

TOWN OF BLUFF ORDINANCE NO. 2023-14-4

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS PROHIBITING, FOR A PERIOD OF 180 DAYS, THE DEVELOPMENT, CONSTRUCTION, OR OPERATION OF NEW AVIATION FACILITIES WITHIN THE TOWN PENDING ENACTMENT OF NEW ORDINANCES.

The following describes the intent and purpose of this ordinance:

- a. The Town of Bluff (the Town) possesses the authority pursuant to U.C.A. 10-9a-504 to enact temporary land use regulations.
- b. From time to time the Town reviews and revises its land use ordinances in response to activities within the Town and the broader public interest.
- c. It has come to the Town's attention that there may be an interest in developing commercial helicopter pads and providing helicopter tours from facilities to be developed within the Town.
- d. The Town currently operates an airport, and it has engaged in the enactment of zoning ordinances that cover various land uses. Those ordinances have not addressed the possibility of development of new aviation facilities within the Town.
- e. The Town finds that the operation of aviation facilities, including commercial helicopter operations and airports, have the potential of creating significant impacts that may negatively affect adjacent property owners. Those negative impacts include noise, lighting impacts, visual impacts, air pollution, safety concerns and the like. Aviation operations may be appropriate in certain areas within the Town, but not in others.
- f. No applications for the development of new aviation facilities are currently pending before the Town.
- g. There is a compelling countervailing public interest to postpone the development of new aviation facilities within the Town until such time as land use ordinance and policies can be developed by the Town, after receiving comment from the public and interested stakeholders.

Therefore, the Town enacts the following:

1. **Definitions.** The term "Aviation Facility" means a facility where fixed wing aircraft or rotary wing aircraft (helicopters) are stored, maintained, and/or operated, including landing pads, landing strips, taxi-ways, hangars, and all incidental facilities used for aircraft operations.

2. **Moratorium.** The Town hereby enacts a temporary land use regulation prohibiting the development, construction, or operation of new Aviation Facilities within the Town for a period of one hundred eighty (180) calendar days from the date of enactment of this ordinance. No new applications for the development, construction, or operation of Aviation Facilities shall be accepted, reviewed, or approved by the Town for the duration of this ordinance.
3. **Exemption.** Nothing in this ordinance shall be deemed to preclude ongoing operations or maintenance at Bluff Airport, FAA No. 66V, located four miles southwest of the Town.
4. **Future Action by the Town.** The Town directs that the Planning Commission, Council, and staff engage in study and preparation of new ordinances and policies to address the development of Aviation Facilities.
5. **Enforcement.** This ordinance may be enforced via a civil action for injunctive or declaratory relief, damages, or both as otherwise provided by law. The Town need only prove the existence of a violation of this ordinance to obtain injunctive relief, which shall be issued without bond. San Juan County will be notified of this ordinance and is hereby directed not to issue any building permit with respect to new Aviation Facilities within the Town for the duration of this ordinance.
6. **Severability.** If any provision of this ordinance is found to be invalid by any court, the provision shall be removed, and the remainder of the ordinance shall be given full effect without the severed provision.
7. **Effective Date.** This ordinance shall take effect immediately upon passage by the Town Council, regardless of the date of publication. The Town shall promptly publish this ordinance.

Approved and adopted upon the affirmative vote of a majority of the Bluff Town Council at a properly noticed special meeting this 14th day of April, 2023.

By: Ann Leppanen
 Mayor Ann Leppanen

April 14, 2023
 Date

Attest:

By: Linda Sosa
 Linda Sosa, Recorder

April 14, 2023
 Date

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