



Airport Zoning Ordinance

Receive a staff presentation on the draft proposed airport zoning ordinance, developed in accordance with the Airport Zoning Act, and the role of Planning and Zoning as appointed by City Council as the Airport Zoning Commission.



Background/Context

- In February 2022, City Council approved by motion authorization for the city to address airport hazard zoning and compatible land use zoning related to the San Marcos Regional Airport.
- City engaged with the airport master plan consultant to support the creation of an airport zoning regulation.
- July 2023 City Council passed an ordinance to appointed Planning and Zoning as the Airport Zoning Commission (AZC). Ord. 2023-43



Why we need an airport zoning ordinance

- Requirement to continue to receive grants from the Federal Aviation Administration (FAA) and the State (TxDOT Aviation). Grant Assurances # 21 & 22
 - Hazard Removal and Mitigation: *It will take appropriate action...to protect instrument and visual operations to the airport...by preventing the establishment or creation of future airport hazards.*
 - Compatible Land Use: *It will take appropriate action...including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.*
- Increasing development pressures in the region directly around the airport property.
- Creates the need to protect the airport from incompatible building/structure heights and protect surrounding areas from the airport.



Background to Airport Zoning

- Chapter 241 of the Texas Local Government Code, “Airport Zoning Act” provides the framework and tools to promote a compatible airport environment. (Est. 1987).
- Two parts to an airport zoning ordinance.
 - Height hazard zoning (241.011) – adopt airport hazard zone regulations to prevent the creation of an airport hazard.
 - Compatible Land Use Zoning (241.012) – adopt land use zoning regulations with the goal to minimize risk to public health and safety in areas around the airport.



Adoption of Airport Zoning Regulations

- An airport zoning regulation requires the creation of Joint Airport Zoning Board or the appointment of an Airport Zoning Commission (AZC). Either one will have the power to adopt, administer, and enforce airport zoning regulations.
- Where a planning commission already exists, they may be designated the AZC also.
- Airport Zoning Commission is used where the city acts unilaterally, in cooperation with the other jurisdictions.
 - Extraterritorial zoning in political subdivisions with a population greater than 45,000 requires neighboring municipalities to observe the same ordinance (Section 241.013).
- City council appointed Planning and Zoning as the Airport Zoning Commission (Ord. 2023-43)



Airport Zoning Commission

Role of the Airport Zoning Commission

- The commission recommends the boundaries of the zones to be established, and the regulations of these zones.
- The commission shall make a preliminary report and hold a public hearing before submitting a final report recommending the zoning boundaries and regulation.
 - Final recommendation will be presented to council for adoption.



Airport Zoning Basics and Draft Ordinance

- Draft Airport Zoning Ordinance is included in the packet.
- Update Code of Ordinances Chapter 10 – Aviation due to the zoning boundaries extending into the ETJ. Addition of Article 3 to cover zoning ordinance.
- Land Development Code will be updated with cross references to the Code of Ordinances.



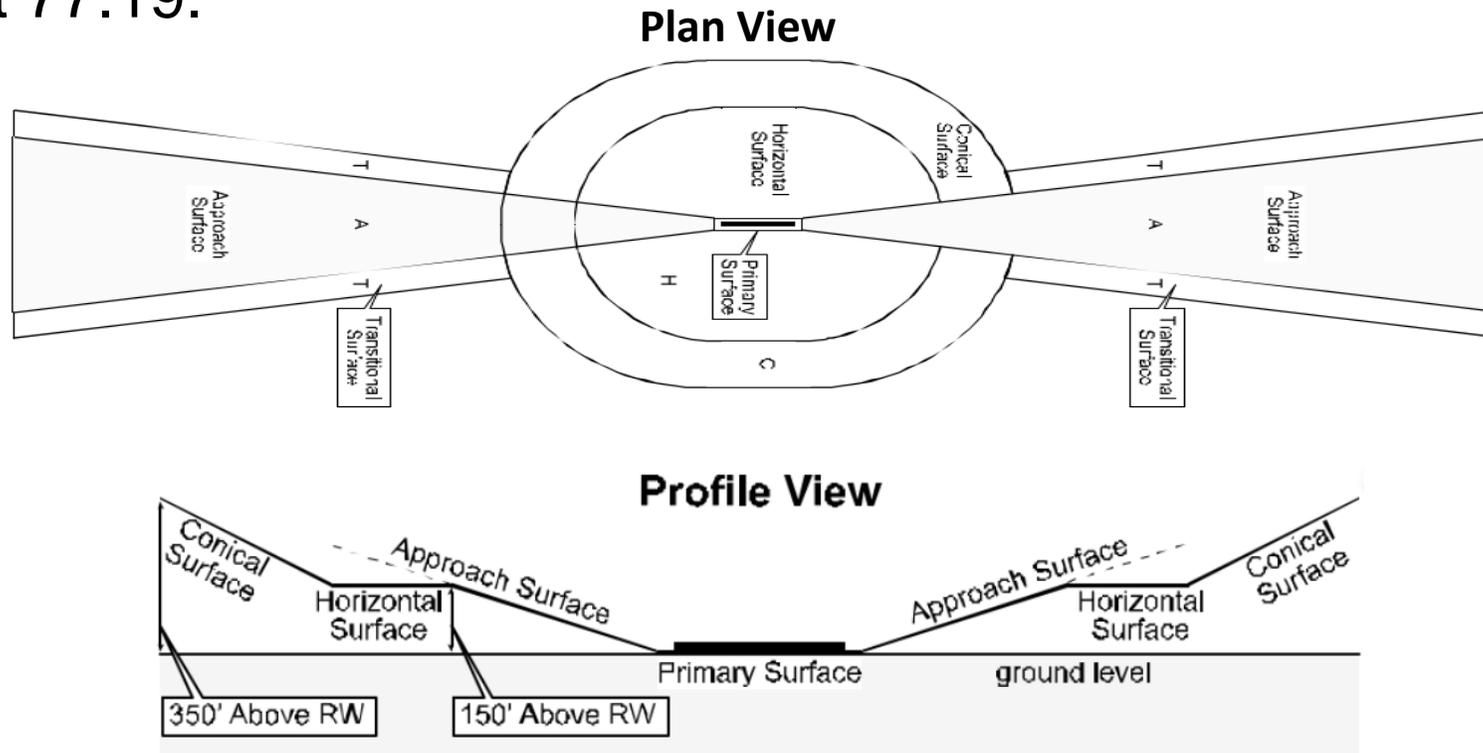
Ordinance Development Process

- Garver (Airport Master Plan consultant) assisted the city in developing the draft ordinance.
- Ensured the ordinance complies with the Airport Zoning Act and other applicable laws.
- Benchmarked other airports of similar nature in Texas. Texas Aviation Partners fully involved in its development.
- Public meeting held at the airport March 27, 2023.
- Resolution of support from the Airport Advisory Board



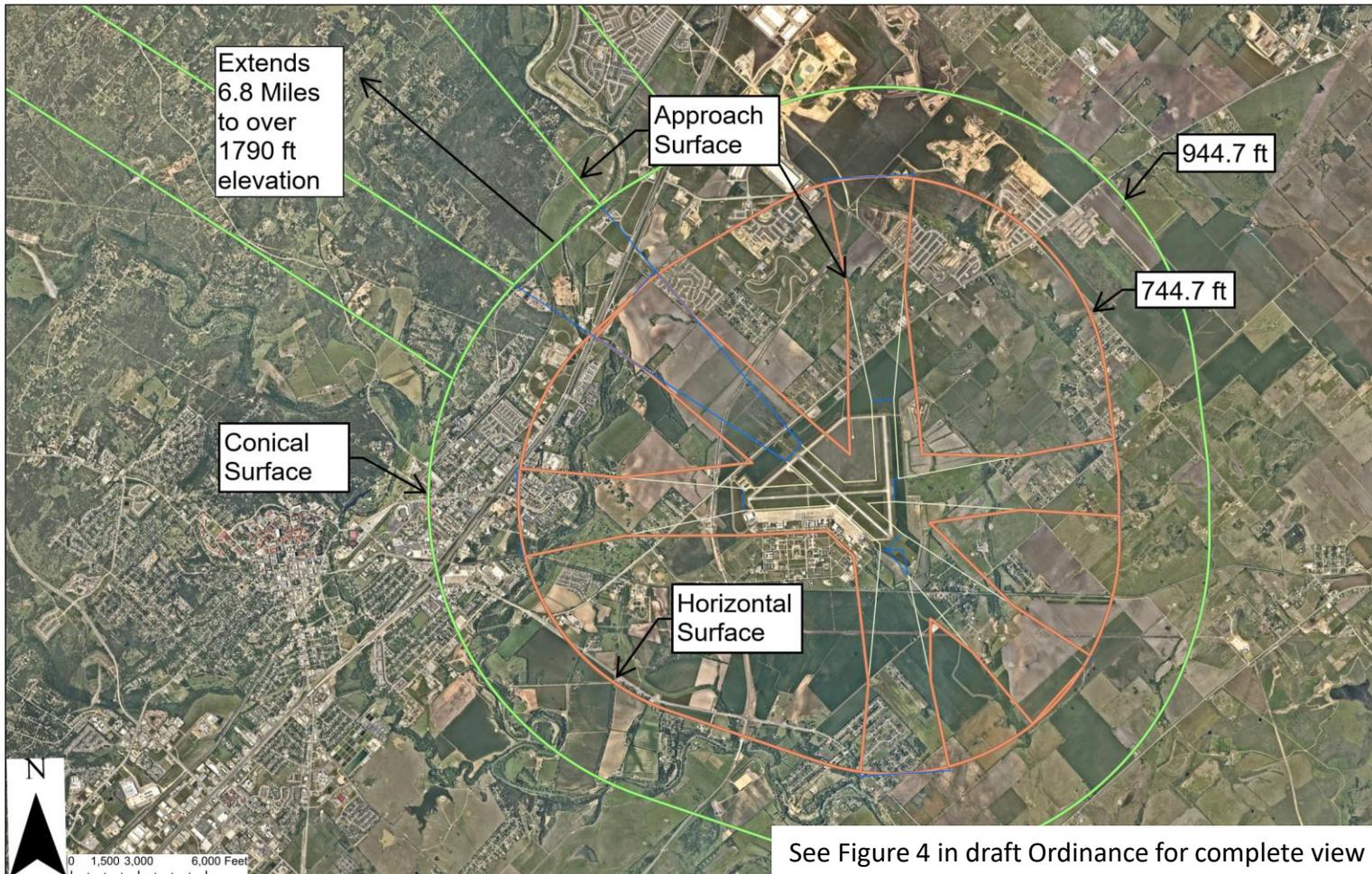
Draft Ordinance Development – Height Hazards

- Proposed height hazard zoning based on the surfaces described in 14 CFR Part 77.19.





Draft Ordinance Development – Height Hazards

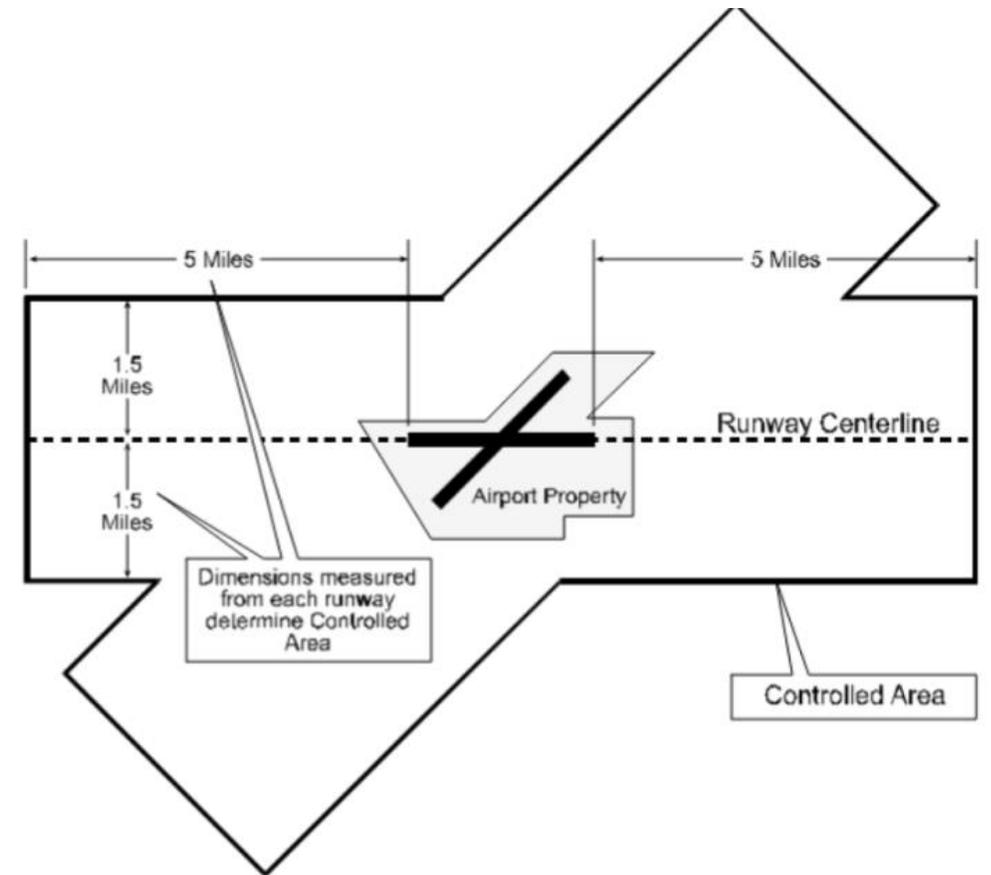


- The proposed ordinance will require new development meeting certain criteria to file a notice with the FAA to review the development.
- FAA has a screening tool to quickly determine if a more detailed assessment is required.
- FAA provides response on whether there's an impact to the airport and if mitigation actions are required.



Draft Ordinance Development – Compatible Land Use Zoning

- The purpose is to protect property and occupants in the vicinity of the airport from airport impacts. Protect the airport from incompatible development.
- Avoid having sensitive land uses within the immediate vicinity of the airport and runways.
- The zoning act provides a maximum possible area for compatible land use zoning.
- Other zoning ordinances for airports in Texas were reviewed to establish a proposed land-use zoning ordinance for San Marcos.
- Creation of overlay zones focused off the ends of the runways and immediate areas surrounding the airport.



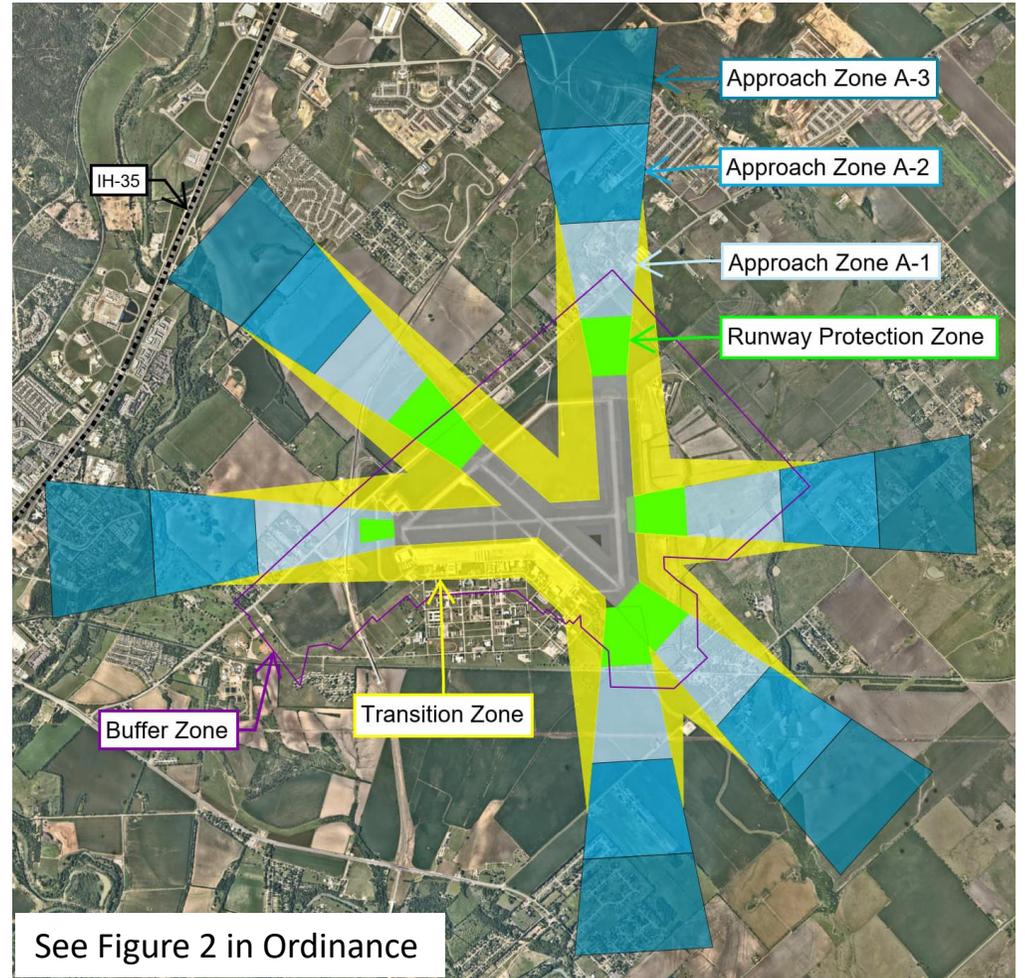
Maximum Possible Land Use Area Around an Airport

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Draft Ordinance Development – Compatible Land Use Zoning

| Overlay Zone | Compatible Land Use |
|--------------------------|--|
| Runway Protection Zone | Undeveloped, agricultural |
| Zone A-1 and Buffer Zone | Undeveloped, agricultural/recreational, commercial/retail, Industrial |
| Zone A-2 | As Zone A-1 including residential – density not exceeding 3 dwellings per acre |
| Zone A-3 | As Zone A-2 including residential – density not exceeding 6 dwellings per acre |
| Transition Zone | As Zone A-1 including residential with the same density as the adjacent zone |



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Airport Zoning – Other Aspects

- Reasonableness of the Airport Zoning Regulations (Section 241.018)
 - *An airport zoning regulation must be reasonable and may impose a requirement or restriction only if the requirement or restriction is reasonably necessary to achieve the purposes of this chapter.*
 - E.g. Height limitations: *Nothing contained in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any structure or tree to a height of up to fifty (50) feet above the surface of the land at its location*
- Must provide for a board of adjustments
- Existing nonconforming uses: Land uses or structures (natural or otherwise) deemed non-confirming at the time of adoption will not be required to alter to become confirming.
- Ordinance includes restrictions on developments that would create wildlife attractants, visual impairments (e.g. glare/glint), or emissions (e.g. ash/vapor/dust) that would cause visual impairment to pilots.



Airport Zoning Schedule

- **Airport Zoning Commission Presentation Item – Today**
- **Airport Zoning Commission Public Hearing - September 12, 2023**
 - **Meets to determine recommendations to council.**
- **Zoning Adoption**
 - **City Council Ordinance 1st Reading (Public Hearing): October 02, 2023**
 - **City Council Ordinance 2nd Reading: October 17, 2023**



Recommendation

- No action is necessary at this time.