beer, wine and liquor stores		5.5 spaces per 1,000 sq. ft. GFA							R	R	R	R			
Blacksmiths	None	1/1,000 sq. ft. + 1 dock/25,000 sq. ft.												X	
Boarding houses	None	1/resident owned or operated vehicle					X			X					
Boat sales, rental or service	None	1/150 sq. ft. GLA + 1/vehicle for sale or rent + 1/employee + 1/vehicle serviced								X	X				
Body painting studio	157.062	6/chair + 1/employee								R	R		R	R	
Body piercing studio	157.062	6/chair + 1/employee								R	R		R	R	
Bookstore	None	1/150 sq. ft. GSA							X	X	X	X			
Bottled water manufacturing		1/employee on max. shift + 1/150 GSA											X	X	

Bowling alley	None	5/lane + 1/employee + otherwise required as per accessory use GFA								X	X	X			
Breweries		1/employee on max. shift + 1/150 GSA											X	X	
Building materials	157.058	1/1,000 sq. ft. + 1 berth/25,000 sq. ft.								X			X	X	

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Bulk fuel sales	157.053 157.055	1/1,000 sq. ft. + 1 dock/25,000 sq. ft.												X	
Bus terminal	None	1/150 sq. ft.								X	X	X	X		
Cafeterias		157.047								X	X				
Cafeterias (Accessory use)		157.047						X	X	X	X	X	X	X	
Canning, preserving factory	157.053	1/3 employee + 1 dock/25,000 sq. ft.												X	
Car wash	None	1/employee, 4/washing bay, 2/drying stall							X						
Caterers		1/employee, + 1/every vehicle customarily used in operation of the use or stored on the premises							X	X	X	X			
Cemetery	157.055	1/employee	X												
Child care center	157.065	1/10 attendees + 1/employee				R		X	X	X	X	X	R	R	R
Child care center (accessory use)	157.065	1/10 attendees + 1/employee	X	X	X	X	R	X	X	X	X	X	R	R	X
Clothing, wearing apparel store	None	1/200 sq. ft.							X	X	X	X			

Cold storage plants	157.053	1/500 sq. ft.														R	X	
Commercial radio/television antenna towers & equipment	154.01 154.10	1/1,000 sq. ft. + 1 loading berth/25,000 sq. ft.	R													X	X	
Compounding, processing and blending chemical products, not including explosives	157.053	1/every 3 employees + 1/loading berth/25,000 sq. ft.														X		

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	
Contractor's yard	None	1/employee + 1/facility vehicle (vehicle operated in use) + 1/1,000 SF GLA + 1 loading berth											X	X	
Convalescent, rest or nursing home	None	1/6 beds + 1/each employee + 1 reserved for doctor + 1 loading space													R
Convenience store	157.052	1/100 sq. ft. GSA							X	X	X	X			
Dairy products store	157.052	1/150 sq. ft.							X	X	X	X			
Dance hall (see also Tavern)	None	1/150 sq. ft.								X	X				
Delicatessen	157.052	1/200 sq. ft. GFA 1/employee							X	X	X	X			
Dental lab, supply house	None	1/300 sq. ft. GFA													R
Department store	None	1/150 sq. ft. GSA 1/employee								X	X	X			
Distilleries		1/employee on max. shift + 1/150 GSA											X	X	
Drug store	157.052	1/150 sq. ft. GSA							X	X	X	X			
Dwelling, duplex (two family) ²	157.067	2/dwelling unit			X	X						R			

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Dwelling, multi- family (development of less than three acres in size)	157.067	2.5/ dwelling unit				R						R			
Dwelling, multi- family (development of more than three acres in size)	157.067	2.5/ dwelling unit				X						R			
Dwelling, multi-family, townhome						X									
Dwelling, rooming, boarding houses and dormitories	None	.5/guest +.75/occupant				X									
Dwelling, single- family	None	2/dwelling unit	X	X	X	X						X			
Family child care home	157.065	None	X	X	X	X	R								
Feed store	None	1/150 sq. ft. GFA								X	X	X			
Florist shop	157.052	1/150 sq. ft. GFA							X	X	X	X			
Foodservice contractors		1/employee, + every vehicle customarily used in operation of the use or stored on the premises								X	X				
Food store	157.052	1/150 sq. ft. GSA							X	X	X	X			
Furniture store	None	1/500 sq. ft. GSA							X	X	X	X			
Furniture repair & upholstery	None	1/200 sq. ft. GSA								X	X	X			
Funeral parlor/chapel	None	1/150 sq. ft. GSA 1/4 seats chapel								X	X				
Garden stores, nursery or greenhouse	None	1/250 sq. ft. GFA								X	X				
Gift shop	157.052	1/200 sq. ft.							X	X	X	X			

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Golf course or country club for recreation, commercial activity accessory, excludes driving range, pitch & putt and miniature	None	1/150 sq. ft. GFA	X	R	R	R									
Golf course, miniature or practice range	None	1/150 sq. ft. GFA								X	X				
Hardware store	157.052	1/250 sq. ft. GSA 1/employee								X	X	X			
Health club or gymnasium	None	1/employee + 1/patron (based on occupancy load)							R	X	R	X			
Heating and plumbing sales and service	None	1/150 sq. ft. GSA								X	X	X			
Home occupations	157.046	1/resident owned or operated vehicle		R	R	R									
Hospital	None	1/4 beds + 1/Dr. on staff + 1/3 employees + 1 emergency vehicle space													X
Hospital, small animals	157.055	1/150 sq. ft. + 4/Dr. + 1/employee GSA								X	X				
Hotel/motel	157.066	1/room + 1/employee on max shift + as required for accessory uses								X	X	X			
Ice cream production & distribution	157.053	.5/employee + 1 dock/25,000 sq. ft.												X	
Ice plant, frozen food locker	None	1/150 sq. ft. GSA + 1 loading dock								X	X				

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Interior decorating store	None	1/150 sq. ft. GSA								X	X	X			
Kennel	157.055	1/employee 1/1,000 SF GFA	R							X	X				
Key shop	None	1/150 sq. ft.								X	X	X			
Laundry & dry cleaning pick-up stations	157.052	1/200 sq. ft. GSA + 1/employee							X	X	X	X			
Laundry, self service	157.052	1/200 sq. ft. GSA							X	X	X				
Library	None	1/150 sq. ft. usable floor area + 1/employee		R	R	R									
Lodges, service institutions ³	None	1/200 sq. ft. GFA				R									
Long-term care facility	None	1/4 beds + 1/each employee on max. shift				R			X	X	X	R		X	
Machinery rental, sales & service, new & used	157.053	1/1,000 sq. ft. GFA + 1 dock/25,000 sq. ft.								X	X		X	X	
Machine shops, tool & dye shops, metal products manu., excluding use of automatic screw machines, drop forges or riveting machines	157.053	.5/employee + 1 dock/25,000 sq. ft.											X	X	
Mail order house	157.053	1/employee + 1 dock/25,000 sq. ft.											X	X	

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Manufacturing & assembling textile & other products, excluding raw material processing	157.053	1/employee + 1 dock/25,000 sq. ft.											X	X	
Manufacturing & assembling electrical & electronic products & equipment	157.053	1/employee + 1 dock/25,000 sq. ft.											X	X	

Manufacturing, fabricating, assembling, repairing, storing, cleaning, servicing or testing, excluding use of automatic screw machines, drop forges or rivet machines	157.053	1/employee + 1 dock/25,000 sq. ft. GFA														R	X	
Manufactured homes/subdivisions & courts	152.01	See ordinance for parking and setbacks						X										
Manufactured homes on existing lots	152.45	See § 157.032 District Regulations	X	R	R	R	X											
Medical facility, clinic or office	None	6/doctor + 1/employee							X		X	X	X					X
Mental health services, outpatient	None	6/doctor or counselor + 1/employee							X	R	X	X	X					X
Milk bottling & distributing	157.053	1/400 sq. ft.															X	
Monument stone cutting	157.053	1/1,000 sq. ft. + 1 dock/25,000 sq. ft.														R	X	

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Motor freight terminal	157.053	1/1,000 sq. ft. + 1 dock/25,000 sq. ft.												X	
Music, radio, television shop and repair	None	1/150 sq. ft. GSA								X	X				
Night clubs		157.047								X	X				
Novelty shop	None	1/150 sq. ft.								X	X	X			
Nursing home (see convalescent)															R

Offices, general & administrative	159.01 <i>et seq.</i> 157.052	1/300 sq. ft. GFA							X	X	X	X	X	X		
Oil & gas wells or associated facilities	157.057		R	R	R	R	R	R	R	R	R	R		R	R	R
Outdoor restaurant seating		157.047								X	X	X	X			
Parking lot	157.047	Off-street parking 1/vehicle or as required for uses			R	R	R	R	R	R	R	R	R	R	R	R
Parks, privately owned	None	1% total land area	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Parks, publicly owned	None	1% total land area	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pattern shop	157.053	1/1,000 sq. ft. + 1 dock/25,000 sq. ft.													X	
Pawn shop	None	1/150 sq. ft. GSA									X	X	X			
Pet store	None	1/150 sq. ft. GSA									X	X				
Pharmacy	157.052	1/250 sq. ft. GSA								X	X	X	X			
Plant nursery, retail excluded	None	1/employee		R	R	R										

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	
Police and fire stations	None	None	X					X	X	X	X	X			
Printing shop	None	1/150 sq. ft. GSA/ employee								X	X	X			
Printing and binding plant	157.053	1/1,000 sq. ft. GFA + 1 berth/24,000 sq. ft.											X	X	
Processing, meat & vegetable products	157.053	1/1,000 sq. ft. GFA + 1 dock/25,000 sq. ft.												X	
Public garage	157.047	1/vehicle & 1/employee								X	X	X			
Public health center	None	6/doctor + 1/employee													X

Public buildings or those used in the public interest, including art galleries, post office, libraries, museums, stadiums, auditoriums, arenas, armories, fire stations, police stations, community centers	157.055	1/200 sq. ft. GFA	X	X	X	X		X	X	X	X	X	X	X	X	X
Public utility & service uses ⁴	157.055	1/400 sq. ft.	X	R	R	R										
Railroad yards & switching areas, including lodging facilities	157.053	1/3 employee													X	
Recreation center, community	157.055	1/150 sq. ft. GFA	X			X				X	X	X	X	X	X	
Recreation center, private	None	1/50 sq. ft. GSA								X	X	X				
Recreational vehicle (RV) parks	157.068	1/10 attendees + 1/employee								X	X		X	X		
Rehabilitation care facility	None	1/bed + 1/each employee on max. shift				R			R	R	R	R				R
Research laboratories	157.052 157.053	1/employee + 1 dock/25,000 sq. ft.								X	X	X	X	X		

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other	
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1	
Restaurant, entertainment		154.047								X	X					
Restaurant, fast food		157.047								X	X	X				
Restaurant, fast food with drive through window		157.047								X	X					
Restaurant, full service		157.047							X	X	X	X				
Restaurant, micro-brewery/winery		157.047								R	R					

Restaurant, take out		157.047								X	X	X	X			
Roller skating rink	None	1/100 sq. ft. GSA									X	X				
Sanatorium	None	1/6 beds + 1/staff + 1/doctor + 1/employees + 1/loading space														R
Schools, public and private	None	1/employee + 1/classroom 1/50 sq. ft. assembly area														
elementary	None	1/employee + 1/classroom 1/50 sq. ft. assembly area	X	X	X	X										
Mid high, junior high	None	1/employee + 1/classroom 1/50 sq. ft. assembly area		5	5	5										
senior high	None	1/employee + 1/classroom 1/50 sq. ft. assembly area	X	5	5	5										

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
colleges or universities	None	1/employee + 1/classroom 1/50 sq. ft. assembly area	X			X									
Self-service storage facility	None	1/vehicle stored + 1/employee + 1/10 units								R	R		X	X	
Shoe repair	157.052	1/150 sq. ft. GSA							X	X	X	X			
Sign painting	157.053	1/150 sq. ft. GSA								X	X		R	R	
Snack & nonalcoholic beverages bars		157.047							X	X	X	X			

Snack & nonalcoholic beverages bars (accessory use)		157.047							X	X	X	X	X	X	X	X
Soft drink manufacturing		1/employee on max. shift + 1/150 GSA											X	X		
Soldering and welding	157.053	1/employee + 1 dock/25,000 sq. ft. GFA												X		
Sororities/ fraternities	None	.75/occupant				X										
Spray painting and mixing	157.053	1/1,000 sq. ft. GFA+ 1 dock/ 25,000 sq. ft.												X		
Sporting goods store	None	1/150 sq. ft. GSA 1/employee								X	X	X				
Stock broker	None	1/150 sq. ft. GFA						X		X	X	X				
Substance abuse centers, outpatient	None	6/doctor or counselor + 1/employee						R	R	R	R	R				X
Tailor shop	157.052	1/200 sq. ft. GFA								X	X	X				
Tattoo studios	157.062	6/chair + 1/employee								R	R		R	R		

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Temporary building, construction phase only	None	None	X	R	R	R									
Temporary bulletin board, sign	159.01 et seq.	None		R	R	R									
Theater	157.055	1/4 seats								X	X	X			
Toy store	None	1/150 sq. ft. GSA 1/employee							X	X	X	X			
Travel trailer park & sales	157.049	1/150 sq. ft. GSA + 1/trailer (sized to trailer) + 1/employee								X					
Utility service installation	157.055	1/400 sq. ft. GFA								X	X	X	X	X	

Variety store	157.052	1/150 sq. ft. GSA 1/employee							X	X	X	X			
Warehouse and storage	157.053	1/4,000 sq. ft. + 1 berth/25,000 sq. ft.											X	X	
Water filtration plant	157.053	1/3 employee + 1 berth/25,000 sq. ft.											X	X	
Wholesale distributing center	None	1/150 sq. ft. GSA + 1/employee/ loading berth								X	X		R	R	
Wine and distilled alcoholic beverage wholesalers		1/employee on max. shift + 1/150 GSA											X	X	
Wineries		1/employee on max. shift + 1/150 GSA	R										X	X	

Permitted Uses	Special Provisions		Residential Districts					Commercial Districts					Industrial Districts		Other
	Special Conditions See §	Parking Spaces Required	A1	R1	R2	R3	R4	C0	C1	C2	C3	CBD	I1	I2	H1
Worship facilities	157.064	1/4 seats	R	R	R	R	R	R	R	R	R	R	R	R	R

X = Uses permitted
 R = Uses permitted only upon review and approval of the Durant Planning Commission and City Council
 GSA = Gross Sales Area
 GFA = Gross Floor Area
 GLA = Gross Lot Area
 None of the listed uses shall be permitted in the FD zone as shown on the Zoning Map except as provided in §157.054.

Notes: 1 Minimum lot size 10,000 sq. ft.

2 No garage apartments on same lot as two-family dwellings. Allowed in upper stories of buildings whose primary usage is commercial located in the Central Business District.

3 Minimum lot size 1 acre, frontage on major street.

4 Provided major street frontage available.

5 Provided major street frontage available.

6 Minimum lot size 1 acre.

('93 Code, § 12-218) (Am. Ord. 1266, passed 7-14-98; Am. Ord. 1315, passed 7-11-00; Am. Ord. 1316, passed 7-11-00; Am. Ord. 1364, passed 3-12-02; Am. Ord. 1379, passed 7-9-02; Am. Ord. 1382, passed 8-13-02; Am. Ord. 1387, passed 11-12-02; Am. Ord. 1397, passed 3-11-03; Am. Ord. 1411, passed 9-8-03; Am. Ord. 1414, passed 10-14-03; Am. Ord. 1436, passed 5-11-04; Am. Ord. 1508, passed 7-11-06; Am. Ord. 1509, passed 7-11-06; Am. Ord. 1522, passed 10-10-06; Am. Ord. 1543, passed 3-13-07; Am. Ord. 1545, passed 3-13-07; Am. Ord. 1562, passed 8-14-07; Am. Ord. 1574, passed 11-13-07; Am. Ord. 1583, passed 1-8-08; Am. Ord. 1585, passed 1-8-08; Am. Ord. 1606, passed 9-9-08; Am. Ord. 1618, passed 5-18-09; Am. Ord. 1639, passed 5-11-10; Am. Ord. 1755, passed 5-12-15)

§ 155.05 USE RESTRICTION.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, **create bird strike hazards**, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(`93 Code, § 12-705) (Ord. passed 10-21-74; Am. Ord. 1447, passed 11-9-04)

OKC –

Zoning: Allowed with special exception/permit in Ag, Commercial and Industrial Districts

8150.4. Animal Raising: Commercial Feedlots. Premises where animals are fed or kept for commercial use or for animal products, animal increase or value increases.

9350.9. Animal Raising: Commercial Feedlots (59-8150.4).

A. The site shall be at least 20 acres in size.

B. No such use shall be permitted within one-half mile of an R-1, R-2, R-3, R-3M, R-4M, R-4, R-MH-1, R-MH-2 or HP District.

C. The applicant shall submit a plan of existing or proposed water and waste disposal facilities to show that the proposed use will meet all local, state and federal requirements.

Zoning: Allowed with Special Permit in Industrial zoning

8350.14. Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include **stockyards** or animal sale yards.

350.62. Stockyards (59-8350.14).

A. The site shall be at least five acres in size.

B. The applicant shall submit a plan of existing or proposed water and waste disposal facilities to show that the proposed use will meet all local, State and Federal requirements.

C. No such use shall be permitted within one-half mile of an R-1, R-2, R-3, R-3M, R-4M, R-4, R-MH-1, R-MH- 2, HL or HP District.

Marlow:

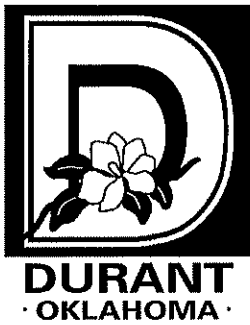
MOTOR FREIGHT TERMINAL: A facility for freight pickup, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

Broken Arrow:

Motor freight terminal. A facility for freight pickup, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

Barberton, OH

Motor Freight Terminal: A building or premises the principal use of which is the receipt and/or dispatching of freight for forwarding or trans-shipment by motor vehicle.



THE CITY OF DURANT

Office of Community Development

Date: 02/01/2022
To: Planning Commission
Case: PC 2022-07
From: Danielle O'Neal, Community Development Director
Re: Discussion, Consideration and Possible Action on Amending Sections 155.02 (Definitions) and 155.05 (Use Restriction) of the Code of Ordinances of the City of Durant, Oklahoma

Request: Discussion, Consideration and Possible Action on Amending Sections 155.02 (Definitions) and 155.05 (Use Restriction) of the Code of Ordinances of the City of Durant, Oklahoma.

Background: Staff was made aware of an Advisory Circular Report that was put out by the FAA (Federal Aviation Administration) while looking into the feedlot and stockyard definitions. The report explained that these type of uses attract flocking type birds, which can cause bird strike accidents with the aircraft. After reading the report and talking with the airport consultant and have prepared a draft of some slight changes to the definition and use restriction section of ordinance. As a note, there is a long range plan being worked on for the airport, which is expected to be completed around August / September of 2022. So there may be additional changes that will come at that point in time.

Analysis: Staff looked over the report and placed in a definition of Air Operations Area (AOA), which is an area that should be protected for aircraft. In the Use Restriction section staff added language from the report stating that confined livestock operations (i.e. feedlots) shall not be operated within 10,000 feet of the air operations area. The 10,000 feet comes from the fact that our airport currently does have turbine-powered aircraft. The reason this was added was to help ensure the safety of aircraft that use our airport on a regular basis.

Staff Recommendation: Staff recommends approval of the amendments presented.

Required Action: Hear the item and recommend approval or denial of the amendments to Section 155.02 (Definitions) and 155.05 (Use Restriction). Any specific conditions imposed by the Commission should be read into any approval motion.

ORDINANCE NO. O-2022-05

AN ORDINANCE AMENDING DURANT CODE OF ORDINANCES §155.02 DEFINITIONS AND §155.05 USES RESTRICTION IN DISTRICTS DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. Amending the Durant Code of Ordinances §155.02 Definitions and §155.05 Use Restriction to read as described below:

§ 155.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIRPORT. Eaker Field.

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level. Eaker Field has an elevation of 698 feet above mean sea level (MSL).

AIRPORT HAZARD. Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at Eaker Field or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA. Any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

AIR OPERATIONS AREA (AOA). All airport areas where aircraft can operate, either under their own power or while in tow. The AOA includes runways, taxiways and apron areas.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 155.04 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES. These zones are set forth in § 155.03 of this chapter.

BOARD OF ADJUSTMENT. A Board consisting of five members appointed by the City Council as provided by the laws of the state.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. The elevation of the horizontal surface at Eaker Field is 848 feet AMSL.

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 (runways 17-35 and 12-30).

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 is planned (runway 17-35).

NONCONFORMING USE. Any pre-existing structure, object of natural growth or use of land that is inconsistent with the provisions of this chapter or an amendment thereto.

OBSTRUCTION. Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § 155.04 of this chapter.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

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 documents (runway 35 planned).

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in § 155.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY. A defined area on 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 SURFACES. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended, at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSITIONAL SURFACES for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE. Any object of natural growth.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

ZONING ADMINISTRATOR. Any city employee as may be so designated by the City Council.

§ 155.05 USE RESTRICTION.

(A) Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, ~~create bird-strike hazards~~, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(B) Confined livestock operations (i.e. feedlots, dairy operations, hog or chicken production facilities or egg laying operations) shall not be within 10,000 feet of the air operations area (AOA).

SECTION 2. REPEALER CLAUSE.

All Ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3. EMERGENCY CLAUSE.

For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 8th day of February, 2022.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk



U.S. Department
of Transportation

**Federal Aviation
Administration**

Advisory Circular

**Subject: HAZARDOUS WILDLIFE
ATTRACTANTS ON OR NEAR
AIRPORTS**

Date: 8/28/2007

AC No: 150/5200-33B

Initiated by: AAS-300 **Change:**

1. PURPOSE. This Advisory Circular (AC) provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.

2. APPLICABILITY. The Federal Aviation Administration (FAA) recommends that public-use airport operators implement the standards and practices contained in this AC. The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139, Certification of Airports, Subpart D (Part 139), may use the standards, practices, and recommendations contained in this AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards. The FAA also recommends the guidance in this AC for land-use planners, operators of non-certificated airports, and developers of projects, facilities, and activities on or near airports.

3. CANCELLATION. This AC cancels AC 150/5200-33A, *Hazardous Wildlife Attractants on or near Airports*, dated July 27, 2004.

4. PRINCIPAL CHANGES. This AC contains the following major changes, which are marked with vertical bars in the margin:

- a. Technical changes to paragraph references.
- b. Wording on storm water detention ponds.
- c. Deleted paragraph 4-3.b, *Additional Coordination*.

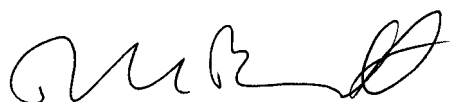
5. BACKGROUND. Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem. While many species of wildlife can pose a threat to aircraft safety, they are not equally hazardous. Table 1

ranks the wildlife groups commonly involved in damaging strikes in the United States according to their relative hazard to aircraft. The ranking is based on the 47,212 records in the FAA National Wildlife Strike Database for the years 1990 through 2003. These hazard rankings, in conjunction with site-specific Wildlife Hazards Assessments (WHA), will help airport operators determine the relative abundance and use patterns of wildlife species and help focus hazardous wildlife management efforts on those species most likely to cause problems at an airport.

Most public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport's approach or departure airspace or air operations area (AOA). Constructed or natural areas—such as poorly drained locations, detention/retention ponds, roosting habitats on buildings, landscaping, odor-causing rotting organic matter (putrescible waste) disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands—can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Even small facilities, such as fast food restaurants, taxicab staging areas, rental car facilities, aircraft viewing areas, and public parks, can produce substantial attractions for hazardous wildlife.

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. Hazardous wildlife attractants on and near airports can jeopardize future airport expansion, making proper community land-use planning essential. This AC provides airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land-use practices on or near public-use airports.

6. MEMORANDUM OF AGREEMENT BETWEEN FEDERAL RESOURCE AGENCIES. The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Wildlife Services signed a Memorandum of Agreement (MOA) in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards. Through the MOA, the agencies established procedures necessary to coordinate their missions to address more effectively existing and future environmental conditions contributing to collisions between wildlife and aircraft (wildlife strikes) throughout the United States. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.



DAVID L. BENNETT
Director, Office of Airport Safety
and Standards

Table 1. Ranking of 25 species groups as to relative hazard to aircraft (1=most hazardous) based on three criteria (damage, major damage, and effect-on-flight), a composite ranking based on all three rankings, and a relative hazard score. Data were derived from the FAA National Wildlife Strike Database, January 1990–April 2003.¹

Species group	Ranking by criteria			Composite ranking ²	Relative hazard score ³
	Damage ⁴	Major damage ⁵	Effect on flight ⁶		
Deer	1	1	1	1	100
Vultures	2	2	2	2	64
Geese	3	3	6	3	55
Cormorants/pelicans	4	5	3	4	54
Cranes	7	6	4	5	47
Eagles	6	9	7	6	41
Ducks	5	8	10	7	39
Osprey	8	4	8	8	39
Turkey/pheasants	9	7	11	9	33
Hérons	11	14	9	10	27
Hawks (buteos)	10	12	12	11	25
Gulls	12	11	13	12	24
Rock pigeon	13	10	14	13	23
Owls	14	13	20	14	23
H. lark/s. bunting	18	15	15	15	17
Crows/ravens	15	16	16	16	16
Coyote	16	19	5	17	14
Mourning dove	17	17	17	18	14
Shorebirds	19	21	18	19	10
Blackbirds/starling	20	22	19	20	10
American kestrel	21	18	21	21	9
Meadowlarks	22	20	22	22	7
Swallows	24	23	24	23	4
Sparrows	25	24	23	24	4
Nighthawks	23	25	25	25	1

¹ Excerpted from the *Special Report for the FAA, "Ranking the Hazard Level of Wildlife Species to Civil Aviation in the USA: Update #1, July 2, 2003"*. Refer to this report for additional explanations of criteria and method of ranking.

² Relative rank of each species group was compared with every other group for the three variables, placing the species group with the greatest hazard rank for ≥ 2 of the 3 variables above the next highest ranked group, then proceeding down the list.

³ Percentage values, from Tables 3 and 4 in Footnote 1 of the *Special Report*, for the three criteria were summed and scaled down from 100, with 100 as the score for the species group with the maximum summed values and the greatest potential hazard to aircraft.

⁴ Aircraft incurred at least some damage (destroyed, substantial, minor, or unknown) from strike.

⁵ Aircraft incurred damage or structural failure, which adversely affected the structure strength, performance, or flight characteristics, and which would normally require major repair or replacement of the affected component, or the damage sustained makes it inadvisable to restore aircraft to airworthy condition.

⁶ Aborted takeoff, engine shutdown, precautionary landing, or other.

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SECTION 1.

GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.

1-1. INTRODUCTION. When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

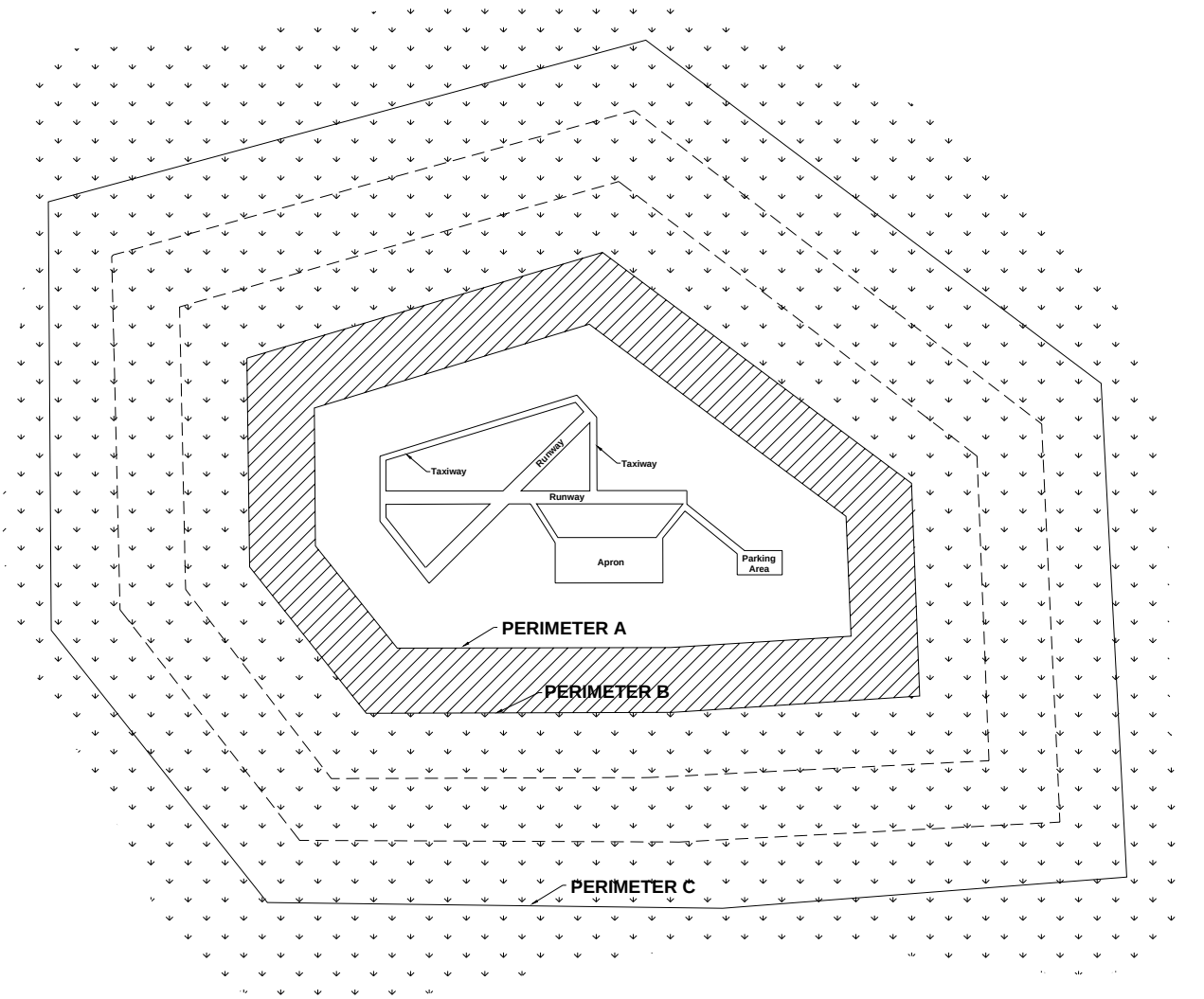
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT. Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance measured from the nearest aircraft operations areas.

1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT. Airports selling Jet-A fuel normally serve turbine-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance from the nearest aircraft movement areas.

1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE. For all airports, the FAA recommends a distance of 5 statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



PERIMETER A: For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

PERIMETER B: For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

PERIMETER C: 5-mile range to protect approach, departure and circling airspace.

SECTION 2.

LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.

2-1. GENERAL. The wildlife species and the size of the populations attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. This section discusses land-use practices having the potential to attract hazardous wildlife and threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to *Wildlife Hazard Management at Airports*, prepared by FAA and U.S. Department of Agriculture (USDA) staff. (This manual is available in English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.FAA.gov>.) And, *Prevention and Control of Wildlife Damage*, compiled by the University of Nebraska Cooperative Extension Division. (This manual is available online in a periodically updated version at: ianrwww.unl.edu/wildlife/solutions/handbook/.)

2-2. WASTE DISPOSAL OPERATIONS. Municipal solid waste landfills (MSWLF) are known to attract large numbers of hazardous wildlife, particularly birds. Because of this, these operations, when located within the separations identified in the siting criteria in Sections 1-2 through 1-4, are considered incompatible with safe airport operations.

- a. Siting for new municipal solid waste landfills subject to AIR 21.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) (AIR 21) prohibits the construction or establishment of a new MSWLF within 6 statute miles of certain public-use airports. Before these prohibitions apply, both the airport and the landfill must meet the very specific conditions described below. These restrictions do not apply to airports or landfills located within the state of Alaska.

The airport must (1) have received a Federal grant(s) under 49 U.S.C. § 47101, et. seq.; (2) be under control of a public agency; (3) serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and (4) have total annual enplanements consisting of at least 51 percent of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

The proposed MSWLF must (1) be within 6 miles of the airport, as measured from airport property line to MSWLF property line, and (2) have started construction or establishment on or after April 5, 2001. Public Law 106-181 only limits the construction or establishment of some new MSWLF. It does not limit the expansion, either vertical or horizontal, of existing landfills.

NOTE: Consult the most recent version of AC 150/5200-34, *Construction or Establishment of Landfills Near Public Airports*, for a more detailed discussion of these restrictions.

- b. Siting for new MSWLF not subject to AIR 21.** If an airport and MSWLF do not meet the restrictions of Public Law 106-181, the FAA recommends against locating MSWLF within the separation distances identified in Sections 1-2 through 1-4. The separation distances should be measured from the closest point of the airport's AOA to the closest planned MSWLF cell.
- c. Considerations for existing waste disposal facilities within the limits of separation criteria.** The FAA recommends against airport development projects that would increase the number of aircraft operations or accommodate larger or faster aircraft near MSWLF operations located within the separations identified in Sections 1-2 through 1-4. In addition, in accordance with 40 CFR 258.10, owners or operators of existing MSWLF units that are located within the separations listed in Sections 1-2 through 1-4 must demonstrate that the unit is designed and operated so it does not pose a bird hazard to aircraft. (See Section 4-2(b) of this AC for a discussion of this demonstration requirement.)
- d. Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.
- e. Composting operations on or near airport property.** Composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife. Sewage sludge, woodchips, and similar material are not municipal solid wastes and may be used as compost bulking agents. The compost, however, must never include food or other municipal solid waste. Composting operations should not be located on airport property. Off-airport property composting operations should be located no closer than the greater of the following distances: 1,200 feet from any AOA or the distance called for by airport design requirements (see AC 150/5300-13, *Airport Design*). This spacing should prevent material, personnel, or equipment from penetrating any Object Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway. Airport operators should monitor composting operations located in proximity to the airport to ensure that steam or thermal rise does not adversely affect air traffic. On-airport disposal of compost by-products should not be conducted for the reasons stated in 2-3f.

- f. Underwater waste discharges.** The FAA recommends against the underwater discharge of any food waste (e.g., fish processing offal) within the separations identified in Sections 1-2 through 1-4 because it could attract scavenging hazardous wildlife.
- g. Recycling centers.** Recycling centers that accept previously sorted non-food items, such as glass, newspaper, cardboard, or aluminum, are, in most cases, not attractive to hazardous wildlife and are acceptable.
- h. Construction and demolition (C&D) debris facilities.** C&D landfills do not generally attract hazardous wildlife and are acceptable if maintained in an orderly manner, admit no putrescible waste, and are not co-located with other waste disposal operations. However, C&D landfills have similar visual and operational characteristics to putrescible waste disposal sites. When co-located with putrescible waste disposal operations, C&D landfills are more likely to attract hazardous wildlife because of the similarities between these disposal facilities. Therefore, a C&D landfill co-located with another waste disposal operation should be located outside of the separations identified in Sections 1-2 through 1-4.
- i. Fly ash disposal.** The incinerated residue from resource recovery power/heat-generating facilities that are fired by municipal solid waste, coal, or wood is generally not a wildlife attractant because it no longer contains putrescible matter. Landfills accepting only fly ash are generally not considered to be wildlife attractants and are acceptable as long as they are maintained in an orderly manner, admit no putrescible waste of any kind, and are not co-located with other disposal operations that attract hazardous wildlife.

Since varying degrees of waste consumption are associated with general incineration (not resource recovery power/heat-generating facilities), the FAA considers the ash from general incinerators a regular waste disposal by-product and, therefore, a hazardous wildlife attractant if disposed of within the separation criteria outlined in Sections 1-2 through 1-4.

2-3. WATER MANAGEMENT FACILITIES. Drinking water intake and treatment facilities, storm water and wastewater treatment facilities, associated retention and settling ponds, ponds built for recreational use, and ponds that result from mining activities often attract large numbers of potentially hazardous wildlife. To prevent wildlife hazards, land-use developers and airport operators may need to develop management plans, in compliance with local and state regulations, to support the operation of storm water management facilities on or near all public-use airports to ensure a safe airport environment.

- a. Existing storm water management facilities.** On-airport storm water management facilities allow the quick removal of surface water, including discharges related to aircraft deicing, from impervious surfaces, such as pavement and terminal/hangar building roofs. Existing on-airport detention ponds collect storm water, protect water quality, and control runoff. Because they slowly release water

after storms, they create standing bodies of water that can attract hazardous wildlife. Where the airport has developed a Wildlife Hazard Management Plan (WHMP) in accordance with Part 139, the FAA requires immediate correction of any wildlife hazards arising from existing storm water facilities located on or near airports, using appropriate wildlife hazard mitigation techniques. Airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

Where possible, airport operators should modify storm water detention ponds to allow a maximum 48-hour detention period for the design storm. The FAA recommends that airport operators avoid or remove retention ponds and detention ponds featuring dead storage to eliminate standing water. Detention basins should remain totally dry between rainfalls. Where constant flow of water is anticipated through the basin, or where any portion of the basin bottom may remain wet, the detention facility should include a concrete or paved pad and/or ditch/swale in the bottom to prevent vegetation that may provide nesting habitat.

When it is not possible to drain a large detention pond completely, airport operators may use physical barriers, such as bird balls, wires grids, pillows, or netting, to deter birds and other hazardous wildlife. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office.

The FAA recommends that airport operators encourage off-airport storm water treatment facility operators to incorporate appropriate wildlife hazard mitigation techniques into storm water treatment facility operating practices when their facility is located within the separation criteria specified in Sections 1-2 through 1-4.

- b. New storm water management facilities.** The FAA strongly recommends that off-airport storm water management systems located within the separations identified in Sections 1-2 through 1-4 be designed and operated so as not to create above-ground standing water. Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. When it is not possible to place these ponds away from an airport's AOA, airport operators should use physical barriers, such as bird balls, wires grids, pillows, or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office. All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated. If soil conditions and other requirements allow, the FAA encourages

the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

- c. Existing wastewater treatment facilities.** The FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport. Where required, a WHMP developed in accordance with Part 139 will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should encourage wastewater treatment facility operators to incorporate measures, developed in consultation with a wildlife damage management biologist, to minimize hazardous wildlife attractants. Airport operators should also encourage those wastewater treatment facility operators to incorporate these mitigation techniques into their standard operating practices. In addition, airport operators should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.
- d. New wastewater treatment facilities.** The FAA strongly recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in Sections 1-2 through 1-4. Appendix 1 defines wastewater treatment facility as “any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes.” The definition includes any pretreatment involving the reduction of the amount of pollutants or the elimination of pollutants prior to introducing such pollutants into a publicly owned treatment works (wastewater treatment facility). During the site-location analysis for wastewater treatment facilities, developers should consider the potential to attract hazardous wildlife if an airport is in the vicinity of the proposed site, and airport operators should voice their opposition to such facilities if they are in proximity to the airport.
- e. Artificial marshes.** In warmer climates, wastewater treatment facilities sometimes employ artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. The FAA strongly recommends against establishing artificial marshes within the separations identified in Sections 1-2 through 1-4.
- f. Wastewater discharge and sludge disposal.** The FAA recommends against the discharge of wastewater or sludge on airport property because it may improve soil moisture and quality on unpaved areas and lead to improved turf growth that can be an attractive food source for many species of animals. Also, the turf requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw, both of which can attract hazardous wildlife. In addition, the improved turf may attract grazing wildlife, such as deer and geese. Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

2-4. WETLANDS. Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species (Table 1).

NOTE: If questions exist as to whether an area qualifies as a wetland, contact the local division of the U.S. Army Corps of Engineers, the Natural Resources Conservation Service, or a wetland consultant qualified to delineate wetlands.

- a. Existing wetlands on or near airport property.** If wetlands are located on or near airport property, airport operators should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations. At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports. Where required, a WHMP will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.
- b. New airport development.** Whenever possible, the FAA recommends locating new airports using the separations from wetlands identified in Sections 1-2 through 1-4. Where alternative sites are not practicable, or when airport operators are expanding an existing airport into or near wetlands, a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the state wildlife management agency should evaluate the wildlife hazards and prepare a WHMP that indicates methods of minimizing the hazards.
- c. Mitigation for wetland impacts from airport projects.** Wetland mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects or projects required to correct wildlife hazards from wetlands. Wetland mitigation must be designed so it does not create a wildlife hazard. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4.

(1) Onsite mitigation of wetland functions. The FAA may consider exceptions to locating mitigation activities outside the separations identified in Sections 1-2 through 1-4 if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge, which cannot be replicated when moved to a different location. Using existing airport property is sometimes the only feasible way to achieve the mitigation ratios mandated in regulatory orders and/or settlement agreements with the resource agencies. Conservation easements are an additional means of providing mitigation for project impacts. Typically the airport operator continues to own the property, and an easement is created stipulating that the property will be maintained as habitat for state or Federally listed species.

Mitigation must not inhibit the airport operator's ability to effectively control hazardous wildlife on or near the mitigation site or effectively maintain other aspects of safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife must be avoided. The FAA will review any onsite mitigation proposals to determine compatibility with safe airport operations. A wildlife damage management biologist should evaluate any wetland mitigation projects that are needed to protect unique wetland functions and that must be located in the separation criteria in Sections 1-2 through 1-4 before the mitigation is implemented. A WHMP should be developed to reduce the wildlife hazards.

(2) Offsite mitigation of wetland functions. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 unless they provide unique functions that must remain onsite (see 2-4c(1)). Agencies that regulate impacts to or around wetlands recognize that it may be necessary to split wetland functions in mitigation schemes. Therefore, regulatory agencies may, under certain circumstances, allow portions of mitigation to take place in different locations.

(3) Mitigation banking. Wetland mitigation banking is the creation or restoration of wetlands in order to provide mitigation credits that can be used to offset permitted wetland losses. Mitigation banking benefits wetland resources by providing advance replacement for permitted wetland losses; consolidating small projects into larger, better-designed and managed units; and encouraging integration of wetland mitigation projects with watershed planning. This last benefit is most helpful for airport projects, as wetland impacts mitigated outside of the separations identified in Sections 1-2 through 1-4 can still be located within the same watershed. Wetland mitigation banks meeting the separation criteria offer an ecologically sound approach to mitigation in these situations. Airport operators should work with local watershed management agencies or organizations to develop mitigation banking for wetland impacts on airport property.

2-5. DREDGE SPOIL CONTAINMENT AREAS. The FAA recommends against locating dredge spoil containment areas (also known as Confined Disposal Facilities) within the separations identified in Sections 1-2 through 1-4 if the containment area or the spoils contain material that would attract hazardous wildlife.

2-6. AGRICULTURAL ACTIVITIES. Because most, if not all, agricultural crops can attract hazardous wildlife during some phase of production, the FAA recommends against the use of airport property for agricultural production, including hay crops, within the separations identified in Sections 1-2 through 1-4. If the airport has no financial alternative to agricultural crops to produce income necessary to maintain the viability of the airport, then the airport shall follow the crop distance guidelines listed in the table titled "Minimum Distances between Certain Airport Features and Any On-Airport Agricultural Crops" found in AC 150/5300-13, *Airport Design*, Appendix 17. The cost of wildlife control and potential accidents should be weighed against the income produced by the on-airport crops when deciding whether to allow crops on the airport.

- a. Livestock production.** Confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg laying operations) often attract flocking birds, such as starlings, that pose a hazard to aviation. Therefore, The FAA recommends against such facilities within the separations identified in Sections 1-2 through 1-4. Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety. Free-ranging livestock must not be grazed on airport property because the animals may wander onto the AOA. Furthermore, livestock feed, water, and manure may attract birds.
- b. Aquaculture.** Aquaculture activities (i.e. catfish or trout production) conducted outside of fully enclosed buildings are inherently attractive to a wide variety of birds. Existing aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4 must have a program developed to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should also oppose the establishment of new aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4.
- c. Alternative uses of agricultural land.** Some airports are surrounded by vast areas of farmed land within the distances specified in Sections 1-2 through 1-4. Seasonal uses of agricultural land for activities such as hunting can create a hazardous wildlife situation. In some areas, farmers will rent their land for hunting purposes. Rice farmers, for example, flood their land during waterfowl hunting season and obtain additional revenue by renting out duck blinds. The duck hunters then use decoys and call in hundreds, if not thousands, of birds, creating a tremendous threat to aircraft safety. A wildlife damage management biologist should review, in coordination with local farmers and producers, these types of seasonal land uses and incorporate them into the WHMP.

2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.

- a. Golf courses.** The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.
- b. Landscaping and landscape maintenance.** Depending on its geographic location, landscaping can attract hazardous wildlife. The FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. A wildlife damage management biologist should review all landscaping plans. Airport operators should also monitor all landscaped areas on a continuing basis for the presence of hazardous wildlife. If

hazardous wildlife is detected, corrective actions should be immediately implemented.

Turf grass areas can be highly attractive to a variety of hazardous wildlife species. Research conducted by the USDA Wildlife Services' National Wildlife Research Center has shown that no one grass management regime will deter all species of hazardous wildlife in all situations. In cooperation with wildlife damage management biologist, airport operators should develop airport turf grass management plans on a prescription basis, depending on the airport's geographic locations and the type of hazardous wildlife likely to frequent the airport

Airport operators should ensure that plant varieties attractive to hazardous wildlife are not used on the airport. Disturbed areas or areas in need of re-vegetating should not be planted with seed mixtures containing millet or any other large-seed producing grass. For airport property already planted with seed mixtures containing millet, rye grass, or other large-seed producing grasses, the FAA recommends disking, plowing, or another suitable agricultural practice to prevent plant maturation and seed head production. Plantings should follow the specific recommendations for grass management and seed and plant selection made by the State University Cooperative Extension Service, the local office of Wildlife Services, or a qualified wildlife damage management biologist. Airport operators should also consider developing and implementing a preferred/prohibited plant species list, reviewed by a wildlife damage management biologist, which has been designed for the geographic location to reduce the attractiveness to hazardous wildlife for landscaping airport property.

- c. **Airports surrounded by wildlife habitat.** The FAA recommends that operators of airports surrounded by woodlands, water, or wetlands refer to Section 2.4 of this AC. Operators of such airports should provide for a Wildlife Hazard Assessment (WHA) conducted by a wildlife damage management biologist. This WHA is the first step in preparing a WHMP, where required.
- d. **Other hazardous wildlife attractants.** Other specific land uses or activities (e.g., sport or commercial fishing, shellfish harvesting, etc.), perhaps unique to certain regions of the country, have the potential to attract hazardous wildlife. Regardless of the source of the attraction, when hazardous wildlife is noted on a public-use airport, airport operators must take prompt remedial action(s) to protect aviation safety.

2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES. There may be circumstances where two (or more) different land uses that would not, by themselves, be considered hazardous wildlife attractants or that are located outside of the separations identified in Sections 1-2 through 1-4 that are in such an alignment with the airport as to create a wildlife corridor directly through the airport and/or surrounding airspace. An example of this situation may involve a lake located outside of the separation criteria on the east side of an airport and a large hayfield on the west side of an airport, land uses that together could create a flyway for Canada geese directly across the airspace of the airport. There are numerous examples of such situations;

therefore, airport operators and the wildlife damage management biologist must consider the entire surrounding landscape and community when developing the WHMP.

SECTION 3.

PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.

3.1. INTRODUCTION. In recognition of the increased risk of serious aircraft damage or the loss of human life that can result from a wildlife strike, the FAA may require the development of a Wildlife Hazard Management Plan (WHMP) when specific triggering events occur on or near the airport. Part 139.337 discusses the specific events that trigger a Wildlife Hazard Assessment (WHA) and the specific issues that a WHMP must address for FAA approval and inclusion in an Airport Certification Manual.

3.2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS. The FAA will use the Wildlife Hazard Assessment (WHA) conducted in accordance with Part 139 to determine if the airport needs a WHMP. Therefore, persons having the education, training, and expertise necessary to assess wildlife hazards must conduct the WHA. The airport operator may look to Wildlife Services or to qualified private consultants to conduct the WHA. When the services of a wildlife damage management biologist are required, the FAA recommends that land-use developers or airport operators contact a consultant specializing in wildlife damage management or the appropriate state director of Wildlife Services.

NOTE: Telephone numbers for the respective USDA Wildlife Services state offices can be obtained by contacting USDA Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157 (<http://www.aphis.usda.gov/ws/>).

3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL. This manual, prepared by FAA and USDA Wildlife Services staff, contains a compilation of information to assist airport personnel in the development, implementation, and evaluation of WHMPs at airports. The manual includes specific information on the nature of wildlife strikes, legal authority, regulations, wildlife management techniques, WHAs, WHMPs, and sources of help and information. The manual is available in three languages: English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.FAA.gov/>. This manual only provides a starting point for addressing wildlife hazard issues at airports. Hazardous wildlife management is a complex discipline and conditions vary widely across the United States. Therefore, qualified wildlife damage management biologists must direct the development of a WHMP and the implementation of management actions by airport personnel.

There are many other resources complementary to this manual for use in developing and implementing WHMPs. Several are listed in the manual's bibliography.

3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139. Part 139.337(b) requires airport operators to conduct a Wildlife Hazard Assessment (WHA) when certain events occur on or near the airport.

Part 139.337 (c) provides specific guidance as to what facts must be addressed in a WHA.

3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP). The FAA will consider the results of the WHA, along with the aeronautical activity at the airport and the views of the airport operator and airport users, in determining whether a formal WHMP is needed, in accordance with Part 139.337. If the FAA determines that a WHMP is needed, the airport operator must formulate and implement a WHMP, using the WHA as the basis for the plan.

The goal of an airport's Wildlife Hazard Management Plan is to minimize the risk to aviation safety, airport structures or equipment, or human health posed by populations of hazardous wildlife on and around the airport.

The WHMP must identify hazardous wildlife attractants on or near the airport and the appropriate wildlife damage management techniques to minimize the wildlife hazard. It must also prioritize the management measures.

3-6. LOCAL COORDINATION. The establishment of a Wildlife Hazards Working Group (WHWG) will facilitate the communication, cooperation, and coordination of the airport and its surrounding community necessary to ensure the effectiveness of the WHMP. The cooperation of the airport community is also necessary when new projects are considered. Whether on or off the airport, the input from all involved parties must be considered when a potentially hazardous wildlife attractant is being proposed. Airport operators should also incorporate public education activities with the local coordination efforts because some activities in the vicinity of your airport, while harmless under normal leisure conditions, can attract wildlife and present a danger to aircraft. For example, if public trails are planned near wetlands or in parks adjoining airport property, the public should know that feeding birds and other wildlife in the area may pose a risk to aircraft.

Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land-use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in Sections 1-2 through 1-4. Pay particular attention to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas. At the very least, airport operators must ensure they are on the notification list of the local planning board or equivalent review entity for all communities located within 5 miles of the airport, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife.

3-7 COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS. If an existing land-use practice creates a wildlife hazard and the land-use practice or wildlife hazard cannot be immediately eliminated, airport operators must issue a Notice to Airmen (NOTAM) and encourage the land-owner or manager to take steps to control the wildlife hazard and minimize further attraction.

SECTION 4.

FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS

4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.

- a. The FAA discourages the development of waste disposal and other facilities, discussed in Section 2, located within the 5,000/10,000-foot criteria specified in Sections 1-2 through 1-4.
- b. For projects that are located outside the 5,000/10,000-foot criteria but within 5 statute miles of the airport's AOA, the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. The FAA considers sensitive airport areas as those that lie under or next to approach or departure airspace. This brief examination should indicate if further investigation is warranted.
- c. Where a wildlife damage management biologist has conducted a further study to evaluate a site's compatibility with airport operations, the FAA may use the study results to make a determination.

4-2. WASTE MANAGEMENT FACILITIES.

- a. **Notification of new/expanded project proposal.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) limits the construction or establishment of new MSWLF within 6 statute miles of certain public-use airports, when both the airport and the landfill meet very specific conditions. See Section 2-2 of this AC and AC 150/5200-34 for a more detailed discussion of these restrictions.

The Environmental Protection Agency (EPA) requires any MSWLF operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, *Airport Safety*). The EPA also requires owners or operators of new MSWLF units, or lateral expansions of existing MSWLF units, that are located within 10,000 feet of any airport runway end used by turbojet aircraft, or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft. (See 4-2.b below.)

When new or expanded MSWLF are being proposed near airports, MSWLF operators must notify the airport operator and the FAA of the proposal as early as possible pursuant to 40 CFR 258.

- b. Waste handling facilities within separations identified in Sections 1-2 through 1-4.** To claim successfully that a waste-handling facility sited within the separations identified in Sections 1-2 through 1-4 does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 2-2.d. The FAA strongly recommends against any facility other than that as outlined in 2-2.d (enclosed transfer stations). The FAA will use this information to determine if the facility will be a hazard to aviation.
- c. Putrescible-Waste Facilities.** In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, no such facility has been able to demonstrate an ability to reduce and sustain hazardous wildlife to levels that existed before the putrescible-waste landfill began operating. For this reason, demonstrations of experimental wildlife control measures may not be conducted within the separation identified in Sections 1-2 through 1-4.

4-3. OTHER LAND-USE PRACTICE CHANGES. As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

The airport operator, project proponent, or land-use operator may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents similar to FAA Form 7460-1 to notify the appropriate FAA Regional Airports Division Office. Project proponents can contact the appropriate FAA Regional Airports Division Office for assistance with the notification process.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land-use operator or project proponent should also forward specific details of the proposed land-use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

- a. Airports that have received Federal grant-in-aid assistance.** Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport

development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

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APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.**1. GENERAL.** This appendix provides definitions of terms used throughout this AC.

- 1. Air operations area.** Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
- 2. Airport operator.** The operator (private or public) or sponsor of a public-use airport.
- 3. Approach or departure airspace.** The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.
- 4. Bird balls.** High-density plastic floating balls that can be used to cover ponds and prevent birds from using the sites.
- 5. Certificate holder.** The holder of an Airport Operating Certificate issued under Title 14, Code of Federal Regulations, Part 139.
- 6. Construct a new MSWLF.** To begin to excavate, grade land, or raise structures to prepare a municipal solid waste landfill as permitted by the appropriate regulatory or permitting agency.
- 7. Detention ponds.** Storm water management ponds that hold storm water for short periods of time, a few hours to a few days.
- 8. Establish a new MSWLF.** When the first load of putrescible waste is received on-site for placement in a prepared municipal solid waste landfill.
- 9. Fly ash.** The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.
- 10. General aviation aircraft.** Any civil aviation aircraft not operating under 14 CFR Part 119, Certification: Air Carriers and Commercial Operators.
- 11. Hazardous wildlife.** Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard
- 12. Municipal Solid Waste Landfill (MSWLF).** A publicly or privately owned discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR § 257.2. An MSWLF may receive

other types wastes, such as commercial solid waste, non-hazardous sludge, small-quantity generator waste, and industrial solid waste, as defined under 40 CFR § 258.2. An MSWLF can consist of either a stand alone unit or several cells that receive household waste.

13. **New MSWLF.** A municipal solid waste landfill that was established or constructed after April 5, 2001.
14. **Piston-powered aircraft.** Fixed-wing aircraft powered by piston engines.
15. **Piston-use airport.** Any airport that does not sell Jet-A fuel for fixed-wing turbine-powered aircraft, and primarily serves fixed-wing, piston-powered aircraft. Incidental use of the airport by turbine-powered, fixed-wing aircraft would not affect this designation. However, such aircraft should not be based at the airport.
16. **Public agency.** A State or political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo (49 U.S.C. § 47102(19)).
17. **Public airport.** An airport used or intended to be used for public purposes that is under the control of a public agency; and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft is publicly owned (49 U.S.C. § 47102(20)).
18. **Public-use airport.** An airport used or intended to be used for public purposes, and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft may be under the control of a public agency or privately owned and used for public purposes (49 U.S.C. § 47102(21)).
19. **Putrescible waste.** Solid waste that contains organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for birds (40 CFR §257.3-8).
20. **Putrescible-waste disposal operation.** Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.
21. **Retention ponds.** Storm water management ponds that hold water for several months.
22. **Runway protection zone (RPZ).** An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the airport design, aircraft, type of operation, and visibility minimum.
23. **Scheduled air carrier operation.** Any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial

operator for which the air carrier, commercial operator, or their representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 CFR Part 119 or as a public charter operation under 14 CFR Part 380 (14 CFR § 119.3).

- 24. Sewage sludge.** Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (40 CFR 257.2)
- 25. Sludge.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. (40 CFR 257.2)
- 26. Solid waste.** Any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including, solid liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923). (40 CFR 257.2)
- 27. Turbine-powered aircraft.** Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.
- 28. Turbine-use airport.** Any airport that sells Jet-A fuel for fixed-wing turbine-powered aircraft.
- 29. Wastewater treatment facility.** Any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 CFR Section 403.3 (q), (r), & (s)).

- 30. Wildlife.** Any wild animal, including without limitation any wild mammal, bird, reptile, fish, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, including any part, product, egg, or offspring thereof (50 CFR 10.12, *Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants*). As used in this AC, wildlife includes feral animals and domestic animals out of the control of their owners (14 CFR Part 139, Certification of Airports).
- 31. Wildlife attractants.** Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's AOA. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
- 32. Wildlife hazard.** A potential for a damaging aircraft collision with wildlife on or near an airport.
- 33. Wildlife strike.** A wildlife strike is deemed to have occurred when:
- a. A pilot reports striking 1 or more birds or other wildlife;
 - b. Aircraft maintenance personnel identify aircraft damage as having been caused by a wildlife strike;
 - c. Personnel on the ground report seeing an aircraft strike 1 or more birds or other wildlife;
 - d. Bird or other wildlife remains, whether in whole or in part, are found within 200 feet of a runway centerline, unless another reason for the animal's death is identified;
 - e. The animal's presence on the airport had a significant negative effect on a flight (i.e., aborted takeoff, aborted landing, high-speed emergency stop, aircraft left pavement area to avoid collision with animal) (Transport Canada, Airports Group, *Wildlife Control Procedures Manual*, Technical Publication 11500E, 1994).

2. RESERVED.