

ORDINANCE No. 24-11

**AN ORDINANCE AMENDING THE ROY CITY MUNICIPAL CODE TITLE 10 – ZONING REGULATIONS;
CH 6 – ZONING BY DISTRICTS; CH 20 – AIRPORT OVERLAY; CH 31 - DEFINITIONS**

WHEREAS, the Roy City Council finds that it is advisable and beneficial to make an update to Title 10 Zoning Regulations; CH 6 – Zoning by Districts; CH 20 – Airport Overlay; CH 31 - Definitions

WHEREAS, the Roy City Council finds that the modifications regulating the proposed changes will be of benefit and use in enhancing and increasing long-term viability of development within residential, commercial and manufacturing areas which is important to the City; and

WHEREAS, the Roy City Planning Commission held a public hearing as required by law and has favorably recommended amendments to the City Council; and

WHEREAS, the Roy City Council has received and reviewed the recommendation of the Planning Commission and City Staff, finding it to be consistent with the goals and policies of the Roy City Zoning Ordinance and General Plan, and has reviewed and considered the same in a public meeting.

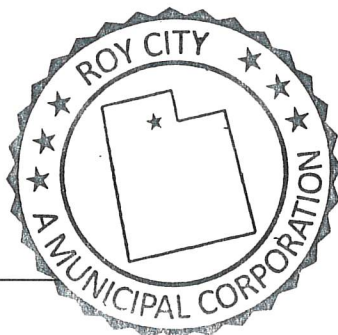
NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the changes to Title 10 Zoning Regulations; CH 6 – Zoning by Districts; CH 20 – Airport Overlay; CH 31 - Definitions and that the Roy City Municipal Code be amended to depict the changes.

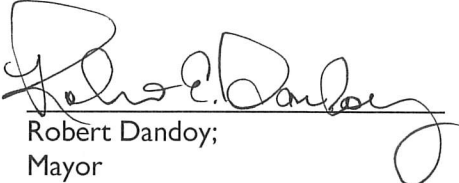
Note - Language to be added has been **bolded** and language to be removed has been ~~struck~~ through.

This Ordinance has been approved by the following vote of the Roy City Council:

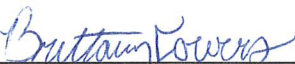
Councilmember Jackson	" <u>Aye</u> "
Councilmember J. Paul	" <u>Aye</u> "
Councilmember S. Paul	" <u>Aye</u> "
Councilmember Saxton	" <u>Aye</u> "
Councilmember Scadden	" <u>Aye</u> "

This Ordinance shall become effective immediately upon passage. This Ordinance has been passed by the Roy City Council this 1 day of October, 2024.




Robert Dandoy;
Mayor

Attested and Recorded:


Brittany Fowers;
City Recorder

Amend

10-6-1 Zoning by Districts

To achieve the purposes of this Ordinance, the following zoning districts are provided:

- 8) Special Purpose District
 - c) **Airport Overlay (AO)**

10-6-2 Zoning Districts Purposes:

The Roy City Zoning Districts are formulated to provide and achieve the following purposes:

- 9) Special Purpose Districts. The Special Purpose Districts of Recreation (R) ~~and~~ Residential Infill Overlay (RIO) **and Airport Overlay (AO)** are provided as independent and separate stand-alone Zoning Districts or Overlay Zoning Districts to meet specific needs and goals of the City as follows:
 - c) **Airport Overlay (AO). This District is established for the protection of the Airport and the surrounding land.**

Add

10-20-1 Purpose

Roy City, as required by Utah Code Ann. 72-10-4 et. seq. and to conform to the requirements of 14 C.F.R. Part 77, hereby creates the **Airport Overlay Zone**.

It is hereby determined that an airport hazard endangers the lives and property of users of airports and property or occupants of land in its vicinity and, also, if of the obstruction type, in effect reduces the size of the area available for landing, take off and maneuvering of aircraft, thus tending to destroy or impair the utility of airports and the public investment therein.

Accordingly, it is hereby declared that:

- 1) The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by airports.
- 2) It is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and
- 3) The prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

10-20-2 Airport Zones

In order to carry out the provisions of this chapter, there are hereby created and established certain overlay zones which may include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones. Such zones shall be effective only to the extent shown on the airport zoning map on file in the office of the planning department as the same appears as of the effective date hereof, and as amended from time to time hereafter to reflect the changes made thereon by ordinances adopted by the city council, and said map by ordinances adopted by the city council and said map and all references, notations and other information shown therein are hereby made a part of this chapter to the same extent as if said map and the information thereon were fully described and set forth herein.

10-20-3 Utility Runway Visual Approach Zones

Utility runway visual approach zones are hereby established with the inner edge coinciding with the width of the primary surface and being two hundred fifty (250) feet wide. The approach zone expands outward, uniformly, to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

10-20-4 Runway Larger than Utility with Visibility Minimum as Low as Three-fourths Mile Non-precision Instrument Approach Zones

Runways larger than utility with a visible minimum as low as three-fourths ($\frac{3}{4}$) mile non-precision instrument approach zones are hereby established with the inner edge of this approach zone coinciding with the width of the primary zone and are one thousand (1,000) feet wide. The approach zone expands outward, uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

10-20-5 Precision Instrument Runway Approach Zones

Precision instrument runway approach zones are hereby established with the inner edge of this approach zone coinciding with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward, uniformly, to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

10-20-6 Transitional Zones

Transitional zones are hereby established as the area beneath the transitional surfaces. The surfaces extend outward and upward to ninety (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 zones for these portions of the precision approach zones which project through and beyond the limits of the conical surface extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zones and at a ninety (90) degree angle to the extended runway centerline.

10-20-7 Horizontal Zones

- 1) Horizontal zones are hereby established as that area, the perimeter of which is constructed by swinging arcs of specified radii, from a point on the centerline and two hundred (200) feet beyond each end of each runway and connecting the adjacent arcs by lines tangent to those arcs.
- 2) The radius of each arc is five thousand (5,000) feet for all runways designated as utility or visual and ten thousand (10,000) feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand (5,000) feet arc is encompassed by tangents connecting two (2) adjacent ten thousand (10,000) feet arc's, the five-thousand-foot (5,000) feet arc shall be disregarded in determining the horizontal zone. The horizontal zone does not include the approach and transitional zones.

10-20-8 Conical Zones

Conical zones are hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical zone does not include the precision instrument approach zones and transitional zones.

10-20-9 Airport Zone Height Limitations

- 1) **Conformance Required:** Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone.

- 2) **Height Limitations Permitted:** Nothing in this chapter 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.
- 3) **Utility Runway Visual Approach Zone:** The height limitation in a utility runway visual approach zone slopes upward twenty (20) feet horizontally, for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- 4) **Runway Larger Than Utility With Visibility Minimum As Low As Three-Fourths Mile Non-precision Instrument Approach:** The height limitation in a runway larger than utility with a visual minimum as low as three-fourths ($\frac{3}{4}$) mile non-precision instrument zone slopes upward one hundred (100) feet horizontally, for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- 5) **Precision Instrument Runway Approach Zones:** The height limitation in a precision runway approach zone slopes upward one hundred (100) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional distance of forty thousand (40,000) feet along the extended runway centerline.
- 6) **Transitional Zones:** The height limitation in a transitional zone slope upward and outward seven (7) feet horizontally for each foot vertically beginning at the side of and at the same elevation as the primary surface and the approach zones and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface and extending to a horizontal distance of five thousand (5,000) feet measured at a ninety (90) degree angle to the extended runway centerline.
- 7) **Horizontal Zone:** The height limitation in a horizontal zone shall be one hundred fifty (150) feet above the airport elevation.
- 8) **Conical Zone:** The height limitation of the conical zone slope upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

10-20-10 Use Restrictions

Notwithstanding any other provision of this chapter, no use may be made of land or water within the city that will create any electrical interference with navigational signals for radio communication between the airport and the aircraft, make it difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take off or maneuvering of aircraft intending to use the airport.

10-20-11 Nonconforming Uses

- 1) **Regulations Not Retroactive:** The regulations prescribed in this chapter shall not be construed to require the removal, lowering or other changes or alterations in any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration 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 existing 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.
- 3) **Abandoned Or Destroyed Nonconforming Uses:** Whenever the building official determines that a nonconforming structure has been abandoned for a period of twelve (12) consecutive months, or "physically deteriorated", as defined in the international building code, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-20-12 Permits

- 1) **Required:** All users shall obtain permits before construction or installation as required by other city ordinances.
- 2) **Existing Uses:** No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use or structure to be made or become higher or become a greater hazard to air navigation than it was on the effective date hereof, or any amendment thereto, or than it is when the application for a permit is made.
- 3) All permits issued within the **Airport Overlay Zone** will notify the permittee of the aircraft overflights and associated noise.

10-20-13 Airport Hazards

- 1) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the property owner at his own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard.
- 2) Any hazard contained within the **Airport Overlay Zone** may be required to be eliminated, removed, altered or mitigated at the owner's expense to conform to **UCA. 72-10-4 et. seq, 14 C.F.R. Part 77**, and this chapter.
- 3) Roy City may raise and expend public funds and acquire property interests in land to promote and execute the goals of this chapter and the corresponding State and Federal laws and regulations.
 - a. The use of public funds by Roy City is an option and is not mandatory on the City.

10-20-14 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, including land use zoning, whether the conflict be with respect to the height of structure or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail. Also, where an area is covered by more than one height limitation described in this chapter, the more restrictive limitation shall prevail.

10-20-15 Airport Layout Plan Provisions

Airport types and airport heights provisions for an airport shall be determined by and based on an airport layout plan and airport zoning map approved by the city council and on file with the planning commission. Any such maps so approved and recorded at the time and passage of this chapter shall be deemed to be as much a part of this chapter by this reference as if fully prescribed and detailed herein.

10-20-16 Development Regulations

All development activity contained within this chapter shall conform to 14 C.F.R. Part.77.

Amend

10-31-1 Purpose and Conflicts:

Airport: Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces as permitted by local zoning ordinances.

Airport Elevation: The highest point of the airport's usable landing area measured in feet from mean sea level.

Airport Hazard: Any structure or object or natural growth located on or in the vicinity of the airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or take off at the airport, or is otherwise hazardous to such landing or take off of aircraft.

Airport Influence Area: Means land located within 5,000 feet of an airport runway as stated in Utah Code Ann. 72-10-401(3).

Airport Reference Point: The point established as the approximate geographic center of the airport landing area and so designated.

FAA: The Federal Aviation Administration.

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 straight-in non-precision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It shall also mean a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan or any other FAA approved planning document.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of such runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of such runway. The width of the primary surface of a runway will be that width prescribed in part 77, section 77.25 of the federal aviation regulations (FAR), which is hereby incorporated by reference and made a

part hereof, for the most precise approach existing or planned for either 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.

Runway: A defined area on the airport prepared for landing and take-off of aircraft along its length.

Tree: Any object of nature growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds' maximum gross weight or less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan or on any planning document submitted to the FAA by competent authority.