

**CHAPTER 26  
PLANNING AND ZONING  
ARTICLE XIV. AIRPORT OVERLAY ZONING**

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**Section 26-XIV-1. Purpose and Findings.**

**(A) Purpose.**

It is the purpose of this Article to regulate and restrict the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Cedar City Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Cedar City Regional Airport Height Restriction and Compatible Land Use Overlay Zoning Maps which are incorporated in and made a part of this ordinance; and, providing for enforcement.

**(B) Findings.**

To assist communities in the appropriate land use and height restriction designations, the Federal Aviation Administration (FAA) has published two documents, FAR Part 77, Objects Affecting Navigable Airspace, and Advisory Circular (AC) 150/5300-13, Airport Design. This Article incorporates the guidelines set forth in these FAA documents. Based on this information the City finds:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Cedar City Regional Airport; and,
- (2) That the encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein below may endanger the health, safety, and welfare of the owners, occupants, or users of the land; and
- (3) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (4) That the Cedar City Regional Airport fulfills an essential community purpose.

## **SECTION 26-XIV-2. Definitions.**

**AIRPORT** - Cedar City Regional Airport.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 5622 feet MSL (NAD 83) as of the date of this ordinance.

**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 area height limitation slope set forth in Section 26-126 of this Ordinance.

**HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEIGHT** - For the purpose of determining the height limits in all areas set forth in this Ordinance and shown on the area map, the datum shall be mean sea level elevation unless otherwise specified.

**HELIPORT PRIMARY SURFACE** - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

**LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**NAD 83** - North American Datum 1983. All elevations in this ordinance are referenced to the 1983 North American Datum. To convert elevations referenced to the 1927 North American Datum (NAD 27) to the NAD 83 datum, add 3.5 feet to the NAD 27 elevation.

**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.

**OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 26-126 of this Ordinance.

**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.

**PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (G.P.S.). 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.

**PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 26-126 of this Ordinance. 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 an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

**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.

**TREE** - Any object of natural growth.

**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.

**VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures.

### **Section 26-XIV-3. Maps & Boundaries**

The boundaries of the Airport Compatible Land Use Overlay Zones are delineated upon the Airport Compatible Land Use Overlay Zoning Map. The boundaries of the Airport Height Restriction Areas are delineated upon the Cedar City Regional Airport Height Restriction Overlay Map. Said Maps are adopted by reference and made a part of this Chapter as fully as if the same were set forth herein in detail. Where uncertainty exists as to the boundaries of the

Airport Compatible Land Use Overlay Zones and/or the Airport Height Restriction Areas as shown on the official Maps, the following rules shall apply:

Boundaries shall be scaled from the nearest physical feature shown on the maps.

Boundaries may be scaled from the nearest platted lot line as shown on the maps.

Distances not specifically indicated on either of the original maps shall be determined by a scaled measurement.

Where physical features on the ground differ from the information shown on either of the Official Maps or when there arises a question as to how or where a parcel of property is located in relation to a Airport Compatible Land Use Zone or a Airport Height Restriction Area and such questions cannot be resolved by the application of the appropriate section of this Chapter, the property shall be considered to be classified as the most restrictive Airport Compatible Land Use Overlay Zone or Airport Height Restriction Area. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zone or Airport Height Restriction Area, the zone or area within which each portion of the property is located shall apply individually to each portion of the development.

#### **SECTION 26-XIV-4. Airport Height Limitations**

##### **(A) Airport Height Restriction Areas.**

In order to carry out the provisions of this Article, there are hereby created and established certain areas which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Cedar City Regional Airport. Such areas are shown on the Cedar City Regional Airport Height Restriction Overlay Map. Height restrictions shall be implemented according to FAR Part 77, Objects Affecting Navigable Airspace.

Precision Instrument Runway Approach Area - This area applies to Runway 20. The inner edge of this approach area coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of the approach area is the continuation of the centerline of the runway.

Visual Runway Approach Area (Larger Than Utility Aircraft) - This area applies to Runway 2. The inner edge of this approach area coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach area is a continuation of the centerline of the runway.

Visual Runway Approach Area (Utility Aircraft) - This area applies to Runways 8 and 26. The inner edge of this approach area coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach area is a continuation of the centerline of the runway.

Transitional Areas - The transitional areas are beneath the transitional surfaces.

Horizontal Areas - The horizontal area is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal area does not include the approach and transitional areas.

Conical Area - The conical area commences at the periphery of the horizontal area and extends outward therefrom a horizontal distance of 4,000 feet.

### **(B) Airport Height Limitations**

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any area created by this Ordinance to a height in excess of the applicable height limit herein established for such area. Such applicable height limitations are hereby established for each of the areas in question as shown on the Cedar City Regional Airport Height Restriction Overlay Zoning Map. When determined appropriate by the City, a person may be required to submit a *Notice of Proposed Construction or Alteration* to the FAA to address any height concerns.

Precision Instrument Runway Approach Surface - Slopes fifty (50) feet outward for each foot upward beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet. It continues on for a distance of 40,000 feet at a slope of forty (40) feet outward for each foot upward along the extended runway centerline.

Visual Runway Approach Surface - Slopes twenty (20) feet outward for each foot upward beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

Transitional Surface - Slope seven (7) feet outward for each foot upward beginning at the sides of, and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach area projects beyond the conical area, there are established height limits sloping seven (7) feet outward for each foot upward beginning

at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

Horizontal Surface - Established at 150 feet above the airport elevation or at a height of 5772 feet above mean sea level (MSL).

Conical Surface - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal area and at 150 feet above the airport elevation (5772 feet MSL) and extending to a height of 350 feet (5972 feet MSL) above the airport elevation.

## **SECTION 26-XIV-5. Compatible Land Use Regulations**

### **(A) Airport Compatible Land Use Overlay Zones Established**

For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the Controlled Area of Cedar City Regional Airport is divided into five (5) Airport Compatible Land Use Overlay Zones, and shall be known as:

Runway Protection Zone (RPZ) - This zone begins at the end of the primary surface of each runway. For Runways 20 and 2 the zone begins at a width of 1,000 feet and expands outward uniformly to a width of 1,725 feet at a horizontal distance of 2,450 feet from the primary surface. For Runways 26 and 8 the zone begins at a width of 500 feet and expands outward uniformly to a width of 700 feet at a horizontal distance of 1,000 feet from the primary surface.

Instrument Approach Zone (IAZ) - This zone applies to Runway 20 and begins at the end of the Runway Protection Zone. It is 1,000 feet wide and extends a horizontal distance of 7,350 feet. The centerline of the IAZ is a continuation of the centerline of the runway.

Approach Zone (AZ) - This zone applies to Runways 02/20 and 08/26. The Approach Zone for Runway 02/20 has a width of 3,750 and shares the Runway centerline. It begins 10,000 feet from primary surface of Runway 20 and extends toward Runway 02 to a distance of 4,900 feet beyond the primary surface of Runway 02. The Approach Zone for Runway 08/26 has a width of 2,000 feet and shares the Runway centerline. It begins at Interstate-15 and extends toward Runway 08 to a distance of 4,900 feet beyond the primary surface of Runway 08.

Traffic Pattern Zone (TPZ) - The Traffic Pattern Zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the Runway 02/20 and connecting the adjacent arcs by drawing lines tangent to those arcs. Excluded from this Zone is an area created by the following intersecting lines: parallel to Runway 02 centerline, a line east at a horizontal distance of 2,950 feet from the centerline; and, parallel to Runway 26 centerline, a line south at a horizontal distance of 2,950 feet from the centerline.

Airport Influence Zone (AIZ) - The Airport Influence Zone commences at the periphery of the Traffic Pattern Zone and extends outward therefrom a horizontal distance of 4,000 feet. It also includes the area excluded from the Traffic Pattern Zone described above.

**(B) Use of Land and Buildings.**

(1) Within the Airport Compatible Land Use Overlay Zones as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in this Chapter. Additionally, land uses not compatible with the Airport Compatible Land Use Overlay Zones, as set forth in the following land use table, regardless of the underlying zoning, are prohibited. Uses designated as “P” are permitted, those designated as “N” are not permitted.

	<u>AIZ</u>	<u>TPZ</u>	<u>AZ</u>	<u>IAZ</u>	<u>RPZ</u>
Residential - those uses identified in R-3-36 uses (sec. 26-15 (B)), mobile homes, hotels, motels	P	P	N*	N*	N
Churches, schools, hospitals, places of public assembly	P	P	N	N	N
Transportation, parking, cemeteries	P	P	P	P	N
General Commercial Uses	P	P	P	P	N
Industrial & Manufacturing Uses	P	P	P	P	N
Agricultural - Cropland, open space, livestock	P	P	P	P	N
Recreational - parks, playgrounds, golf courses, zoos	P	P	P	P	N
Outdoor spectator sports	P	P	P	P	N
Amphitheaters	P	N	N	N	N

\* Land within the Approach Zone which is north of 3000 North and/or east of Northfield road may have residential uses as long as they are no more dense than one dwelling/five acres and are located as far as practical away from the centerline extended of the runway.

(2) Where any prohibited use of land and buildings set forth in this Section conflicts with any use of land and buildings set forth in Article III of this Chapter, as an allowed use on the Zoning Map, the more restrictive regulation shall apply.

(3) Owners of property within the Approach Zone, prior to receiving a building permit, shall grant, an avigation easement to Cedar City Corporation. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or near Cedar City Regional Airport.

(4) Owners of property constructing new buildings or structures within the Approach Zone, where the public is received, office areas, noise sensitive areas, or where the normal noise level is low, or dwellings, shall incorporate measures to achieve at least 25 dB sound attenuation.

**(C) Additional Land Use Regulations.**

(1) On property within the Airport Compatible Land Use Overlay Zoning Map Jurisdiction, but outside the city limits of Cedar City, this Section shall apply to the property to establish the prohibited uses, but no other provisions of this Chapter shall apply to this property.

(2) Notwithstanding any other provisions of this Chapter or other Chapter of the Cedar City, Utah Municipal Code, no use may be made of land, water, or structures within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, or result in glare in the eyes of pilots using the Airport; impair visibility in the vicinity of the Airport; create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the Airport. The FAA documents; FAR Part 77, Objects Affecting Navigable Airspace and, Advisory Circular (AC) 150/5300-13, Airport Design, should be consulted.

(3) When a subdivision plat is required for any property within the Approach Zone, the property owner shall grant an avigation easement to the Cedar City Corporation over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near Cedar City Regional Airport.

**Section 26-XIV-6. Nonconforming Structures & Uses.**

**(A) Regulations Not Retroactive**

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations

as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

**(B) Marking and Lighting**

Notwithstanding the preceding provision 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 Cedar City Corporation to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Cedar City Regional Airport.