

David Shallenberger proposes the following substitute bill:

Airport Land Use Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor: Brady Brammer

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 avigation easements; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 72-10-102**, as last amended by Laws of Utah 2025, Chapters 423, 515
- 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 **72-10-102** is amended to read:

72-10-102 . Definitions.

As used in this chapter:

- (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air navigation.
- (2)(a) "Advanced air mobility system" means a system that transports individuals and property using piloted and unpiloted aircraft, including electric aircraft and electric

- 30 vertical takeoff and landing aircraft, in controlled or uncontrolled airspace.
- 31 (b) "Advanced air mobility system" includes each component of a system described in
32 Subsection (2)(a), including:
- 33 (i) the aircraft, including payload;
 - 34 (ii) communications equipment;
 - 35 (iii) navigation equipment;
 - 36 (iv) controllers;
 - 37 (v) support equipment;
 - 38 (vi) an authoritative supplemental data service provider;
 - 39 (vii) flight information exchange; and
 - 40 (viii) remote and autonomous functions.
- 41 (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional route
42 segment with performance requirements to operate within or to cross where tactical air
43 traffic control separation services are not provided.
- 44 (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or
45 maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or
46 other air navigation facilities.
- 47 (5) "Aeronautics instructor" means ~~[any]~~ an individual engaged in giving or offering to give
48 instruction in aeronautics, flying, or ground subjects, either with or without:
- 49 (a) compensation or other reward;
 - 50 (b) advertising the occupation;
 - 51 (c) calling the instructor's facilities an air school, or ~~[any]~~ an equivalent term; or
 - 52 (d) employing or using other instructors.
- 53 (6) "Aircraft" means ~~[any]~~ a contrivance now known or in the future invented, used, or
54 designed for navigation of or flight in the air.
- 55 (7) "Air instruction" means the imparting of aeronautical information by ~~[any]~~ an aviation
56 instructor or in ~~[any]~~ an air school or flying club.
- 57 (8)(a) "Airport" means ~~[any]~~ an area of land~~[-water, or both,]~~ or water that:
- 58 ~~[(a)]~~ (i) is used or is made available for landing and takeoff of aircraft; and
 - 59 ~~[(b)]~~ provides facilities for the shelter, supply, and repair of aircraft, and handling of
60 passengers and cargo;
 - 61 ~~[(c)]~~ meets the minimum requirements established by the department as to size and
62 design, surface, marking, equipment, and operation; and]
 - 63 ~~[(d)]~~ includes all areas shown as part of the airport in the current airport layout plan as

- 64 ~~approved by the Federal Aviation Administration.]~~
- 65 (ii) is open or available for public use.
- 66 (b) "Airport" includes:
- 67 (i) appurtenant areas used for buildings, right of way, or other facilities used to
- 68 support the airport;
- 69 (ii) a vertiport if the vertiport is open or available for public use; and
- 70 (iii) a flight park.
- 71 (9) "Airport authority" means a political subdivision of the state, other than a county or
- 72 municipality, that is authorized by statute to operate an airport.
- 73 (10) "Airport operator" means a municipality, county, or airport authority that owns or
- 74 operates a commercial airport.
- 75 (11)(a) "Airport revenue" means all fees, charges, rents, or other payments received by
- 76 or accruing to an airport operator for any of the following reasons:
- 77 (i) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport
- 78 permittees making use of airport property and services, and other parties;
- 79 (ii) revenue received from the activities of others or the transfer of rights to others
- 80 relating to the airport, including revenue received:
- 81 (A) for the right to conduct an activity on the airport or to use or occupy airport
- 82 property;
- 83 (B) for the sale, transfer, or disposition of airport real or personal property, or ~~[any]~~
- 84 an interest in that property, including transfer through a condemnation
- 85 proceeding;
- 86 (C) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural
- 87 products or water owned by the airport operator to be taken from the airport;
- 88 and
- 89 (D) for the right to conduct an activity on, or for the use or disposition of, real or
- 90 personal property or ~~[any]~~ an interest in real or personal property owned or
- 91 controlled by the airport operator and used for an airport-related purpose but
- 92 not located on the airport; or
- 93 (iii) revenue received from activities conducted by the airport operator whether on or
- 94 off the airport, which is directly connected to the airport operator's ownership or
- 95 operation of the airport.
- 96 (b) "Airport revenue" includes state and local taxes on aviation fuel.
- 97 (c) "Airport revenue" does not include amounts received by an airport operator as

- 98 passenger facility fees [~~pursuant to~~] in accordance with 49 U.S.C. Sec. 40117.
- 99 (12) "Air school" means [~~any-~~] a person engaged in giving, offering to give, [~~or-~~] advertising,
100 representing, or a person holding itself out as giving, with or without compensation or
101 other reward, instruction in aeronautics, flying, or ground subjects, or in more than one
102 of these subjects.
- 103 (13) "Airworthiness" means conformity with requirements prescribed by the Federal
104 Aviation Administration regarding the structure or functioning of aircraft, engine, parts,
105 or accessories.
- 106 (14) "Authoritative supplemental data service provider" means a third party provider of
107 unmanned aircraft system traffic management services that is approved by the
108 department and supplies specialized data to an unmanned aircraft system service
109 supplier or to an unmanned aircraft system operator for a variety of uses.
- 110 (15) "Civil aircraft" means [~~any-~~] an aircraft other than a public aircraft.
- 111 (16) "Commercial aircraft" means aircraft used for commercial purposes.
- 112 (17) "Commercial airport" means a landing area, landing strip, or airport that may be used
113 for commercial operations.
- 114 (18) "Commercial flight operator" means a person who conducts commercial operations.
- 115 (19) "Commercial operations" means:
- 116 (a) [~~any operations-~~] the operation of an aircraft for compensation or hire or [~~any-~~]
117 services performed incidental to the operation of [~~any-~~] an aircraft for which a fee is
118 charged or compensation is received, including the servicing, maintaining, and
119 repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground
120 schools, the operation of aircraft for the application or distribution of chemicals or
121 other substances, and the operation of aircraft for hunting and fishing; or
- 122 (b) the brokering or selling of any of these services; but
- 123 (c) does not include any operations of aircraft as common carriers certificated by the
124 federal government or the services incidental to those operations.
- 125 (20) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 126 (21) "Dealer" means [~~any-~~] a person who is actively engaged in the business of flying for
127 demonstration purposes, or selling or exchanging aircraft, and who has an established
128 place of business.
- 129 (22) "Experimental aircraft" means:
- 130 (a) [~~any-~~] an aircraft designated by the Federal Aviation Administration or the military as
131 experimental and used solely for the purpose of experiments, or tests regarding the

- 132 structure or functioning of aircraft, engines, or their accessories; and
- 133 (b) ~~[any]~~ an aircraft designated by the Federal Aviation Administration as:
- 134 (i) being custom or amateur built; and
- 135 (ii) used for recreational, educational, or display purposes.
- 136 (23) "Flight" means ~~[any]~~ a kind of locomotion by aircraft while in the air.
- 137 (24) "Flight information exchange" means a model or system that allows for the consistent
- 138 exchange of flying data between an unmanned aircraft system traffic management
- 139 system and an unmanned aircraft system operator or aircraft to facilitate the coordination
- 140 of flights.
- 141 (25) "Flight park" means an area:
- 142 (a) used primarily for the landing and take-off of a hang glider, para glider, or similar
- 143 nonmotorized aircraft;
- 144 (b) recognized by the Federal Aviation Administration as an airport; and
- 145 (c) owned by the state or a political subdivision of the state.
- 146 ~~[(25)]~~ (26) "Flying club" means five or more persons who for neither profit nor reward own,
- 147 lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.
- 148 ~~[(26)]~~ (27) "Glider" means an aircraft heavier than air, similar to an airplane, but without a
- 149 power plant.
- 150 ~~[(27)]~~ (28) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or
- 151 overhauls aircraft, engines, or accessories.
- 152 ~~[(28)]~~ (29) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec.
- 153 40102.
- 154 ~~[(29)]~~ (30) "Parachute jumper" means ~~[any person]~~ an individual who has passed the
- 155 required test for jumping with a parachute from an aircraft, and has passed an
- 156 examination showing that the jumper possesses the required physical and mental
- 157 qualifications for the jumping.
- 158 ~~[(30)]~~ (31) "Parachute rigger" means any person who has passed the required test for
- 159 packing, repairing, and maintaining parachutes.
- 160 ~~[(31)]~~ (32) "Passenger aircraft" means aircraft used for transporting persons, in addition to
- 161 the pilot or crew, with or without their necessary personal belongings.
- 162 ~~[(32)]~~ (33) "Person" means ~~[any]~~ an individual, corporation, limited liability company, or
- 163 association of individuals.
- 164 ~~[(33)]~~ (34) "Pilot" means ~~[any]~~ a person who operates the controls of an aircraft while
- 165 in-flight.

- 166 [(34)] (35) "Primary glider" means ~~[any]~~ a glider that has a gliding angle of less than 10 to
167 one.
- 168 [(35)] (36) "Private airport" means an airport that is not open or available for public use.
- 169 [(36)] (37) "Public aircraft" means an aircraft used exclusively in the service of ~~[any]~~ a
170 government or of ~~[any]~~ a political subdivision, including the government of the United
171 States, of the District of Columbia, and of ~~[any]~~ a state, territory, or insular possession of
172 the United States, but not including ~~[any]~~ a government-owned aircraft engaged in
173 carrying persons or goods for commercial purposes.
- 174 [(37)] (38) "Reckless flying" means the operation or piloting of ~~[any]~~ an aircraft recklessly,
175 or in a manner as to endanger the property, life, or body of ~~[any]~~ a person, due regard
176 being given to the prevailing weather conditions, field conditions, and to the territory
177 being flown over.
- 178 [(38)] (39) "Registration number" means the number assigned by the Federal Aviation
179 Administration to ~~[any]~~ an aircraft, whether~~[-or not]~~ the number includes a letter or
180 letters.
- 181 [(39)] (40) "Roadable aircraft" means an aircraft capable of taking off and landing from a
182 suitable airfield and is also designed to be driven on a highway as a conveyance.
- 183 [(40)] (41) "Secondary glider" means ~~[any]~~ a glider that has a gliding angle between 10 to
184 one and 16 to one, inclusive.
- 185 [(41)] (42) "Significant private airport" means a private airport that is designated by the
186 department as a significant private airport as described in Section 72-10-416.
- 187 [(42)] (43) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.
- 188 [(43)] (44) "Unmanned aircraft system service supplier" means a service supplier that:
- 189 (a) relays flight information between an unmanned aircraft system operator and a flight
190 management system; and
- 191 (b) provides information that supports unmanned aircraft system operations and assists
192 with strategic deconfliction by an unmanned aircraft system traffic management
193 system.
- 194 [(44)] (45) "Unmanned aircraft" means an aircraft that is:
- 195 (a) capable of sustaining flight; and
- 196 (b) operated with no possible direct human intervention from on or within the aircraft.
- 197 [(45)] (46) "Unmanned aircraft system" means the entire system used to operate an
198 unmanned aircraft, including:
- 199 (a) the unmanned aircraft, including payload;

- 200 (b) communications equipment;
- 201 (c) navigation equipment;
- 202 (d) controllers;
- 203 (e) support equipment; and
- 204 (f) autopilot functionality.

205 [(46)] (47) "Unmanned aircraft system traffic management" means a traffic management
 206 ecosystem for uncontrolled operations, including unmanned aircraft systems, that is
 207 separate from, but complementary to, the Federal Aviation Administration's air traffic
 208 management[-] system.

209 [(47)] (48) "Vertiport" means an area of land, or a structure, used or intended to be used for
 210 electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including
 211 associated buildings and facilities.

212 Section 2. Section **72-10-401** is amended to read:

213 **72-10-401 . Definitions.**

214 As used in this part:

215 [(1)(a)] "Airport" means any publicly used area of land or water that is used, or intended
 216 to be used, for the landing and take-off of aircraft and utilized or to be utilized in the
 217 interest of the public for these purposes.];

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

219 [(2)] (1) "Airport hazard" means any structure, tree, object of natural growth, or use of land
 220 that potentially obstructs or otherwise impacts the safe and efficient utilization of the
 221 navigable airspace required for the flight of aircraft in landing or take-off at an airport.

222 [(3)] (2) "Airport influence area" means land located:

- 223 (a) within 5,000 feet of an airport runway;[-or]
- 224 (b) within 500 feet of a vertiport that is open for public use[-]; or
- 225 (c) within 1,000 feet of the boundary of a flight park.

226 [(4)] (3) "Airport overlay zone" means a secondary zoning district designed to protect the
 227 public health, safety, and welfare near an airport that:

- 228 (a) applies land use regulation in addition to the primary zoning district land use
 229 regulation of property used as an airport and property within an airport influence area;
- 230 (b) may extend beyond the airport influence area;
- 231 (c) ensures airport utility as a public asset;
- 232 (d) protects property owner land values near an airport through compatible land use
 233 regulations as recommended by the Federal Aviation Administration; and

- 234 (e) protects aircraft occupant safety through protection of navigable airspace.
- 235 [~~(5)~~] (4) "Avigation easement" means an easement permitting unimpeded aircraft flights
 236 over property subject to the easement and includes the right:
- 237 (a) to create or increase noise or other effects that may result from the lawful operation
 238 of aircraft; and
- 239 (b) to prohibit or remove any obstruction to such overflight.
- 240 [~~(6)~~] (5) "Land use regulation" means the same as that term is defined in Sections 10-20-102
 241 and 17-79-102.
- 242 [~~(7)~~] (6) "Political subdivision" means any municipality, city, town, or county.
- 243 [~~(8)~~] (7) "Structure" means any object constructed or installed by man, including buildings,
 244 towers, smokestacks, and overhead transmission lines.
- 245 [~~(9)~~] (8) "Tree" means any object of natural growth.
- 246 Section 3. Section **72-10-403** is amended to read:
- 247 **72-10-403 . Airport zoning regulations.**
- 248 (1) Flight of aircraft over the lands and waters of the state is lawful, unless:
- 249 (a) at such a low altitude as to interfere with the existing use to which the owner has put
 250 the land, water, or the airspace over the land or water; or
- 251 (b) so conducted as to be imminently dangerous to persons or property lawfully on the
 252 land or water beneath.
- 253 (2) In order to prevent the creation or establishment of airport hazards, each political
 254 subdivision located within an airport influence area, shall adopt, administer, and enforce
 255 land use regulations for the airport influence area, including an airport overlay zone,
 256 under the police power and in the manner and upon the conditions prescribed:
- 257 (a) in this part;
- 258 (b) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; and
- 259 (c) Title 17, Chapter 79, County Land Use, Development, and Management Act.
- 260 (3)(a) Each political subdivision located within an airport influence area shall notify a
 261 person building on or developing land in an airport influence area, in writing, of
 262 aircraft overflights and associated noise.
- 263 (b) To promote the safe and efficient operation of the airport, a political subdivision
 264 located within an airport influence area:
- 265 (i) shall:
- 266 (A) adopt an airport overlay zone conforming to the requirements of this chapter
 267 and 14 C.F.R. Part 77; and

268 (B) require any proposed development within an airport influence area to conform
269 with 14 C.F.R. Part 77; and

270 (ii) may, as a condition to granting a building permit, subdivision plat, or a requested
271 zoning change within an airport influence area, require a person building or
272 developing land to grant or sell to the airport owner, at appraised fair market
273 value, an avigation easement.

274 (c) For a flight park, overlay zone restrictions apply only to areas that are within the
275 primary launch and landing corridors or that would create mechanical turbulence,
276 rotor, or obstruction affecting customary flight operations.

277 (4) If a political subdivision located within an airport influence area fails to adopt an airport
278 overlay zone by December 31, 2024, then the following requirements shall apply in an
279 airport influence area:

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

283 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning
284 change within an airport influence area, require the person building or developing
285 land to ~~â~~→ **offer to** ←~~â~~ grant or sell to the airport owner, at appraised fair market
285a value, an avigation
286 easement; and

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

289 Section 4. **Effective Date.**

290 This bill takes effect on May 6, 2026.