

CHAPTER 29.19. AIRPORT OVERLAY ZONES.

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29.19.010. Saving Clause.

The repeal of the existing Chapter 29.19 in its entirety, shall not:

- A. Affect suits pending or rights existing immediately prior to the effective date of this ordinance; or
- B. Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any repealed provision or amendment thereto.

The provisions of this ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of the prior ordinance and not as a new enactment

29.19.020. Purpose and Intent.

It is hereby found that an airport hazard endangers the lives and property of users in the Brigham City Airport and of occupants of land or to property in its vicinity. Such hazard also reduces the size of the area available for landing, taking off and maneuvering of aircraft, and it tends to destroy or impair the utility of the Brigham City Municipal Airport and the public investment therein.

Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Brigham City Municipal Airport; (2) that it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of an airport hazard be prevented, and; (3) that the prevention of those hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire lands or interests in land.

29.19.030. General Provisions.

- A. These regulations reinforce specific provisions in the Brigham City Municipal Airport Master Plan (May 2, 1996), as amended and Brigham City General Plan (January 15, 1998), as amended.
- B. The boundary of any officially recognized "Airport Overlay Zones" shall be as it appears on a map and/or other documents approved by the Brigham City Council.

29.19.040. Definitions.

As used in this Ordinance, unless the context otherwise requires:

- A. Airport: The Brigham City Municipal Airport or any area of land designated and used for the landing and taking off of aircraft.
- B. Airport Elevation: The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 4,225.5 feet MSL as of the date of this ordinance.
- C. Airport Hazard: Any structure or use of land which actually or potentially obstructs the airspace required for the safe flight of air craft in landing or taking off at an airport.
- D. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 29.19.090 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

E. Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth in Section 29.19.090 of this Ordinance.

F. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

G. F.A.R. Part 77: Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of the defined Airport Influence Area.

H. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

I. Height: For the purpose of determining the height limits in all zones set forth in Section 29.19.100(G) and shown on the zoning map, the datum shall be the mean sea level (MSL) elevation unless otherwise specified.

J. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

K. Ldn: Yearly day-night average sound level.

L. MSL: Mean Sea Level.

M. Non-precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

N. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 29.19.100(GD) of this Ordinance.

O. Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

P. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR), a Global Positioning System (GPS), a Transponder Landing System (TLS), or other systems providing both horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

Q. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 500 feet beyond each side of the runway and 200 beyond the end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

R. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

S. Structure: An object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

T. Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

U. Tree: Any object of natural growth.

V. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

W. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

29.19.050. Airport Zoning Commission.

Commission established.

A. The Brigham City Planning Commission is designated as the "Airport Zoning Commission" as prescribed in Utah Code §72-10-405.

B. In this Title and State law, any references to the "Airport Zoning Commission" shall mean the Brigham City Planning Commission.

C. If the Planning Commission is empowered in this Title to take actions that are duties of the Airport Zoning Commission as prescribed in Utah law, the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.

1. Duties - The Airport Zoning Commission shall recommend boundaries of the various zones to be

established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Brigham City Council or Utah law.

29.19.060. Airport Board of Adjustment.

Board established.

A. The Brigham City Board of Adjustment is designated as the "Airport Board of Adjustment" as prescribed in Utah Code §72-10-408.

B. In this Title and State law, any references to the "Airport Board of Adjustment" shall mean the Brigham City Board of Adjustment.

C. If the Board of Adjustment is empowered in this Title to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Board of Adjustment shall be presumed to be functioning as the Airport Board of Adjustment.

1. Duties - The Airport Board of Adjustment shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Brigham City Council or Utah law.

29.19.070 Schedule of Uses

The following table indicates the uses and conditions required of those uses within the 5 designated zones for the airport.

Table of Uses

	AIRPORT INFLUENCE AREA (AIA)	TRAFFIC PATTERN ZONE (TPZ)	OUTER APPROACH ZONE (OAZ)	INNER APPROACH ZONE (IAZ)	65 Ldn NOISE AREA (NA)
RESIDENTIAL					
Single-family, Multi-family, Accessory Apartments, Residential Facilities for Elderly /Handicapped	C ⁽⁶⁾	C ⁽⁴⁾	C ^(3,4)	X	X
PUBLIC					
Schools, Libraries, Churches	C ⁽⁶⁾	C ⁽⁴⁾	C ^(3,4)	X	X
Parking, Cemeteries	P	P	P	C ⁽⁵⁾	C ^(2,5)
COMMERCIAL & INDUSTRIAL					
Offices, Retail Trade, Service Commercial, Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive industry	P	C ⁽⁶⁾	C ⁽⁴⁾	C ⁽¹⁾	C ⁽¹⁾
AGRICULTURAL & RECREATIONAL					
Cropland	P	P	P	P	P
Livestock Breeding, Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	P	P	P	P	C ⁽²⁾
Outdoor Spectator Sports	P	C ⁽³⁾	C ^(3,4)	X	X
Amphitheaters	C	C ⁽³⁾	X	X	X
Open Space	P	P	P	P	P

- (1) If allowed, avigation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the 65 Ldn Noise Contour must be located outside the 65 Ldn Noise Contour.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If allowed, disclosure of airport proximity must be required as a condition of development. An avigation easement should be considered based on proximity to runway centerline.
- (5) Transportation facilities in the 65 Ldn Noise Contour (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.
- (6) Disclosure of airport proximity should be required as a condition of development.

29.19.080. Airport Master Plan.

All uses and regulations pertaining to the Airport Overlay Zone shall be in compliance with and subject to the provisions of the Airport Master Plan, Airport Layout Plan, and Noise Contour Map as adopted by the Brigham City Council or as amended and is incorporated into this chapter by reference as it pertains to airport land uses.

29.19.090. Airport Overlay Zones.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Brigham City Municipal Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. **Airport Influence Area (AIA):** An area which is recognized by the Brigham City Council as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with Brigham City Municipal Airport. The AIA extends from the airport to the outer edge of the conical surface.

B. **Traffic Pattern Zone (TPZ):** This zone extends from the centerline of Runway 34/16 to the outer edge of the horizontal surface.

C. **65Ldn Noise Area (NA):** The area within the 65 decibel yearly day-night average sound level.

D. **Inner Approach Zone (IAZ):** The area within the FAR "Part 77" Approach Surface for each Runway.

1. Runway 16 Approach Zone. An approach zone is established at the end of Runway 16 for utility landings and take-offs. The approach zone shall have a width of 500' at a distance of 200' beyond the end of the runway, widening thereafter uniformly to a width of 1,010' at a distance of 1,700' beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The approach zone shall rise 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the runway and extending to a distance of 5,000' from the end of the runway.

2. Runway 34 Precision Approach Zone. A precision instrument approach zone is established at the end of runway 34 for precision instrument approach zone shall have a width of 1,000' at a distance of 200' beyond the end of the runway; widening thereafter uniformly to a width of 1,750' at a distance of 2,700' beyond the end of the runway. The precision instrument approach zone shall rise 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the precision instrument runway and extending to a point 10,200' from the end of the runway.

E. **Outer Approach Zone (AZ):** The area within the FAR "Part 77" Outer Approach Surface for Runway 34 is established at 10,200 feet from the end of runway 34 with a width of 2,500 feet widening thereafter uniformly to a width of 16,000' at a distance of 50,200' beyond the end of the runway. This approach zone will rise 1' in height for each 40' in horizontal distance beginning at a point 10,200' from and at the centerline elevation of the precision instrument runway and extending to a point 50,200' from the end of the runway.

F. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.

G. **Horizontal Zones:** The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 34/16 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

H. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

29.19.100. Regulations.

A. Conforming uses only.

B. All uses in the Airport Overlay zones shall be subject to the regulations of this Chapter and prescribed development standards within the Airport Master Plan as amended.

C. Creation of airport hazards prohibited.

D. No variance, permit, or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.

E. Use and operational limitations within the Airport Overlay zones.

F. No use shall be permitted which:

1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.

2. Creates or tends to create gas, smoke, dust, glare, or other visual hazards in the atmosphere around airports or in the airport hazard area.

3. Creates or tends to create structures that interfere with aircraft safety.

4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.

G. Height limitation.

Except as exempted in Paragraph H of this Section otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway 16 Visual Approach Zone - 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 5,200' from the end of the runway 16.

2. Runway 34 Precision Instrument Approach Zone - 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 10,200' from the end of the runway.

3. Transition Zone - 1' in height for each 7' in horizontal distance beginning at any point 250' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, and 500' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, extending to a height of 150' above the airport elevation. In addition, there are established height limits of 1' vertical height for each 7' horizontal distance measured from the edges of all approach zones for the entire length of the approach zone and extending upward and outward to the points where they intersect the horizontal or conical surfaces.

4. Horizontal Zone - 150' above the airport elevation or a height of 4225.5 feet above mean sea level (MSL).

5. Conical Zone - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (4,375.5 ft. MSL) and extending to a height of 350 (4,725.5 ft. MSL) feet above the airport elevation.

H. Exemptions to height limitation:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a City, town, or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Structures up to and including 35 feet in height above the ground level at its site where the ground elevation at its site is less than or equal to 35 feet below the height limitations defined in Section 29.19.090(G) of this Ordinance, and is beyond all reasonable doubt that the structure will not adversely affect safety in air navigation. If in doubt, submission of FAA Form 7460-1, Notice of Proposed Construction (as described in Section 29.19.100 of this Ordinance) shall be used to determine its effect on safety in air navigation.

29.19.110. Notification.

A. Except as provided in Paragraph B, and in addition to all other local notification and permitting requirements, each person who proposes any of the following construction or alteration shall complete and submit an FAA Form 7460-1, Notice of Proposed Construction, to the local jurisdiction and to the Federal Aviation Administration in accordance Federal Aviation Regulation Part 77, Object Affecting Navigable Airspace.

1. Any construction or alteration of more than 200 feet in height above the ground level at its site.

2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway at the Brigham City Municipal Airport.

B. Exemptions from notification.

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a City, town, or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Any antenna structure of 20 feet or less in height except one that would increase the height of any antenna structure.

C. Time of notice.

The notice required under Paragraph A must be submitted at least 30 days before the earlier of the following dates:

1. The date the proposed construction or alteration is to begin.

2. The date an application for a construction permit is to be filed.

29.19.120. Airport Development Standards.

The Brigham City Council may adopt by resolution or enact by ordinance uniform development standards and procedures for facilities within the airport property.¹

¹ Chapter completely revised with Ordinance No. 05-25, 11/17/05.
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