

 § 13-1-171 DEFINITIONS.

(A) Terms not otherwise defined in this article have the meaning prescribed by applicable aviation law, including Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*), **current version**.

(B) In this article:

(1) **CATEGORY I** means a minimally developed temporary helistop facility designed to permit boarding and discharge of passengers or cargo, not equipped with helicopter maintenance, refueling activities, repair, or storage facility that is approved for a cumulative total of 10 or fewer helicopter takeoffs and landings per day and 18 total operations over the established permit timeframe on a temporary basis.

(2) **CATEGORY II** means a minimally developed temporary helistop facility designed to permit boarding and discharge of passengers or cargo, not equipped with helicopter maintenance, refueling activities, repair, or storage facility that is approved to be used for a specific use, during an established timeframe with a cumulative total of helicopter takeoffs and landings not to exceed eight (8) operations per hour of operation. In addition, no more than three (3) previously designated helicopters are permitted to use an approved Category II without special consent of the Director.

(3) **CATEGORY III** means a permanent heliport facility.

(4) **COMMISSION** means the City of Austin Airport Advisory Commission.

(5) **DIRECTOR** means the City of Austin Aviation Department Director.

(6) **ENVIRONMENTALLY SENSITIVE AREA** as defined by the U.S. Environmental Protection Agency, areas that include important natural resources such as sensitive topographic features (i.e steep slopes (>15%)), geologic/geomorphic formations, sinkholes and karst terrain, scenic vistas/overlooks/lookouts and public and private forest and woodlands.

(7) **FAA** means Federal Aviation Administration.

(8) **HELICOPTER** means a **rotorcraft** that depends principally on its engine-driven rotors for its horizontal motion.

(9) **HELI-FACILITY** means a heliport or a helistop.

(10) **HELISTOP** means a temporary designated landing area used for the pickup or discharge of passengers and cargo, which does not provide helicopter maintenance, refueling activities, repair or storage.

(11) HELIPORT means the area of land, water, or a structure used or intended to be used permanently for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

(12) HOSPITAL HELIPORT means a heliport that only serves helicopters engaged in air ambulance service or other hospital related functions.

(13) NOISE SENSITIVE AREA means a school, church, hospital, nursing home, single-family residential area, wildlife refuge, park or other area identified by the City Manager.

(14) OPERATION means either one helicopter landing or one helicopter takeoff.

(15) OPERATIONAL HOURS means the hours of the day that Category II operations can occur, 7:30 A.M (Local) to 8:30 P.M. (Local).

(16) OWNER means a person having a legal or equitable interest in a helicopter, a heli-facility, or a helicopter venture.

(17) PRIVATE USE HELIPORT means a heliport that is developed for the exclusive use of its owner and persons authorized by the owner.

(18) PUBLIC USE HELIPORT means a heliport available for use by the general public without the prior approval of the owner or operator.

(19) SPECIAL CONSENT means the Director has the authority to increase or decrease the amount of operations at a Category II based on time of day, number of operations and proximity to noise sensitive areas. Noise sensitivity and neighborhood compatibility would be considered. Preference will be given to adapt plans to those that are most compatible with surrounding land use.


*Source:*

 § 13-1-172 APPLICABILITY AND EXCEPTION.

(A) This article applies to any heli-facility located outside of an aviation services (AV) district.

(B) This article does not apply to property owned by a federal or state government agency.

*Source:*

 § 13-1-173 AUTHORITY.


(A) The Director may authorize Category I and Category II and issue a permit for a Category III upon receipt by applicant of a conditional use permit approved by City Council.

(B) The Director may adopt rules relating to the operation of a heli-facility under this article.

(C) The denial of a Category I or Category II may be appealed to City Manager


(D) The denial of a Category III application may be appealed to Austin City Council.

*Source:*

 § 13-1-174 FEES.

The council may by separate ordinance establish fees for permits issued by the Director under this article.

*Source:*

 § 13-1-175 CATEGORY III IDENTIFICATION NUMBER.

(A) The permittee is required to obtain a heliport location identifier from the FAA.

(B) The City of Austin Department of Aviation shall maintain a map identifying each heliport in the city by type, location, identification number, and name of the owner or operator.

(C) The owner or operator of a heliport shall display the FAA heliport identification number as required by Section [13-1-186](#) (*Heli-facility Standards and Marking*).

*Source:*

 § 13-1-176 ZONING RESTRICTIONS.

(A) Except as provided in Subsection (B), the Director may not issue a permit to or authorize a heli-facility in a residential base district as described in [Division 2](#) (*Residential Base Districts*), [Article 2](#) (*Zoning Districts*) of [Chapter 25-2](#) (*Zoning*).

(B) The Director may issue a permit to a hospital heliport or authorize a Category I on a construction site in a zoning district listed in Subsection (A).

*Source:*

 § 13-1-177 HELI-FACILITY SITE PRIORITIZATION.

The Director shall apply the following priority ranking in approval of a heli-facility site:

- (1) a hospital heliport and other heliport intended for emergency use by a fire department or law enforcement agency;
- (2) a public use heliport; and
- (3) a private use heliport; and
- (4) a Category I and a Category II.

*Source:*

 § 13-1-178 HELI-FACILITY PERMIT OR AUTHORIZATION REQUIRED.

(A) Except as provided in Subsections (B and C), to establish or operate a Category III in the city, a person must obtain:

- (1) a permit from the Director; and
- (2) a conditional use permit as required by Section [25-2-861](#) (*Facilities for Helicopters and Other Nonfixed Wing Aircraft*) of the Code.

(B) A person who wants to operate a Category I or Category II shall apply to the Director for written authorization to operate.

(C) A permit or authorization issued under this article is non-transferable.

*Source:*

 § 13-1-179 EMERGENCY EXCEPTION TO PERMIT REQUIREMENT.

(A) At the scene of an accident, disaster, or emergency, authorized on-scene City personnel may authorize a helicopter to operate at an adjacent un-permitted location for medical, fire, or police purposes.

(B) A permit is not required for an unprepared site at or near the scene of an accident or similar medical emergency on which a helicopter may land to pick up a patient to provide emergency medical transport.

(C) A permit is not required to land a helicopter engaged in firefighting or an emergency evacuation operation on a clear area on the roof of a tall building not designed as a heliport.

Source:

 § 13-1-180 APPLICATION REQUIREMENTS FOR CATEGORY I.

An application for Category I shall include:

- (1) proof of insurance required under Section [13-1-185](#) (*Insurance Required; Termination*);
- (2) a description of the location **and the intended use of the helistop**;
- (4) a description of the size, layout, and topographical features of the **proposed helistop**;
- (5) the number of anticipated daily operations and hours of operation;
- (6) the types of helicopters expected to use the helistop, including manufacturer, model number, and maximum gross weight;
- (7) an aerial **image** or current map scaled at least one inch to every 400 feet, marked to indicate:
  - (a) the location of the helistop **landing zone (latitude and longitude of proposed site in NAD 83 coordinate system)**;
  - (b) each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*); and
  - (c) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site; and
- (9) additional information required by the Director.
- (10) **Action to be taken on application within 30 days of submission of completed application.**
- (11) **The Director shall notify all neighborhood associations within 500 feet of the subject property. If no associations exist then notification must be given to all property owners within 500 feet of the subject property.**

 § 13-1-181 APPLICATION REQUIREMENTS FOR CATEGORY II.

(A) **This section does not apply to an application for Category I or Category III facilities.**

(B) An application for Category II shall include:

(1) proof of insurance as required by Section [13-1-185](#) (*Insurance Required; Termination*);

(2) a description of the location, type, and intended specific-use of the helistop;

(3) a description of the size, layout, and topographical features of the location of the helistop;

(4) the anticipated period of time the helistop will be in use with number of daily operations and hours of operation;

(5) the tail numbers of the helicopters expected to use the facility, including the manufacturer, model number, and maximum gross weight;

(6) a Federal Aviation Administration letter of no objection to the planned approach and departure routes;

(7) an aerial image or current map scaled at least one inch to every 400 feet, marked to indicate:

(a) the location of the helistop landing zone (latitude and longitude of proposed site in NAD 83 coordinate system);

(b) the landing zone approach and departure paths;

(c) each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*);

(8) additional information required by the Director.

(C) City staff shall compile and submit to the Director for review with the application the following:

(1) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site;

(2) the location of environmentally sensitive areas within a radius of 4,000 feet from the proposed site;

(4) provide comments received to the Director.


(D) The Director shall notify the following City of Austin Departments and non-City Agencies:

- 1) Aviation
- 2) Police
- 3) Fire
- 4) Transportation
- 5) Parks and Recreation
- 6) Planning and Development Review
- 7) Star Flight
- 8) Austin-Travis County EMS

(E) The Director shall coordinate with Planning and Development Review Department to notify all neighborhood associations within 500 feet of the subject property. If no associations exist then notification must be given to all property owners within 500 feet of the subject property; and share comments received from public comment period and City of Austin department review with those originally notified and post all comments online and there will be a 10 day post decision comment/appeal period.

(F) Application review process by City staff shall take no more than forty-five (45) days from the date a completed application is submitted.

Source:

 § 13-1-182 APPLICATION REQUIREMENTS FOR CATEGORY III.

(A) This section does not apply to an application for Category I or Category II.

(B) An application for Category III shall include:

- (1) proof of insurance as required by Section [13-1-185](#) (*Insurance Required; Termination*);
- (2) a description of the location, type, and intended use of the heli-facility;
- (3) a description of the size, layout, and topographical features of the location of the heli-facility;
- (4) the anticipated number of daily operations and hours of operation;
- (5) the type of helicopters expected to use the facility, including the manufacturer, model number, and maximum gross weight;
- (6) a site plan, including:

- (a) the location, type, and height of security fences, berms, and other noise mitigation and security features;
- (b) the location and type of firefighting equipment at the site;
- (c) the location and type of fuel storage facilities at the site;
- (d) the method of surface preparation or stabilization for the touchdown pad, including material;
- (e) the locations and type of:
  - (i) perimeter lighting, if required;
  - (ii) site marking; and
  - (iii) wind direction indication equipment;
- (f) each obstruction penetrating the heli-facility's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*);
- (7) a Federal Aviation Administration letter of airspace determination;
- (8) a Federal Aviation Administration letter of no objection to the planned approach and departure routes;
- (9) a copy, including attachments, of the following Federal Aviation Administration Forms:
  - (a) 7480-1 (*Notice of Landing Area Proposal*) as prescribed by Federal Aviation Administration Regulation Part 157 (*Notice of Construction, Alteration, Activation, and Deactivation of Airports*); and
  - (b) 7460-1 (*Notice of Proposed Construction or Alteration*) as prescribed by Federal Aviation Administration Regulation Part 77 (*Objects Affecting Navigable Airspace*);
- (10) an aerial **image** or current map scaled at least one inch to every 400 feet, marked to indicate:
  - (a) the approach and departure paths; and
  - (b) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site;



(11) the information required, as outlined in Appendix A of FAR Part 150, section 103(c)[A150.103(c)], to model the noise impact of the proposed facility.

(12) a certificate of structural compliance, attested to by a registered professional engineer;

(13) a depiction of the owner's proposed logo, emblem, or identification marking;

(14) documentation of available motor vehicle parking; and

(15) additional information required by the Director.

*Source:*

 § 13-1-183 DENIAL OF PERMIT.

(A) The Director may deny an application for Category I if the Director finds that:

(1) the applicant has:

(a) failed to submit a complete application; or

(b) failed to provide of notification as outlined under Section [13-1-180](#) (*Application Requirements for Category I*); or

(2) the proposed helistop:

(a) presents a material hazard to public health or safety; or

(b) does not comply with applicable aviation law;

(c) does not comply with this article.

(B) The Director may deny an application for Category II if the Director finds that:

(1) the applicant has:

(a) failed to submit a complete application;

(b) failed to provide notification and receive comments as outlined under Section [13-1-181](#) (*Application Requirements for Category II*); or

(c) been refused a letter of no objection by the Federal Aviation Administration; or

(2) the proposed helistop:

(a) presents a material hazard to public health or safety; or

(b) does not comply with applicable aviation law or this article.

(C) The Director may deny an original or renewal application for Category III if the Director finds that:

(1) the applicant has:

(a) failed to submit a complete application;

(b) been denied a conditional use permit for the proposed heliport; or

(c) been refused a letter of no objection by the Federal Aviation Administration; or

(2) the proposed heliport:

(a) presents a material hazard to public health or safety; or

(b) does not comply with applicable aviation law; or

(c) does not comply with this article.

(D) The Director may deny a renewal application if the Director determines that adjacent development makes continued operation of a heliport creates a threat to public health or safety.

*Source:*

 § 13-1-184 PERMIT OR AUTHORITY TERM AND RENEWAL.

(A) A Category III permit is valid for three years from the date of issuance.

(B) A permittee shall renew a Category III permit before the expiration of the existing permit.

(C) A permittee must file a renewal application including:

(1) a renewal applicable fee; and

(2) a certificate that there has been no material change in the information provided in the original permit application; or

(3) if a material change has occurred, a description of each change.

(D) In this section, “material change” includes a change in:

(1) the number of operations or hours of operation;

(2) the type of helicopters using the heliport;

(3) the approach or departure paths to the heliport that may constitute a helicopter operation constraint or safety hazard; or

(4) development near the heliport that may affect air or ground access or constitute a hazard under 14 Code of Federal Regulation Part 77 (*Objects Affecting Navigable Airspace*).

(E) Authorization to operate Category I or Category II is valid for the earlier of:

(1) the duration of the event or construction project; or

(2) 180 days from the date of issuance.

(F) Category I and Category II authorizations are non-renewable.

*Source:*

 § 13-1-185 INSURANCE REQUIRED; TERMINATION.

(A) The owner or operator of a heli-facility must maintain a commercial general liability policy with a combined single limit of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence.

(B) A policy under this section shall:

(1) name the City as an additional insured;

(2) provide coverage against all claims arising out of the operation of the heli-facility, including bodily injury, personal and advertising injury, death, contractual liability, independent contractors, and property damage;

(3) be endorsed to provide the City a thirty (30) day notice of cancellation except for non-payment of premium;

(4) be issued by an insurance company authorized to do business in the State of Texas; and

(5) contain waiver of subrogation and recovery in favor of the City.

(C) Each helicopter using the approved heli-facility shall have a minimum of \$5,000,000 hull and liability and list City as an additional insured.

(D) The owner of a heliport shall annually provide the Director with a certificate of insurance.

(E) The Director may terminate a heliport permit if the owner fails to maintain the required insurance.

*Source:*

 § 13-1-186 HELI-FACILITY STANDARDS AND MARKING.

(A) The design, construction and operation of a heli-facility must comply with applicable City building and fire codes and aviation law, including Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*), **current version**.

(B) Except as provided in Subsection (C), a heli-facility must be marked as prescribed by Federal Aviation Administration Advisory Circular 150/5390-2A (*Heliport Design Guide*), **current version**.

(C) A private use heliport **could** use an authorized logo, emblem, or other owner identification in the touchdown area that:

(1) is known to the pilots authorized to use the facility; and

(2) does not detract from other required markings.

(E) The owner of a heli-facility must mark the lower left corner of the designated final approach and takeoff area as viewed from the primary direction of approach with the FAA heliport identification number.

*Source:*

 § 13-1-187 NOISE ASSESSMENT GUIDELINES.

(A) This section does not apply to a hospital heliport.

(B) A heli-facility shall comply with the noise assessment guidelines prescribed by Federal Aviation Administration Advisory Circular 150/5020-1 (*Noise Control and Compatibility Planning for Airports*), current version.

*Source:*

 § 13-1-188 INSPECTION AUTHORIZED; DOCUMENTATION OF STRUCTURAL INTEGRITY.

(A) The owner or operator of a heli-facility shall permit access to the facility on demand for periodic inspection by City personnel, including Fire Department personnel.

(B) If requested by the Director or the Fire Department, the owner or operator of a heli-facility shall submit a certificate of structural compliance attested to by a registered professional architect or engineer documenting the structural integrity of the facility.

(C) The chief of the Fire Department shall conduct a periodic inspection of each heli-facility and submit a copy of an inspection report to the **Director and the Owner** for review and, if necessary, appropriate action.

*Source:*

 § 13-1-189 MAINTENANCE REQUIRED; TERMINATION.

(A) The owner or operator of a heli-facility shall maintain the buildings, structures, and ground areas used to store helicopters or related to helicopter use in a safe and sanitary condition **for the term of the permit or authorization.**

(B) The owner or operator of a heli-facility shall maintain required equipment and security devices in good working order **for the term of the permit or authorization.**

**(C) The Director may terminate a Category III permit or revoke approval of Category I or Category II site's if the owner or operator fails to properly maintain the facility.**

*Source:*

 § 13-1-190 RESTRICTION ON ALTERATIONS TO FACILITY OR OPERATIONS.

The owner or operator of a heli-facility may not enlarge or modify the design or layout of a heli-facility or make any material change to the operations of a heli-facility without the prior written consent of the Director.

*Source:*

 § 13-1-191 RESTRICTION ON NUMBER OF CATEGORY II WITHIN A CERTAIN DISTANCE AND PERIOD OF TIME.

The Director shall not approve applications, including renewal applications, for the operation of more than two Category II facilities that are within 0.5 miles of each other and within a term of 180 days within 1000 feet of a noise sensitive area.

*Source:*