

TOWN OF BLUFF ORDINANCE NO. 2023-5-10

AN ORDINANCE AMENDING THE BLUFF MUNICIPAL CODE TO ENACT AN AVIATION FACILITIES OVERLAY ZONE, AND ENACTING RELATED PROVISIONS REGARDING THE LOCATION 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 has been a request for commercial aviation development 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 Town 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, helipads, airstrips, and airports, have the potential of creating significant impacts that may affect adjacent property owners. Impacts may 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 held multiple work sessions and public meetings for the purpose of discussing the suitability of aviation operations within the Town and various recommendations for the Town Council.
- H. The Town finds that the Bluff Airport is appropriate for aviation use with the least impact on residents, and it is in the process of evaluating the uses available and the potential buildout of the Bluff Airport for future aviation growth within Bluff.
- I. In addition, and as an alternative to aviation uses at the Bluff Airport, the Town finds that the area defined in the Aviation Facilities Overlay (AFO) zone would be most appropriate for the siting and development of aviation uses that may be planned. The AFO zone represents areas in the Town where aviation uses are less likely to cause harm to adjacent or nearby land uses.

- J. The Town further finds that hot air balloon activities have occurred in the Town periodically, and those operations do not raise the same level of concerns with regarding to negative impacts on neighbors.
- K. The Town finds that life/safety aviation operations do not present the same level of concern for local residents; this Chapter therefore exempts aircraft medical evacuation and similar aviation activities.

Therefore, the Town enacts the following:

CHAPTER 6.40 Aviation Facility Overlay Zone

6.40.010 Definitions.

- A. The term “Aircraft” means powered fixed wing airplanes or rotary wing helicopters used for transportation of people or cargo.
- B. 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, taxiways, hangars, terminals, fuel depots, and all incidental facilities used for aircraft operations.
- C. 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.
- D. The term “Hot Air Balloon” means a lighter than air balloon utilizing a burner for lift and used to carry passengers.
- E. The term “Life/Safety Aircraft Operations” means the use of aircraft for: i) search and rescue operations; ii) law enforcement; iii) firefighting; or iv) emergency medical evacuations.
- F. 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.

6.40.020 Aviation Facilities Statement of Policy. It is the intent 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. Both 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 within the boundaries of the Bluff airport shall be governed by Site Plan Review, as provided by Section 6.50.010, et seq. The Town may modify or reduce

submittals for site plan review, as may be appropriate for the particular applications at the airport.

6.40.030 Aviation Facilities Overlay Zone. The Town hereby enacts an Aviation Facilities Overlay zoning district within the Town, which is defined in **Exhibit 1**, attached (the AFO). The purpose of the AFO is to permit the development of aviation facilities in areas that are generally removed from residential areas and noise sensitive land uses. The development or construction of aviation facilities within the AFO (in areas outside the airport boundary) is an approved use, subject to compliance with all provisions of this Chapter. Aviation facilities shall not be developed or constructed within the two (2) mile radius of the point shown in **Exhibit 1**, which is excluded from the AFO. To the extent that any provision in other zoning designations adopted by the Town conflicts with this Chapter, the provisions in this Chapter shall control the development of aviation facilities.

6.40.040 Submittals. The applicant for a new or expanded aviation facility within the AFO 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 aviation facility 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; hangars and adjacent buildings and structures; power lines, existing aviation hazards, and site topography; lighting and communication structures. The aviation facility 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 area, 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;
 - iv. not to exceed number of flights per month;
 - v. a description of the aircraft types to be used;
 - vi. noise emission data on the aircraft types, as verified by the manufacturer or FAA; and
 - vii. such other or additional information as may be requested by the Town based on the scope of the application.

6.40.050 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 at a public meeting of the Planning & Zoning Commission, which will make a recommendation to the Town Council.
- B. The Town Council will hear the application as the land use authority at a duly noticed public meeting. The Town Council decision, along with any conditions that may be imposed, shall be in writing.

6.40.060 Performance Standards.

Aviation facilities shall comply with the following standards, and the land use authority may require the applicant to comply with and implement reasonable conditions as a requirement for land use approval.

- 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, helipads, taxiways, fueling facilities, hangars, and aircraft parking areas shall be located a minimum of two hundred (200) feet from adjacent property boundaries, noise-sensitive land uses, and/or public rights of way.
- C. Aircraft operations shall be positioned on the subject property in a manner that provides reasonable shielding and buffering from adjacent properties.
- D. The facility shall not be configured so as to present an airport hazard, as otherwise defined by law.
- E. 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.
- F. 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.
- G. The facility shall be operated in a manner that limits operations to daytime hours, no more than six (6) days per week.

6.40.065 Exemptions. Life/safety aircraft operations and hot air balloon operations, as defined herein, are exempt from this Chapter.

6.40.070 Violations/Enforcement. It is unlawful to engage in the use or development of aviation facilities within the Town, except in compliance with this Chapter. The Town may

enforce this ordinance utilizing the remedies provided in B.M.C. § 6.80.10, which is incorporated by reference.

Approved and adopted upon the affirmative vote of a majority of the Bluff Town Council at a properly noticed special meeting on October 5, 2023. This ordinance shall take effect immediately upon passage.

By:  10/5/2023
Mayor Ann Leppanen Date

Attest:

By:  10-10-23
Linda Sosa, Recorder Date

Attachment: **Exhibit 1**, AFO zone map

