

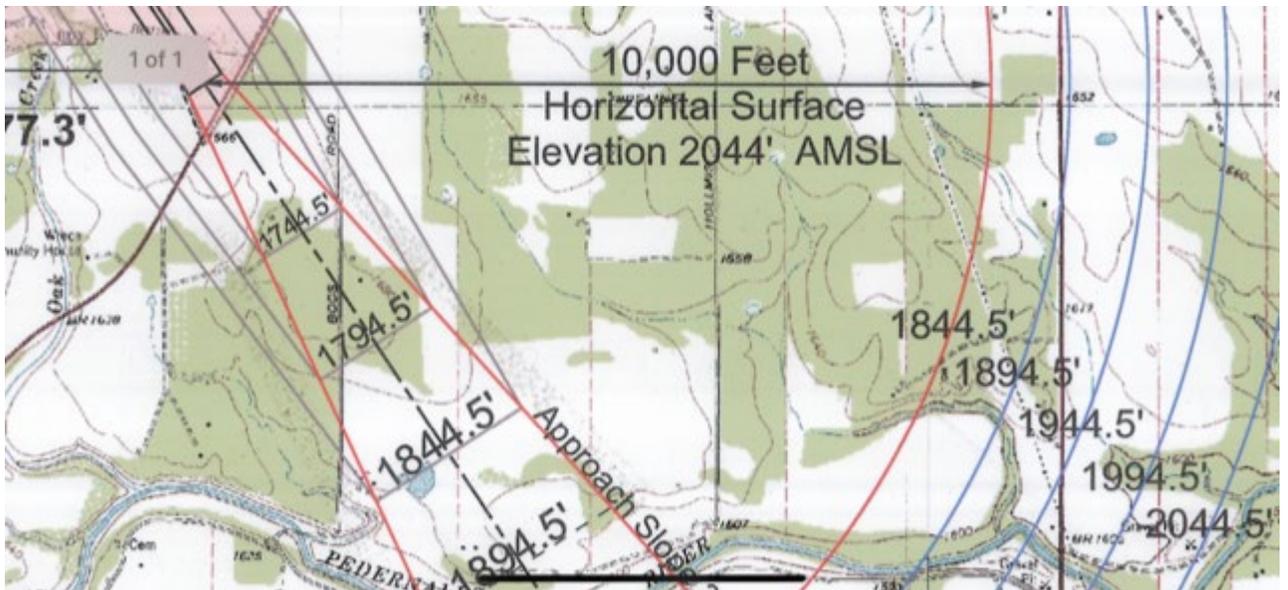
Minutes for

Fredericksburg-Gillespie County Joint Airport Zoning Board

10 Feb 2021

Attendance: Greg Snelgrove, Judge Stroehrer, Commissioner Schuch, Councilman Watson, Tony Lombardi (Gillespie County Airport Manager), Jason Lutz (City's Director of Development Services) and Anna Hudson.

- **Opening statements:** Greg Snelgrove called the meeting to order and reviewed the agenda (2:07pm).
- **Airport Zoning Presentation.** Tony Lombardi gave presentation on Airport Zoning and the proposed changes with the new ordinance/HHZ chart. During the presentation, Greg Snelgrove noticed an error in the 2007 Draft HHZ Chart. The Horizontal Surface Elevation should be 1844' AMSL (not 2044').



Since the draft HHZ chart cannot be edited, and a new chart is expected to be created by the end of the year, the board decided to delay work on the ordinance until a new chart is created. (a vote was conducted, and unanimously approved)

- **Closing.** Greg Snelgrove closed the meeting without setting a date for the next meeting (2:49pm).

Height Hazard Zoning



1

Airport Hazard (Texas Airport Zoning Act)

..... a structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft....



2

Airport Hazard

(Texas Airport Zoning Act)

.....or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to monitoring, or controlling aircraft.



3

Why Regulate Airport Height Hazards?

- For the safety of the users of the airport as well as persons and property on the ground
- Allowed by State Law
 - Local Government Code Title 7, Chapter 241
- Because TxDOT/FAA says so.....\$\$\$
 - It is part of the “Grant Assurances”

“(20) Hazard Removal and Mitigation. Protect the airspace around the airport”

4

When should Airport Zoning Regulations be Updated?

- Changes in City's comprehensive zoning
- Business Development Around the Airport
- Change in Runway design standard
 - From Utility to Other than Utility
- Improved Approach Visibility Minimums
 - NPI to PIA
- ★ Change in RW length
 - Zoned length not adequate
- When TxDOT says so.....\$\$\$

5

Texas Airport Zoning Act

Local Government Code Title 7, Chapter 241

Municipal and County Zoning Authority
around Airports

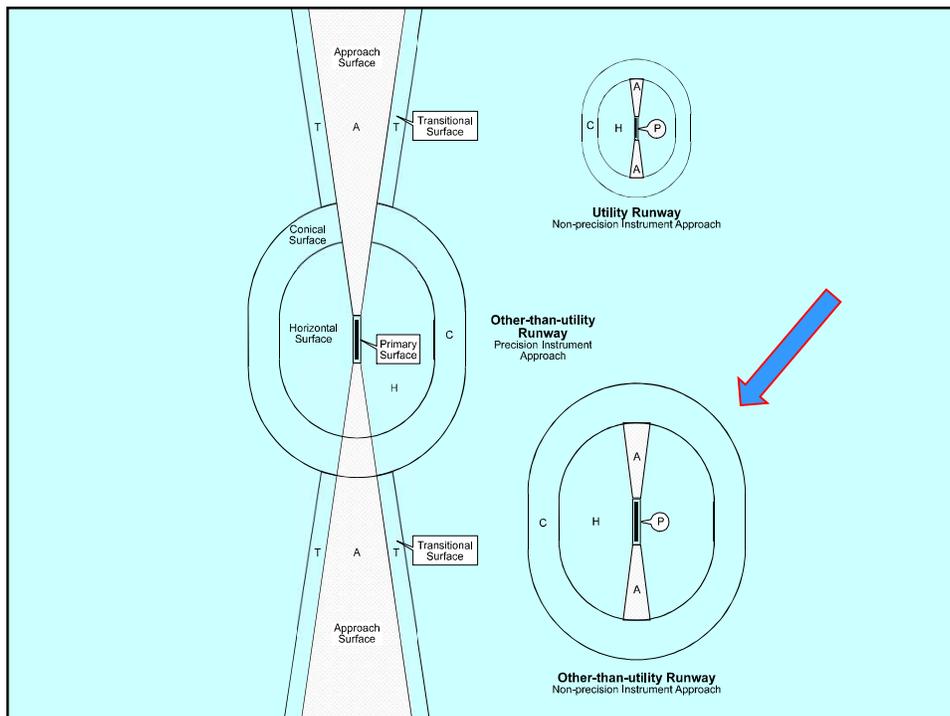
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Texas Airport Zoning Act

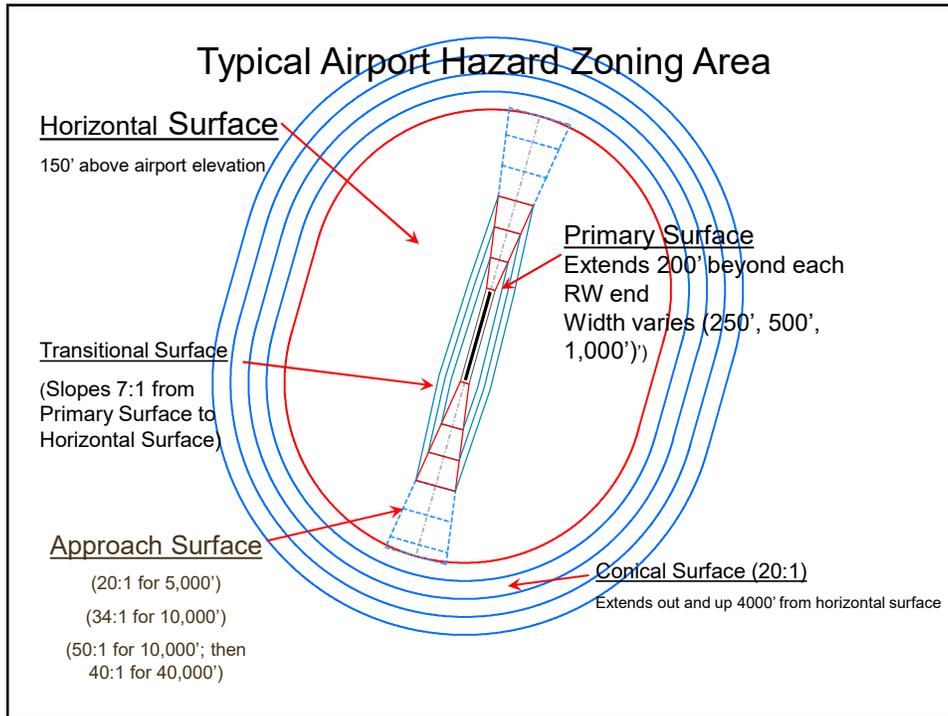
§ 241.011 Airport Hazard Area Zoning Regulations

- Allows a political subdivision to adopt, administer and enforce zoning regulations in the airport hazard areas.
- The imaginary surfaces in the Federal Aviation Regulations (FAR) Part 77 are the preferred standards to be used in airport zoning.

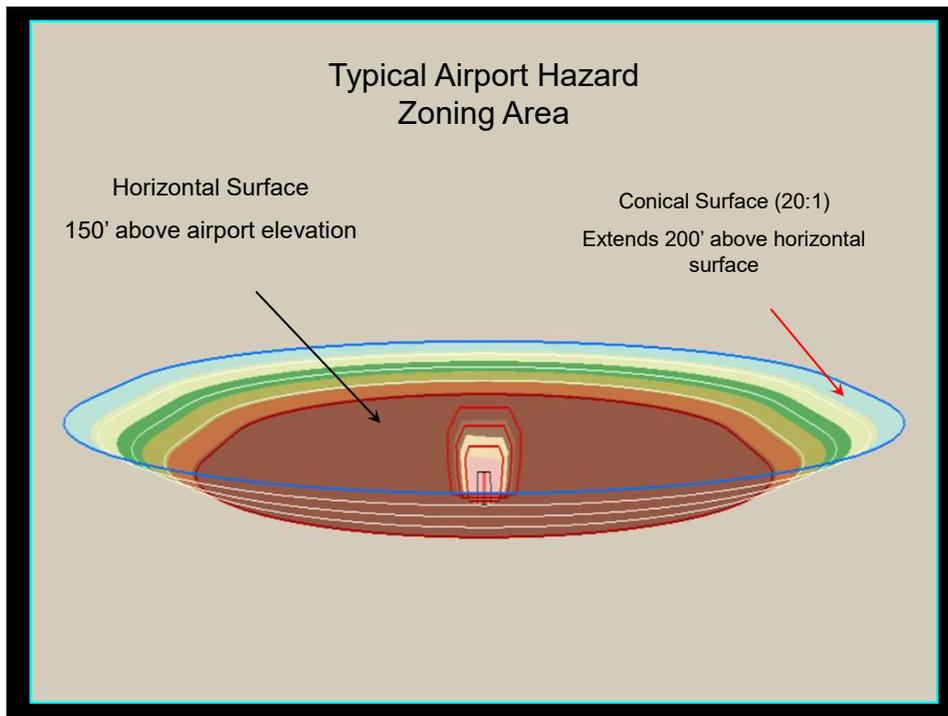
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8



9



10

Texas Airport Zoning Act

§ 241.014 Joint Airport Zoning Board (JAZB)

- A political subdivision may create a joint airport zoning board with another political subdivision in which an airport hazard area or a controlled compatible land use area relating to the airport is located.
 - The political subdivisions must act by resolution or ordinance in creating the joint board.
- The JAZB must consist of two members appointed by each of the political subdivisions creating the board and, in addition, a chairman elected by a majority of the appointed members.
- The JAZB has the same power to adopt, administer, and enforce airport hazard area zoning regulations as that given to a political subdivision.

Sixty (60) days following the date of adoption of the Gillespie County Airport Hazard Zoning Ordinance, the duties, responsibilities, and authority of the Fredericksburg-Gillespie County Airport Joint Airport Zoning Board will cease and the Fredericksburg-Gillespie County Airport Joint Airport Zoning Board shall be dissolved.

11

Texas Airport Zoning Act

§ 241.031. Administrative Agency

- The administrative agency may be:
 - An agency created by the regulations;
 - An existing official, board, or agency of the political subdivision adopting the regulations; or
 - An existing official, board, or other agency of a political subdivision that participated in the creation of a joint airport zoning board adopting the regulations, if satisfactory to that political subdivision.
- The administrative agency shall hear and decide all applications for permits.
- The administrative agency may not be the board of adjustment or include any member of the board.
 - The agency may not exercise any of the powers delegated to the board of adjustment.

Note: We have designated Gillespie County Commissioners Court (Section 3, pg4)

12

Texas Airport Zoning Act

- The AZA does not authorize the “taking” of property.
- The AZA does not provide authority to mandate changes in pre-existing structures or uses of land.
 - Nonconforming uses may continue as they were at the time the zoning was adopted

T82 has had a AZA since it was built (1948), and the current one is dated 1979

13

Hazard Zoning Regulations

- A statement that the airport being zoned is used in the interest of the public.
- **Administrative Agency of the zoning regulations**
 - Recommend an office of the city or county owning the airport be appointed as the administrator of the zoning.
 - It is recommended that the JAZB not be appointed as the administrator.
- **Applicable zones and the restrictions to each zone**
 - Based on applicable Federal Aviation Regulations (FAR) Part 77.
- **Excepted height limitation**
 - The excepted height incorporated into most zoning regulations is 50 feet.

Note: We have 20' in our draft (I am not sure why? (pg 5)

14

Hazard Zoning Regulations

- **Land use restrictions**
 - hazard zoning may restrict the use of land underlying the zoned surfaces to uses that would not jeopardize the safety of the airport.
- **Must define and exempt nonconforming land uses, structures, or trees**
 - Uses of land, structures, or trees that are contrary to the requirements of the zoning but are existing before the adoption of the zoning regulations are considered to be “nonconforming.”
 - The AZA does not give the authority to make the zoning restrictions retroactive.
- **Board of adjustment (BOA)**
 - A new BOA may be appointed (5 members serving 2-year terms)
 - An existing zoning BOA of one of the political subdivisions participating in the zoning may be designated as the BOA.

15

Hazard Zoning Regulations

- **A procedure for issuing permits and variances**
 - The AZA states that a permit for a qualifying structure or tree “shall be issued.”
 - A variance may be issued by the BOA if it is found that the structure, tree, or use of land in question, is determined not to be contrary to the public interest.
- **An appeals process for persons aggrieved by the Board of Adjustment**
- **Penalties for violations**
 - the zoning regulations can only set a fine amount

16

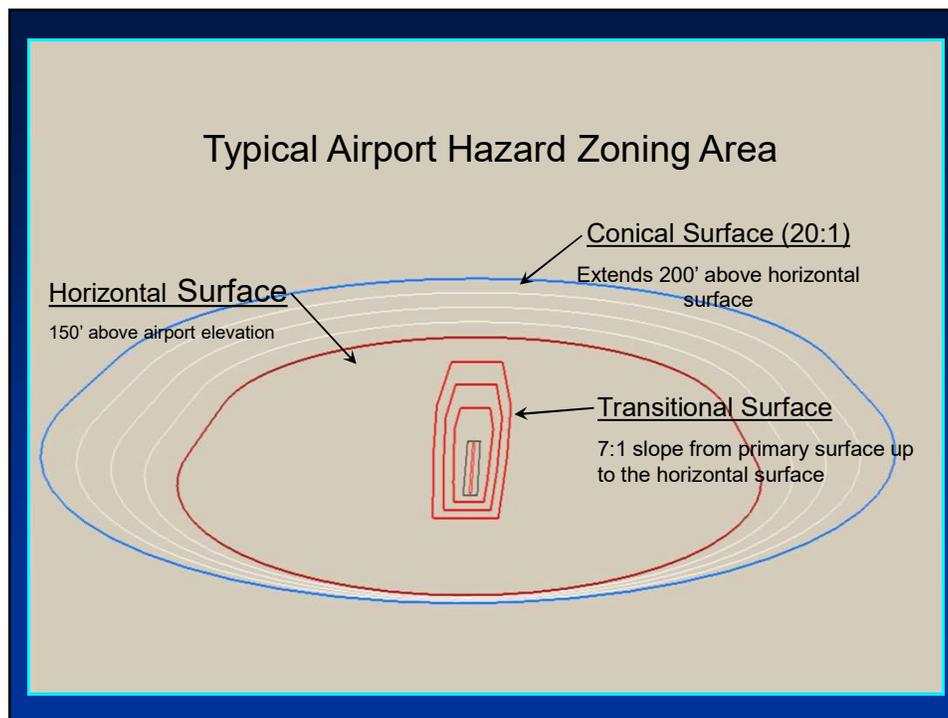
Airport Zoning Map

- Prepared by CIP “Planning Study” (Engineer Firm)

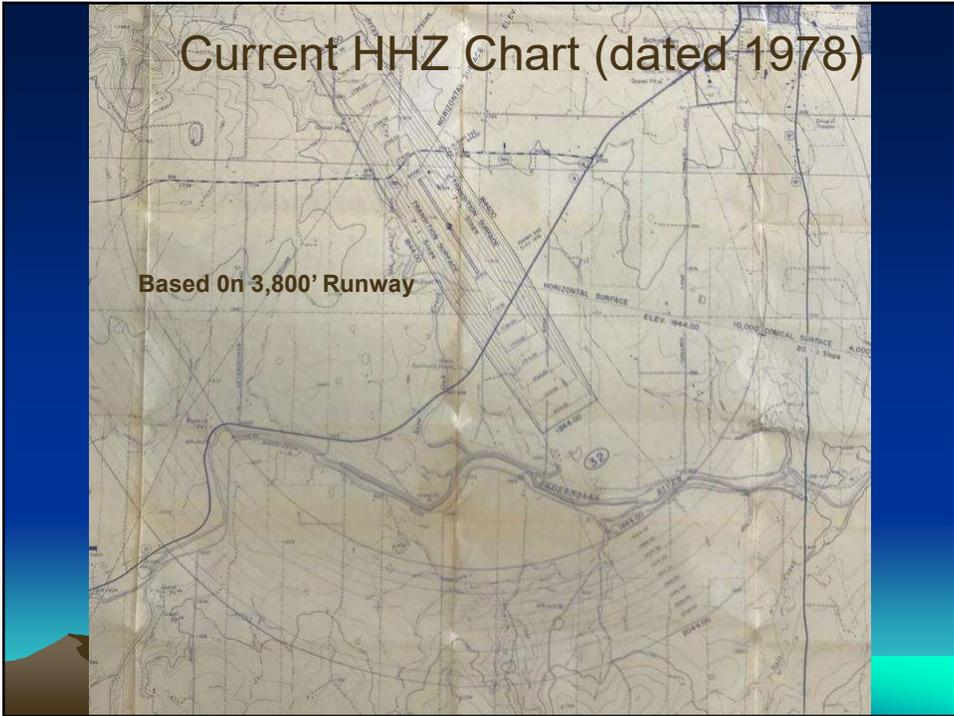
Note: we can approve the draft dated 2007, until the new version is created, but that means the JAZB must continue to serve until the Chart is created.

- Map becomes part of the Height Zoning Ordinance approved by the JAZB
 - “Exhibit A” named in the ordinance
- Approved by the Airport Advisory Board and signed by the JAZB Chairman

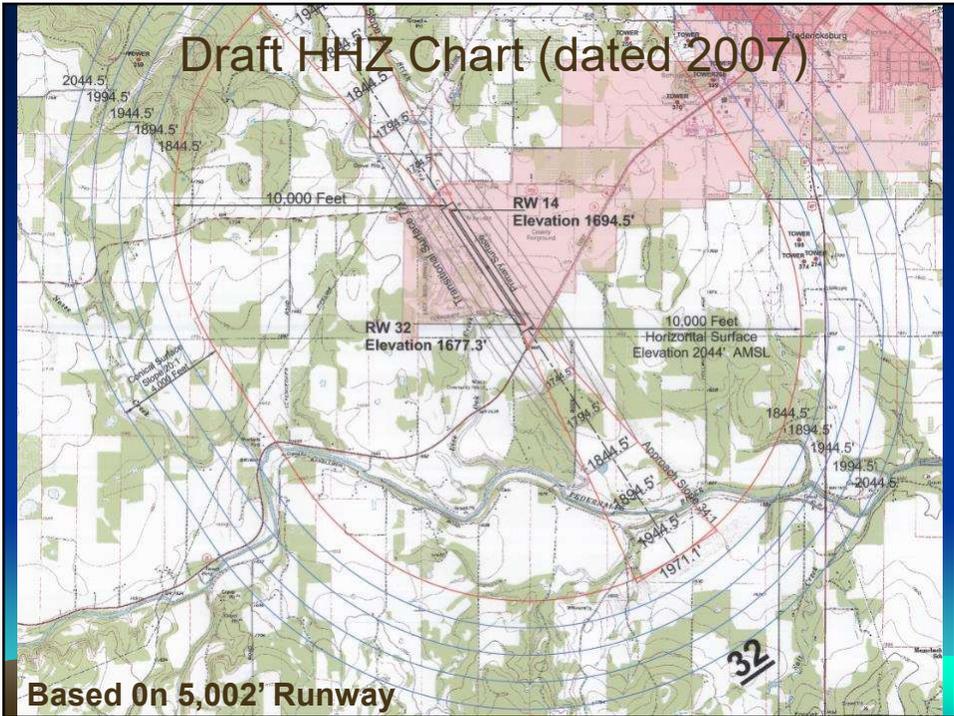
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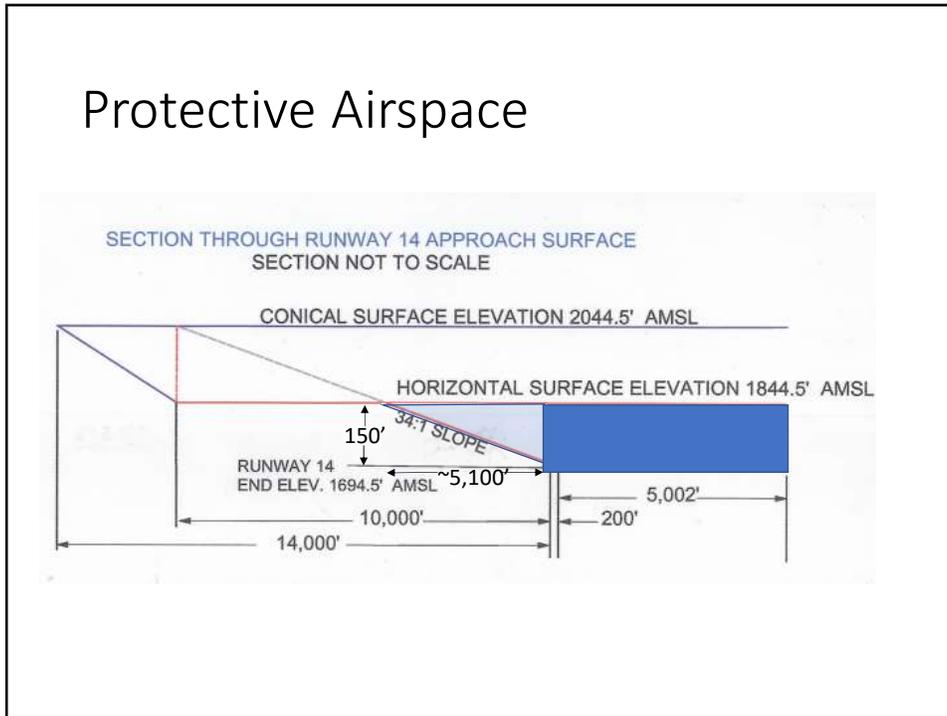


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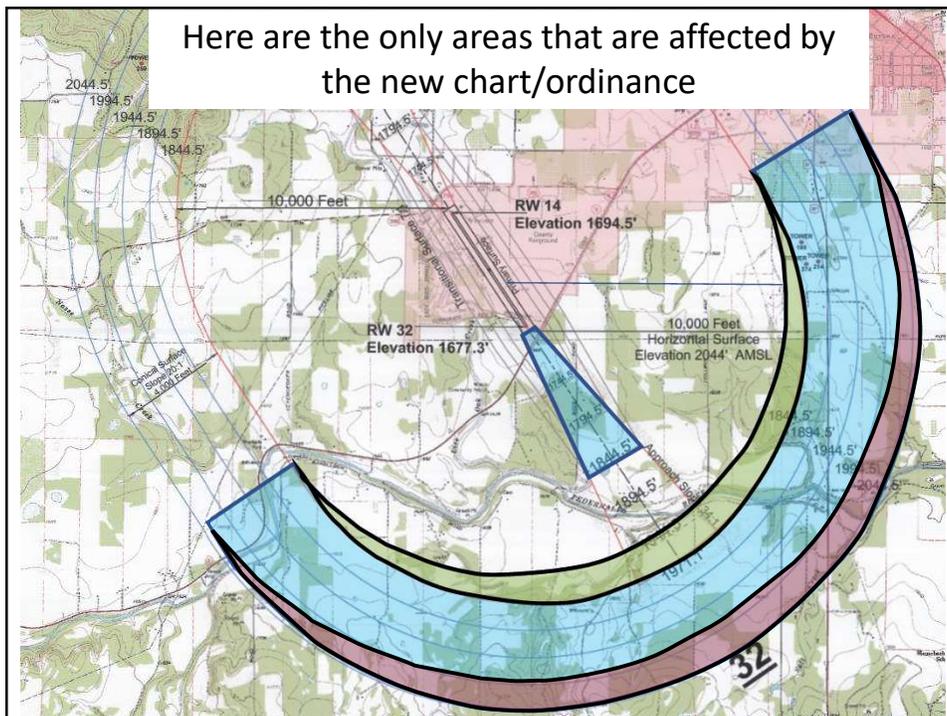


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Protective Airspace



21



22



23

END

Questions

GILLESPIE COUNTY
AIRPORT

24