

AN ORDINANCE AMENDING SECTION 2.08, SECTION 8.48-F, AND SECTION 12.52 OF THE UTAH COUNTY LAND USE ORDINANCE RELATED TO THE REQUIREMENTS ASSOCIATED WITH THE AIRPORT OVERLAY (APO) ZONE

WHEREAS, the Utah County Planning Commission initiated a review of Sections 2.08, 8.48-F, and 12.52 of the Utah County Land Use Ordinance related to the requirements associated with the Airport Overlay (APO) Zone; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on June 20th, 2023, held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

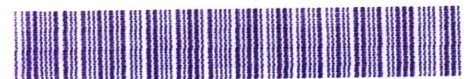
WHEREAS, the Board of County Commissioners finds the amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, is consistent with the other provisions of the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 2.08 of the Utah County Land Use Ordinance is hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to add or amend the following definitions:



ENT 45418:2023 PG 1 of 4
ANDREA ALLEN
UTAH COUNTY RECORDER
2023 Jul 13 11:42 am FEE 0.00 BY CS
RECORDED FOR UTAH COUNTY COMMUNITY DEVEL

2.08 Definitions – Land Use

“**Airport**” Any public or private facility as defined under Utah Code 72-10-401 as amended.

“**Airport Influence Area**” Area or land as defined under Utah Code 72-10-401 as amended.

“**Airport Overlay Zone**” A secondary zoning district as defined under Utah Code 72-10-401 as amended. In application of this land use ordinance, it shall refer to the Airport Overlay (APO) Zone.

Part II:

Sections 8.48-F and 12.52 of the Utah County Land Use Ordinance are hereby amended, including the appropriate re-numbering and re-formatting of applicable subsections, to read as depicted in the following:

8.48-F Airports

F. **Existing Airports:** Any use of land located within the Airport Overlay (APO) Zone shall comply with the provisions of the APO Zone found in UCLUO 12.

12.52 APO Airport Overlay Zone

A. **Intent:** The APO Airport Overlay Zone is created to protect property adjacent to airports from hazards of aircraft which take off and land in the vicinity of the airport runways, and to protect operating aircraft from the hazards of tall structures.

B. **Scope:** The building and structures in the APO Zone shall be subject to the standards and regulations contained in UCLUO 4, UCLUO 6, and UCLUO 8.

C. **Permitted Uses:** All structures and uses of land which are listed as permitted uses and permitted conditional uses in the underlying zoning districts shall also be permitted uses or permitted conditional uses in the territory covered by the APO Zone if they meet the standards of both the APO Zone and the requirements of the underlying zone.

D. Existing Airports:

1. No building permit may be issued for any building or structure within an APO, Airport Overlay Zone of an existing airport that is operated by a governmental agency or airport authority without first obtaining the written approval and recommendations from the jurisdiction in charge of the airport. The governmental agency or airport authority must respond within 45 days from the date they are notified of the building permit application or the building permit may be issued if no response is received.

Exception: Any structure not considered a dwelling that contains less than 500 square

feet and is less than 20 feet in height as determined by the currently adopted construction codes of Utah County is exempt from this requirement.

- 2. Any use of the land within an APO, Airport Overlay Zone shall comply with all applicable requirements of Utah Code 72-10-403, as amended.

Part III:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk.

Part IV:

If any of the sections, sentences, clauses, or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part V:

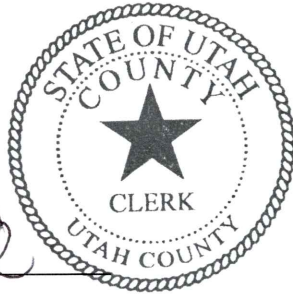
This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 12th day of July 2023.

UTAH COUNTY COMMISSION

	VOTE
_____ AMELIA POWERS GARDNER, CHAIR	yea
	
_____ BRANDON GORDON, VICE-CHAIR	yea
	
_____ THOMAS V. SAKIEVICH, COMMISSIONER	yea

ATTEST:
AARON R. DAVIDSON
Utah County Clerk



By: *Alice Black*
Deputy *Alice Black*

APPROVED AS TO FORM:
JEFFREY S. GRAY
Utah County Attorney

Approved

Disapproved

By: *Jeffrey S. Gray*
Deputy *Dale Eyre*

Date of Publication: Once only, as soon as possible