

VERNAL CITY
ORDINANCE NO. 2024-30

AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING CHAPTER 16.33 - AIRPORT OVERLAY ZONE AND AMENDING SECTIONS 16.52.030 - AREA, FRONTAGE, LOCATION, HEIGHT AND SPECIAL PROVISIONS, AND ADDING SECTION 16.52.060 I-1 ZONE NOTIFICATION REQUIREMENTS AND 16.42.070 - AVIGATION EASEMENTS.

WHEREAS, the City Council finds that the regulation of development around the airport is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation

NOW THEREFORE, be it ordained by the Vernal City Council, in the State of Utah, as follows:

SECTION 1: AMENDMENT “Section 16.33.010 Purpose” of the Vernal Municipal Code is hereby amended as follows:

AMENDMENT

Section 16.33.010 Purpose

The following regulations ~~contained in this chapter~~ are established to avoid or lessen hazards resulting from ~~the operation of~~ aircraft operations, ~~to~~ avoid creation of new hazards, ~~to~~ protect the lives of people ~~who use~~ the aircraft facilities, ensure compliance with UCA 72-10-403 and 14 C.F.R. Part 77, and ~~to~~ provide for land uses that are compatible with ~~the operation of~~ safe aircraft operations. (Ord. 2008-13, Add, 07/16/2008)

SECTION 2: AMENDMENT “Section 16.33.030 Areas” of the Vernal Municipal Code is hereby amended as follows:

AMENDMENT

Section 16.33.030 Areas

A. The Airport Overlay Zone (AO) is divided into three separate and distinct areas:

1. Area A. This area extends immediately from the approach and departure ends of all existing runways and is characterized by the low altitude operation of aircraft.
2. Area B. This area extends from the approach and departure ends of all existing runways beginning at the end of area A and is characterized by the regular operation of aircraft.
3. Area C. This area includes any land within the defined airport influence area extending beyond Area A and B, as necessary to ensure compatibility with the safe operation of the airport. The boundaries of the airport influence area shall be defined in accordance with UCA 72-10-403 and updated FAA guidelines.
~~area within the Airport Overlay Zone (AO) not included within areas A and B.~~

B. As of 2024 UCA 72-10-403 and updated FAA guidelines define the airport influence area to be five

thousand feet (5,000 FT). In effect this shall require every new building within five thousand (5,000') feet from the end of a runway and over thirty-five (35') feet to be inspected and approved by the Airport Manager or their designee.

(Ord. 2008-13, Add, 07/16/2008)

SECTION 3: AMENDMENT “Section 16.33.040 Height Limits” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.33.040 Height Limits

~~The height of all structures or trees~~ All proposed developments within the Airport Overlay Zone must comply with the height limits established in (AO) shall be restricted in accordance with Federal Aviation Regulation (FAR) part 77, ~~as published by the Federal Aviation Administration (FAA).~~ No building permit shall be issued without prior approval of an airspace evaluation from the FAA, as required by UCA 72-10-403 and 14 C.F.R. Part 77. (Ord. 2008-13, Add, 07/16/2008)

SECTION 4: AMENDMENT “Section 16.33.050 Use Regulations” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.33.050 Use Regulations

A. Land uses shall be restricted as follows:

1. Area A. No structure shall be permitted. No use that could attract wildlife, such as above ground water retention, wetlands or landfills shall be permitted. No storage of hazardous materials shall be permitted. No use that involves the gathering of groups of people shall be permitted. In addition to the existing use restrictions, as a condition of granting a building permit, subdivision plat, or zoning change within Area A, the developer or landowner must grant or sell an aviation easement to the airport owner at fair market value. Written notification must also be provided to the developer or landowner regarding potential aircraft overflights and noise.

2. Area B. Churches, hospitals, schools, theatres, stadiums, hotels and motels, manufactured home subdivisions and parks, multifamily apartments, campgrounds and other places of frequent assembly of people shall not be permitted. No use that could attract wildlife, such as above ground water retention, wetlands or landfills shall be permitted. No storage of hazardous materials shall be permitted. In addition to the existing use restrictions, as a condition of granting a building permit, subdivision plat, or zoning change within Area B, the developer or landowner must grant or sell an aviation easement to the airport owner at fair market value. Written notification must also be provided to the developer or landowner regarding potential aircraft overflights and noise.

3. Area C. All land uses allowed by City zoning ordinances shall be permitted, provided they conform with the notification requirements of aircraft overflights and noise impacts, and any development shall be subject to the aviation easement provisions as deemed necessary by Airport Manager or governing municipality.

B. Notwithstanding any other provisions of this chapter, no uses may be made of land within Vernal City which will create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of aviators using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing or taking off of aircraft.

C. Notification of any proposed construction or alteration of existing structures shall be given to the Federal Aviation Administration in accordance with the Federal Aviation Administration’s published requirements.

(Ord. 2008-13, Add, 07/16/2008)

SECTION 5: ADOPTION “Section 16.33.080 Imposing Reasonable Requirements And Conditions” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.33.080 Imposing Reasonable Requirements And Conditions (*Added*)

In reviewing any land use application within the Airport Overlay Zone (AO), the City Planning Department and City Council may impose reasonable requirements and conditions designed to ensure compatibility with airport operations. These may include, but are not limited to:

A. Use of the land;

B. Location and height of buildings and structures;

C. Building materials and finishes;

D. Outdoor lighting design and placement;

E. Site signage;

F. Access points and circulation patterns;

G. Fencing requirements;

H. Location and design of utilities (water, sewer, power, gas, and telecom infrastructure);

I. Requirement of aviation easements and fair disclosure statements as a condition for development.

SECTION 6: ADOPTION “Section 16.33.090 Disclaimer Of Liability” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.33.090 Disclaimer Of Liability (*Added*)

The provisions of this chapter are considered reasonable to achieve the purposes of this title. This chapter does not create a liability on the part of, or a cause of action against, Vernal City or any officer or employee of the City for any damages that may result directly or indirectly from reliance on these regulations.

SECTION 7: ADOPTION “Section 16.33.100 Coordination With Adopted Airport Plan” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.33.100 Coordination With Adopted Airport Plan (*Added*)

Vernal City Development shall coordinate with Uintah County to ensure that all land use and zoning decisions within the Airport Overlay Zone (AO) are consistent with the most current adopted airport plan. The City shall review all development applications with consideration of the Federal Aviation Administration (FAA) guidelines and the adopted airport influence areas provided by the airport owner or operator.

SECTION 8: AMENDMENT “Section 16.52.030 Area, Frontage, Location, Height And Special Provisions” of the Vernal Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 16.52.030 Area, Frontage, Location, Height And Special Provisions

There shall be no area, frontage, location, height and special provisions in the I-1 industrial zone, except for the following:

- A. For caretaker dwellings, the regulations shall be the same as required in the R-4 residential zone except that the area, frontage and location requirements shall be waived for dwellings erected above the ground floor when the ground floor is designed and used exclusively for commercial or industrial purposes.
- B. All buildings shall be set back a minimum of thirty (30) feet along the U.S. Highway 40 right-of-way line except:
 - I. Bus shelters.
 - a. Bus shelters must not interfere with ADA accessibility or pedestrian movements.
 - b. Must be set back a minimum of five (5) feet from a barrier curb or where no curb is present, behind the edge of the sidewalk or ten (10) feet back from edge of travel way.
 - c. Bus shelters must not interfere with any clear vision triangle. d. The entity installing the bus shelter shall be responsible for its maintenance.
- C. Buildings and structures within the airport area zones must comply with airport area height restrictions as outlined in FAR Part 77, and all proposed developments must grant avigation easements as required by UCA 72-10-403. Written notification of aircraft overflights and noise impacts must also be provided or any development within these zones in conformance with chapter 16.33 of Vernal City code.
- D. Landscaping shall be in conformance with Chapter 16.27 herein.
- E. Fence requirements. Industrial developments adjacent to property zoned and / or used for residential purposes shall have a six-foot (6') privacy fence between the industrial and residential properties to afford privacy for the residential dwelling. The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. Where the Planning Commission determines that such a fence is not necessary, or in the best interest of the public, the Planning Commission may waive the fence requirement. (PZSC § 03-26-003) (Ord. No. 96-27, Amended, 11/20/96) (2014-38, Amended, 12/03/2014; Ord. 2014-38, Amended, 11/19/2014; Ord. 2003-28, Amended, 12/04/2003)

SECTION 9: ADOPTION “Section 16.52.060 I-1 Zone Notification Requirements” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.52.060 I-1 Zone Notification Requirements*(Added)*

Any individual or entity proposing to build or develop land within the Airport Overlay Zone must be notified in writing of the potential for aircraft overflights and associated noise impacts. This notification shall be provided at the time of the building permit, subdivision plat, or zoning change application, and a record of such notification must be maintained by the City Planning Department.

SECTION 10: ADOPTION “Section 16.52.070 Avigation Easements” of the Vernal Municipal Code is hereby *added* as follows:

ADOPTION

Section 16.52.070 Avigation Easements *(Added)*

As a condition for granting any building permit, subdivision plat, or zoning change within the Airport

Overlay Zone, the developer or landowner must grant or sell an avigation easement to the airport owner at fair market value. The terms and conditions of the easement shall be determined based on FAA and airport requirements, and the value of the easement shall be determined by a licensed appraiser.

PASSED AND ADOPTED BY THE VERNAL COUNCIL

December 4, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Robin O'Driscoll	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Corey Foley	<u> </u>	<u> </u>	<u>✓</u>	<u>✓</u>
Councilmember Ted Munford	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Edward Long	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Randel Mills	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>

Presiding Officer

Douglas B. Hammond

Doug Hammond, Mayor, Vernal

Attest

Roxanne Behunin

Roxanne Behunin, City Recorder,

(S E A L)