

ORDINANCE NO. 2018-02

AN ORDINANCE ADOPTING AN AIRPORT OVERLAY ZONE (AOZ).

BE IT ORDAINED by the City Council of Heber City, Utah, the Airport Overlay Zone (AOZ) is hereby adopted as follows.

CHAPTER 18.43: AIRPORT OVERLAY ZONE (AOZ)

SECTIONS

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SECTION 18.43.010 DEFINITIONS

Where applicable, the following terms define surfaces found on the current Airport Layout Plan (ALP), on file with the City and FAA. The ALP is routinely updated to represent the most current conditions for the community. The ALP has detailed maps and drawings for the airport and surrounding area and should be referenced for additional information. In the event of a dimensional conflict between the AOZ and the ALP, the ALP shall apply.

- A. ***Approach Surface (A.S).*** A surface longitudinally centered on the runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface at 500 feet and expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet at a slope of 20:1. There are 6 Approach Surface Zones:
1. **Eastern Inner Approach Surface Zone.** This area includes the first 650 horizontal feet beyond the Eastern RPZ.
 2. **Eastern Middle Approach Surface Zone.** This area includes the 1,150 horizontal feet beyond the Eastern Inner Approach Surface Zone.
 3. **Eastern Outer Approach Surface Zone.** The area includes the outermost 2,200 horizontal feet of the Eastern Approach Surface, with the exception of number 4 below.

4. **Eastern Approach Surface Exclusion Zone.** This area includes all area within the approach surface that lies east of the street 500 East.
 5. **Western Inner Approach Surface Zone.** This area includes the first 1,500 horizontal feet beyond the Western RPZ.
 6. **Western Outer Approach Surface Zone.** This area includes the outermost 2,200 horizontal feet of the Western Approach Surface.
- B. **Building Footprint.** The area of a building where it meets the ground along its perimeter walls.
- C. **Established Elevation of the Airport.** The established elevation of the airport is the highest point of any hard-surfaced runway. Currently it is officially 5,636.7 feet above mean sea level.
- D. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is currently 5,000 feet.
- E. **Primary Surface.** A surface longitudinally centered on a runway, extending 200 feet beyond each end of the hard-surfaced runway and a width of 250 feet from the runway center, for a total width of 500 feet.
- F. **Public Assembly.** A permanent or temporary structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, including but not limited to retail, office, service, restaurants, churches, hospitals, schools, theaters, stadiums, hotels, motels, campgrounds or similar activities, but excluding air shows. Public assembly use does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted Airport Master Plan.
- G. **Runway End Elevation.** The threshold elevation of runway 04 is 5,581 and the threshold elevation of runway 22 is 5,636 feet above mean sea level.
- H. **Runway Protection Zone (RPZ).** This surface is closest to the individual runway ends. It is intended to provide a clear area free of above-ground obstructions and structures, designed to enhance the protection of people and property on the ground. The dimensions of the RPZ are 500 feet inner width, 700 feet outer width and a length of 1,000 feet. The dimensions of the RPZ may change with updates to the Airport Master Plan and Airport Layout Plan (ALP). The airport has two RPZs, with the westernmost RPZ commonly referred to as Western RPZ and the easternmost as the Eastern RPZ.
- I. **Transitional Surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides

of the primary surface and from the sides of the approach surfaces up to the Horizontal Surface.

- J. ***Water Impoundment.*** Areas constructed or intended to contain water such as wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features.

SECTION 18.43.020 PURPOSE

- A. The purpose of this Chapter is:
 - 1. To protect life and property in the vicinity of the airport;
 - 2. To avoid the establishment of structures and land uses that are incompatible with the airport and navigation surfaces as defined by 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace; and
 - 3. To promote a viable future for the airport.

SECTION 18.43.030 ESTABLISHMENT OF AIRPORT OVERLAY ZONES

This Chapter establishes the Airport Overlay Zone (AOZ), consisting of the following height and land use Surfaces defined in this chapter, and illustrated on the official Heber City Zoning Map:

- A. Approach Surface. There are 6 approach surface zones:
 - 1. Eastern Inner Approach Surface Zone.
 - 2. Eastern Middle Approach Surface Zone.
 - 3. Eastern Outer Approach Surface Zone.
 - 4. Eastern Approach Surface Exclusion Zone.
 - 5. Western Inner Approach Surface Zone.
 - 6. Western Outer Approach Surface Zone;
- B. Horizontal Surface;
- C. Runway Protection Zone (RPZ); and
- D. Transitional Surface.

SECTION 18.43.040 RELATIONSHIP OF AOZ TO ZONING ORDINANCE

The AOZ is a set of overlay Surfaces that overlay existing zoning districts with additional land use restrictions to the underlying zoning districts. In the event of a conflict between the

AOZ and other portions of the Heber City Zoning Ordinance, the most restrictive provisions shall apply.

Developers should be aware, not as a condition of this AOZ, but as a condition of 14 CFR Part 77, development near the airport requires proper notification to the FAA prior to the start of any construction. The City will not verify the notification, but if a condition becomes known where there are detrimental impacts to the airport or public safety by the development, the developer shall be wholly responsible for becoming compliant with this AOZ or other requirements up to and including removing the hazard. Submitting proof of notification and a FAA Determination of No Hazard may help show compliance with the intent of safety and public protection of the AOZ during the development process.

SECTION 18.43.050 HEIGHT LIMITS

A. **General Height Restrictions.** Where an area is covered by more than one height limitation, the most restrictive height limitation shall apply. The height limits within each Surface shall be as follows:

1. **RPZ.** No building, structure or utility line shall be erected and no tree or other natural feature shall be permitted to grow or develop above the ground surface, except as follows:
 - a. A building that contains a use as permitted by Section 18.43.060 B. 1. c. may be constructed within the RPZ as a conditional use. The height of such structure shall not exceed one vertical foot in height for each 20 feet horizontal distance from the primary surface.
2. **Approach Surface** (inclusive of Inner and Outer Approach Surfaces). No building, structure or utility line shall be erected and no tree or other natural feature shall be permitted to grow or develop which penetrates the Airport Approach Surface. Such height is measured from the Runway End Elevation nearest the feature to the highest part of the feature, including any appurtenances of such feature.
3. **Horizontal Surface.** No building, structure or utility line shall be erected and no tree or other natural feature shall be permitted to grow that penetrates the Airport Horizontal Surface. The Horizontal Surface is one hundred fifty (150) feet above the Established Elevation of the Airport and elevation of the terrain at the location of the object is considered in the calculation.
4. **Transitional Surface.** No building, structure or utility line shall be erected and no tree or other natural feature shall be permitted to grow or develop which is more than one (1) foot in height for each seven (7) feet that feature is distant from the sides of the Primary Surface or from the sides of approach surfaces. Such height is measured from the elevation of the point along the centerline of the runway that forms a perpendicular line between the feature and that point to the runway centerline, to the top of such feature.

- B. **Height Exceptions.** Height exceptions or variances may be permitted only when supported in writing by the FAA. Variances requests shall follow the standard city application process. If supported by the FAA, variances may include the installation of obstruction lights or other painted marking, of which the cost for installation, operation and maintenance will be solely the responsibility of the developer. If the term(s) of the variance are not upheld, the use will not be grandfathered, and the use will be considered out of compliance with this AOZ.

SECTION 18.43.060 LAND USE REGULATIONS

- A. **Regulations applicable to all Airport Land Use Surfaces.** All uses in all established airport surfaces shall comply with the following:
1. **Determination of No Hazard.** If submission of FAA Form 7460 is required pursuant to 14 CRFR Part 77, the use must have received a Determination of No Hazard from the FAA or a variance pursuant to section 18.43.050 (B).
 2. **Outdoor Lighting.** No use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and landing paths except where necessary for safe and convenient air travel. Lighting for any new or expanded use shall incorporate shielding in their designs to reflect light away from airport approach and landing paths. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
 3. **Glare.** No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within airport approach and landing paths or on nearby lands where glare could impede a pilot's vision. Solar panels are subject to a glare analysis.
 4. **Emissions.** No agricultural, industrial, mining or similar use, or expansion of an existing agricultural, industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust, or steam that could obscure visibility of pilots.
 5. **Communications Facilities and Electrical Interference.** No use shall cause or create electrical interference with navigational signals or radio communications operated on the airport or operated between an airport and aircraft. New or expanded radio, radio-telephone, and television transmission facilities and electrical transmission lines within any established airport Surface shall be coordinated with FAA prior to approval.
 6. **Water Impoundments and Wildlife Attractants.** No new or expanded water impoundments of one-quarter (1/4) acre in size or larger are permitted within any

established airport zone, unless the Planning Commission makes the following findings:

- a. The proposed water impoundment, taking into consideration any proposed or recommended mitigation measures, will not significantly increase the risk of bird strike hazards to air navigation;
 - b. Proposed mitigation measures are based on accepted technology and industry practices, and have been demonstrated to be effective, reliable over time, and affordable to implement; and
 - c. The applicant has demonstrated an ability to pay for necessary short-term and long-term mitigation measures, and to ensure the perpetual implementation, monitoring, and maintenance of such measures.
7. **Unmanned Aerial Systems or Drones.** Any use of an unmanned aerial system or drone must comply with applicable FAA regulations. In the event of conflicting FAA requirements, the most restrictive requirements shall apply. If notification or permission of the airport manager is required by FAA regulations, the airport manager shall not give permission for use of such vehicles within the AOZ.
8. **Other Hazards to Aircraft Operations.** In addition to the specific prohibitions stated in this subsection, no use or structure shall otherwise endanger the landing, taking off, or maneuvering of aircraft.
- B. **Land Use Regulations in Specific Airport Zones.** In addition to the Regulations Applicable in all Airport Surfaces, uses in specific Airport Surfaces are regulated as follows:
1. **RPZ: Land Use Restrictions.** The RPZ is a protection surface specifically dedicated to protecting people on the ground. As such the following restrictions are for increased public safety.
 - a. **Prohibited Uses.** The following uses are prohibited:
 - (1) Above ground structures, including buildings, temporary structures, exposed transmission lines, and other similar above ground structures.
 - (2) Public Assembly uses.
 - (3) Uses that represent significant fire or explosion hazards, including fuel storage tank farms.
 - b. **Permitted Uses.** The following uses are permitted:
 - (1) Permitted uses shall include, but are not limited to agriculture, horticulture, raising and breeding of livestock, light outdoor

recreation (non-spectator only) and vehicle parking associated with the airport.

c. **Conditional Uses.** The following are conditional uses:

- (1) Storage Sheds, Commercial Storage Sheds and Covered Parking.

2. **Approach Surface: Land Use Restrictions.** In addition to the Regulations Applicable in all Airport Surfaces, the following Land Use regulations apply to ~~the~~ all Approach Surface Zones unless specifically addressed within a particular Approach Surface Zone as regulated in Subsection 3. below.

a. **Prohibited Uses.** The following are prohibited uses:

- (1) All residential uses and all institutional living facilities such as nursing homes and senior assisted living facilities.
- (2) Uses that represent significant fire or explosion hazards, including fuel storage tank farms, above-ground fuel tanks and gasoline stations.
- (3) Telecommunication and radio tower structures.
- (4) Wind turbines and above-ground power generating structures unless equipment can be shown to not cause a hazard to the airport due to height, electromagnetic or other interference with air traffic communications, heat plumes, or other characteristics.

b. **Conditional Uses.** The following are conditional uses:

- (1) Public Assembly Uses are permitted through a conditional use permit as per Section 18.43.070.

3. **Land Use Regulations specific to each Approach Surface Zone.** Each specific Approach Surface Zone is regulated as follows.

- a. **Eastern Inner Approach Surface Zone.** No additional regulations, permitted uses or conditional uses.
- b. **Eastern Middle Approach Surface Zone.** Gasoline Stations are conditional uses as per Section 18.43.070 and as may be regulated, permitted or prohibited by the underlying zoning designation. Provided, all fuel storage tanks associated with the Gasoline Station must be located underground.

- c. **Eastern Outer Approach Surface Zone.** Public Schools are permitted uses, as may be regulated, permitted or prohibited by the underlying zoning designation.
- d. **Eastern Approach Surface Exclusion Zone.** Detached single-family dwellings and condominiums are permitted uses as may be regulated, permitted or prohibited by the underlying zoning designation.
- e. **Western Inner Approach Surface Zone.** No additional regulations, permitted uses or conditional uses.
- f. **Western Outer Approach Surface Zone.** Gasoline Stations are conditional uses as per Section 18.43.070 and as may be regulated, permitted or prohibited by the underlying zoning designation. Provided, all fuel storage tanks associated with the Gasoline Station must be located underground.

SECTION 18.43.070 CONDITIONAL USE STANDARDS

A Conditional Use Permit required by this Chapter shall not be issued unless the Planning Commission finds:

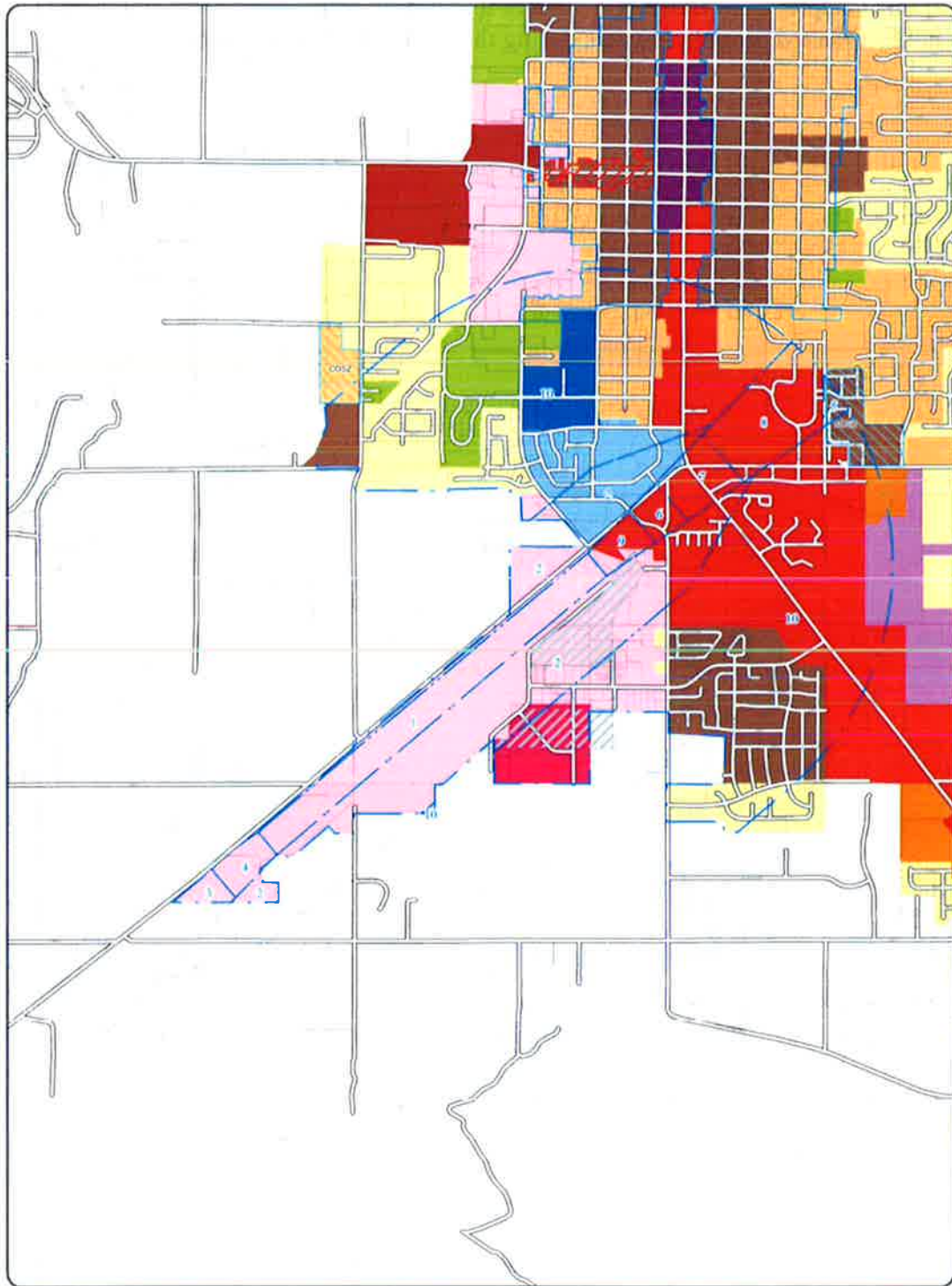
- A. The application complies with all requirements of this title;
- B. The proposed use is consistent with the Heber City General Plan;
- C. The safety impacts caused by the proposed use can be adequately mitigated with conditions;
- D. The use will not place an unreasonable financial burden or significant impacts on the airport or airspace without adequate mitigation of those impacts; and
- E. The property owner has provided an avigation easement in favor of the airport owner for noise and emissions.

SECTION 18.43.080 SUNSET, REAUTHORIZATION AND AMENDMENTS

Because of the need to update the ALP in 2020, this ordinance, Chapter 18.43, shall expire 6 years after the effective date of the ordinance.

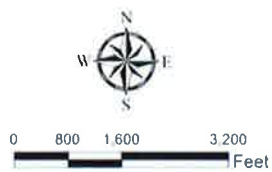
- A. At the expiration date, the City Council shall have the option to permanently adopt this Chapter, though the City should consider adoption of an updated ordinance that reflects the standards adopted within the updated ALP.

B. If this Chapter is amended in a manner that further restricts property rights, the City shall notify affected property owners during the zoning amendment process.



Zoning Map


Heber City, Utah
January 10, 2018



NUZ	UMP	Airport Overlay Zone (AOZ)
COSZ	U-1	1. Primary Surface
MW	U-2	2. Transitional Surface
HC	MABP	3. Western Inner Approach Surface Zone
HOF	MURZ	4. Western RPZ
A-2	PC	5. Eastern Approach Surface Exclusion Zone
MA-2	PCMU	6. Eastern Inner Approach Surface Zone
U-3	R-1	7. Eastern Middle Approach Surface Zone
U-4	R-2	8. Eastern Outer Approach Surface Zone
	R-3	9. Eastern RPZ
	R-3	10. Airports Surface

This Ordinance shall take effect and be in force from and after its adoption,.

ADOPTED and PASSED by the City Council of Heber City, Utah this 18th day of February, 2018.



Mayor Kelleen L. Potter

ATTEST:


JoD'Ann Bates, City Recorder



COUNCILMEMBER	AYE	NAY
Councilmember Jeffery M. Bradshaw	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Heidi Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Jeffrey W. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Ronald R. Crittenden	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wayne Hardman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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