

ORDINANCE NO. _____
(Series of 2003)

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO AMENDING THE ZONING REGULATIONS GOVERNING THE AIRPORT PROTECTION OVERLAY DISTRICT.

WHEREAS, Article V, Establishment of Districts, of Chapter 16, Zoning, of the Buena Vista Municipal Code sets forth those regulations regulating land uses and structures within the Airport Protection Overlay District; and

WHEREAS, in order to clarify and refine the regulatory controls governing land uses and structures within the Airport Protection Overlay District, the Board of Trustees deems it necessary to delineate specified Flight Hazard Areas within the district; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed regulatory changes at a public meeting on August 20, 2003, in accordance with Section 16-6(a), B.V.M.C.; and

WHEREAS, the Board of Trustees reviewed the proposed regulatory changes at a public meeting on October 28, 2003, and conducted a properly noticed public hearing on the proposed regulatory amendments on November 25, 2003 in accordance with Section 16-6(b), B.V.M.C.; and

WHEREAS, the Board of Trustees has determined that the regulatory amendments provided for in this ordinance will serve the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO as follows:

Section One

That Section 16-169, Permitted uses within an APO district, of Article VIII, District Regulations, of Chapter 16, Zoning, of the Buena Vista Municipal Code shall be amended at Paragraph (3), such amended paragraph to read as follows:

Sec. 16-169. Permitted uses within an APO district.

(3) Except as otherwise provided in this Section, nothing contained within the APO regulations shall be construed to require a change in the construction or use of any structure the erection, construction or alteration of which was legally established or begun prior to the effective date of the adoption of the APO regulations; provided, however, that in the event a structure or use not in conformity with the APO regulations is damaged, destroyed or discontinued, any reconstruction or replacement of such structure, and/or any resumption of such use, shall be subject

to the provisions of Article VII of this Chapter and the provisions of this Section and Section 16-170, B.V.M.C.

Section Two

That Section 16-170, Limitations within an APO District, of Article VIII, District Regulations, of Chapter 16, Zoning, of the Buena Vista Municipal Code shall be amended at subparagraphs (c)(2) and (c)(3) concerning land use limitations, such amendments to read as follows:

Sec. 16-170. Limitations within an APO District.

(c) Land use limitations.

(2) Specific Flight Hazard Areas may be established within an APO district to demarcate areas presenting an enhanced potential risk of hazards associated with flight or airport operations. Within Flight Hazard Areas, uses involving enclosed concentrations of human activity such as schools, churches, hospitals and libraries shall be prohibited, while open space, recreational and agricultural uses shall be encouraged. All proposed new uses and structures, and/or all proposed expansions of an existing use or structure, within a Flight Hazard Area shall conform with all underlying zoning regulations, including all APO regulations, and shall be supported by and authorized only upon written evidence that the proposed development creates or presents no substantial threat to public safety or property, or to aviation and/or airport operations.

(3) All structures and uses, or the expansion of existing structures and uses, proposed in an APO district must be reviewed and approved in advance in accordance with the special use permit procedures contained in this Chapter. The Board of Trustees may condition development approval upon the execution by the development applicant of an avigation easement.

Section Three

That Section 16-171, APO District boundaries map, of Article VIII, District Regulations, of Chapter 16, Zoning, of the Buena Vista Municipal Code be reorganized and amended by the addition of two (2) new paragraphs, such reorganized and amended section to read as follows:

Sec. 16-171. APO District boundaries map.

(a) The APO District shall include all land within an area extending laterally one thousand (1,000) feet on either side of the runway centerline at a point five thousand two hundred feet (5,200) north of the north end of the runway, and extend south to the south end of the runway where it widens to two thousand (2,000) feet laterally on either side of the runway centerline, and extends ten thousand two

hundred (10,200) feet south from the south end of Runway 15/33 at the Central Colorado Regional Airport.

(b) Areas within the APO District potentially subject to enhanced disturbances or dangers from aircraft flight or airport operations, or within which specific structures or land uses could negatively impact or interfere with airport operations, may be designated Flight Hazard Areas and shall be described and illustrated on the APO District boundaries map. Land uses and structures within Flight Hazard Areas may be subject to regulations more restrictive and protective of public safety than those regulations otherwise applicable throughout the APO District.

(c) The Town Clerk shall maintain and make available to interested persons during regular business hours not less than one (1) copy of the most current map(s) illustrating the boundaries of the APO District and any Flight Hazard Areas. Such map shall be used for general reference and illustration purposes only and shall not supersede or alter the geographical boundaries of the APO District set forth in this Section.

(d) The establishment or alteration of the boundaries and regulations for the APO District or a Flight Hazard Area shall be performed in the manner set forth in Section 16-6 of this Chapter.

Section Four

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of any ordinance repealed or amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

Section Five

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2003.

(Signatures on Following Page)

TOWN OF BUENA VISTA

By: _____

ATTEST:

Town Clerk

(SEAL)

PUBLISHED in full following adoption by the Board of Trustees in the _____
_____, a newspaper of general circulation within the Town of Buena Vista, on the
____ day of _____, 2003.

By: _____
Town Clerk