



Airport Influence District

Sections 800-822, Article 8, Chapter 146, Aurora Municipal Code
(Includes up to Ordinance 2006-06, Effective April 8, 2006)

City of Aurora

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DIVISION 1. AIRPORT DISTRICTS, IN GENERAL

Sec. 146-800. Airport Districts.

There are certain areas within the city that are subject to high aviation noise levels and possible crash hazards generated by aviation activities that endanger the lives and property of occupants of land in the vicinity of four airports:

- Buckley Air Force Base--Military airport
- Centennial Airport--General aviation airport
- Front Range Airport--General aviation airport
- Denver International Airport--Commercial airport

Airport districts are created in and around these airports for the following purposes:

1. To minimize exposure of residential and other land uses to aircraft noise;
2. To minimize risks to public safety from potential aircraft accidents;
3. To protect property values;
4. To promote sound land use planning and zoning practices in areas encompassed by airport influence districts;
5. To restrict incompatible land use within the airport influence districts; and
6. To promote and protect the public health, safety, and welfare.

The city council finds and determines that there are certain areas within the city that are subject to high aviation noise levels and possible crash hazards generated by aviation activities which endanger the lives and property of occupants of land in the vicinity of airports. The city council intends to maintain an open process of negotiation and interpretation of airport influence districts and to inform citizens of potential impacts of airport influence districts on them and their properties. The council recognizes that a number of factors must be evaluated in determining whether proposed uses in affected areas are acceptable.

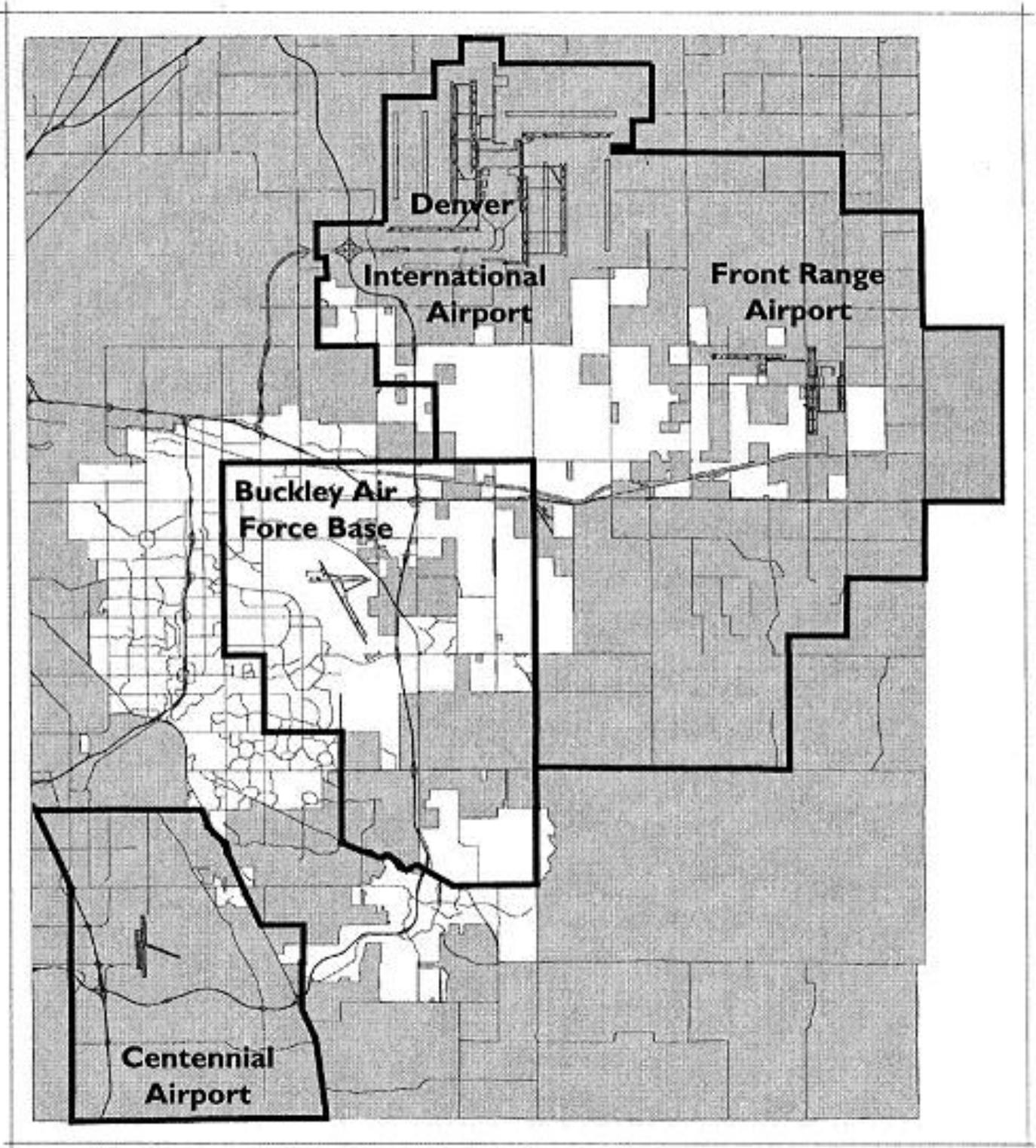


Figure 8.1: Airport Influence Districts

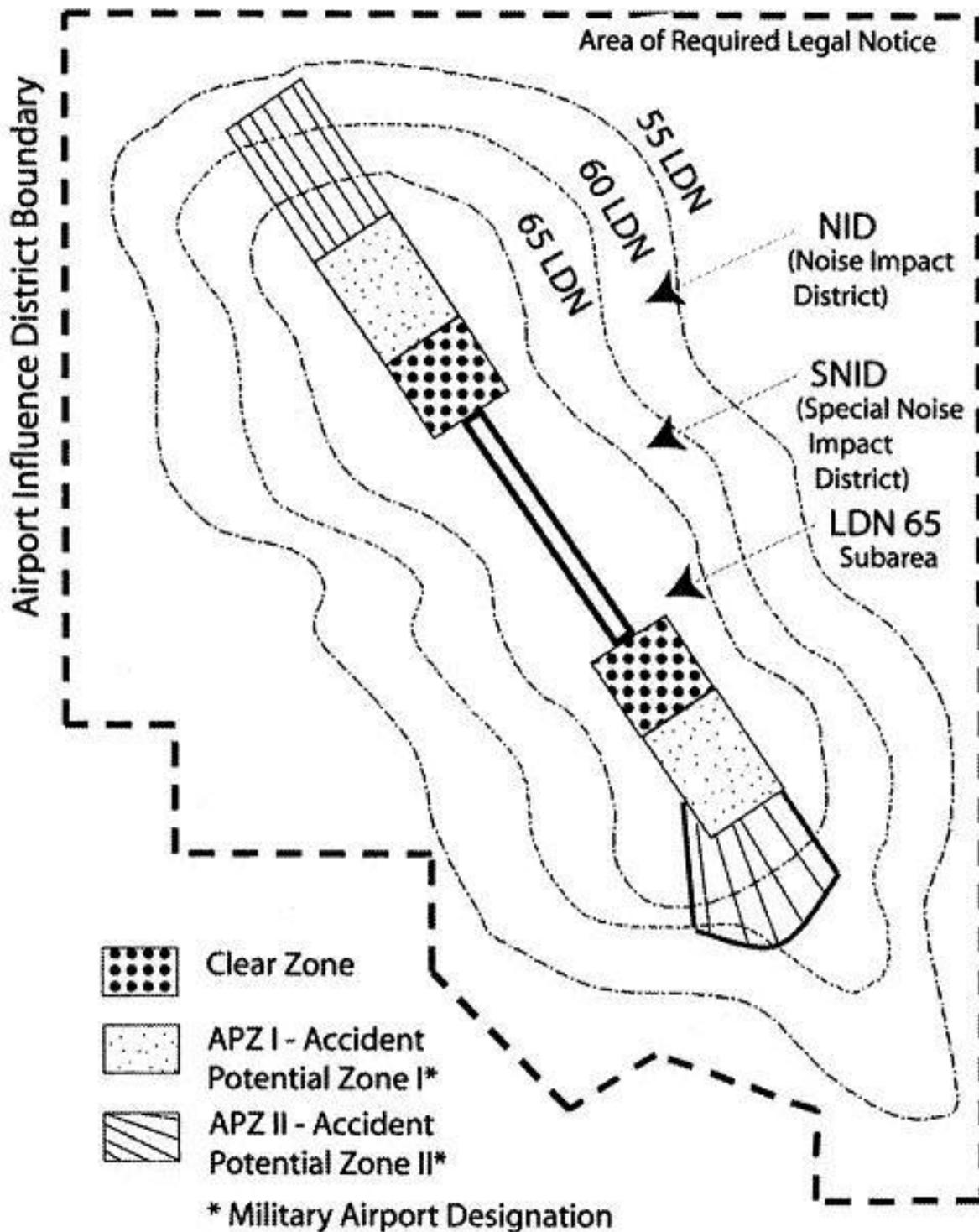


Figure 8.2: Components of Typical Airport Influence District

(Ord. No. 2001-72, 12-3-2001; Errata of 2-7-2002, 1, 2; Errata of 9-27-2002)

DIVISION 2. BUCKLEY AIR FORCE BASE DISTRICT

Sec. 146-801. Regulations.

- (A) Nothing contained in these district regulations shall require any change or alteration in:
1. A lawfully constructed building or structure in existence at the time of the adoption of the ordinance from which this district derives.
 2. Site plans, or residential subdivision plats, or amendments thereto that were formally approved by the city prior to the adoption of this district, provided such plans, use, and construction are commenced, pursued, and completed in compliance with all other provisions of this Code including the requirements for noise level reduction measures in sections 146-808(C), 146-809(C), and 146-810(B).
- (B) This district is intended to regulate the following:
1. The erection or establishment of any new building or use.
 2. The addition or expansion to an existing structure, when such addition is greater than 1,000 square feet.
 3. The moving or relocation of any building or structure to a new site or new location.
 4. The change from one use to another of any building, structure, or land, or the re-establishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance from which this district derives.
- (C) *Overlay Zone.* This district shall be applied as an overlay zone. The application of this district is in addition to the provisions of the underlying zone districts. Where the provisions of this overlay district conflict with those of the underlying zone district, the requirements of this overlay district shall control.

(Ord. No. 2001-72, 12-3-2001; Errata of 9-11-2002, 19)

Sec. 146-802. FAR Part 77 Surfaces.

All development within the city shall comply with any and all height restrictions in the underlying zone, together with FAR part 77 standards and procedures for determining and avoiding obstructions and eliminating hazards to air navigation.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-803. Interpretation of District Boundaries.

The boundaries of the district shall be determined by scaling distances on the AICUZ map. Where interpretation is needed as to the exact location of the boundaries of the airport districts, as shown on the AICUZ map, the director of planning shall make the necessary determination of the boundary. A property owner contesting the location of a district boundary affecting his or her property shall be given a reasonable opportunity to present his or her case to the director of planning, and to submit his or her own evidence if he or she so desires. The decision of the director of planning may be appealed to the city council, provided notice of such appeal shall be filed with the city manager within 10 calendar days after the director's decision. The city council shall have the power to overrule the director's decision by a vote of a majority of the council members present and voting.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-804. Variances.

The city council may, after receiving a recommendation from the planning and zoning commission and after conducting a public hearing, grant variances from the provisions for this district. The planning and zoning commission shall submit its recommendation on the requested variance after conducting a public hearing on the request. Such a variance shall be granted only if the spirit of this section is observed, public welfare and safety secured, and substantial justice done. The basis of such variance may be one or more of the following:

- (A) Unique, unnecessary, or unreasonable hardships that would be imposed on the property owner by strict enforcement of the requirements of this district.
- (B) Reliance by the applicant on preexisting terms and conditions of development, expressed in the form of deed restrictions, agreements with the air force, or other binding documents.
- (C) Demonstrable evidence that failure to obtain a variance will significantly undermine the ability to repay bonded obligations and assessments.
- (D) The low number of public customers or visitors to any particular facility.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-805. Subareas.

To carry out the purpose of this district, the air installation compatible use zone (AICUZ), as bounded and defined on the map entitled "Air Installation Compatible Use Zone Map" (exhibit A), is on file in the office of the director of planning, together with all references, notations, and other information shown thereon which is adopted by reference and declared to be a part of this section. The AICUZ consists of the following overlay subareas:

- (A) CZ, clear zone subarea
- (B) APZ I, accident potential zone I subarea

- (C) APZ II, accident potential zone II subarea
- (D) LDN 65 subarea, areas contained within the LDN 65 noise contour line.
- (E) Special noise impact district, areas contained between the LDN 60 and LDN 65 noise contour lines.
- (F) Noise impact district, areas contained within the noise impact boundary
- (G) Airport influence district, being that area located within the city, which lies east of the following described line: commencing at the southeast corner of section 26, T3S, R66W, County of Adams, State of Colorado; thence westerly along the southern section line of sections 26, 27, 28, and 29 to Chambers Road; thence south along Chambers Road to Jewell Avenue extended; thence east along Jewell to South Buckley Road; thence south along Buckley Road to East Hampden Avenue; thence east along East Hampden Avenue to South Himalaya Road; thence south on Himalaya to Smoky Hill Road; thence east along Smoky Hill Road to the south line of section 19, T5S, R65W; thence east along sections 19, 20, and 21 to the southeast corner of section 21; thence north along the east line of section 21, 16, 9, and 4 of T5S, continuing north along the east line of sections 33, 28, 21, 16, 9, 4 of T4S, and section 33, T3S, to the northeast corner of section 33, T3S, 65W; thence west along the north section lines of section 33, 32, 31, 36, 35 to the point of beginning.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-806. Clear Zone.

- (A) *Description.* The clear zone subarea is composed of lands in which accident potential is so great that all land uses shall be prohibited, except those necessary for the continued operation of airports and aircraft.
- (B) *Permitted Uses.* Only airports and aircraft operations are permitted uses in any clear zone subarea, provided that such uses are permitted in the underlying zone district:

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-807. Accident Potential Zones I and II (APZ I, APZ II).

- (A) *Description.* These subareas are designated to regulate land use and reduce hazards in an area characterized by high noise levels and a significant accident potential resulting from aircraft operations. Residential uses shall be highly restricted.
- (B) *Development Standards.* The following development standards shall be used as criteria for evaluating site plans in any APZ I. Applications and uses that do not meet these standards may apply for a variance from the standards as a part of the site plan. Such variances shall be considered by the city council in its review of the site plan.

1. APZ I-N (North) lot coverage. The maximum lot coverage of structures and buildings within APZ I-N shall be as permitted by the graph in Fig. 8.3.
2. APZ I-S (South) lot coverage. The maximum lot coverage of structures and buildings within APZ I-S shall be as permitted by the graph in Figure 8.4.
3. APZ II-N (North) lot coverage. The maximum lot coverage of structures and buildings within APZ II-N shall be as permitted by the graph in Figure 8.5.
4. APZ II-S (South) lot coverage. The maximum lot coverage of structures and buildings within APZ II-S shall be as permitted by the graph in Figure 8.6.

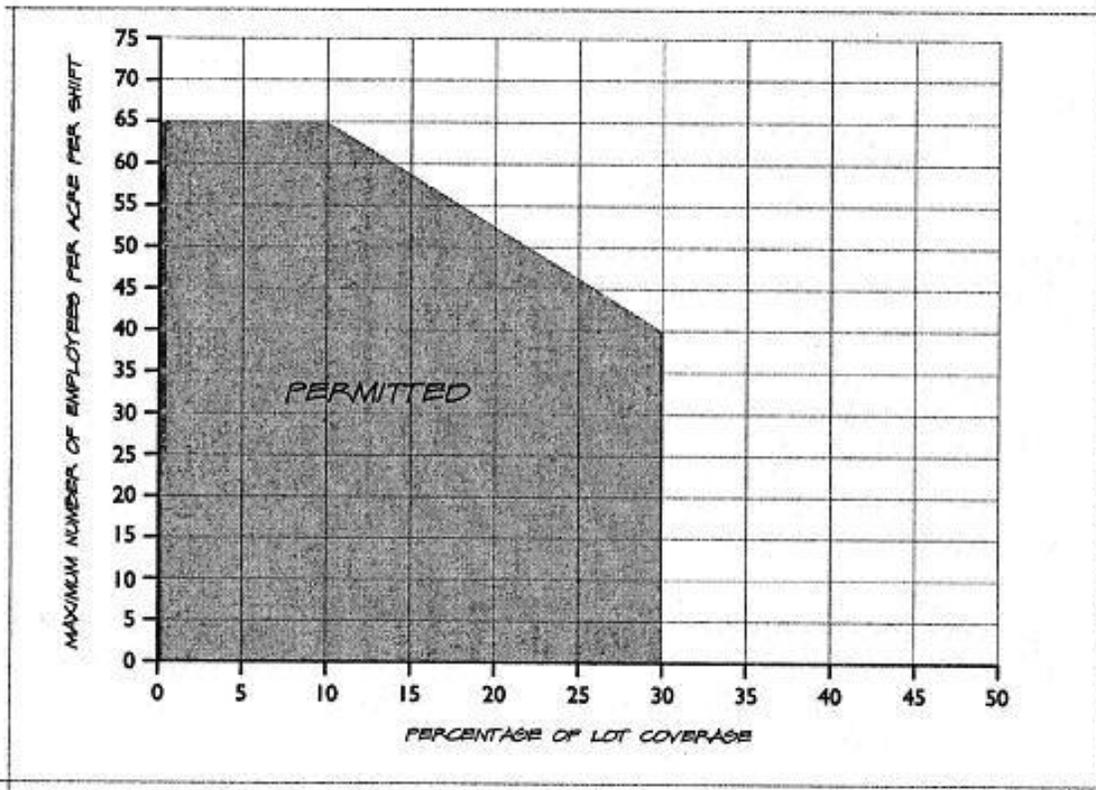


Figure 8.3: APZ I-N

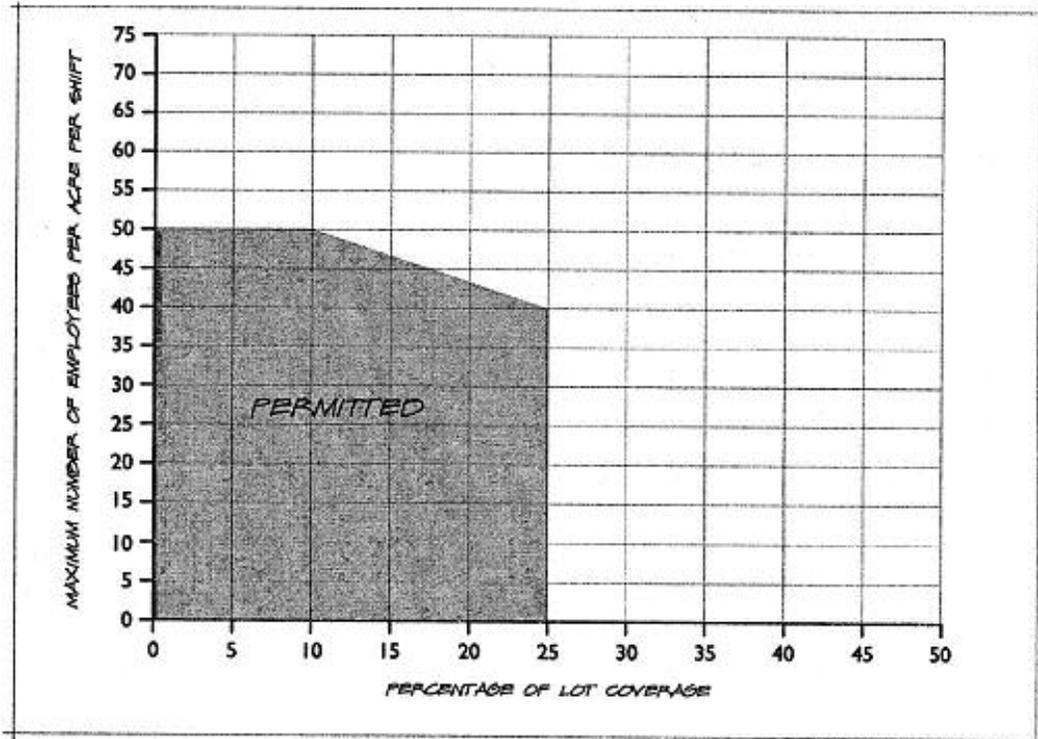


Figure 8.4: APZ I-S

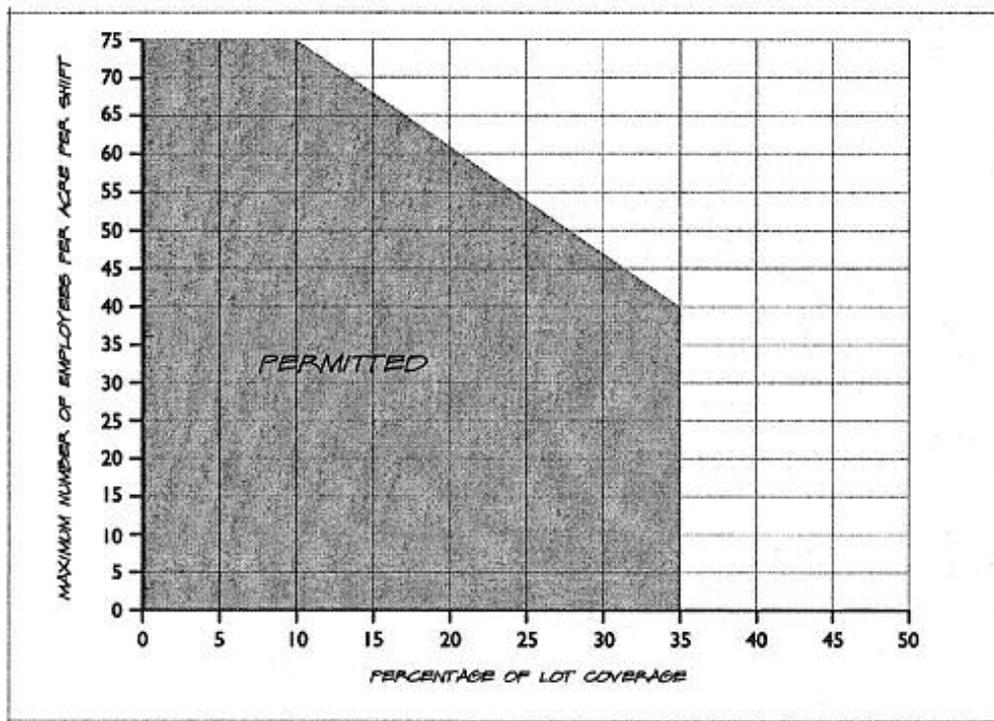


Figure 8.5: APZ II-N

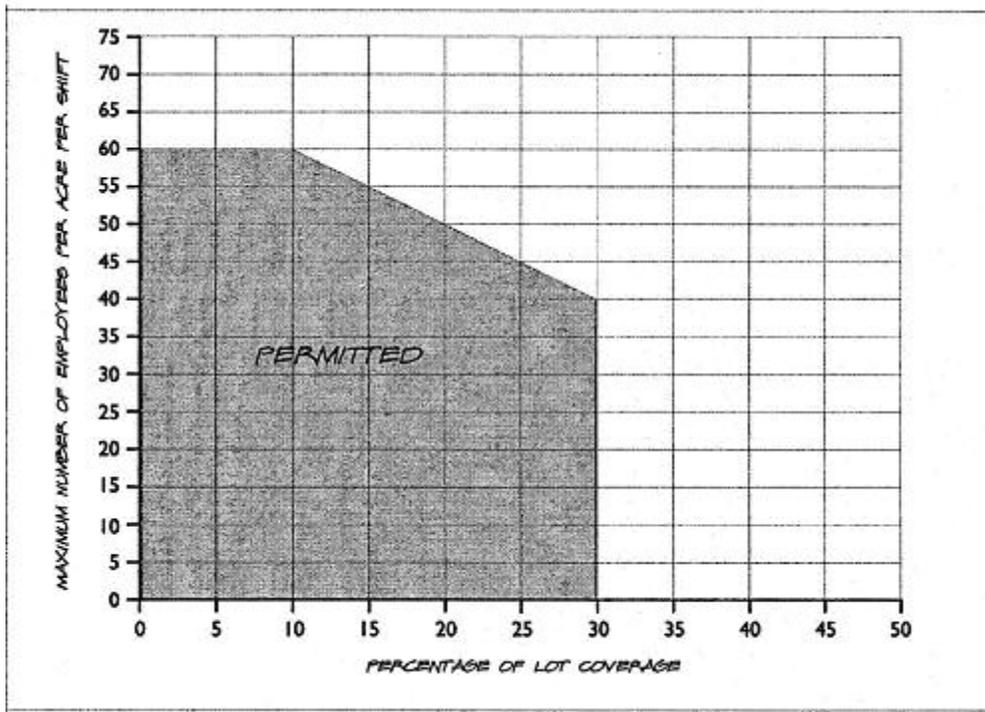


Figure 8.6: APZ II-S

5. *Height restrictions.* Height restrictions shall be as set forth in the underlying zone districts, provided the permitted height does not exceed that established by FAR part 77 surfaces for military airports.
6. *Crash corridor.* To the greatest extent practicable, the centerline area of the APZ I shall be maintained in an open condition. Structures and human activity, as permitted by this district, shall be placed toward the perimeter of the APZ area.
7. *Emissions.* The development shall not:
 - a. Release into the air any substance that would impair visibility or otherwise interfere with the operation of the aircraft;
 - b. Produce substantial light emissions, either direct or indirect (reflective) which would interfere with pilot vision; or
 - c. Produce emissions that would interfere with aircraft communication systems or navigational equipment.
8. *Hazardous materials.* The development shall not involve the use or storage of significant amounts of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics, except as permitted by this subdivision.

9. *Other prohibitions.* The development shall not:
- a. Have high people density characteristics or promote population concentration;
 - b. Involve utilities and services required for area-wide population upon which disruption would have an adverse impact (telephone, gas, etc.);
 - c. Concentrate people who are limited in their ability to respond to emergency situations such as children, elderly, the handicapped; or
 - d. Pose hazards to aircraft operations.

(C) *Prohibited Uses in an Accident Potential Zone.* The following uses shall be prohibited in any APZ zone district:

Table 8.1 Schedule of Uses in APZ Subareas		
	(A)	(B)
	Uses	X -- Prohibited
1.	Aboveground bulk storage of flammable liquids or gases	X
2.	Child care facilities	X
3.	Dog kennels	X
4.	Handicapped care facilities	X
5.	Hospitals and health care facilities	X
6.	Hotels and motels	X
7.	Indoor recreational facilities	X
8.	Museums, theaters and similar establishments	X
9.	Nursing and rest homes	X
10.	Outdoor recreational facilities and activities which may concentrate people	X
11.	Places of worship	X
12.	Public and fraternal meeting facilities	X
13.	Residential uses ¹	X
14.	Restaurants and other eating and drinking establishments, except such establishments that provide seating, customer service counter space or any combination thereof for no more than 12 ² persons. For purposes of this subsection, three feet of customer service counter space shall equal customer service counter space for one person	X
15.	Retail and wholesale operations and facilities which may concentrate people	X
16.	Schools	X
17.	Spectator sport stadiums	X
18.	Storage or sale of explosives, other than small caliber ammunition	X

¹ Except that in APZ II, residential housing shall be permitted at one unit per acre outside the LDN 65 contour

² 16 persons in APZ II.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-808. LDN 65 Subarea.

(A) *Description.* The LDN 65 subarea is composed of areas located within the LDN 65 noise contour, as shown on the air installation compatible use zone map, which are subjected

to noise levels of duration and frequency creating hazard to both physical and mental health.

- (B) *Prohibited Uses.* Residential uses are prohibited in the LDN 65 subarea.
- (C) *Development Standards.* The following development standards shall apply to uses permitted in LDN 65 subarea:
 1. A habitable building addition to existing residential structures within the LDN 65 subarea may be permitted. However, any such addition greater than 1,000 square feet shall provide and include noise level reduction measures in the design and construction of all such building additions to achieve an interior noise level reduction of 30 dB in A-weighted levels, as determined or calculated in accordance with article 10 of chapter 22 of this Code.
 2. Within the LDN 65 subarea, any permitted office, commercial or other nonresidential structures where the public is received shall provide and include noise level reduction measures in the design and construction of all such areas to achieve an interior noise level reduction of 25 dB in A-weighted levels, as determined or calculated in accordance with article 10 of chapter 22 of this Code.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-809. Special Noise Impact District (SNID).

- (A) *Description.* The special noise impact district (SNID) is composed of those areas located between the LDN 60 and LDN 65 noise contour lines as shown on the air installation compatible use zone map.
- (B) *Permitted Uses.* Provided that it is allowed in the underlying zone, new residential uses or structures may be permitted within the special noise impact district. However, such uses or structures shall not be permitted unless and until there has been a public hearing, approval, and authorization by the city council for such uses or structures.
- (C) *Noise Level Reduction Measures.* New residential uses or structures authorized by the city council within the special noise impact district shall provide and include noise level reduction measures in the design and construction of all such habitable structures to achieve the interior noise level reduction established by the city council. Such noise reduction shall in no event be less than a 30-decibel reduction in A-weighted levels, determined or calculated in accordance with article 10 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or an equivalent thereof.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-810. Noise Impact District (NID).

- (A) *Description.* The noise impact district (NID) is composed of those areas located between the LDN 55 and LDN 60 noise contour lines as shown on the air installation compatible use zone map.

- (B) *Noise Level Reduction Measures.* New residential uses or structures permitted by the underlying zone and within the noise impact district shall provide and include noise level reduction measures in the design and construction of all such habitable structures to achieve an interior noise level reduction of 25 decibels in A-weighted levels, as determined or calculated in accordance with article 10 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or an equivalent thereof.

(Ord. No. 2001-72, 12-3-2001; Ord. No. 2006-06, 4-8-2006)

Sec. 146-811. Airport Influence District.

- (A) *Description.* The airport influence district is composed of that area designated by section 146-805 of this code.
- (B) *Height Restrictions.* Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for military airports.
- (C) *Easement.* An avigation easement with the city as sole grantee shall be conveyed to the city by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence district. Such avigation easement shall be an easement for right-of-way for unobstructed passage of aircraft above the property. Such easement shall waive any right or cause of action against the city arising from noise, vibrations, fumes, dust, fuel particles and other effects caused by aircraft and airport operations. The avigation easement shall be in a form approved by the city attorney and shall be recorded in the office of the appropriate county clerk and recorder before permit or plat approval is granted.
- (D) *Notice.* Vendors of real property located within the airport influence area shall provide the following notice to prospective purchasers:
- i. In 14-point bold type on a single sheet of paper which is signed by the prospective purchaser prior to entering into a contract for purchase:

NOTICE OF AIRPORT IN VICINITY

This property is located in the vicinity of an airport, within what is known as an airport influence district. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- ii. and cause the following notice to be recorded with the clerk and recorder of the appropriate county.

NOTICE

The property known as (legal description and address) is located within an area that has been officially designated as an airport influence district by the City of Aurora. As a result of this designation the property is subject to one or more of the following:

(1) An aviation easement has been granted to the City of Aurora recorded in book _____, at page _____, _____ County, Colorado, which allows for the unobstructed passage of aircraft above the property, and provides for the waiver of any right or cause of action against the City of Aurora due to noise, vibrations, fumes, dust, or fuel particles caused by aircraft or airport operations.

(2) The use and enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particles from aircraft operation.

(3) The City of Aurora has required that noise mitigation construction techniques be employed in the construction of this home to mitigate the noise to which the property is exposed. The vendor certifies that the applicable noise mitigation measures have been installed as required. This paragraph (3) is only applicable if the property is located in the NID or SNID subareas.

(4) The noise to which the property may be subject from aircraft operation may exceed 65 LDN, the maximum acceptable level set by the Federal Department of Housing and Urban Development for residential land use (only if located within the LDN 65 contour).

(5) The involved property is located within an area that has been designated as an accident potential zone II. Such property may be characterized by high noise levels and accident potential resulting from aircraft operations (only if located within APZ II).

(6) The involved property is located within an area that has been designated as an accident potential zone I. Such property may be characterized by high noise levels and significant accident potential resulting from aircraft operations (only if located within APZ I).

iii. This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or home builder and the initial home purchaser and does not apply upon any subsequent sale of the property.

(Ord. No. 2001-72, 12-3-2001; Ord. No. 2006-06, 4-8-2006)

DIVISION 3. GENERAL AVIATION AIRPORT INFLUENCE DISTRICT: CENTENNIAL AIRPORT, FRONT RANGE AIRPORT

Sec. 146-812. Application of Regulations.

(A) Nothing contained in this district shall require any change or alteration in a lawfully constructed building or structure in existence at the time of adoption of the ordinance from which this district derives.

- (B) This district is intended to regulate the following:
1. The erection or establishment of any new building or use.
 2. Any addition or expansion or series of additions that would add more than 1,000 square feet to an existing habitable building or structure.
 3. The moving or relocation of any habitable building or structure to a new site or new location.
 4. The change from one use to another of any building, structure, or land or the re-establishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance from which this district derives.
- (C) *Overlay Zone.* This district shall be applied as an overlay zone. The application of this district is in addition to the provisions of the underlying zone districts. Where the provisions of this district conflict with those of the underlying zone district, the regulations of this district shall control.

(Ord. No. 2001-72, 12-3-2001; Errata (2) of 12-30-2002, 8)

Sec. 146-813. Subareas.

- (A) *Subarea Boundaries.* The boundaries of the subareas created under this subdivision shall be determined by scaling distances on the general aviation compatible use zone map. Where interpretation is needed as to the exact location of the boundaries of the subarea, the director of planning shall make the necessary determination of the boundary. A property owner requesting a determination as to the location of a subarea boundary affecting his or her property shall be given a reasonable opportunity to present his or her application to the director of planning, and to submit his or her own evidence if he or she so desires. The decision of the director of planning may be appealed to the city council, provided such appeal shall be filed with the city manager within 10 days of the director's decision. The city council shall have the power to overrule the director's decision by a vote of the majority of council members present and voting.
- (B) *General Aviation Compatible Use Zone.* To carry out the purpose of this district, the general aviation compatible use zone is created and established, as bounded and defined on the map entitled "General Aviation Compatible Use Zone Map" (exhibit A) on file in the office of the director of planning, together with all references, notations, and other information shown thereon, and such map is adopted by reference and declared to be part of this article as if such map and information thereon were fully described and set forth in this article. The general aviation compatible use zone consists of the following overlay subareas:
1. LDN 55 subarea.
 2. LDN 65 subarea.
 3. LDN 60 subarea.

4. Airport influence district.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-814. LDN 65 Subarea.

- (A) *Description.* The LDN 65 subarea is composed of lands located within an LDN 65 noise contour generated by aircraft operating into and out of the involved general aviation airport.
- (B) *Uses Prohibited.* No new residences, hospitals, places of worship, libraries, cultural centers, child care centers, preschools, non-airport-related educational facilities, or similar facilities shall be permitted within the LDN 65 subarea.
- (C) *Noise Level Reduction.* Office, commercial, or other nonresidential uses or structures where the public is received, which are permitted by the underlying zone, shall provide and include noise level reduction measures in the design and construction of all areas where the public is received to achieve an interior noise level reduction of 25 decibels in A-weighted levels as determined or calculated in accordance with article 10 of chapter 22 of this Code.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-815. LDN 60 Subarea.

- (A) *Description.* The LDN 60 subarea is composed of lands that are located within an LDN 60 noise contour generated by aircraft operations into and out of the involved general aviation airport.
- (B) *Uses Prohibited.* No new residential uses or structures shall be permitted within the LDN 60 subarea.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-816. LDN 55 Subarea.

- (A) *Description.* The LDN 55 subarea is composed of lands located between the LDN 55 and LDN 60 noise contours, inclusive, generated by aircraft operations into and out of the involved general aviation airport.
- (B) *Noise Level Reduction Measures.* New residential uses or structures permitted by the underlying zone and within the LDN 55 subarea shall provide and include noise level reduction measures in the design and construction of all habitable structures to achieve an interior noise level reduction of 25 decibels in A-weighted levels as determined or calculated in accordance with article 10 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or an equivalent thereof.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-817. Airport Influence District.

(A) *Description.* The airport influence district is composed of lands located within an area affected by noise or safety hazards associated with aircraft operations at general aviation airports.

(B) *Height Restrictions.* Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for civil airports.

(C) *Easement.* Within the airport influence district, an avigation and hazard easement shall be conveyed to the city and the airport by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence district. The city and the respective involved general aviation airport shall be the grantees of such avigation easement. Such avigation easement shall be an easement for right-of-way for unobstructed passage of aircraft above the property. Such easement shall waive any right or cause of action against the city and the airport arising from noise, vibrations, fumes, dust, fuel particles, and other effects caused by aircraft and airport operations. The avigation easement shall be in a form approved by the city attorney and shall be recorded in the office of the appropriate county clerk and recorder before permit or plat approval is granted.

(D) *Notice.* Vendors of real property located within the airport influence district shall provide the following notice to prospective purchasers:

- i. In 14-point bold type on a single sheet of paper which is signed by the prospective purchaser prior to entering into a contract for purchase:

NOTICE OF AIRPORT IN VICINITY

This property is located in the vicinity of an airport, within what is known as an airport influence district. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- ii. and cause the following notice to be recorded with the clerk and recorder of the appropriate county.

NOTICE

The property known as: (legal description and address) is located within an area which has been officially designated as an airport influence district by the City of Aurora. As a result of this designation, the property is subject to the following:

- (1) An avigation and hazard easement has been granted to the City of Aurora and (name of airport) airport recorded in book (book number) at page (page number), (county) County, Colorado, which allows for the unobstructed passage of aircraft above the property and provides for the waiver of any right or cause of action against the City of

Aurora and the airport due to noise, vibration, fumes, smoke, dust, or fuel particles caused by aircraft or airport operations.

(2) The use and the enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particles from aircraft operation.

(3) The City of Aurora has required that noise mitigation construction techniques be employed in the construction of this home to mitigate the noise to which the property is exposed. The vendor certifies that the applicable noise mitigation measures have been installed as required. This paragraph is only applicable if the property is located in the LDN 55 subarea.

iii. This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or home builder and the initial home purchaser and does not apply upon any subsequent sale of the property.

(Ord. No. 2001-72, 12-3-2001)

DIVISION 4. AIRPORT INFLUENCE DISTRICT OF DENVER INTERNATIONAL AIRPORT

Sec. 146-818. Application of Regulations.

- (A) Nothing contained in this district shall require any change or alteration in a lawfully constructed building or structure in existence at the time of the adoption of the ordinance derived from this district.
- (B) This district is intended to regulate the following:
 - 1. The erection or establishment of any new building or use;
 - 2. The addition or expansion to an existing habitable building or structure when such addition or expansion is greater than 1,000 square feet;
 - 3. The relocation of any habitable building or structure to a new location;
 - 4. The change of use in any building, structure, or land, or the re-establishment of a nonconforming use after its discontinuance for a period of one year or more from the effective date of the ordinance derived from this district.
- (C) This district shall be applied as an overlay zone. The application of this district is in addition to the provisions of the underlying zone districts. Where the provisions of this district conflict with those of the underlying zone district, the regulations of this district shall control.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-819. Subareas.

- (A) *Interpretation of Area Boundaries.* The boundaries of the areas described in this district shall be determined by scaling distances on the airport noise contour map. Where interpretation is needed as to the exact location of the boundaries of the airport areas shown on the airport noise contour map, the director of planning shall make the determination. A property owner contesting the location of an area boundary affecting his or her property shall be given a reasonable opportunity to present his or her case to the director of planning and to submit his or her own evidence. The decision of the director of planning may be appealed to the city council, provided that the appeal is filed with the city manager within 10 days of the director's decision. The city council shall have the power to overrule the director's decision by a vote of a majority of the council members present and voting.
- (B) *Commercial Aviation Compatible Use Zone.* To carry out the purpose of this district, the commercial aviation compatible use zone is created and established, as bounded and defined on the map entitled "Commercial Aviation Compatible Use Zone Map" (exhibit A). Such map is on file in the office of the director of planning, together with all references, notations, and other information shown thereon. The commercial aviation compatible use zone consists of the following overlay districts:
1. LDN 65 subarea
 2. Commercial airport noise areas. (LDN 60)
 3. Noise impact boundary areas.
 4. Airport influence district.

(Ord. No. 2001-72, 12-3-2001)

Sec. 146-819.1 LDN 65 Subarea.

- (A) *Description.* The LDN 65 subarea is composed of lands located with the LDN 65 noise contour generated by aircraft operating into and out of Denver International Airport.
- (B) *Uses Prohibited.* No new residences, hospitals, places of worship, libraries, cultural centers, child care centers, preschools, non-airport related educational facilities, or similar facilities shall be permitted within the LDN 65 subarea.
- (C) *Noise Level Reduction.* Office, commercial, or other nonresidential uses or structures where the public is received, which are permitted by the underlying zone, shall provide and include noise level reduction measures in the design and construction of all areas where the public is received to achieve an interior noise level reduction of 25 decibels in A-weighted levels as determined or calculated in accordance with Article 10 Chapter 22 of this code.

(Ord. No. 2006-06, 4-8-2006)

Sec. 146-820. Commercial Airport Noise Areas (CANAs).

- (A) *Description.* The CANA subarea is composed of lands that are located within an LDN 60 noise contour generated by aircraft operations into and out of the Denver International Airport.
- (B) *Uses Prohibited.* No new residential uses or structures shall be permitted within the commercial airport noise areas.
- (C) *Noise level reduction measures.* A habitable building addition to an existing residential structure within the commercial airport noise areas may be permitted. However, any such addition greater than 1,000 square feet shall provide and include noise level reduction measures in the design and construction of the building addition. Such measures shall achieve an interior noise level reduction of 30 dB in A-weighted levels, as determined or calculated in accordance with article 10 of chapter 22 of this Code.

(Ord. No. 2001-72, 12-3-2001; Errata of 9-11-2002, 21)

Sec. 146-821. Noise Impact Boundary Areas (NIBAs).

- (A) *Description.* The NIBA subarea is composed of lands that are located within an LDN 55 noise contour generated by aircraft operations into and out of the Denver International Airport.
- (B) *Noise Level Reduction Measures.* Residential uses or structures permitted by the underlying zone and within the noise impact boundary areas shall provide and include noise level reduction measures in the design and construction of all habitable structures. Such measures shall achieve an interior noise level reduction of 25 dB in A-weighted levels, as determined or calculated in accordance with article 10 of chapter 22 of this Code. Noise reduction measures shall include central air conditioning or equivalent.

(Ord. No. 2001-72, 12-3-2001; Ord. No. 2006-06, 4-8-2006)

Sec. 146-822. Airport Influence District.

- (A) *Description.* The airport influence district is composed of lands located within an area affected by noise or safety hazards associated with aircraft operations at commercial aviation airports. Within the City of Aurora, the airport influence district around Denver International Airport (DIA) is defined as the NIBA.
- (B) *Height Restrictions.* Development in the airport influence district shall comply with height restrictions in the underlying zone district, which do not intrude into FAR part 77 surfaces for civil airports.
- (C) *Easement.* Within the airport influence district, an aviation and hazard easement shall be conveyed to the city and the airport by any person subdividing lands or initiating construction of any structure on already subdivided lands within the airport influence district. The city and the respective involved commercial aviation airport shall be the grantees of such aviation easement. Such aviation easement shall be an easement

for right-of-way for unobstructed passage of aircraft above the property. Such easement shall waive any right or cause of action against the city and the airport arising from noise, vibrations, fumes, dust, fuel particles, and other effects caused by aircraft and airport operations. The aviation easement shall be in a form approved by the city attorney and shall be recorded in the office of the appropriate county clerk and recorder before permit or plat approval is granted.

- (D) *Notice.* Vendors of real property located within the airport influence district shall provide the following notice to prospective purchasers:
- i. In 14-point bold type on a single sheet of paper which is signed by the prospective purchaser prior to entering into a contract for purchase:

NOTICE OF AIRPORT IN VICINITY

This property is located in the vicinity of an airport, within what is known as an airport influence district. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- ii. and cause the following notice to be recorded with the clerk and recorder of the appropriate county.

NOTICE

The property known as: (legal description and address) is located within an area which has been officially designated as an airport influence district by the City of Aurora. As a result of this designation, the property is subject to the following:

- (1) An aviation and hazard easement has been granted to the City of Aurora and (name of airport) airport recorded in book (book number) at page (page number), (county) County, Colorado, which allows for the unobstructed passage of aircraft above the property and provides for the waiver of any right or cause of action against the City of Aurora and the airport due to noise, vibration, fumes, smoke, dust, or fuel particles caused by aircraft or airport operations.
- (2) The use and the enjoyment of the property may be affected by aircraft noise, vibrations, fumes, smoke, dust, or fuel particles from aircraft operation.
- (3) The City of Aurora has required that noise mitigation construction techniques be employed in the construction of this home to mitigate the noise to which the property is exposed. The vendor certifies that the applicable noise mitigation measures have been installed as required. This paragraph (3) is only applicable if the property is located in the NIBA subarea.

- iii. This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or home builder and the initial home purchaser and does not apply upon any subsequent sale of the property.

(Ord. No. 2001-72, 12-3-2001; Ord. No. 2006-06, 4-8-2006)