

AIRPORT OVERLAY ORDINANCE

An Ordinance Revising the Land Use Code of Bluff, Utah, to Create an Airport Overlay Zone.

WHEREAS an airport and resulting airport influence area is located within the Town; and

WHEREAS state law (Utah Code §72-10-403) requires the Town to adopt an ordinance regulating the use of land in the airport influence area;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BLUFF, UTAH:

SECTION I: The document titled “Bluff Airport Overlay Zone”, attached as Exhibit ‘A’, is hereby adopted as an amendment and addition to the Town’s existing land use ordinances. This document shall be accepted in all courts without question as the official code and law of the Town as enacted by the Town Council.

SECTION II: If any provisions of the Town’s code previously adopted are inconsistent herewith, they are hereby repealed to the extent necessary to enforce the provisions of this ordinance.

SECTION III: This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Town Council of Bluff, Utah, this ____ day of _____, 2025.

Ann Leppanen, Mayor of Bluff, Utah

ATTEST:

Linda Sosa, Town Clerk/Recorder

COUNCIL Vote As Recorded:

AYE NAY ABSENT

Ann Leppanen _____

Jennifer Davila _____

Luanne Hook _____

Britt Hornsby _____

Linda Sosa _____

RECORDED this _____ day of _____, 2025.

PUBLISHED / POSTED this _____ day of _____, 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION / POSTING

In accordance with §10-3-713 of Utah State Code, as amended, I, Linda Sosa of Bluff, Utah, hereby certify that the foregoing ordinance was duly passed and published or posted on the above referenced dates at:

- 1) Bluff Town Hall
- 2) Bluff Town Website
- 3) Utah Public Notice Website

Linda Sosa, Town Clerk/Recorder

Exhibit 'A': Bluff Airport Overlay Zone

[Attached as Follows.]

DRAFT

BLUFF AIRPORT OVERLAY ZONE

- A. **Zone Established.** The Airport Overlay Zone (“Airport Zone”) is an overlay zoning district covering all land within 5,000 feet of the Bluff Airport. Land use and development in this overlay zone are subject to additional regulations beyond those described in the underlying zoning district. The purpose of this overlay zone is to comply with state law and prevent airplane-related hazards and nuisances.
- B. **Notice to developers and landowners.**
- a. Aircraft flying in and out of the Bluff airport create substantial noise.
 - b. A Town representative shall notify *in writing* any land use applicants intending to build on or develop land within the Airport Zone of aircraft overflights and associated noise.
- C. **Compliance with Federal Aviation Regulations.**
- a. Any building, development, or use of land within the Airport Zone may be subject to federal regulation under 14 C.F.R. Part 77.
 - b. The Town shall not approve a land use application or issue a building permit concerning land within the Airport Zone unless the applicant proves its intended compliance with 14 C.F.R. Part 77 and this ordinance.
- D. **Grant of Avigation Easement.** As a condition of receiving a building permit, subdivision approval, or land use approval for any development within the Airport Zone, the property owner seeking Town approval must grant an avigation easement to the Town. This easement must permit unimpeded aircraft flights over property and include the rights (a) to create or increase noise or other effects that may result from the lawful operation of aircraft and (b) to prohibit or remove any obstruction to aircraft overflight.
- E. **Structure Height.** The maximum height of any structure in the Airport Zone shall be thirty-five (35) feet measured from finished grade of the primary structure to the peak of the roof. Chimneys, antennae, ornamental elements, or the like shall not be used in calculating maximum building height.
- F. **Prohibited Hazards.** No use or structure within the zone may:
- a. Create any electrical interference with navigational signals for radio communication between the airport and an aircraft;
 - b. Make it difficult for pilots to distinguish airport lights;
 - c. Result in glare in the eyes of the pilots using the airport;
 - d. Impair a pilot’s visibility in the vicinity of the airport, such as smoke or dust; or
 - e. Create a hazard to, or endanger the landing, takeoff or maneuvering of, aircraft using the airport.