

## EXHIBIT A

### Airpark Mixed-Use Zone.

#### Section 10.11.260.1. Title

This zone is known as the “Airpark Mixed-Use Zone” or AMUZ.

#### Section 10.11.260.2. Legislative Findings, Purpose, and Intent.

A. The Town Council finds it is in the interest of the residents of Fairfield, and is the purpose of this zone, to:

1. Support aviation-related activities with mixed-use development in a manner that is compatible with the airport and the surrounding community.
2. Protect public health, safety, and welfare by reducing land use conflicts and safeguarding airport operations.
3. Ensureing property rights are recognized and respected.
4. Encourage aviation activity and related economic opportunities while maintaining the Town’s rural character.
5. Preserve the Town’s land-use authority role while recognizing the FAA’s jurisdiction over airspace.

**CB.** The intent of the Town Council that the provisions of this zone be interpreted to promote these purposes.

#### Section 10.11.260.3. Definitions.

The definitions provided in this section shall be specific to this section only. In the event of conflict between a definition in this section and a definition in other sections of the Town Code, the definition in this section shall prevail.

**AC.** An Advisory Circular issued by the FAA.

**Accessory Structure.** A subordinate building or structure on the same lot as a principal use, which is incidental and related to the principal building or use. Examples include utility

enclosures, maintenance sheds, or small storage buildings that are aviation related. No accessory dwelling units are permitted with~~in~~ the AMUZ.

**Aircraft Construction.** The fabrication, assembly or substantial modification of an aircraft or aircraft components, including airframes, avionics, and structural elements. The term includes testing and inspection activities incidental to existing aircraft.

**Aircraft (Manned).** Has the same meaning as defined in 14 C.F.R.1.1.

**Aircraft Parking.** Designated outdoor or indoor areas for the temporary or long term parking of small or ultralight aircraft, where aircraft are secured using tie-downs, chocks, or mooring systems.

**Aircraft, Small.** Has the same meaning as defined in 14 C.F.R.1.1.

**Aircraft (Unmanned) or Drone.** Has the same meaning defined in 14 C.F.R. 1.1.

**Airframe Repair and Painting.** The maintenance, restoration, or cosmetic finishing of aircraft fuselage, wings, stabilizers, and other structural components, including paint, coatings, and corrosion control.

**Airpark.** A ~~privately owned aviation-oriented development serving planned area designated to accommodate~~ aircraft ~~owned or operated by residents, tenants, or approved users of the development. An airpark is not open to the general public and does not function as an airport or regional aviation facility. ions such as a runway, taxiways, and hangars) with residential, commercial, or light industrial uses that support aircraft operations.~~

**Airpark Traffic Patterns and Altitudes.** Published procedures describing standard aircraft arrival and departure routes, pattern altitudes, and no-fly zones over sensitive areas.

**Airport.** For purposes of this Title, “Airport” means an aviation facility that:

1. Is approved by Fairfield Town for operation as a public-use airport; and
2. ~~,in addition to meeting~~Meets applicable federal definitions and requirements for an airport;

But does not include any aviation facility that:

- a. ~~provided that an airport does not include an airport that has received grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B (–Airport Development); or or that has~~
- b. Has “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1).

**Airport Emergency Plan.** A written emergency response and coordination plan approved by the Town addressing aircraft incidents, fire response, fuel spills, wildlife hazards, and public safety coordination.

**Airport Hazard Area.** Any area of land or water under the imaginary surfaces as defined in the airport overlay upon which an airport hazard might be established if not prevented as provided in these regulations.

**Airport Influence Area.** The term Airport Influence Area has the same meaning as the definition for Airport Influence Area found in Utah Code Title 72, Chapter 10, Part 4, the Airport Zoning Act, as amended. ~~geographic area associated with a Significant Airport within which compatibility between aviation operations and surrounding land uses must be addressed pursuant to Utah Code Title 72.~~

For purposes of this Title, compatibility within the Airport Influence Area shall be achieved through airport sponsor acquisition of necessary property interests, recorded aviation easements, RPZ control, or other lawful land-control mechanisms approved by the Town.

Nothing in this definition shall be construed to require Fairfield Town to regulate or restrict property outside the airport boundary on behalf of the airport sponsor.

**Airport Overlay Zone.** A secondary zoning district as may be adopted by the Town Council above and around an airport designed to protect the public health, safety, and welfare which protects property owner rights near an airport through compatible land use regulations as recommended by the Federal Aviation Administration; and protects aircraft occupant safety through protection of navigable airspace. Regulations imposed by the overlay zone are in addition to the primary zoning district land use regulation of property.

**Airport, Small.** An airport that has as a runway less than five thousand (5000) ft., less than ten thousand (10,000) operations per year, visual approaches only, and aircraft weighing no more than twelve thousand five hundred (12,500) pounds maximum certified takeoff weight.

**Air School.** Means the same as defined in Utah Code 72-10-102 (12).

**Air School, Private.** Means a for profit or a non profit air school.

**Air School, Public.** Means an air school operated by a public school district, university, or government agency.

**Airside Access.** Means security measures and protocols to regulate entry to areas of an airport where aircraft operations take place, including runways, taxiways, aprons, hangers, and boarding areas.

~~**ARC A-1/B-1.** Airport Reference Code classification of A-1 which classifies aircraft with an approach speed of less than 91 knots (104mph), and either a wingspan of less than 49 feet, or a tail height of less than 20 feet, whichever is most restrictive and B-1 which classifies aircraft with an approach speed of 91-120 knots (104-138mph), and either a wingspan of less than 49 feet or a tail height of less than 20 feet, whichever is most restrictive.~~

<p><b>A-I</b></p> 	<ul style="list-style-type: none"> <li>• Beech Baron 55</li> <li>• <b>Beech Bonanza</b></li> <li>• Cessna 150</li> <li>• Cessna 172</li> <li>• Cessna Citation Mustang</li> <li>• Eclipse 500</li> <li>• Piper Archer</li> <li>• Piper Seneca</li> </ul>
<p><b>B-I</b> <i>less than 12,500 lbs.</i></p> 	<ul style="list-style-type: none"> <li>• Beech Baron 58</li> <li>• Beech King Air 100</li> <li>• Cessna 402</li> <li>• <b>Cessna 421</b></li> <li>• Piper Navajo</li> <li>• Piper Cheyenne</li> <li>• Swearingen Metroliner</li> <li>• Cessna Citation I</li> </ul>

**Aviation Facility.** Means any land area, building, structure, or improvement used or intended to be used for the landing, takeoff, movement, storage, servicing, maintenance, fueling, or operation of aircraft. An aviation facility includes runways, taxiways, aprons, hangars, tie-down areas, terminal buildings, fuel farms, navigation aids, and any accessory uses necessary for the conduct of aviation activities.

**Aviation Operator.** Means any person, entity, partnership, corporation, or association that owns, leases, manages, or otherwise conducts aviation-related operations at an aviation facility, including but not limited to aircraft owners, flight schools, maintenance providers, charter services, and fixed-base operators (FBOs). An aviation operator is responsible for compliance with applicable federal, state, and local regulations governing aviation activity.

**Avigation Easement.** Means a legal right to access and permit unimpeded aircraft navigation and flights over property subject to the easement and includes the right to create or increase noise or other effects that may result from the lawful operation of aircraft; and it may provide for the removal or prevention of any obstruction to such overflight.

**Based Aircraft.** An aircraft that is regularly housed, stored, or maintained at the Aairpark\_or airport for the majority of a calendar year and for which the aAirpark/airport serves as the aircraft’s primary operating location. This includes aircraft kept in hangars, tie-downs, shelters, or other storage areas on the property.

An aircraft may be determined to be “based” by the Town through FAA records, reporting by the airport sponsor, lease agreements, observable presence, maintenance records, utility usage, or any other reasonably reliable evidence.

**Caretaker Dwelling.** A residential unit located on the same parcel as a non-residential use, intended for full-time occupancy by an individual or household responsible for the care, security, or operation of the primary use or facility. Caretaker dwellings are accessory in nature and must be directly related to the ongoing maintenance or oversight of the property.

**Cargo Service Airport.** Airport that is served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100 million pounds. "Landed weight" means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation.

**Conditional Use Permit (CUP).** A permit issued pursuant to Town Code 10.17 and consistent with Utah Code 10-20-506.

**Controlled Development Zone.** Restrictions on crops that attract birds, require buildings over two hundred (200) ft. in height to register with the FAA, control lighting up to the sky and limit residential development.

**Crew Rest Facility.** A designated area within an airpark/airport hangar used exclusively for short-term rest and recuperation by flight crew members between flight operations. A crew rest facility may include basic accommodations such as seating or sleeping areas, a restroom, and minimal kitchen amenities, but shall not be used or approved as a permanent residence. The facility must be accessory to and clearly subordinate to the primary aviation use of the hangar and may only be used by personnel directly associated with aircraft operations on site.

**Daytime Operations.** All aircraft activities and procedures, including takeoffs and landings, that occur between official sunrise and sunset, during periods when natural light provides sufficient visibility for safe operation without the use of runway lighting or navigational aids. These operations are limited to daylight hours and do not include night or low visibility operations.

**Engine Repair.** The inspection, overhaul, or servicing of aircraft engines or propulsion systems, including removal and installation, conducted in accordance with FAA-approved maintenance procedures.

**FAA.** Federal Aviation Administration of the United States Department of Transportation.

**Fuel Dispenser.** Fixed or mobile unit designed to transfer aviation fuel from a storage tank or fuel farm to an aircraft. A fuel dispenser includes pumps, hoses, nozzles, meters, filters, grounding systems, and associated safety equipment.

**Fuel Farm.** Centralized aviation fuel storage and distribution facility located within an airport or airpark, consisting of one or more aboveground or underground storage tanks, associated pumps, piping, filtration systems, spill containment, and safety equipment.

**Hangar.** Structure designed and constructed for the storage, shelter, and protection of aircraft. A hangar may also provide space for routine aircraft maintenance and operations as permitted.

**Hangar Home.** A dwelling unit integrated with an aircraft hangar located within an approved Airpark Zone where aircraft access is provided directly to the lot via taxiway.

**Hangar (Shell S-1).** Fully enclosed structure intended solely for the storage and protection of aircraft, without interior build-out for occupancy, offices, or non-aviation activities.

**Landside Access.** Security measures and protocols to regulate access to areas of an airport open to the public, including parking lots, administrative offices, industrial, and commercial spaces.

**Material Change.** Any modification that increases or alters the operational intensity, configuration, runway length, aircraft weight.

**NFPA.** National Fire Protection Association.

**Obstruction to Air Navigation.** Has the same meaning defined in FAA AC 150/5300-13B § 1.5(70).

**Office and Administrative Buildings.** Structures used for [airport](#)/airpark-related management or support operations, including business offices, tenant services, flight planning centers, or aviation service companies.

**Operations.** Aircraft activity at the airpark or airport, defined as either a takeoff or a landing. Each takeoff or landing counts as one (1) operation. Touch and go maneuvers, practice approaches, and stop and go landings are each counted as two (2) operations - one (1) landing and one (1) takeoff. Annual and daily operation totals are used to determine the level of activity and ensure compliance with any operational limits established by ordinance or FAA designation.

**Public-use.** The term “public-use” when used in connection with any airpark, airport, or Significant Airport means that the airpark, airport, or Significant Airport is available for use by the general public without a requirement for prior approval of the airpark, airport, or Significant Airport owner or operator.

**Regional Airport.** A commercial service airport handling short to medium range domestic or point to point flights without international service.

**Restaurant.** An establishment that prepares and serves meals and beverages to customers, with full kitchen facilities and seating for onsite dining.

**Runway.** Has the same meaning as defined in FAA AC 150/5300-13B § 1.5(79).

**Runway Protection Zone (RPZ).** A trapezoidal ground area at each runway end, beginning fifteen (15) feet from the runway, centered on the extended runway centerline, designed to enhance the protection of people and property on the ground.

**Runway Weight Limit.** Runway weight limits refer to the maximum allowable weight that an aircraft can have when taking off or landing on a specific runway, based on factors like the runway's structural strength and length.

**Short Term Rental.** Any property offered or used for lease or rent as transient housing for a term of less than thirty (30) days. ~~and shall not be allowed.~~

**Significant Airport.** For purposes of this Title, a "Significant Airport" means an airport that has more than twenty (20) based aircraft or otherwise meets the criteria for a "Significant Private Airport" established under Utah Code Title 72, Chapter 10, as amended. Classification as a Significant Airport under state law does not confer approval to operate as a public-use airport within Fairfield Town.

**Small Public-Use ~~Airport~~Airpark.** A public-use air~~park~~port approved by the Town that is limited to low-intensity aviation activity and meets all of the following criteria:

1. Runway Length. The runway does not exceed five thousand (5,000) feet in length.
2. Aircraft Weight. Operations are limited to aircraft with a maximum certificated takeoff weight of not more than twelve thousand five hundred (12,500) pounds.
3. Aircraft Type. Operations are limited to small, propeller-driven, fixed-wing aircraft. Jet aircraft, turbojet aircraft, and instrument-guided aircraft are prohibited.
4. Operations. Total aircraft operations do not exceed ten thousand (10,000) per calendar year.
5. Flight Conditions. Operations are conducted under visual flight rules (VFR) only and are limited to daytime operations. ~~with runway length not to exceed 5,000 feet in length, aircraft weight, and fewer than 10,000 operations annually.~~

**Special Events.** Temporary activities held on airpark or airport property, such as airshows, community gatherings, educational programs, or sales exhibitions.

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

**Tenant Improvement (TI).** Any alterations, upgrades, or modifications, interior finish work performed within a leased space by or on behalf of a tenant.

**Touch and Go.** Operation by an aircraft that lands and departs on a runway and immediately takes off again without coming to a full stop ~~to a full stop~~ or exiting the runway.

**Traffic Pattern.** Has the same meaning as defined in 14 C.F.R. § 1.1.

**Utility Runway.** Has the same meaning as defined in 14 C.F.R. § 77.3.

**Visual Flight Rules (VFR).** Has the same meaning as defined in 14 C.F.R. § 170.3.

**Section 10.11.260.4. Applicability and Compliance.**

A. Applicability. The provisions of this ordinance apply to the operation, maintenance, and use of any airpark, airport or airfield facilities located within the Airpark Mixed-Use Zone in the Town. Nothing in this ordinance shall be construed to regulate navigable airspace, which remains under the exclusive jurisdiction of the Federal Aviation Administration.

B. General Requirement. All persons subject to this ordinance shall comply with its provisions and with all applicable federal, state, and local laws, rules, and regulations, including zoning and land use approvals issued by the Town.

C. Responsibility. The operator, sponsor or other responsible party shall ensure that all facilities and activities remain consistent with this ordinance and the terms and conditions of any permits, licenses, or approvals issued by the Town and any other regulatory body, including the FAA and the State of Utah.

D. Inspections. The Town or its designee may conduct reasonable inspections of airpark, airport, or airfield facilities, and premises, and related improvements to verify compliance with this ordinance and applicable Town approvals.

E. Continuing Obligation. Compliance with this ordinance is a continuing obligation, and issuance of any permit, business license or approval under this ordinance does not relieve any person from complying with other applicable laws or regulations.

F. Significant Airport Designation. ~~Designation of a Significant Airport within the AMUZ is specifically prohibited, without a public hearing and an affirmative approval from the Town Council.~~

~~Prior to receiving a designation or request to be designated as a significant Airport, the Town shall be notified 60 days prior to any such request to permit a public hearing. Any airpark or airport meeting the definition of a Significant Airport under Utah Code Title 72 shall comply with the Airport Overlay Zone adopted by Fairfield Town pursuant to state law.~~

~~Public-use status shall not be granted or maintained unless the airport sponsor demonstrates compliance with all applicable overlay requirements, including land and airspace control provisions through appropriate aviation easements or land ownership over development-limited areas.~~

1. **Prohibition Absent Approval.** No airpark or airport within the Airpark Mixed-Use Zone may be designated or operate as a Significant Airport unless first approved by the Town Council following a duly noticed public hearing.

2. **Advance Notice to Town.** Any airport sponsor seeking designation as a Significant Airport under applicable state law shall provide written notice to the Town at least sixty (60) days prior to submitting such request to any state or federal agency. The Town may use this period to conduct a public hearing and evaluate potential land use, safety, or compatibility impacts.
3. **Compliance with Overlay Requirements.** Any airpark or airport that meets or exceeds the threshold for a Significant Airport under Utah Code Title 72 shall comply with all applicable requirements of the Town's Airport Overlay Zone, including land use compatibility, airspace protection, and hazard mitigation standards.
4. **Public-Use Condition.** Public-use status shall not be granted or maintained for any airport that qualifies as a Significant Airport unless the sponsor demonstrates ongoing compliance with all applicable overlay requirements and this Chapter.
5. **Land and Airspace Control.** As a condition of approval or continued operation as a Significant Airport, the sponsor shall demonstrate adequate control of land and airspace necessary for safe operations, including through fee ownership, recorded aviation easements, Runway Protection Zone (RPZ) control, or other lawful mechanisms acceptable to the Town.
6. **No Municipal Obligation.** Nothing in this Section shall be construed to require the Town to regulate, acquire, or restrict property outside the airport boundary on behalf of an airport sponsor.

#### **Section 10.11.260.5 Liability Insurance Requirements**

##### **A. Minimum Coverage Required.**

As a condition of public-use approval, the airport sponsor shall maintain commercial general liability insurance and aviation liability insurance in amounts not less than:

1. \$5,000,000 per occurrence for bodily injury and property damage combined single limit; and
2. \$10,000,000 aggregate coverage per policy year.

##### **B. Additional Insured.**

Fairfield Town shall be named as an additional insured on all required liability policies.

##### **C. Proof of Coverage.**

A certificate of insurance shall be submitted to the Town prior to issuance or continuation of public-use approval and annually thereafter.

##### **D. Cancellation Notice.**

Policies shall require not less than thirty (30) days written notice to the Town prior to cancellation, non-renewal, or material modification.

E. Failure to Maintain Coverage.

Failure to maintain required insurance shall constitute grounds for suspension or revocation of public-use approval.

The airport sponsor shall indemnify and hold harmless Fairfield Town from claims arising out of airport operations.

**Section 10.11.260.65. Uses Allowed in the Airpark ~~mixed~~ Mixed-Use Zone.**

Only the uses expressly listed in this ordinance (see Table 1 below) are allowed within the ~~aviation facility~~ **Airpark Mixed-Use Zone**. Any use not specifically identified or authorized herein is expressly prohibited. No ~~use or~~ structure shall be permitted without obtaining a building permit ~~or tenant improvement~~. All uses shall comply with the International Building Code (IBC) occupancy classifications, with a default classification of S-1 for hangars unless otherwise approved through a building permit or TI permit. All special uses shall comply with Town Code § 10.16., and all conditional uses shall comply with Town Code § 10.17.

**Table 1**

Uses	Permitted	Special use	Conditional use	Expressly prohibited
Accessory structure			X	
Accessory Dwelling Units – Internal & External				X
Air Taxis				X
Autonomous or remote Drone Delivery Services				X
Public Use <del>---</del> Airpark			X	

Public Use <del>—</del> Airport			X	<u>X</u>
Aircraft construction		X		
Aircraft parking and tie-downs	X			
Airframe repair/painting		X		
Caretaker dwelling			X	
Crew rest facilities			X	
Engine Repair		X		
Fuel farm and fuel dispenser		X		
Office and administrative buildings	X			
Private air school/Flight School <sup>1</sup>		X		
<u>Public air school/Flight School</u>				<u>X</u>
Restaurant/ <del>cafe</del> café			X	
Service and sales		X		
Shell hangars		X		
Special events		X		
Aircraft museum			X	

<sup>1</sup> No more than 1 (one) flight school/private air school shall be allowed in the AMUZ.

Regional Airport				X
<u>Airport that has received grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B- Airport Development or that has “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1).</u>				<u>X</u>
Roto Craft Operation				X
<u>Instrument-Guided Aircraft, Jet Aircraft, Turbo-jet Aircraft, or Similar Types of Aircraft</u>				<u>X</u>
<u>Instrument-Guided Approaches</u>				<u>X</u>
Gyro Copter				X
Cargo Service Airport				X
Commercial passenger/cargo operations – drone or otherwise				X
Air traffic control tower				X
Sewage plant				X
Short term rental				X
<u>Significant Airport</u>				<u>X</u>
<u>Operations Under 14 CFR Parts 121 &amp; 135</u>				<u>X</u>

## Section 10.11.260.76. Development Approval.

A. Master Plan Required. All development within the AMUZ shall require submission of a master plan for review by the Planning Commission and approval by the Town Council.

1. The master plan review shall include, but not be limited to, architectural design and theme, building materials lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and man-made hazards.

2. ~~—2.~~ The master plan shall cover at least 15 acres all development in the AMUZ and shall establish where residential and nonresidential uses will be located. The master plan ~~should~~ shall create natural buffering through the location of compatible uses and ~~should~~ shall include the following elements:

- a. Building orientation, size, and type;
- b. A land use plan that determines where residential, commercial, and other uses will be located;
- c. Identification of buffering, screening, or distance used to mitigate possible noncompatible uses;
- d. Parking areas and vehicle access to the site;
- e. Engineered requirements, including grading, drainage, sewer, and other utilities;
- f. Airport operation layout (runway, taxiways, aprons, fueling stations, maintenance areas, parking);
- g. Site Layout, dimensions, and names of existing and future road rights-of-way;
- h. Transportation circulation plan for aircraft, vehicles, and pedestrians;
- i. Utility plan showing all existing and proposed utilities, including, but not limited to, sewer/septic, culinary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, minimum fire flow required by the building code for the proposed structures (and fire flow calculations at all hydrant locations), location and dimensions of all utility easements, and a will-serve letter from each utility provider, other than the Town, addressing the feasibility and their requirements to serve the project.;
- j. Airport emergency plan following FAA AC150/5200-31C;
- k. List of known or identified hazards or obstructions to air navigation;
- l. Environmental study;
- m. Compliance with Town soil ordinance;

n. Utilities: must comply with water standards (Town Code § 6.1), wastewater and stormwater design, and wildlife hazard avoidance;

p. Proof of ownership or restrictive easements for all land located within the RPZ, any required approach surfaces prior to approval and CFR 14 part 77 surfaces; and

q. An airport layout plan (ALP) that matches the proposed development and is consistent with ~~the~~ the approved size and intensity of aviation classification.

#### B. Phasing of Development.

1. Any mixed-use development proposed to be constructed in phases shall include the full details relating thereto, including a projected time schedule for the completion of each phase. For all mixed-use projects, required open space shall be completed according to a phasing plan approved with the mixed-use development; and

2. Each phase ~~of aa~~-development must comply with ~~the Town's water regulations.~~ ~~Including, including~~ submitting a change application with the required water shares, as determined by the Town Engineer and State Engineer, ~~to the State before receiving final approval of a phase (or plat) of the development.~~

### Section 10.11.260.87. Development Standards.

#### A. General Standards.

##### 1. Land Use Allocation:

a. No more than 27 one acre lots for residential ~~uses are~~ shall be permitted within the AMUZ;

b. A minimum of 30% of the total developable land area shall be preserved as open space. In calculating required open space, roads, driveways, parking areas, runways, taxiways, aprons, and other areas used primarily for vehicle or aircraft circulation shall be excluded; and

c. Remaining land in the airpark may be developed for industrial, commercial with aviation related uses consistent with the purposes of the zone.

2. Restrictive Covenants and HOA. ~~Development-Residential development~~ in the AMUZ shall have a homeowner's association and restrictive covenants that comply with the regulations in the AMUZ and ~~the~~ 14 C.F.R. Part 77;

3. Prohibited Structures. No building, structure, or other vertical obstruction shall be constructed ~~or maintained~~ within the navigable airspace defined in 14 C.F.R. Part 77 nor within

the RPZ, except as otherwise permitted by the Federal Aviation Administration and approved by the Town Council;

4. Roads. All development within the AMUZ shall be served by direct access to a public road constructed to Light Industrial west APWA standards; and

5. Other Regulations. All development must meet any other applicable Town regulations, such as the Town's roadway standards, water requirements, building code, etc.

6. Airport operations must comply with this Chapter. Any proposed changes to status or development within the airpark mixed-use zone must be in compliance with this ordinance and shall require have prior approval of the town council.

#### B. Airport Standards.

1. Runway. One runway is permitted with the following restrictions:

a. The runway shall not ~~to~~ exceed five thousand (5,000) ft. in length; and shall be constructed to standards consistent with serving small propeller driven aircraft with at the total gross weight of twelve thousand five hundred (12,500) pounds or less;

b. Based Aircraft. No more than twenty (20) small, propeller-driven, fixed-wing aircraft with a maximum certificated takeoff weight of twelve thousand five hundred (12,500) pounds or less shall be based at the Aviation Facility, consistent with the airpark's or airport's runway weight-bearing capacity and Utility Runway classification under FAA Advisory Circular 150/5320-6G.

The airport sponsor shall submit an annual written certification to the Town identifying the number of based aircraft. The Town may request supporting documentation reasonably necessary to verify the certification.

~~Failure to submit the required annual certification or Exceeding twenty (20) based aircraft shall constitute Significant Airport classification under this Title and shall require compliance with the Airport Overlay Zone and all associated land and airspace control requirements prior to continuation of operations at that level. a violation for the Airpark Mixed-Use Zone.~~

~~Failure to submit the required annual certification shall constitute a violation of this ordinance.~~

c. All runway, taxiway, and aircraft movement areas shall be designed and constructed in compliance with FAA Advisory Circular 150/530013B [Airport Design] – Change 1 (August 16, 2024), including all data current as of April 3, 2025.”and 14 CFR Part 77; and FAA Advisory Circular 150/5320-6G (Airport Pavement Design and Evaluation), including all data current as of April 3, 2025, and 14 CFR Part 77;

d. Allowed Runway weight limit. The runway shall be constructed and maintained to operate as a utility runway to serve aircraft not to exceed a total gross weight of twelve

thousand five hundred (12,500) pounds, appropriate for a Utility Runway, as defined by FAA Advisory Circular 150/5320-6G. Utility Runways are intended to serve small propeller driven aircraft and are not designed for use by heavier aircraft or those with dual-wheel or tandem gear configurations;

e. The airport shall have security gates and security fencing around the perimeter of the runway. Fencing shall comply with FAA wildlife hazard and security guidelines;

f. Runway lights of any type are prohibited;

g. The runway shall be limited to a visual runway with no runway lighting;

h. Runway Protection Zone (RPZ) Standards shall comply with FAA AC 150/5300-13B (Airport Design) and FAA AC 150/5320-6G (Airport Pavement Design). The RPZ's purpose is to protect people and property on the ground by keeping these areas free of objects and activities. The airport ~~sponsor~~ or airpark sponsor/operator shall control the entire RPZ through fee-simple ownership, if ownership is not feasible, by obtaining recorded restrictive easements sufficient to prevent incompatible land uses, consistent with FAA AC 150/5190-4B (Land Use Compatibility). Fairfield Town shall not be responsible for acquiring, maintaining, or enforcing RPZ ownership or easements ~~;~~ and

## 2. Flight operations.

a. As a condition of operating within AMUZ, an airpark~~ort~~ shall adopt and implement policies to discourage touch-and-go operations and to promote flight patterns and operational practices that minimize disturbance to Town residents. Such policies shall be incorporated into airpark~~ort~~ management documents, published for airpark~~ort~~ users, and made available to the Town upon request;

b. Follow Visual Flight Rule (VFR) operations only; daytime operations only; from sunrise to sunset, as determined by the National Weather Service;

c. Operational Limits.

The airport sponsor may permit, schedule, or accommodate:

i. Fewer than ten thousand (10,000) aircraft operations per calendar year.

For purposes of this section, an "operation" means a takeoff or landing. A touch-and-go maneuver constitutes two (2) operations.

The airport sponsor shall maintain accurate records of daily and annual operations and shall provide such records to the Town upon request.

The Town may verify operations through reasonable monitoring methods, including but not limited to visual observation, automated counting systems, or video documentation.

Exceeding the ~~daily or~~ annual operation limit shall constitute a violation of this ordinance.

d. Excess Operations.

Each aircraft operation in excess of ~~the daily or annual limit~~ shall constitute a separate violation.

The Town may assess a civil fine of not less than \$500 per excess operation. Repeated violations may constitute grounds for suspension or revocation of a business license and/or public-use approval.

e. 14 CFR FAA Part 135 commuter or on-demand commercial operations are strictly prohibited except for emergency aircraft.

f. No airpark, airport, or airfield within the AMUZ shall allow the use or land of instrument-guided aircraft, jet aircraft, turbojet aircraft, or similar types of aircraft, all of which are prohibited in the AMUZ. Public airports receiving grants under 49 U.S.C., Subtitle VII, Chapter 471, Part B- Airport Development or that have “regularly scheduled flights of aircraft” within the meaning of 49 U.S.C. § 44718(d)(1) are prohibited in the AMUZ.

C. Industrial and Commercial Standards. All industrial and commercial development must meet the requirements and standards of the Light Industrial West Zone.

D. Residential Standards. Single family Residential hangar homes are allowed in a portion of the airpark/airport. This zone must be outside the Limited Safety Zone of the runway and not used for light industrial use. The following requirement shall apply:

1. One (1) acre lots minimum not including the roadway;
2. Each lot s~~h~~all have no more than one hangar with private access to taxi way;
3. There shall be a 250 foot no development zone on either side of the runway measured from the center line of the runway to the closest property line of any residential lot.
4. Shall not exceed twenty seven (27), one (1) acre lots plus one (1) lot for a clubhouse; and
5. All residential development must meet the requirements, standards and building requirements of the AR-1 Zone with exterior roads meeting adjacent zone road requirements.

**Section 10.11.260.98. Air Traffic Pattern & Noise Abatement.**

A. Flight Pattern Standards. Air traffic patterns shall avoid overflight of residential dwellings, yards, pastures, or other private property within Fairfield, except in the event of an in-flight

emergency. Flight patterns shall be consistent with FAA AC 90-66B (Non-Towered Airport Flight Operations) and FAA AC 150/5300-13B (Airport Design) and must be:

1. Documented in FAA Chart Supplements and any other applicable FAA publications;
2. Published and kept current on the airpark website; and
3. Supported by appropriate visual indicators (segmented circles, runway markings, signage) designating traffic direction and preferred approaches.

B. Operational Requirements:

1. Runway Use. Runway 17 shall be the preferred runway for takeoff and landing;
2. Northbound Departures. Departing aircraft shall turn to avoid residential areas of Fairfield as soon as safely practicable;
3. No-Overflight Rule. Aircraft shall not overfly residential properties within Fairfield except during an emergency;
4. A violation of the No-Overflight Rule constitutes a nuisance when:
  - a. The same property is overflowed more than three (3) times in any thirty-minute period;
  - b. Overflights are repetitive or consecutive in a manner reasonably perceived as circling or loitering; or
  - c. Overflights occur at such altitude or proximity that they substantially interfere with the quiet enjoyment of the property; and
5. Pre-Flight Responsibility. All aircraft operators shall check applicable NOTAMs and published chart supplements before operating in the airpark traffic pattern.

**Section 10.11.260.109. Hazard Notifications and Wildlife Hazard Management.**

A. General Hazard Notification.

Any public-use airport ~~or Significant Airport~~ operating within Fairfield Town shall identify, disclose, and evaluate known hazards affecting aircraft operations, including but not limited to nearby landfills, wastewater treatment facilities, agricultural operations, wildlife attractants, terrain, obstructions, and incompatible land uses.

The airport sponsor shall notify the Federal Aviation Administration (FAA), UDOT Division of Aeronautics, and AirNav of such hazards as required by applicable federal and state regulations.

B. Wildlife Hazard Assessment (WHA).

Prior to approval or continuation of public-use status, ~~and upon classification as a Significant Airport,~~ the airport sponsor shall conduct a Wildlife Hazard Assessment (WHA) consistent with FAA Advisory Circular 150/5200-33C (Hazardous Wildlife Attractants on or Near Airports), or its successor guidance.

The WHA shall specifically evaluate:

1. The municipal landfill located within Fairfield Town limits;
2. The C&D/North Pointe landfill located adjacent to the runway alignment;
3. The proximity of such facilities to runway ends, centerlines, and traffic patterns;
4. Bird species presence, migration patterns, and strike history;
5. The movement of seagulls and other wildlife between landfill sites;
6. The nesting locations of eagles (golden & bald) and any other migratory birds protected by Federal law in and around the creek running through Fairfield; and
67. Any other wildlife attractants within the Airport Influence Area.

A copy of the completed WHA shall be submitted to the Town and to any landowners mentioned or discussed in the WHA. The sponsor shall give any such landowners a reasonable opportunity to comment on the WHA and the sponsor's proposed Wildlife Hazard Management Plan/WHMP.

C. Wildlife Hazard Management Plan (WHMP).

If the WHA identifies conditions consistent with a significant wildlife strike risk as described in FAA AC 150/5200-33C, the airport sponsor shall prepare and implement a Wildlife Hazard Management Plan (WHMP).

The WHMP shall:

1. Identify mitigation measures to reduce wildlife hazards;
2. Include proof of the sponsor/operator delivery of the WHA to any landowners mentioned or discussed in the WHA with a summary of the sponsor/operator coordination efforts with ~~landfill operators~~ any such landowners and other attractant sources;
3. Establish monitoring and reporting procedures;
4. Include operational practices designed to reduce aircraft-wildlife conflict;

5. Be reviewed annually and updated as conditions change.

A copy of the completed WHMP shall be submitted to the Town and to any landowners mentioned or discussed in the WHMP. The Town shall give any such landowners a reasonable opportunity to comment on the WHMP prior to the Town's approval of public-use status or continuation of public-use status of the airport.

Implementation of the WHMP shall be a condition of continued public-use approval.

Nothing in this section shall be construed as creating a duty upon Fairfield Town or surrounding landowners to ensure aviation safety, conduct wildlife management, or guarantee compatibility between airport operations and surrounding land uses.

D. Coordination With Landfill Operators.

The airport sponsor shall document coordination efforts with operators of nearby landfill facilities regarding wildlife mitigation measures. Nothing in this section shall impose operational obligations upon landfill operators; responsibility for aviation safety mitigation rests with the airport sponsor. Nothing in this title shall be construed to require landfill operators to reduce, alter, adjust, modify, or cease existing operations to accommodate any airport, airpark, or significant airport, public-use status, or aviation activity.

E. FAA Notification and Documentation.

All required FAA Form 7460-1 obstruction evaluations, wildlife hazard documentation, and related safety filings shall be submitted to the Town within thirty (30) days of filing with the FAA.

Material omission or misrepresentation of known hazards shall constitute grounds for suspension or revocation of public-use approval.

**Section 10.11.260.10-11 - PUBLIC USE AIRPARK/AIRPORT - CONDITIONAL USE PERMIT REQUIRED**

A. Conditional Use Permit Required:

A Public-Use Airpark/Small Public-Use Airport may be established, ~~or~~ operated, or expanded only upon issuance of a Conditional Use Permit (CUP) approved by the Town Council following:

1. Review and recommendation by the Planning Commission; and
2. A duly noticed public hearing.

~~For purposes of this subsection “expanded” shall include any increase or modification to an approved runway, including its length or configuration; any increase or change in approved aircraft types or based aircraft; and any other material change to airport operations, including changes to hours of operation, lighting, or operational intensity., but not be limited to, any future increase or change in the size or length of an approved runway; a change in approved aircraft or based aircraft count; any material change such as a change in approved operations, hours, or lighting, etc.~~

B. Notice of the Planning Commission public hearing: on the CUP application shall be mailed to all adjoining property owners, any landowners mentioned or discussed in a WHA or WHMP, and any landfills located within the Town. Proof of notice shall be presented at the Planning Commission hearing.

C. Application Requirements:

Applications for a Public-Use Airpark or Public-Use Airport Conditional Use Permit shall include:

1. ~~1.~~ A detailed master site plan identifying:
  - a. Runway configuration
  - b. Taxiways and taxi lanes
  - c.
  - d. Runway safety areas
  - e.
  - f. Hangar home lots
  - g.
  - h. Aircraft parking areas
2. ~~2.~~ A description of anticipated airpark or airport operations including:
  - a. Aircraft types expected
  - b.
  - c. Estimated annual aircraft operations
  - d. Whether airport operations will implicate 49 U.S.C. Section 44718
3. Documentation demonstrating property ownership or aviation /avigation easements required for safe airport operations.
4. An airspace safety evaluation demonstrating compliance with applicable federal aviation standards.
5. Identification of aviation hazards.
6. A septic feasibility study where sewer service is unavailable.

7. Any additional information reasonably necessary for evaluating the proposed use.

#### D. Approval Standards

1. The Town Council may approve a Public-Use Airpark or Public-Use Airport Conditional Use Permit if it determines that reasonably anticipated detrimental effects of the proposed use can be mitigated through reasonable conditions.

2. In evaluating the application, the Town Council may consider:

- Public safety
- Compatibility with surrounding land uses
- Airspace protection
- Noise and overflight impacts
- Environmental and infrastructure considerations

#### E. Conditions of Approval

1. The Town Council may impose conditions necessary to mitigate anticipated impacts of airpark or airport operations.

a. Conditions may must include the but are not limited to the following, but may also include other conditions necessary to mitigate reasonably anticipated detrimental effects:

i. FAA Airspace Evaluation: The airpark/airport operator shall obtain an airspace evaluation from the Federal Aviation Administration demonstrating compliance with federal aviation safety standards.

ii. Property Control: The airpark/airport operator shall demonstrate adequate property control through ownership or aviation easements over areas necessary for airport operations.

iii. Hazard Identification: Known aviation hazards shall be identified and reported where required.

iv. Airspace Protection: Airpark/Aairport development and surrounding structures shall comply with airspace protection standards established in 14 CFR Part 77.

v. Wildlife Hazard Mitigation: Airpark/aairport operations shall comply with applicable FAA wildlife hazard mitigation guidance.

vi. Recognition of Existing Development: Airpark/aairport planning shall acknowledge pre-existing conditional use permits and surrounding approved developments including:

- IRL Landfill
- North Pointe Landfill
- Fairfield Industrial Park

vii. Operational Limitations: Airpark/airport operations shall be limited to fewer than 10,000 aircraft operations annually, ~~unless modified through future Town approval.~~

viii. Liability Insurance: The airpark/airport operator shall maintain aviation liability insurance acceptable to the Town and shall name the Town as an additional insured.

A. Proof of insurance shall be provided annually.

ix. Septic Feasibility: Where sewer service is unavailable, development shall demonstrate adequate septic capacity through a feasibility study approved by the applicable health authority.

F. Residential Compatibility Standards: To protect surrounding residential neighborhoods while allowing aviation-oriented development within the airpark/airport, the following standards shall apply.

1. Residential Uses Outside the Airpark Zone: Residential dwellings located outside the ~~approved~~ Airpark Mixed-Use Zone shall not be located within 1,250 feet of the runway centerline, unless the Town Council determines through conditional use review that impacts to residential uses have been adequately mitigated.

a. This standard is intended to reduce potential conflicts relating to aircraft noise, safety concerns, and low-altitude overflight.

2. Hangar Homes Within the Airpark Zone: Hangar homes located within an approved Airpark Zone may be located closer to the runway centerline provided that:

a. The structure is located outside the Runway Object Free Area and Runway Safety Area.

b. The structure complies with all applicable airport design and safety standards.

c. Direct aircraft access to the runway is provided through approved taxiways.

3. Hangar homes shall be considered aviation-compatible residential uses due to their integration with airport operations.

G. Avigation Easements and Airpark/Airport Disclosure

1. Avigation Easements: The airpark/airport operator shall obtain and record avigation easements where necessary to protect airpark/airport operations.

a. Such easements may include rights related to:

- i. Aircraft overflight
- ii. Aviation noise and vibration
- iii. Height restrictions
- iv. Restrictions on hazardous land uses

2. Hangar Home Disclosure: All lots located within the Airpark Zone shall record an Airport Living Disclosure stating that:

- Aircraft operations are expected.
- Aviation noise and overflight will occur.
- Airport operations are integral to the use of the property.

3. Airport Influence Area Disclosure: Properties located within the Airport Influence Area outside the Airpark Mixed-Use Zone shall include a recorded notice informing purchasers of potential aircraft overflight and aviation noise.

4. Noise Mitigation and Operational Procedures: The airpark/airport operator shall encourage operational practices that minimize noise impacts to surrounding residential areas where practicable and consistent with aviation safety. Recommended operational procedures may be published through publicly accessible means.

Nothing in this ordinance shall regulate aircraft in flight in a manner inconsistent with federal aviation authority exercised by the Federal Aviation Administration.

H. Frontage Access to in the interior of the Airpark. All dwellings, hangars, commercial establishments, or other facilities occupied by humans shall gain access from an official public state, county, or town road which has been paved under the direction of the unit of government having jurisdiction.

I. Enforcement and Continuing Jurisdiction: The Town retains continuing jurisdiction to ensure compliance with the conditions of any Conditional Use Permit issued under this ordinance. Failure to comply with conditions may result in enforcement actions including suspension or revocation of the Conditional Use Permit.

**Section 10.11.260.1112. Easements and Property Control Requirements.**

A. Any public-use ~~airpark~~ or public-use airport located within Fairfield Town limits shall conform to the requirements of this chapter and 14 C.F.R. Part 77; and Utah Code 72-10- 403. (Airport Zoning Act) ~~and FAA AC 150/5300-13B.~~

B. Approvals. FAA airspace determinations or approvals do not constitute Town approval. Town review and approval are required for all runway extensions, configuration changes, and operational modifications; and

C. Accuracy of Submittals. FAA and Town submittals must reflect accurate, current on-the-ground conditions, including terrain, landfill heights and proximity to any other hazards, obstructions, and land uses. Any material misrepresentation shall be grounds for immediate denial, suspension, or revocation of Town permits and may trigger legal enforcement.

#### **10.11.260.12-13 Land and Airspace Control Requirements for ~~Significant or~~ Public-Use Airports**

A. Precondition to Public-Use Approval.

No airpark airport shall be approved or operated as a public-use airpark or airport within Fairfield Town unless the sponsor demonstrates legal control of all land and airspace necessary to safely accommodate the approved runway length, aircraft weight classification, and operational intensity.

B. Required Property Interests.

Prior to approval or continuation of public-use status, the airpark/airport sponsor shall obtain and record:

1. Fee ownership or recorded restrictive easements/avigation easements over all land within each Runway Protection Zone (RPZ);

2. Recorded avigation easements sufficient to protect all applicable 14 C.F.R. Part 77 surfaces;

3. Property interests sufficient to prevent incompatible land uses within required approach surfaces and safety areas associated with the approved runway length.

C. Containment Requirement.

All RPZs, safety areas, and required restricted-use areas shall be fully contained within property owned or legally controlled by the airpark/airport sponsor.

D. Runway Adjustment Requirement.

If required land control cannot be achieved, the runway length or operational classification shall be reduced to a configuration that allows full containment within controlled property.

E. No Municipal Acquisition Obligation.

Fairfield Town shall have no obligation to acquire land, purchase easements, regulate adjacent properties, or otherwise secure compatibility on behalf of the airpark/airport sponsor.

F. Ongoing Compliance.

Loss of required property control shall constitute grounds for suspension or revocation of public-use status.

**10.11.260.14. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held to be invalid, unconstitutional, or preempted by federal or state law by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more portions may be declared invalid or unenforceable.

To the extent that any provision of this ordinance may be interpreted as regulating matters within the exclusive jurisdiction of the Federal Aviation Administration, including but not limited to the management of navigable airspace or aircraft in flight, such provision shall be interpreted and applied only to the maximum extent permitted under applicable law and consistent with the Town's land use authority under Utah Code Title 10 Chapter 20.

The provisions of this ordinance are intended to regulate land use, development, and ground-based facilities within the jurisdiction of Fairfield Town. If any portion of this ordinance is determined to exceed the Town's lawful authority, the remaining provisions shall remain in full force and effect.

**10.11.260.1315. Penalties.**

A. Criminal Violation. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this zoning code, or who knowingly permits or assists another in doing so, shall be deemed guilty of a class C. misdemeanor.

B. Civil Remedy. The municipality may pursue civil remedies, including fines, injunctions, abatement, or other equitable relief permitted under the Town's administrative code. The Town's enforcement officer is authorized to enforce this zoning code by issuing notice of violation, stop work orders, or other administrative actions, including recommending permit revocation when necessary.

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