

TOWN OF BLUFF ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE BLUFF MUNICIPAL CODE TO ENACT PROVISIONS GOVERNING THE OPERATION OF AVIATION FACILITIES.

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-501 to enact land use ordinances.
- 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. Current Town zoning ordinances do not address aviation facilities, and there is interest in the development of commercial helicopter tours within the Town.
- d. The Town enacted Ordinance No. 2023-14-4 as a temporary land use regulation for the purpose of studying the suitability of aviation activities within the Town, and the location for same.
- e. The currently operates an airport on lands administered by the federal government within the Town.
- f. 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.
- g. The Town of Bluff Planning and Zoning Commission (P & Z) held multiple work sessions and public meetings for the purpose of discussing the suitability of aviation operations within the Town. The P & Z is divided on the subject of aviation operations within the Town, due to the possibility of adverse impacts.
- h. The Town finds that the existing Bluff airport situated in a location where conflicts with other property owners due to aviation operations are less likely. Therefore, the establishment of new or expanded aviation facilities should be encouraged at the existing Bluff airport.

Therefore, the Town enacts the following:

010 Definitions.

The term “Aircraft” means powered fixed wing airplanes or rotary wing helicopters used for transportation of people or cargo.

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, runways, landing strips, taxi-ways, hangars, terminals, fuel depots, and all incidental facilities used for aircraft operations.

The term “Heliport” means an area of land used and intended to be used for helicopter landings and takeoffs, including all associated buildings and facilities for helicopter operation. By definition a heliport is an aviation facility.

The term “Hot Air Balloon” means lighter than air balloons used to carry passengers.

The term “Noise Sensitive Land Use” means an existing land use subject to interference or annoyance by the intrusion of aircraft noise. Examples include but are not limited to: residential uses; schools; cultural and religious facilities; health services or hospitals; offices; lodging facilities; or such uses as are unbuilt but permitted by an approved building permit, plat, site plan, or the like.

020 Aviation Facilities Statement of Policy. It is the policy of the Town of Bluff that aviation facilities and aviation activity shall be encouraged for development at the Bluff Airport, FAA No. 66V, located in Sections 5 and 6, T. 41 S., R. 21 E. SLBM. Commercial and recreational aviation uses are encouraged to be developed at the facility, subject to all terms and conditions required by the federal government as lessor, and the Town as sublessor. Development of aviation facilities at the Bluff airport shall be governed by Site Plan Review, as provided by Section 6.50.010, et seq.

030 Conditional Uses. Should the Town determine that the Bluff airport is not available for use or development, Aviation facilities may be developed in the A-1 or A-2 zoning districts subject to approval of a conditional use permit pursuant to this Chapter.

040 Submittals. The applicant for a new or expanded aviation facility conditional use permit shall submit an application on forms approved by the Town, together with the required review fee. The application must be signed by the record property owner, or the applicant must provide written owner consent. Unless waived by the Town, submittal requirements include all those items required in Section 6.50.30 for Site Plan Review, together with the following:

- A. A detailed airport layout plan showing all property boundaries; existing and proposed facilities and buildings; takeoff/landing areas, areas of approach and departure, taxi-ways, and aircraft parking areas; adjacent buildings and structures; power lines, existing aviation hazards, and site topography; lighting and communication structures. The airport layout plan and related drawings shall be drawn to scale and clearly depict all facility dimensions and locations for: i) all existing and planned elements for the facility; and ii) off-site buildings and structures within the airport influence zone, as defined by U.C.A. § 72-10-401.

- B. A copy of Federal Aviation Administration (FAA) form 7480-1 and all other FAA submittals connected with the subject application, including aeronautical studies of the proposed site, if applicable.
- C. An aviation narrative describing in detail: i) all aviation activities to be conducted at the facility; ii) the maximum number of aircraft to use the facility; iii) hours of operation; iii) not to exceed number of flights per month; iv) a description of the aircraft types to be used; v) noise emission data on the aircraft types, as verified by the manufacturer or FAA; and vi) such other or additional information as may be requested by the Town based on the scope of the application.

050 Review Procedures Generally. An application will be promptly reviewed for completeness and accuracy. If an application is found to be incomplete or deficient, the Town will notify the applicant in writing of the deficiencies and allow the applicant to submit additional materials as needed. Incomplete or deficient applications will not be considered for further review.

- A. An application will be subject to advisory review by a public meeting of the Planning & Zoning Commission, which will make a recommendation to the Town Council, including applicable conditions which may be attached to any approval.
- B. The Town Council will hear the application at a duly noticed public hearing. The Town may grant the application in full, grant the application in part or subject to conditions, or deny the application if it determines that reasonably anticipated detrimental effects from the application cannot be substantially mitigated. The Town Council decision shall be in writing and, if it approves the application, the Conditional Use Permit shall be recorded in the county land records for the subject real property.

060 Performance Standards. Aviation Facilities shall comply with the following standards and/or may be subject to conditions that address these requirements.

- A. The aviation facility shall comply with all applicable state and federal laws, regulations, permits, and notices, as well as all applicable ordinances of the Town of Bluff.
- B. Runways, landing pads, taxi-ways, fueling facilities, and aircraft parking areas shall be a minimum of i) two hundred (200) feet from adjacent property boundaries and public rights of way; and ii) not less than one thousand two hundred feet (1,200) feet from a noise-sensitive land use.
- C. If the property boundary of the proposed aviation facility is within two thousand (2,000) feet of a noise-sensitive land use, the applicant shall perform an ambient noise test conducted by a member of the Institute of Noise Control Engineering, or similarly qualified organization. The test shall be conducted at the property line of the nearest noise-sensitive land use within the hours of eight a.m. to five p.m. and a representative of the Town and neighbors shall be notified in advance of the date/time of the testing and

provided with a copy of the results. Where possible, the Town may require a noise test involving the type of aircraft to be used at the proposed facility to determine aircraft noise emissions (ANE). If, as a result of the test, ANE at the property line of the nearest noise sensitive land use is equal to or greater than sixty (60) decibels, then the Town may deny the application or condition approval by limiting the total number of flights originating from or landing at the aviation facility in a given day.

- D. Aircraft operations shall be positioned on the subject property in a manner that provides shielding and buffering from adjacent properties.
- E. The facility shall not be positioned so as to present an airport hazard, as defined by law.
- F. The facility shall be designed to minimize excessive noise; excessive fumes, smoke, dust, or odor; excessive glare; and/or excessive or unnecessary night-time light emissions;
- G. The facility shall be designed in a manner so that aircraft operations will not be a nuisance or unreasonably interfere with the use and enjoyment of neighboring private property, recreation areas, or public lands.
- H. The facility shall be operated in a manner that limits operations to daytime hours no more than six (6) days per week. The Town may enact reasonable conditions or limitations, if dictated by concerns particular to the application.

060 Exemptions. Hot air balloon flights are not subject to this Chapter. Emergency aircraft operations (e.g. search and rescue or medical evacuations) are exempt from this Chapter.

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

By: _____
Mayor Ann Leppanen

Date

Attest:

By: _____
Linda Sosa, Recorder

Date

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