

Airport Land Use Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor:

LONG TITLE

General Description:

This bill amends definitions related to airports to include flight parks.

Highlighted Provisions:

This bill:

- ▶ amends definitions of "airport," and "airport influence area," and defines "flight park" to ensure that a flight park receives similar treatment as other airports with regard to airport influence areas, airport overlay zones, and aviation easements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-10-401, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

72-10-403, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-10-401** is amended to read:

72-10-401 . Definitions.

As used in this part:

(1)(a) "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.

(b) "Airport" includes a vertiport if the vertiport is open for public use.

(c) "Airport" includes a flight park.

(2) "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

31 navigable airspace required for the flight of aircraft in landing or take-off at an airport.

32 (3) "Airport influence area" means land located:

33 (a) within 5,000 feet of an airport runway;[~~or~~]

34 (b) within 500 feet of a vertiport that is open for public use~~;~~ ; or

35 (c) within 1,000 feet of the boundary of a flight park.

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

38 (a) applies land use regulation in addition to the primary zoning district land use

39 regulation of property used as an airport and property within an airport influence area;

40 (b) may extend beyond the airport influence area;

41 (c) ensures airport utility as a public asset;

42 (d) protects property owner land values near an airport through compatible land use

43 regulations as recommended by the Federal Aviation Administration; and

44 (e) protects aircraft occupant safety through protection of navigable airspace.

45 (5) "Avigation easement" means an easement permitting unimpeded aircraft flights over
46 property subject to the easement and includes the right:

47 (a) to create or increase noise or other effects that may result from the lawful operation
48 of aircraft; and

49 (b) to prohibit or remove any obstruction to such overflight.

50 (6) "Flight park" means an area:

51 (a) used primarily for the landing and take-off of a hang glider, para glider, or similar
52 nonmotorized aircraft;

53 (b) recognized by the Federal Aviation Administration as an airport; and

54 (c) owned by the state or a political subdivision of the state.

55 [~~(6)~~] (7) "Land use regulation" means the same as that term is defined in Sections 10-20-102
56 and 17-79-102.

57 [~~(7)~~] (8) "Political subdivision" means any municipality, city, town, or county.

58 [~~(8)~~] (9) "Structure" means any object constructed or installed by man, including buildings,
59 towers, smokestacks, and overhead transmission lines.

60 [~~(9)~~] (10) "Tree" means any object of natural growth.

61 Section 2. Section **72-10-403** is amended to read:

62 **72-10-403 . Airport zoning regulations.**

63 (1) Flight of aircraft over the lands and waters of the state is lawful, unless:

64 (a) at such a low altitude as to interfere with the existing use to which the owner has put

the land, water, or the airspace over the land or water; or

(b) so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(2) In order to prevent the creation or establishment of airport hazards, each political subdivision located within an airport influence area, shall adopt, administer, and enforce land use regulations for the airport influence area, including an airport overlay zone, under the police power and in the manner and upon the conditions prescribed:

- (a) in this part;
- (b) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; and
- (c) Title 17, Chapter 79, County Land Use, Development, and Management Act.

(3)(a) Each political subdivision located within an airport influence area shall notify a person building on or developing land in an airport influence area, in writing, of aircraft overflights and associated noise.

(b) To promote the safe and efficient operation of the airport, a political subdivision located within an airport influence area:

- (i) shall:
 - (A) adopt an airport overlay zone conforming to the requirements of this chapter and 14 C.F.R. Part 77; and
 - (B) require any proposed development within an airport influence area to conform with 14 C.F.R. Part 77; and
- (ii) may, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require a person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement.

(4) If a political subdivision located within an airport influence area related to an airport other than a flight park fails to adopt an airport overlay zone by December 31, 2024, then the following requirements shall apply in an airport influence area:

- (a) each political subdivision located within an airport influence area shall notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise;
- (b) as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an aviation easement; and

99 (c) require a person building or developing land within an airport influence area conform
100 to the requirements of this chapter and 14 C.F.R. Part 77.

101 (5) If a political subdivision located within an airport influence area related to a flight park
102 fails to adopt an airport overlay zone by December 31, 2026, then the following
103 requirements shall apply in an airport influence area:

104 (a) each political subdivision located within an airport influence area shall notify a
105 person building on or developing land within an airport influence area, in writing, of
106 aircraft overflights and associated noise;

107 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning
108 change within an airport influence area, require the person building or developing
109 land to grant or sell to the airport owner, at appraised fair market value, an aviation
110 easement; and

111 (c) require a person building or developing land within an airport influence area to
112 conform to the requirements of this chapter and 14 C.F.R. Part 77.

113 **Section 3. Effective Date.**

114 This bill takes effect on May 6, 2026.