

AN ORDINANCE AMENDING THE CITY
ZONING ORDINANCE CONCERNING THE
LAS ANIMAS/BENT COUNTY AIRPORT

WHEREAS, it is in the interest of the City of Las Animas to adopt an Ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of the property in the vicinity of the Las Animas/Bent County Airport, by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Las Animas/Bent County Airport FAR Part "77" Airspace Drawing which is incorporated in and made a part of this ordinance; providing for enforcement therein; and

WHEREAS, it is hereby found that if an obstruction has the potential for endangering the lives and property of users of the Las Animas/Bent County Airport, and property or occupants of land in its vicinity, that an obstruction may affect the existing and future instrument approach minimums at the Las Animas/Bent county Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Las Animas/Bent County Airport and the public investment therein; and

WHEREAS, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Las Animas/Bent County Airport.
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the policy power without compensation.

WHEREAS, it is further declared that the prevention of the creation of establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of construction are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

BE IT HEREBY ORDAINED BY THE CITY OF LAS ANIMAS AND BENT COUNTY AS FOLLOWS:

SECTION I. That Section 05.01.04 of the Zoning and Subdivision Regulations of the City of Las Animas is hereby repealed in its

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entirety.

SECTION II: A new section 05.01.04 is enacted as follows:

DEFINITIONS. As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT - Las Animas/Bent County Airport.
2. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level.
3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section III of this Ordinance.
5. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
7. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. HELIPORT PRIMARY SURFACE - The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
9. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller drive aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.
12. NONPRECISION INSTRUMENT RUNWAY - A runway having an existing

instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

13. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.
14. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
18. STRUCTURE - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

20. TREE - Any object of natural growth.
21. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller drive aircraft of 12,500 pounds maximum gross weight and less.
22. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION III: A new Section 05.01.05 is enacted as follows:

AIRPORT ZONES. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Las Animas/Bent County Airport. Such zones are shown on the Las Animas/Bent County Airport Airspace Drawing consisting of 1 sheet, prepared by Armstrong Consultants, and dated _____ which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Precision Instrument Approach Zone (Heavy Aircraft) - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway.
- 2A. Runway Nonprecision Instrument Approach Zone (Heavy Aircraft) - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance 10,000 feet from the primary source. Its centerline is the continuation of the centerline of the runway.
- 2B. Runway Nonprecision Instrument Approach Zone (Small Aircraft with visibility minimums more than 3/4 mile) - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary source. Its centerline is the continuation of the centerline of the runway.
- 3A. Visual Runway Approach Zone (Heavy Aircraft) - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the

runway.

- 3B. Visual Runway Approach Zone (Small Aircraft) - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway.
4. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
5. Horizontal Zones - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
6. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION IV: A new Section 05.01.06 is enacted as follows:

AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway Precision Instrument Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet and continues on for a distance of 40,000 feet at a slope of forty (40) feet outward for each foot upward along the extended runway centerline.
- 2A. Runway Nonprecision Instrument Approach Zone (Large Aircraft) - Slopes thirty-four (34) feet outward for each foot upward 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.
- 2B. Runway Nonprecision Instrument Approach Zone (Small Aircraft) - Slopes twenty (20) feet outward for each foot upward 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 the extended runway centerline.
3. Visual Runway Approach Zone - Slopes twenty (20) feet outward

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for each foot upward 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 the extended runway centerline.

4. Transitional Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
5. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 4,060 feet (existing conditions) above mean sea level (MSL).
6. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (4,060 ft. MSL) and extending to a height of 350 (4,260 ft. MSL) feet above the airport elevation.

SECTION V: A new Section 05.01.07 is enacted as follows:

USE RESTRICTIONS. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with the 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, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION VI: A new Section 05.01.08 is enacted as follows:

NONCONFORMING USES.

1. Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the

continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing or 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 City of Las Animas or Bent County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Las Animas/Bent County Airport.

SECTION VII: A new Section 05.01.09 is enacted as follows:

PERMITS.

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance herein.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no

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permit shall be required for any tree or structure less than seventy-five feet or vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the City of Las Animas or Bent County determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

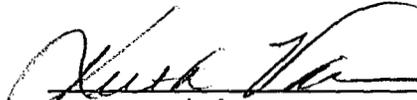
Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the City of Las Animas/Bent County for advice as to the aeronautical effects of the variance. If the City/County does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as condition may be modified to require the owner to permit City of Las Animas/Bent County at its own expense, to install, operate and maintain the necessary markings and lights.

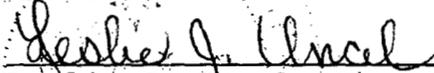
SECTION VII: EFFECTIVE DATE. WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety and general welfare, and an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City of Las Animas/Bent County and publication and posting as required by law.

Adopted this 13th day of September, 1995.

CITY OF LAS ANIMAS


By: Keith Varner, Mayor

ATTEST:


Leslie J. Uncel, City Clerk



