

ORDINANCE NO. 2027

AN ORDINANCE ESTABLISHING REGULATIONS WHICH MAY BE APPLIED TO LANDS AROUND AIRPORTS AND DEFINING CERTAIN TERMS IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That Chapter 13 of Chapter 32 of the Code of Ordinances of the City of Grand Junction be amended by the addition of the following definitions:

AREA OF INFLUENCE: An area surrounding the airport which is impacted or influenced by proximity to the airport, either by aircraft overflight, noise, and/or vibrations or by vehicular traffic associated with airport operations.

AVIGATION EASEMENTS: A legal recognition of airport proximity granting height restrictions and permission for the conditions arising from the overflight of aircraft in connection with the operation of the airport but generally not precluding damages for physical damage to land or persons.

CLEAR ZONE: A triangular shaped zone directly off the end of the runway primary surface, beginning 200 feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway.

CRITICAL ZONE: A rectangular shaped zone directly off the end of a runway primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations (i.e. more apt to have accidents within it) because of the takeoff and landing mode of aircraft in that particular area.

2. That Chapter 5 of Chapter 32 of the Code of Ordinances of the City of Grand Junction be amended by the addition of a Section 11, which shall read as follows:

5-11 LAND USE REGULATION FOR LANDS AROUND AIRPORTS

5-11-1 Intent and Purpose

This Airport Land Use Regulation and establishment of Airport Zones as herein set forth is designed to preserve existing and establish new compatible land uses around airports; to allow land use not associated with high population concentration; to minimize exposure of residential uses to critical aircraft noise areas; to avoid danger from aircraft crashes; to discourage traffic congestion; to encourage compatibility with traffic in developments around airports; to discourage expansion of demand for governmental services beyond reasonable capacity to provide services; and to regulate the area around the airport to minimize danger to public health, safety or property from the operation of

the airport; to prevent obstruction to air navigation, and aid in realizing the Walker Field Airport Master Plan. (See also Chapter 5 - General Regulations and Chapter 13 - Definitions.)

5-11-2 Establishment of Airport Zones

A. In order to carry out the provision of this regulation, the lands surrounding airports are hereby divided into the following basic airport zones:

1. Area of Influence
2. Critical Zone
3. Clear Zone

B. Airport overlay maps. Airport overlay maps may be adopted so that the regulations herein adopted may be related to airports within the City. These maps shall be referenced as a part of the Grand Junction Zoning and Development Code and become a part of the maps use therewith. Amendments to official maps shall be accomplished under the procedures set out for text amendments in Chapter 11 of Chapter 32 of the Code of Ordinances of the City of Grand Junction.

5-11-3 Use Restriction

Notwithstanding any other provision of this regulation, no use may be made of land or water within any zone established by this regulation which will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

5-11-4 Land Use Compatibility Matrix

To facilitate administration and convenience of use of this regulation, the following schedule of land uses for the various airport zones as described herein is hereby adopted and made a part of this regulation and may be amended in the same manner as any other part of this regulation. Any land use not expressly permitted by virtue of its compatibility shall be deemed excluded:

LAND USE AREA OF INFLUENCE CRITICAL ZONE CLEAR ZONE			
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Low Density (less than 4 units/acre)CSI			
Medium Density (4-8 units/acre)CII			
High Density (greater than 8 units/acre)CII			
Hotels/MotelsCSI			
Schools, Churches, Hospitals, LibrariesCII			
Auditoriums, Outdoor Amphitheaters Concert HallCSI			
Sports ArenasCII			
Playgrounds, Parks, Open SpaceCSI			
Golf Course, Cemeteries, Riding StablesCSI			
Office Buildings, Personal, Business & Professional ServicesCSI			
Commercial			

Establishments, RetailCSI			
Commercial Establishments, Wholesale Manufacturing, Transportation, Communications, and UtilitiesCSI			
Manufacturing- noise sensitive			
Communications- noise sensitiveSSI			
Farming (livestock)CCI			
Agriculture, Mining, Fishing (except livestock farming)CCS			
Poultry ProductionCSI			

Key: C-Compatible Use
S-Special Review Required

A. Land Use Compatibility Matrix

1. This matrix establishes requirements and limitations in addition to Chapter 4-Zoning. In the case of any conflict between this regulation and any other section of this Code, the more restrictive requirements shall govern.

2. Uses listed on the matrix shall:

A) Be considered general uses and shall be used in context with the intents of this Code (See uses not mentioned 4-10).

B) Uses listed on the matrix are principal uses. Accessory structures and uses shall have the same status as the principal

uses.

3. Use of the matrix.

A) C = Compatible use.

B) S = Special use (Subject to procedures and requirements of sec. 4-5 and 4-7)

C) I = Incompatible use (uses are not permitted)

B. Area of Influence, Critical Zone and Clear Zone are defined in Chapter 13. A location covered by more than one zone shall be limited to the more restrictive use.

5-11-5 Airport Zone Height Limitations

In order to carry out the provisions of this regulation, there are hereby established imaginary surfaces for the purpose of limiting height. No structure or tree shall be erected, altered, allowed to grow or be maintained above the following imaginary surfaces:

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

B. Utility Runway Non-Precision Instrument Approach Zone - Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along extended runway centerline.

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

D. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone - Slope upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

E. Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Non-Precision Instrument Approach Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

F. Precision Instrument Runway Approach Zone - Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

G. Heliport VFR Approach Zones - Slopes upward fifteen (15) feet horizontal for each foot vertically beginning at the end and at the same elevation as the primary surface, and extending to a distance of 4,000 feet along the extended primary surface centerline.

H. Heliport IFR Approach Zones - Slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end and at the same elevation as the primary surface, and extending to a distance of 10,000 feet along the extended primary surface centerline.

I. STOL Approach Zones - Slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface, and extending to a distance of 10,000 feet along the extended runway centerline.

J. Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation of 4,857 feet above mean sea level. In addition to the foregoing, seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

K. Heliport VFR Transitional Zones - Slopes upward and outward two (2) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and extended centerline.

L. Heliport Transitional Zones - Slopes upward and outward for (4) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and a portion of the sides of the approach surface and extending a distance of 350 feet measured horizontally from and at 90 degree angles to the primary surface centerline and extending centerline.

M. STOL Transitional Zones - Slopes upward and outward four (4) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and a portion of the sides of the approach surface and extends to an elevation of 100 feet above the primary surface.

N. Horizontal Zone - One hundred fifty (150) feet above the airport 4,857 feet elevation, to a height of 5,007 feet above mean sea level.

O. Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

5-11-6 Demand for Governmental Services

Capital improvements and developments within the airport area of influence shall be undertaken in a manner which will discourage further expansion of demands for a multitude of governmental services.

5-11-7 Non-Conforming Uses

A. Regulation no Retroactive - The requirements prescribed by this regulation shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date, or otherwise interfere with the continuance of nonconforming uses. Nothing contained herein shall require any change in the construction, alteration, of any structure, the actual construction or alteration of which was begun prior to the effective date of this regulation and is diligently prosecuted.

B. Marking and Lighting - Notwithstanding provision A of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Authority to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards.

C. Avigation Easements - An avigation easement limits construction and heights of vegetation and grants the right of flight over the terrain together with the right to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles and all other effects of normal aircraft operations. Avigation easements shall be required for any future development permitted within the airport's area of influence. The avigation easement will be obtained from the

appropriate airport and a copy of the recorded easement filed with the Department. This shall not apply to repair and maintenance of existing structures or to new structures considered as accessory uses to existing structures or uses. (A sample avigation easement is included in appendix).

5-11-8 Conflict in Regulations

Whenever both a provision of this regulation and any other provision of this regulation or any provision of any other law, rule, contract or deed or regulation of any kind contain any restriction covering any of the same subject matter, which ever restrictions are more restrictive or impose higher standards or requirements shall govern.

5-11-9 Severability

In any case in which the provisions of this regulation, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or a parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this regulation to other structures and parcels or land and to this end the provision of this regulation are declared to be severable.

5-11-10 Application

These regulations shall apply to those areas of lands designated upon maps to be adopted by the governing body, after appropriate hearing thereon.

PASSED and ADOPTED this 2nd day of December, 1981.

Louis R. Brach

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

EXHIBIT A

THIS EASEMENT is made and entered into by and between the WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, a body corporate and politic and constituting a political subdivision of the State of Colorado, hereinafter called GRANTEE, and _____ hereinafter, GRANTOR;

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

WHEREAS, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined by the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's Property to an infinite height above said Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remises and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles caused by the normal operation of such aircraft.

FURTHER, Grantor hereby covenants, for and during the life of this easement, that Grantor:

(a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable airspace required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Part 91, and as such regulations are amended.)

(b) shall not hereafter use or permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or radar operation between the installation upon Walker Field Airport and aircraft, or to make it difficult for flyers to distinguish between airport lights and others or to result in glare in the eyes of flyers using the said airport, or to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking off or maneuvering of aircraft.

Grantor agrees the aforesaid covenants and agreements shall run with the land for the benefit of Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this _____ day of _____, A.D. _____.

STATE OF COLORADO)		
) ss:		
COUNTY OF MESA)		

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 19_____, by _____.

My Commission expires: _____.

Notary Public

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2027, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 2nd day of December, 1981, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of December, 1981.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: November 20, 1981

Published: December 4, 1981

Effective: January 3, 1982