



**RIVERDALE CITY PLANNING COMMISSION AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – FEBRUARY 13, 2023**

6:00 p.m. – Planning Commission Work Session Meeting (Conference Room)

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items -Planning Commission Training *to be determined*

6:30 p.m. – Planning Commission Meeting (Council Chambers)

A. Welcome & Roll Call

B. Public Comment

This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes. No action will be taken during public comment.

C. Presentations and Reports

D. Consent Items

1. Consideration of Meeting Minutes from:

January 9, 2024 Work Session

January 9, 2024 Regular Meeting

January 23, 2024 Work Session

January 23, 2024 Regular Meeting

E. Action Items

1. a. **Public Hearing** to receive and consider comments regarding proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.

b. Consideration to forward a recommendation to City Council regarding proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.

Items presented by: Mike Eggett, Community Development

F. Comments

1. Planning Commission
2. City Staff

G. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted on this 9th day of February, 2024 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> and 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni
Riverdale City Recorder

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday January 9, 2024, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr, Riverdale City, Weber County, Utah.

Present:

Commissioners: Kathy Eskelsen, Chair
Kent Anderson, Vice Chair
Amy Ann Spiers, Commissioner
Rikard Hermann, Commissioner
Wanda Ney, Commissioner
Celeste Noland, Commissioner
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development
Michelle Marigoni, City Recorder

Excused:

Visitors:

A. Welcome & Roll Call

The Planning Commission Work Session began at 6:05 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

B. Public Comment

C. Presentations and Reports

Mr. Eggett presented updates on the following:

- Shake Shack's grand opening was well attended.
- NAPA Auto Parts is very close to opening.
- Chuck E Cheese will have a design review January 10th.
- There are still challenges with traffic at the Panera site which are holding up the project.
- The West Bench RDA has challenges with UDOT bridges being scheduled for identical rebuilds, which would not accommodate the new growth from the America First campus and airport without widening. Riverdale City has been coordinating with several other agencies and jurisdictions to try and obtain funding for the additional costs.
- The land use update was approved by City Council. More updates will be coming to other codes.

D. Consent Items

1. Consideration of Meeting Minutes from:

December 12, 2023 Work Session
December 12, 2023 Regular Meeting

Chair Eskelson asked if there were any changes or corrections to the minutes. There were none.

E. Action Items

1. Consideration of Conditional Use Permit request for Safelite Auto Glass, located at approximately 770 West River Park Drive, Riverdale Utah 84405, as requested by H&P Investments and Safelite Auto Glass Group.

Mr. Eggett went over the executive summary included in the packet, which explained:

Safelite Auto Glass, as represented by H&P Investments group, have submitted a conditional use permit request for an automobile glass repair service center for property located at approximately 770 West River Park Drive (north of Tri-State Metal Roofing). The affected parcels are zoned in the Regional Commercial (C-3) zone.

The requested category of use as an "automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completed enclosed building" (per City Code 10-10A-4) requires the applicant group to apply for a conditional use permit for this project proposal. A public hearing was not required to consider the conditional use permit request. The General Plan use for this area is currently set as "Commercial" and this proposed project would comply with this land use.

F. Comments

Commissioner Eskelsen inquired if there was a plan for the RC Willey building. Mr. Eggett said there had been no new developments.

G. Adjournment

As there was no further business to discuss, the Planning Commission Work Session adjourned at 6:28 p.m.

Date Approved:

Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, January 9, 2024 at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present:

Commissioners: Kathy Eskelsen, Chair
Kent Anderson, Vice Chair
Amy Ann Spiers, Commissioner
Rikard Hermann, Commissioner
Wanda Ney, Commissioner
Celeste Noland, Commissioner
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development
Michelle Marigoni, City Recorder

Excused:

Visitors: Stan Gaillard

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:30 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

B. Public Comment

Commissioner Eskelsen asked if any members of the public were present with comments. There were none.

C. Presentations and Reports

Mr. Eggett presented updates on the following:

- Shake Shack's grand opening was well attended.
- NAPA Auto Parts is very close to opening.
- Chuck E Cheese will have a design review January 10th.
- There are still challenges with traffic at the Panera site which are holding up the project.
- The West Bench RDA has challenges with UDOT bridges being scheduled for identical rebuilds, which would not accommodate the new growth from the America First campus and airport without widening. Riverdale City has been coordinating with several other agencies and jurisdictions to try and obtain funding for the additional costs.
- The land use code update was approved by City Council. More updates will be coming to other codes.
- There were no updates on the RC Willey building or Ashley Furniture.
- There was an article in the Standard Examiner about Riverdale's growth in a recent edition.

D. Consent Items

1. Consideration of Meeting Minutes from:
December 12, 2023 Work Session
December 12, 2023 Regular Meeting

Chair Eskelson asked if there were any changes or corrections to the minutes. There were none. Commissioner Anderson moved to approve the consent items. Commissioner Noland seconded the motion, and all were in favor.

E. Action Items

1. **Consideration of Conditional Use Permit request for Safelite Auto Glass, located at approximately 770 West River Park Drive, Riverdale Utah 84405, as requested by H&P Investments and Safelite Auto Glass Group.**

Mr. Eggett went over the executive summary included in the packet, which explained:

Safelite Auto Glass, as represented by H&P Investments group, have submitted a conditional use permit request for an automobile glass repair service center for property located at approximately 770 West River Park Drive (north of Tri-State Metal Roofing). The affected parcels are zoned in the Regional Commercial (C-3) zone.

Planning Commission Regular Session, January 9, 2024

The requested category of use as an “automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completed enclosed building” (per City Code 10-10A-4) requires the applicant group to apply for a conditional use permit for this project proposal. A public hearing was not required to consider the conditional use permit request. The General Plan use for this area is currently set as “Commercial” and this proposed project would comply with this land use. There were no concerns from department heads.

Stan Gaillard, representing Safelite Auto Glass, addressed commissioners for questions, noting that approximately 90% of the building will be used for Safelite, with the other 10% used by the owners for storage. The two shops in Ogden will be closed and combined into one large shop in Riverdale.

Commissioner Ney asked how the glass removed from vehicles would be disposed of. Mr. Gaillard explained that most of their glass is taken by the drivers delivering the new glass and recycled in California. Mr. Eggett asked if there would be automobiles left overnight. They usually are in and out same day, but if anything is left overnight they pull them inside.

Motion: Commissioner Noland moved to approve the Conditional Use Permit. request for Safelite Auto Glass, located at approximately 770 West River Park Drive, Riverdale Utah 84405, as requested by H&P Investments and Safelite Auto Glass Group.

Second: Commissioner Poulsen

Vote:

Commissioner Noland:	Yes
Commissioner: Poulsen	Yes
Commissioner Hermann:	Yes
Commissioner Eskelsen:	Yes
Commissioner Anderson:	Yes
Commissioner Spiers:	Yes
Commissioner Ney:	Yes

Motion passes unanimously.

F. Comments

Commissioner Spiers recognized the Riverdale Police Department for handling so many challenging cases over the past two weeks. She spoke about the tribute at City Council for Steve Hilton. Commissioners discussed how well all the employees of Riverdale take care of the residents, especially the police and public works.

Commissioners discussed concern in the community about Motel 6. Mr. Eggett had no updates or information regarding the motel.

UDOT ordered updated signage for the Roy/Riverdale exit to make the traffic pattern more evident to drivers. Freeway Park Drive will be closed on and off during construction, but UDOT has expressed they do not have a good way to notify in advance of closures. The completion of the work on Freeway Park Drive is anticipated for early 2025.

G. Adjournment

As there was no further business to discuss, Commissioner Spiers moved to adjourn. This was seconded by Commissioner Noland. All were in favor and the Planning Commission meeting adjourned at 6:59 p.m.

Date Approved:

Minutes of the **Work Session** of the Riverdale City **Planning Commission** held Tuesday January 23, 2024, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr, Riverdale City, Weber County, Utah.

Present:

Commissioners: Kathy Eskelsen, Chair
Kent Anderson, Vice Chair
Amy Ann Spiers, Commissioner
Rikard Hermann, Commissioner
Wanda Ney, Commissioner
Celeste Noland, Commissioner
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development
Michelle Marigoni, City Recorder

Excused: Kent Anderson, Vice Chair

Visitors:

A. Welcome & Roll Call

The Planning Commission Work Session began at 6:00 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present, except for Commissioner Anderson, who was excused. Members of the city staff were also present.

B. Public Comment

C. Presentations and Reports

Mr. Eggett presented updates on the following:

- Ashley Furniture's interior is moving along, but they have experienced delays on the exterior.
- NAPA is moving slower than expected.
- UDOT has determined that a median will be installed in Riverdale Road if/when Panera is built.
- Tesla has had delays moving utilities.
- UDOT has been sending updates regarding the 5600 South project.
- New land use bills are in legislation which include further airport changes and zoning requirements of 5400 square foot lots for moderate income housing.

D. Consent Items

1. Consideration of Meeting Minutes from:

December 12, 2023 Regular Meeting
December 12, 2023 Work Session

Michelle Marigoni advised commissioners that the minutes for December 12 had already been approved and inadvertently included in the agenda and packet. The minutes from January 9, 2024 should have been included and will be on the next agenda for approval.

E. Action Items

1. a. Review and discussion of proposed code addition of Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" ordinance to be added to the Riverdale City Code.

b. Consideration to set Public Hearing for proposed code addition of Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" ordinance to be added to the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.

Mr. Eggett reported that the code would be modified to comply with state code.

2. Commission voting consideration to select Planning Commission Chair Member and Vice Chair Member.

F. Comments

G. Adjournment

As there was no further business to discuss, the Planning Commission Work Session adjourned at 6:29 p.m.

Date Approved:

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Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, January 23, 2024, at 6:30 p.m., at the Civic Center, 4600 S Weber River Drive., Riverdale City, Weber County, Utah.

Present:

Commissioners: Kathy Eskelsen, Chair
Kent Anderson, Vice Chair
Amy Ann Spiers, Commissioner
Rikard Hermann, Commissioner
Wanda Ney, Commissioner
Celeste Noland, Commissioner
Randy Poulsen, Commissioner

City Employees: Mike Eggett, Community Development
Michelle Marigoni, City Recorder

Excused:

Visitors:

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:35 p.m. Chair Eskelsen welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. Members of the city staff were also present.

B. Public Comment

Commissioner Eskelsen asked if any members of the public were present with comments. There were none.

C. Presentations and Reports

Mr. Eggett presented updates on the following:

- Ashley Furniture's interior is moving along, but they have experienced delays on the exterior.
- NAPA is moving slower than expected.
- UDOT has determined that a median will be installed in Riverdale Road if/when Panera is built.
- Tesla has had delays moving utilities.
- UDOT has been sending updates regarding the 5600 South project.
- New land use bills are in legislation which include further airport changes and zoning requirements of 5400 square foot lots for moderate income housing.

D. Consent Items

1. Consideration of Meeting Minutes from:
December 12, 2023 Work Session
December 12, 2023 Regular Meeting

Michelle Marigoni advised commissioners in the work session that the minutes for December 12 had already been approved and inadvertently included in the agenda and packet. The minutes from January 9, 2024 should have been included and will be on the next agenda for approval. Due to this, Chair Eskelsen noted that this item would be skipped.

E. Action Items

1. **a. Review and discussion of proposed code addition of Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" ordinance to be added to the Riverdale City Code.**

Mr. Eggett explained that the regulations are already in place, but the City needs to have it codified to comply with the state code. Commissioners suggested getting the word out about the code to the public. The details of the code, as included in the packet, were discussed.

- b. Consideration to set Public Hearing for proposed code addition of Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" ordinance to be added to the Riverdale City Code, as requested by the Community Development Department, and required by the State of Utah.**

Motion: Commissioner Hermann moved to set a public hearing for this item on February 13, 2024.

Second: Commissioner Noland

Vote:

Commissioner Eskelson:	Yes
Commissioner Noland:	Yes
Commissioner Poulsen:	Yes
Commissioner Ney:	Yes
Commissioner Hermann:	Yes
Commissioner Spiers:	Yes
Commissioner Anderson:	Absent

Motion passes unanimously.

2. Commission voting consideration to select Planning Commission Chair Member and Vice Chair Member.

Mr. Eggett emphasized that the bylaws mandate the selection of a chair and vice-chair every two years. Additionally, he noted that Commissioner Anderson had expressed willingness to accept a nomination in his absence.

Chair Eskelsen nominated Commissioner Kent Anderson for Chair, a nomination endorsed by Commissioner Spiers and supported by Commissioner Noland. The nomination received unanimous approval.

Chair Eskelsen then opened the floor for nominations for vice-chair. Commissioner Ney nominated Commissioner Spiers, seconded by Commissioner Hermann. The nomination for Commissioner Spiers also received unanimous approval.

Mr. Eggett conveyed Mayor Mitchell's message that the current planning commission is performing admirably and expressed a desire to maintain the group as it is. Chair Eskelsen extended gratitude to Mr. Eggett and Mrs. Marigoni for their hard work and assistance in keeping the meetings efficient.

Commissioner Ney expressed hope that future openings on the planning commission would be extended to those who competed for the city council vacancy.

It was announced that Commissioner Anderson would assume the role of Chair and Commissioner Spiers as Vice-Chair on February 13th, 2024.

F. Comments

Commissioner Ney noted that businesses on Riverdale Road were not clearing snow from their sidewalks. Mr. Eggett said the code enforcement officer was issuing citations, but that they are allowed due process, and the snow typically melts before the completion of the process.

Commissioner Spiers acknowledged Commissioner Noland for addressing comments on the Riverdale Citizen's social media group.

G. Adjournment

As there was no further business to discuss, Commissioner Noland moved to adjourn. This was seconded by Commissioner Spiers. All were in favor and the Planning Commission meeting adjourned at 7:11 p.m.

Date Approved:

**RIVERDALE CITY
PLANNING COMMISSION AGENDA
February 13, 2024**

AGENDA ITEM: E1

SUBJECT:

- a. Public Hearing to receive and consider comments regarding proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.
- b. Consideration to forward a recommendation to City Council regarding proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.

PRESENTER: Mike Eggett, Community Development

INFORMATION:

- a. [PC Exec Summ – 2023 HB 206 Airport Overlay Zone Ord \[20240213\]](#)
- b. [HB 206 Airport Code Draft](#)
- c. [HB 206 Airport Code Draft \[Clean\]](#)
- d. [HB0206](#)
- e. [Notice of Public Hearing 2-13-2024 Airport Code Update](#)

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Planning Commission Executive Summary

For the Commission meeting on: 2-13-2024

Petitioner: Riverdale City, and as required by the Utah
State Legislature and State Codes

Summary of Proposed Action

Riverdale City Community Development, as required by the Utah State Legislature (House Bill 206, 2023) and State Code, has completed an updated ordinance amendment draft of the "Airport Overlay Zone and Airport Area Special Regulations" ordinance to be introduced and added to the Riverdale City Code as Title 10, Chapter 13, Article I (as in Igloo). This updated draft code language was prepared in order to be in compliance with the updated legislative mandates for Airport Land Use Amendments and the new inclusion of the Airport Overlay Zone. The State of Utah Legislature has mandated that cities throughout the State of Utah that are located adjacent to or have in their jurisdiction a publicly used airport are required to complete a code update reflecting and adopting these new Utah State Regulations (as found in HB 206(2023)) by or before December 31, 2024. Cities (adjacent to airports or who have airports in their jurisdiction) that fail to adopt an airport overlay zone by December 31, 2024 will have more stringent mandatory regulations placed upon them by legislation directives as found in HB 206.

In consultation with Chris Hupp (who helped us with our General Plan update), staff was directed to utilize Ogden City's ordinances (as found in 15-24-10 of the Ogden City Code) and change and/or remove portions of the Ogden City Airport Overlay Zone code that were not necessary or applicable to Riverdale City. Further, Mr. Hupp assisted city staff in paring down and tightening up this new Riverdale City Airport Overlay Zoning language to be more applicable to the needs of Riverdale City.

In order to move forward with any recommended City Code change, the City is required to hold a public hearing for this update. Therefore, a public hearing has been advertised in accordance with State and City codes. No public comments were provided prior to the establishment of this packet.

Following this executive summary are the proposed code revisions and public hearing notice information for this code update recommendation consideration. This language is also available to the public on the State public meeting notice website.

Following the public hearing and discussion in this matter, the Planning Commission may make a motion to recommend City Council approval of the proposed code addition as Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" to the City Code, approval of the proposed language with any additional modifications, table the matter for a later date, or not recommend approval the proposed language addition. It would be recommended to further provide appropriate findings of facts for decisions made in this matter, as applicable.

Ordinance Guidelines (Code Reference)

The City ordinances tied to the proposed code changes are newly suggested language to be added to the Riverdale Municipal Code as Title 10, Chapter 13, Article I. "Airport Overlay Zone and Airport Area Special Regulations" in order to be in compliance with the new requirements of State Code, as established by the approval of House Bill 206 (2023).

Following any discussion in this matter, the Planning Commission may make a motion to recommend City Council approval of the proposed code addition, approval of the proposed language with any additional modifications, table the matter for a later date, or not recommend approval the proposed language addition. It would be recommended to further provide appropriate findings of facts for decisions made in this matter, as applicable.

General Plan Guidance (Section Reference)

The General Plan currently does address and reflect the Airport Overlay Zone on the Riverdale City Land Use Master Plan and also within a section of the newly updated Riverdale General Plan.

Legal Comments – City Attorney

Steve Brooks, Attorney

Administrative Comments – City Administrator

Steve Brooks, City Administrator

15-24-1010-13 Article I.: AIRPORT OVERLAY ZONE AND AIRPORT AREA SPECIAL REGULATIONS:

A. Purpose And Intent: It is hereby found that an airport hazard endangers the lives and property of users of the nearby Ogden-Hinckley airport and of occupants of land or to property in its vicinity, and also that if in effect such hazard substantially reduces the size of the area available for the landing, taking off and maneuvering of aircraft, it tends to destroy or impair the utility of the nearby Ogden-Hinckley airport and the public investment therein and causes adverse effects on the safety of residents and the economic development of the region.

B. Height Limiting Zones: In order to carry out the provisions of this title, there are hereby created and established certain height limiting zones, which include all the incorporated land lying within the nonprecision and precision instrument approach zones, noninstrument approach zones, transitional surface zones, horizontal surface zones, and conical surface zones. Such zones are shown on the airport zoning map, on the Ogden-Hinckley airport layout plan (ALP), which is available ~~in~~ through contact with the airport manager, 's office on the Ogden-Hinckley airport website, and as an airport overlay zone on the Ogden-Riverdale City zoning map.

C. Objects That Affect Navigable Airspace: Federal aviation regulations, as found in the Code of Federal Regulation (CFR) Title 14, Chapter 1(E.), part 77, outlines that "objects affecting navigable airspace" prescribes airspace standards which should be free from penetrations which represent obstructions to air navigation. These standards and their relationship to the physical features and terrain on and around Ogden-Hinckley airport must be considered prior to construction or alteration of any building or tower structure located within the airport's navigable airspace. Plan sheets that present the part 77 standards, existing obstructions, and limiting heights and elevations for future development adjacent to the airport and within the airport environs are part of the Ogden-Hinckley airport layout plan and are available in the airport manager's office.

~~Plans include the following:~~

- ~~— 1. Part 77 airspace plan.~~
- ~~— 2. Runway 3-21, approach plan and profile.~~
- ~~— 3. Runway 3-21, protection zone detail.~~
- ~~— 4. Runway 16-34, approach plan and profile.~~
- ~~— 5. Runway 16-34, protection zone detail.~~
- ~~— 6. Runway 7-25, approach plan and profile.~~
- ~~— 7. Runway 7-25, protection zone detail.~~

D. Federal Aviation Regulations 14 CFR Part 77 Surfaces: Airport imaginary surfaces (FAR part 77) are established relative to the airport and each runway. The size of each imaginary surface is based on the category of each runway with respect to the existing and proposed approaches for that runway. The slope and dimensions of each

approach surface are determined by the most precise approach existing or proposed for that runway end. The part 77 imaginary surface definitions include:

1. Primary Surface: A rectangular area, symmetrically located about the runway centerline and extending a distance of two hundred feet (200') beyond each runway threshold. Its elevation is the same as that of the runway.
2. Horizontal Surface: An oval shaped, level area situated one hundred fifty feet (150') above the airport elevation. Its dimensions are governed by the runway service category.
3. Conical Surface: A sloping area whose inner perimeter conforms to the shape of the horizontal surface. It extends outward for a distance of ~~four~~five thousand feet (54,000') measured horizontally, while sloping upward at a twenty to one (20:1) (horizontal:vertical) ratio.
4. Transitional Surface: A sloping area which begins at the edge of the primary surface and slopes upward and outward at a ratio of seven to one (7:1) (horizontal:vertical) until it intersects the horizontal surface.
5. Approach Surfaces: These surfaces begin at the ends of the primary surface (200 feet beyond the runway threshold) and slope upward and outward at a predetermined ratio while flaring outward horizontally. The width and elevation of the inner ends conform to that of the primary surface; while slope, length and width of the outer ends are governed by the runway service category and existing or proposed instrument approach procedure. The Ogden--Hinckley airport approach surfaces are as follows:

[See Ogden airport runway map through Ogden City website \(see pdf page 26\):
https://www.ogdencity.com/DocumentCenter/View/12538/OGD_AirportMasterPlan_Draft?bidId=](https://www.ogdencity.com/DocumentCenter/View/12538/OGD_AirportMasterPlan_Draft?bidId=)

Runway	Surface
<u>3-21</u>	20:1
<u>17-2535</u>	20:1

E. Height Restrictions: Construction of buildings and other structures within the airport vicinity must not conflict with airport operations. Therefore, all proposed construction and development must be reviewed in accordance with FAR part 77 regulations to ascertain obstructions and/or potential penetrations.

By this zoning ordinance, the city hereby notifies proposed builders/developers of the FAA notification requirement for construction (FAA form 7460-1) or alteration of manmade structures. This FAA notification requirement applies to any construction or alteration of: 1) a structure (permanent or temporary) more than two hundred feet (200') in height above the ground level at its site, and/or 2) a structure of greater height than an imaginary surface extending outward and upward at one hundred to one (100:1) slope for a horizontal distance of twenty thousand feet (20,000') from the nearest point

of the nearest runway. Forms and additional information are available at the Ogden-Hinckley airport manager's office.

~~—F. Airspace Plan: The Ogden-Hinckley airport airspace plan depicts the FAR part 77 surfaces on a series of quadrangle maps for the area around the airport. These surfaces illustrate the instrument approach surfaces to runways 3 and 7 and visual approach surfaces to runways 16, 21, 25 and 34.~~

~~—G. Approach Zones And Runway Protection Zones: The runway approach zone, defined previous, contains the runway protection zone (RPZ). The RPZ is merely the inner portion of the approach zone. It begins at ground level, two hundred feet (200') beyond the end of the area usable for takeoff or landing. It is trapezoidal in shape and centered about the extended runway centerline. Like the approach zone, the RPZ dimensions are a function of the design aircraft, type of operation and visibility minimums. The approach zone and RPZ geometric are smaller for visual approaches than for nonvisual approaches, which are smaller than precision approaches. The approach zone and RPZ slopes (horizontal:vertical) vary dependent upon the availability and precision of air navigation facilities provided.~~

~~At Ogden-Hinckley airport, runway 3 has an existing precision instrument fifty to one (50:1) approach requirement. Runway 7 has an existing nonprecision twenty to one (20:1) instrument approach. Runways 16, 21, 25 and 34 have visual twenty to one (20:1) approaches. The ALP and property records show the ownership of the RPZs. The airport has achieved and should continue to try to maintain obstruction free approach zones and RPZs.~~

~~The following height limiting zones are hereby established:~~

~~—1. Runways 21, 16, 34, 7 And 25 Approach Zones: A nonprecision approach surface zone is established at the end of each of these runways for nonprecision landings and takeoffs. The approach zone shall have an inner width (W1) at a distance of two hundred feet (200') beyond the end of the runway, widening thereafter uniformly to an outer width (W2) at a distance of five thousand two hundred feet (5,200') beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The approach zone shall rise one foot (1') in height for each twenty feet (20') in horizontal distance beginning at a point two hundred feet (200') from and at the centerline elevation of the runway and extending to a distance of five thousand two hundred feet (5,200) from the end of the runway.~~

Runway	W1	W2
21	1,000 feet	1,500 feet
16	500 feet	1,000 feet
34	500 feet	1,500 feet
7	500 feet	2,000 feet
25	500 feet	2,000 feet

~~—2. Runway 3 Precision Approach Surface Zone: A precision instrument approach surface zone is established at the end of runway 3. The approach zone shall have a width of one thousand feet (1,000') at a distance of two hundred feet (200') beyond the end of the runway; widening thereafter uniformly to a width of sixteen thousand feet (16,000') at a distance of fifty thousand two hundred feet (50,200') from the end of the runway. The approach zone shall rise one foot (1') in height for each fifty feet (50') in horizontal distance beginning at a point two hundred feet (200') from and at the centerline elevation of the precision instrument runway and for a distance of ten thousand feet (10,000'); thence, shall rise one foot (1') in height for each forty feet (40') in horizontal distance for the remaining forty thousand feet (40,000') of the approach.~~

~~—3. Transitional Surface Zones: Transitional surface zones are hereby established adjacent to each nonprecision and precision instrument runway and approach zones as indicated on the zoning map and ALP. Transitional zones are symmetrically located on either side of the primary surface and have variable widths as shown on the zoning map and ALP. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one (7:1) (horizontal:vertical) from the sides of the primary surface and from the sides of the approach surfaces. The primary line is five hundred feet (500') on either side of the runway extending for a distance two hundred feet (200') beyond each end of the runway.~~

~~—4. Horizontal Surface Zone: A horizontal surface zone is hereby established as the oval area within arcs and connecting tangent lines of ten thousand feet (10,000') radius from points two hundred feet (200') beyond the runway end. The horizontal surface of a place one hundred fifty feet (150') above the established airport elevation which is four thousand four hundred seventy one feet (4,471') above mean sea level.~~

~~—5. Conical Surface Zone: A conical surface zone is hereby established as the area that commences at the periphery of the horizontal surface and extends outward and upward at a slope of twenty to one (20:1) (horizontal:vertical) for a distance of four thousand feet (4,000'). The conical surface extends to a height of three hundred fifty feet (350') above the established airport elevation.~~

~~—H. Height Limitations: Except as otherwise provided in this title, no structure or tree shall be erected, altered, allowed to grow, or maintained in any height limiting zone created by this title to a height penetrating the limits herein established for each of the zones.~~

~~—1. Excepted Height Limitations: Nothing in this title shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height consistent with the terms of this chapter.~~

~~—2. Most Restrictive Limitation Prevails: Where a zone is covered by more than one height limitation the more restrictive limitation shall prevail.~~

~~—I. Use Regulations:~~

~~— 1. Height Limiting Zones: Notwithstanding any other provisions of this title, no use shall be made of land within any height limiting zone established by this title in such a manner as to do any of the following:~~

~~— a. Create electrical interference with radio communication between the airport and aircraft;~~

~~— b. Make it difficult for pilots to distinguish between airport lights and other lights;~~

~~— c. Result in glare in the eyes of pilots using the airport;~~

~~— d. Impair visibility in the vicinity of the airport; or~~

~~— e. Otherwise endanger the landing, taking off, or maneuvering of aircraft.~~

~~— 2. Places Of Public Assembly: Notwithstanding any other provisions of this title, no places of public assembly, including, but without limitation, apartments, barracks, churches, hospitals, hotels, mobile home parks, multiple-family dwellings, recreational vehicle parks, schools and theaters, shall be erected or otherwise located within any of the areas established as an approach zone in subsection D of this section. Places of public assembly are discouraged in the extended approach zones due to noise associated with aircraft takeoff and landing operations.~~

~~— 3. Runway Protection Zones (RPZ): The RPZ is trapezoidal in shape and centered about the extended runway centerline. Some uses are permitted within the RPZ provided they do not attract wildlife and do not interfere with navigational aids. Land uses prohibited from the RPZ are: residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typifying places of public assembly). The dimensions of the RPZs are as follows as shown on the ALP:~~

-

Runway	Inner Width At 200 Feet	Length	Outer End Width
3	1,000 feet	1,700 feet	1,510 feet
21	500 feet	1,700 feet	1,010 feet
16	500 feet	1,000 feet	700 feet
34	500 feet	1,000 feet	700 feet
7	250 feet	1,000 feet	450 feet
25	250 feet	1,000 feet	450 feet

-

JE. Nonconforming Uses:

1. Regulations Not Retroactive: The regulations prescribed by the ordinance codified as this chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuation of any nonconforming use. Nothing herein contained shall require any change in the

construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof and is diligently prosecuted.

2. Marking And Lighting: Notwithstanding the provisions of subsection A of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the property owner involved.

KG. Permits:

1. Future Uses: Except as specifically provided in subsections K1a through K1c of this section, no material change shall be made in the use of the land and no structures or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted by the ~~mayor~~city. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

~~— a. In the territory lying within the limits of the horizontal surface zone and the conical surface zone, no permit shall be required for any tree or structure less than seventy five feet (75') of vertical height above the ground, except when because of terrain, land contour or topography features such tree or structure would extend within twenty five feet (25') of the height limits prescribed for such zone.~~

~~— b. In the territories lying within the limits of the nonprecision and precision approach zones, no permit shall be required for any tree or structure more than twenty five feet (25') of vertical height below the approach surface.~~

~~— c. In the territories within the limits of the transitional surface zone beyond the perimeter of the horizontal surface zone, no permit shall be required for any tree or structure more than twenty five feet (25') of vertical height below the limit prescribed for such transition area.~~

~~— d. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this title.~~

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date hereof, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

3. Nonconforming Uses Abandoned Or Destroyed: Whenever the building official determines that a nonconforming structure or tree has been abandoned or more than

eighty percent (80%) torn down, physically deteriorated, or decayed, any existing permit shall be rescinded and the nonconforming structure or tree shall be removed by the owner.

4. ~~Variances~~Appeals: Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use his property not in accordance with the regulations prescribed in this title, may apply to the ~~board of zoning adjustment~~city appeal authority for ~~consideration of the a variance~~ appeals request from such regulations. Such ~~variances~~appeals shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this title.

5. Hazard Marking And Lighting: Any permit or ~~variance~~appeals granted may, if such action is deemed advisable to effectuate the purpose of this title and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard.

~~LH~~. Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this title or any other regulations applicable to the same zone, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the ~~more stringent limitation or~~airport overlay zone requirements shall govern and prevail.

~~(Ord. 2002-24, 6-4-2002, eff. 6-16-2002)~~

10-13 Article I.: AIRPORT OVERLAY ZONE AND AIRPORT AREA SPECIAL REGULATIONS:

A. Purpose And Intent: It is hereby found that an airport hazard endangers the lives and property of users of the nearby Ogden-Hinckley airport and of occupants of land or to property in its vicinity, and also that if in effect such hazard substantially reduces the size of the area available for the landing, taking off and maneuvering of aircraft, it tends to destroy or impair the utility of the nearby Ogden-Hinckley airport and the public investment therein and causes adverse effects on the safety of residents and the economic development of the region.

B. Height Limiting Zones: In order to carry out the provisions of this title, there are hereby created and established certain height limiting zones, which include all the incorporated land lying within the nonprecision and precision instrument approach zones, noninstrument approach zones, transitional surface zones, horizontal surface zones, and conical surface zones. Such zones are shown on the airport zoning map, on the Ogden-Hinckley airport layout plan (ALP), which is available through contact with the airport manager, on the Ogden-Hinckley airport website, and as an airport overlay zone on the Riverdale City zoning map.

C. Objects That Affect Navigable Airspace: Federal aviation regulations, as found in the Code of Federal Regulation (CFR) Title 14, Chapter 1(E.), part 77, outlines that "objects affecting navigable airspace" prescribe airspace standards which should be free from penetrations which represent obstructions to air navigation. These standards and their relationship to the physical features and terrain on and around Ogden-Hinckley airport must be considered prior to construction or alteration of any building or structure located within the airport's navigable airspace. Plan sheets that present the part 77 standards, existing obstructions, and limiting heights and elevations for future development adjacent to the airport and within the airport environs are part of the Ogden-Hinckley airport layout plan and are available in the airport manager's office.

D. Federal Aviation Regulations 14 CFR Part 77 Surfaces: Airport imaginary surfaces (FAR part 77) are established relative to the airport and each runway. The size of each imaginary surface is based on the category of each runway with respect to the existing and proposed approaches for that runway. The slope and dimensions of each approach surface are determined by the most precise approach existing or proposed for that runway end. The part 77 imaginary surface definitions include:

1. Primary Surface: A rectangular area, symmetrically located about the runway centerline and extending a distance of two hundred feet (200') beyond each runway threshold. Its elevation is the same as that of the runway.

2. Horizontal Surface: An oval shaped, level area situated one hundred fifty feet (150') above the airport elevation. Its dimensions are governed by the runway service category.

3. Conical Surface: A sloping area whose inner perimeter conforms to the shape of the horizontal surface. It extends outward for a distance of five thousand feet (5,000')

measured horizontally, while sloping upward at a twenty to one (20:1) (horizontal:vertical) ratio.

4. Transitional Surface: A sloping area which begins at the edge of the primary surface and slopes upward and outward at a ratio of seven to one (7:1) (horizontal:vertical) until it intersects the horizontal surface.

5. Approach Surfaces: These surfaces begin at the ends of the primary surface (200 feet beyond the runway threshold) and slope upward and outward at a predetermined ratio while flaring outward horizontally. The width and elevation of the inner ends conform to that of the primary surface; while slope, length and width of the outer ends are governed by the runway service category and existing or proposed instrument approach procedure. The Ogden-Hinckley airport approach surfaces are as follows:

See Ogden airport runway map through Ogden City website (see pdf page 26): https://www.ogdencity.com/DocumentCenter/View/12538/OGD_AirportMasterPlan_Draft?bidId=

Runway	Surface
3-21	20:1
17-35	20:1

E. Height Restrictions: Construction of buildings and other structures within the airport vicinity must not conflict with airport operations. Therefore, all proposed construction and development must be reviewed in accordance with FAR part 77 regulations to ascertain obstructions and/or potential penetrations.

By this zoning ordinance, the city hereby notifies proposed builders/developers of the FAA notification requirement for construction (FAA form 7460-1) or alteration of manmade structures. This FAA notification requirement applies to any construction or alteration of: 1) a structure (permanent or temporary) more than two hundred feet (200') in height above the ground level at its site, and/or 2) a structure of greater height than an imaginary surface extending outward and upward at one hundred to one (100:1) slope for a horizontal distance of twenty thousand feet (20,000') from the nearest point of the nearest runway. Forms and additional information are available at the Ogden-Hinckley airport manager's office.

F. Nonconforming Uses:

1. Regulations Not Retroactive: The regulations prescribed by the ordinance codified as this chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuation of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof and is diligently prosecuted.

2. Marking And Lighting: Notwithstanding the provisions of subsection A of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the property owner involved.

G. Permits:

1. Future Uses: Except as specifically provided in subsections K1a through K1c of this section, no material change shall be made in the use of the land and no structures or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted by the city. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date hereof, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

3. Nonconforming Uses Abandoned Or Destroyed: Whenever the building official determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, any existing permit shall be rescinded and the nonconforming structure or tree shall be removed by the owner.

4. Appeals: Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use his property not in accordance with the regulations prescribed in this title, may apply to the city appeal authority for consideration of the appeals request from such regulations. Such appeals shall be allowed where it is duly found that a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this title.

5. Hazard Marking And Lighting: Any permit or appeals granted may, if such action is deemed advisable to effectuate the purpose of this title and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of any airport hazard.

H. Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this title or any other regulations applicable to the

same zone, whether the conflict be with respect to the height of structures or trees, the use of the land, or any other matter, the airport overlay zone requirements shall govern and prevail.

AIRPORT LAND USE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill amends provisions related to land use requirements near an airport influence area.

Highlighted Provisions:

This bill:

- ▶ amends definitions related to airport influence areas and airport overlay zones;
- ▶ encourages a political subdivision to adopt land use regulations that protect airports, including:

- adopting airport overlay zones;
- notifying of airport impacts; and
- granting of avigation easements;
- ▶ amends provisions related to governing law in the event of a conflict between land use regulations related to airport overlay zones;
- ▶ amends provisions related to the acquisition of an avigation easement or similar rights;
- ▶ repeals sections of code related to zoning and land use related to airports; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

30 AMENDS:

31 10-9a-501, as last amended by Laws of Utah 2021, Chapter 60

32 17-27a-501, as last amended by Laws of Utah 2021, Chapter 60

33 72-10-401, as renumbered and amended by Laws of Utah 1998, Chapter 270

34 72-10-402, as renumbered and amended by Laws of Utah 1998, Chapter 270

35 72-10-403, as renumbered and amended by Laws of Utah 1998, Chapter 270

36 72-10-404, as renumbered and amended by Laws of Utah 1998, Chapter 270

37 72-10-413, as renumbered and amended by Laws of Utah 1998, Chapter 270

38 REPEALS:

39 72-10-405, as renumbered and amended by Laws of Utah 1998, Chapter 270

40 72-10-406, as renumbered and amended by Laws of Utah 1998, Chapter 270

41 72-10-407, as renumbered and amended by Laws of Utah 1998, Chapter 270

42 72-10-408, as renumbered and amended by Laws of Utah 1998, Chapter 270

43 72-10-409, as renumbered and amended by Laws of Utah 1998, Chapter 270

44 72-10-410, as renumbered and amended by Laws of Utah 1998, Chapter 270

45 72-10-411, as renumbered and amended by Laws of Utah 1998, Chapter 270

46 72-10-412, as last amended by Laws of Utah 2018, Chapter 148

47 72-10-414, as renumbered and amended by Laws of Utah 1998, Chapter 270

48

49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section 10-9a-501 is amended to read:

51 **10-9a-501. Enactment of land use regulation, land use decision, or development**
52 **agreement.**

53 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
54 enact a land use regulation.

55 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
56 regulation only by ordinance.

57 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that

58 imposes a fee.

59 (3) A legislative body shall ensure that a land use regulation is consistent with the
60 purposes set forth in this chapter.

61 (4) (a) A legislative body shall adopt a land use regulation to:

62 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

63 (ii) designate general uses allowed in each zoning district.

64 (b) A land use authority may establish or modify other restrictions or requirements
65 other than those described in Subsection (4)(a), including the configuration or modification of
66 uses or density, through a land use decision that applies criteria or policy elements that a land
67 use regulation establishes or describes.

68 (5) A municipality may not adopt a land use regulation, development agreement, or
69 land use decision that restricts the type of crop that may be grown in an area that is:

70 (a) zoned agricultural; or

71 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

72 (6) A municipal land use regulation pertaining to an airport or an airport influence area,
73 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport
74 Zoning Act.

75 Section 2. Section 17-27a-501 is amended to read:

76 **17-27a-501. Enactment of land use regulation.**

77 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
78 enact a land use regulation.

79 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
80 regulation only by ordinance.

81 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
82 imposes a fee.

83 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

84 (4) (a) A legislative body shall adopt a land use regulation to:

85 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

86 (ii) designate general uses allowed in each zoning district.

87 (b) A land use authority may establish or modify other restrictions or requirements
88 other than those described in Subsection (4)(a), including the configuration or modification of
89 uses or density, through a land use decision that applies criteria or policy elements that a land
90 use regulation establishes or describes.

91 (5) A county may not adopt a land use regulation, development agreement, or land use
92 decision that restricts the type of crop that may be grown in an area that is:

93 (a) zoned agricultural; or

94 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

95 (6) A county land use regulation pertaining to an airport or an airport influence area, as
96 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport
97 Zoning Act.

98 Section 3. Section 72-10-401 is amended to read:

99 **72-10-401. Definitions.**

100 As used in this part, unless the context otherwise requires:

101 (1) "Airport" means any publicly used area of land or water [~~designed and set aside~~]
102 that is used, or intended to be used, for the landing and [~~taking-off~~] take-off of aircraft and
103 utilized or to be utilized in the interest of the public for these purposes.

104 [~~(2) "Airport hazard" means any structure or tree or use of land which obstructs the~~
105 ~~airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise~~
106 ~~hazardous to the landing or taking-off of aircraft.]~~

107 [~~(3) "Airport hazard area" means any area of land or water upon which an airport~~
108 ~~hazard might be established if not prevented as provided in this part.]~~

109 (2) "Airport hazard" means any structure, tree, object of natural growth, or use of land
110 that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable
111 airspace required for the flight of aircraft in landing or take-off at an airport.

112 (3) "Airport influence area" means land located within 5,000 feet of an airport runway.

113 (4) "Airport overlay zone" means a secondary zoning district designed to protect the

114 public health, safety, and welfare near an airport that:

115 (a) applies land use regulation in addition to the primary zoning district land use
116 regulation of property used as an airport and property within an airport influence area;

117 (b) may extend beyond the airport influence area;

118 (c) ensures airport utility as a public asset;

119 (d) protects property owner land values near an airport through compatible land use
120 regulations as recommended by the Federal Aviation Administration; and

121 (e) protects aircraft occupant safety through protection of navigable airspace.

122 (5) "Avigation easement" means an easement permitting unimpeded aircraft flights
123 over property subject to the easement and includes the right:

124 (a) to create or increase noise or other effects that may result from the lawful operation
125 of aircraft; and

126 (b) to prohibit or remove any obstruction to such overflight.

127 (6) "Land use regulation" means the same as that term is defined in Sections [10-9a-103](#)
128 and [17-27a-103](#).

129 ~~[(4)]~~ (7) "Political subdivision" means any municipality, city, town, or county.

130 ~~[(5)]~~ (8) "Structure" means any object constructed or installed by man, including
131 buildings, towers, smokestacks, and overhead transmission lines.

132 ~~[(6)]~~ (9) "Tree" means any object of natural growth.

133 Section 4. Section **72-10-402** is amended to read:

134 **72-10-402. Declaration with respect to airport hazards.**

135 The Legislature finds that:

136 (1) an airport hazard endangers the lives and property of users of the airport and of
137 occupants of land in its vicinity;

138 (2) an obstruction of the type that reduces the size of the area available for the landing,
139 taking-off, and maneuvering of aircraft tends to destroy or impair the utility of the airport and
140 the public investment in the airport;

141 (3) the creation or establishment of an airport hazard is a public nuisance and an injury

142 to the community served by the airport in question;

143 (4) it is necessary in the interest of the public health, public safety, and general welfare
144 that the creation or establishment of airport hazards be prevented;

145 (5) this should be accomplished, to the extent legally possible, by exercise of the police
146 power, without compensation; ~~[and]~~

147 (6) both the prevention of the creation or establishment of airport hazards and the
148 elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards
149 are public purposes for which political subdivisions may raise and expend public funds and
150 acquire land or property interests in land[-]; and

151 (7) the establishment of an airport overlay zone best prevents the creation or
152 establishment of an airport hazard, and promotes the public health, safety, and general welfare.

153 Section 5. Section **72-10-403** is amended to read:

154 **72-10-403. Airport zoning regulations.**

155 ~~[(1) (a) In order to prevent the creation or establishment of airport hazards, every~~
156 ~~political subdivision having an airport hazard area within its territorial limits may adopt,~~
157 ~~administer, and enforce, under the police power and in the manner and upon the conditions~~
158 ~~prescribed in this part, airport zoning regulations for the airport hazard area.]~~

159 ~~[(b) The regulations may divide the area into zones, and, within the zones, specify the~~
160 ~~land uses permitted and regulate and restrict the height to which structures and trees may be~~
161 ~~erected or allowed to grow.]~~

162 ~~[(2) (a) If an airport is owned or controlled by a political subdivision and any airport~~
163 ~~hazard area appertaining to the airport is located outside the territorial limits of the political~~
164 ~~subdivision, the political subdivision owning or controlling the airport and the political~~
165 ~~subdivision within which the airport hazard area is located may, by ordinance or resolution~~
166 ~~duly adopted, create a joint airport zoning board.]~~

167 ~~[(b) The board shall have the same power to adopt, administer, and enforce airport~~
168 ~~zoning regulations applicable to the airport hazard area in question as that vested by Subsection~~
169 ~~(1) in the political subdivision within which the area is located.]~~

170 ~~[(c) Each joint board shall have as members two representatives appointed by each~~
171 ~~political subdivision participating in its creation and in addition a chair elected by a majority of~~
172 ~~the appointed members.]~~

173 (1) In order to prevent the creation or establishment of airport hazards, each political
174 subdivision located within an airport influence area, shall adopt, administer, and enforce land
175 use regulations for the airport influence area, including an airport overlay zone, under the
176 police power and in the manner and upon the conditions prescribed:

177 (a) in this part;

178 (b) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

179 and

180 (c) Title 17, Chapter 27a, County Land Use Development, and Management Act.

181 (2) (a) Each political subdivision located within an airport influence area shall notify a
182 person building on or developing land in an airport influence area, in writing, of aircraft
183 overflights and associated noise.

184 (b) To promote the safe and efficient operation of the airport, a political subdivision
185 located within an airport influence area:

186 (i) shall:

187 (A) adopt an airport overlay zone conforming to the requirements of this chapter and
188 14 C.F.R. Part 77; and

189 (B) require any proposed development within an airport influence area to conform with
190 14 C.F.R. Part 77; and

191 (ii) may, as a condition to granting a building permit, subdivision plat, or a requested
192 zoning change within an airport influence area, require a person building or developing land to
193 grant or sell to the airport owner, at appraised fair market value, an avigation easement.

194 (3) If a political subdivision located within an airport influence area fails to adopt an
195 airport overlay zone by December 31, 2024, then the following requirements shall apply in an
196 airport influence area:

197 (a) each political subdivision located within an airport influence area shall notify a

198 person building on or developing land within an airport influence area, in writing, of aircraft
199 overflights and associated noise;

200 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning
201 change within an airport influence area, require the person building or developing land to grant
202 or sell to the airport owner, at appraised fair market value, an avigation easement; and

203 (c) require a person building or developing land within an airport influence area
204 conform to the requirements of this chapter and 14 C.F.R. Part 77.

205 Section 6. Section **72-10-404** is amended to read:

206 **72-10-404. Zoning ordinances -- Governing law in event of conflict.**

207 [~~(1) In the event that a political subdivision has adopted or adopts a comprehensive~~
208 ~~zoning ordinance regulating the height of buildings, any airport zoning regulations applicable~~
209 ~~to the same area or a portion of the area may be incorporated in and made a part of~~
210 ~~comprehensive zoning regulations, and be administered and enforced in connection with the~~
211 ~~comprehensive zoning regulations.~~ (2) In the event of conflict between any airport [zoning]
212 land use regulations adopted under this part and any other regulations applicable to the same
213 area, whether the conflict be with respect to the height of structures or trees, the use of land, or
214 any other matter, [~~and whether the other regulations were adopted by the political subdivision~~
215 ~~which adopted the airport zoning regulations or by some other political subdivision, the more~~
216 ~~stringent limitation or requirement] the airport overlay zone requirement shall govern and
217 prevail.~~

218 Section 7. Section **72-10-413** is amended to read:

219 **72-10-413. Purchase or condemnation of air rights or navigation easements.**

220 A political subdivision [~~within which the property or nonconforming use is located or~~
221 ~~the political subdivision]~~ owning the airport [~~or~~], whether or not the airport is located within
222 the territorial limits of the political subdivision, or a political subdivision that is served by [it]
223 the airport may acquire, by purchase, grant, or condemnation in the manner provided by the law
224 under which political subdivisions are authorized to acquire real property for public purposes,
225 an air right, [~~navigation~~] an avigation easement, or other estate or interest in the property or

226 nonconforming structure or use in question if:

227 (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or
228 use;

229 (2) the approach protection necessary cannot, because of constitutional limitations, be
230 provided by airport ~~[zoning]~~ land use regulations under this part; or

231 (3) it appears advisable that the necessary approach protection be provided by
232 acquisition of property rights rather than by airport zoning regulations.

233 Section 8. **Repealer.**

234 This bill repeals:

235 Section **72-10-405, Airport zoning regulations -- Adoption and amendment --**
236 **Airport zoning commission -- Powers and duties.**

237 Section **72-10-406, Airport zoning regulations -- Validity, limitations, and**
238 **restrictions.**

239 Section **72-10-407, Permit for new or changed structures or uses -- Nonconforming**
240 **structures -- Airport hazards -- Application to board of adjustment for variance --**
241 **Allowance of variance -- Conditioning permit or variance.**

242 Section **72-10-408, Appeals to board of adjustment -- Procedure -- Stay of**
243 **proceedings -- Hearing and judgment.**

244 Section **72-10-409, Airport zoning regulations -- Administration and enforcement.**

245 Section **72-10-410, Board of adjustment -- Powers -- Appointment and**
246 **membership of board -- Hearings and decisions by board -- Meetings -- Adoption of**
247 **rules.**

248 Section **72-10-411, Appeals to district courts -- Procedure -- Findings, judgment,**
249 **and costs -- Regulations invalid as to one structure or parcel of land.**

250 Section **72-10-412, Violations of chapter or rulings -- Misdemeanor -- Remedies of**
251 **political subdivisions.**

252 Section **72-10-414, Exchange of private property near federal airports.**



**RIVERDALE CITY
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, February 13, 2024, at 6:30 p.m., at the Riverdale City Civic Center, 4600 South Weber River Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed code addition of Title 10, Chapter 13, Article I. “Airport Overlay Zone and Airport Area Special Regulations” ordinance to be added to the Riverdale City Code, as requested by the Community Development Department and required by the State of Utah.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Planning Commission concerning the proposed action at the aforementioned time and place.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 29th day of January, 2024 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

Michelle Marigoni
Riverdale City Recorder