

WEST BOUNTIFUL CITY

ORDINANCE #496-24

AN ORDINANCE ENACTING TITLE 17.45 OF WEST BOUNTIFUL CITY CODE ADOPTING AN AIRPORT OVERLAY ZONE

WHEREAS, Utah Code 10-9a-10, also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and

WHEREAS, the West Bountiful City Council desires to be compliant with Utah Code 72-10-403, which mandates that cities located within an airport influence area adopt an airport overlay zone; and

WHEREAS, the West Bountiful City Council held a properly noticed public hearing on December 3rd, 2024, to consider the proposed overlay zone; and

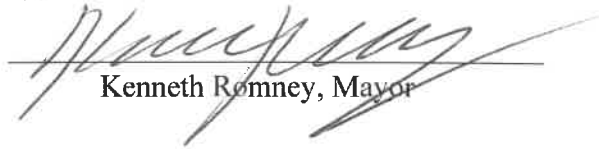
WHEREAS, the West Bountiful Planning Commission has recommended the approval of the Airport Overlay Zone.

NOW THEREFORE BE IT ORDAINED by the city council of West Bountiful that the WBMC Title 17.45 be enacted as shown in exhibit A.

This ordinance will become effective upon signing and posting.

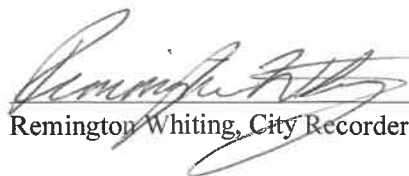
Adopted this December 3rd, 2024.

By:


Kenneth Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	—	—
Councilmember Butterfield	✓	—
Councilmember Enquist	✓	—
Councilmember Nielsen	✓	—
Councilmember Preece	✓	—

Attest:


Remington Whiting, City Recorder



NEW CODE CHAPTER

17.45 Airport Overlay Zone (NEW)

17.45.010 Creation and Purpose

17.45.020 Definitions

17.45.030 Airport Zoning Regulations

17.45.040 Conflicting Zoning Regulations

17.45.010 Creation and Purpose

There is hereby created within the city an airport overlay zone, as designated on the city's zoning map, as amended. Unless the zoning map provides otherwise, the airport overlay zone shall be coextensive with the airport influence area, as defined in this chapter. The purpose of the airport overlay zone is to prevent the creation or establishment of an airport hazard and to eliminate, remove, alter, mitigate, or mark and light existing airport hazards to promote the public health, safety, and general welfare.

17.45.020 Definitions

"Airport" means any publicly used area of land or water that is used, or intended to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of the public for these purposes.

"Airport hazard" means any structure, tree, object of natural growth, or use of land that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable airspace required for the flight of aircraft in landing or take-off at an airport.

"Airport influence area" means land located within 5,000 feet of an airport runway.

"Airport overlay zone" means a secondary zoning district designed to protect the public health, safety, and welfare near an airport that:

- (a) applies land use regulation in addition to the primary zoning district land use regulation of property used as an airport and property within an airport influence area;
- (b) may extend beyond the airport influence area;
- (c) ensures airport utility as a public asset;
- (d) protects property owner land values near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and
- (e) protects aircraft occupant safety through protection of navigable airspace.

"Avigation easement" means an easement permitting unimpeded aircraft flights over property subject to the easement and includes the right:

- (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 such overflight.

17.45.030 Airport Zoning Regulations

- A. 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 modified so as to become a greater hazard to air navigation than it was on the effective date hereof.
- B. The city shall have authority, through its police power, to abate as a public nuisance any airport hazard within the airport overlay zone.
- C. The city shall notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise.
- D. Any proposed development within an airport influence area is required to conform with 14 C.F. R Part 77 and, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, the person building or developing land may be required to grant or sell to the airport owner, at appraised fair market value, an aviation easement.

17.45.040 Conflicting Regulations

This chapter shall govern any conflicting regulation in the municipal code applicable to land within the airport overlay zone, and shall be subject in all cases to any conflicting federal or state regulation.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 496-24 was duly
passed and posted on the Utah Public Notice Website, the City Website,
and at West Bountiful City Hall on December, 4th, 2024.*



Remington Whiting, City Recorder

DATE: 12/04/24