



July 31, 2014

AGENDA

The Agenda for the Meeting of the Joint Airport Zoning Board scheduled for 8:00a.m., Tuesday, August 5, 2014, in the meeting room of the Greater Texoma Utility Authority, 5100 Airport Drive, Denison, TX, is as follows:

- I. Call To Order. * ** ***
- II. Approval of the minutes of the June 25, 2014, Joint Airport Zoning Board Meeting.
- III. Approval of the minutes of the July 28, 2014, Joint Airport Zoning Board Public Meeting.
- IV. Workshop to review Airport Zoning Committee recommendations and comments from the July 28, 2014, Public Meeting and take action as necessary.
- V. Public Comments.
- VI. Adjourn.

If you plan to attend this Meeting, and you have a disability that requires special arrangements, please contact the Administration Office at 903-786-2904 within 24 hours of the Meeting and reasonable accommodations will be made to assist you.

- * The Board may vote and/or act upon each of the items listed in this Agenda.
- ** The Board reserves the right to retire into Executive Session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act.
- *** Members of Commissioners Court may be in attendance.

JOINT AIRPORT ZONING BOARD

ITEM NUMBER: Two
MEETING DATE: 08-05-14

ITEM TITLE: Approval of the minutes of the June 25, 2014, Joint Airport Zoning Board meeting

SUBMITTED BY: Terry Morrow, Administrative Asst.

DATE SUBMITTED: July 30, 2014

SUMMARY:

Minutes of the June 25, 2014, Joint Airport Zoning Board Meeting as transcribed from recorded tape.

ATTACHMENTS (LIST)

Minutes

ALTERNATIVES/RECOMMENDATIONS:

Approve minutes with changes if any.

**NORTH TEXAS REGIONAL AIRPORT
JOINT AIRPORT ZONING BOARD
JUNE 25, 2014**

MEMBERS' PRESENT:

Phil Roether, Chairman
Ken Brawley
Kevin Farley
Janet Gott
Randy Hensarling
Ryan Johnson

MEMBERS' ABSENT:

Lee Olmstead
Jason Sofey
Todd Thompson

OTHERS' PRESENT:

Mike Shahan, Airport Director
Jim Copeland
Wm. B. (Ben) Munson, Esquire
Courtney Goodman-Morris, City of Denison

Michael Hutchins, Herald Democrat
Bart Lawrence, Commission, Pct. #4
Scott Shadden, City of Sherman
Jim Hubert

I.

Call to Order.

Mr. Roether called the meeting to order at 12:00 p.m.

II.

Approval of the minutes of the June 9, 2014, Joint Airport Zoning Board Meeting.

Mr. Roether asked if the Board had the opportunity to review the minutes of the previous meeting. Mr. Farley made the motion to approve the minutes. Ms. Gott seconded the motion. All members voted aye.

III.

Workshop to review Airport Zoning Committee recommendations for the Airport Zoning Ordinance.

Mr. Roether stated that the Board had been through the original document and had made numerous changes to the document. He stated that the areas to be considered had to do with the appeals process. Mr. Roether stated that Mr. Johnson had reviewed numerous zoning ordinances and had a recommendation for this document.

Mr. Shahan asked Mr. Roether if the Board wanted to discuss **6.0 Nonconforming Uses, Regulations not Retroactive** before moving on to the appeals process because this had not been approved by the Board. Mr. Shahan stated that this had been changed from having a no hazard determination to having completed determination from the FAA. After some discussion, the Board agreed to accept the changes as presented.

Mr. Johnson stated that he had reviewed both Midway Airport and New Braunfels Airport Zoning Ordinance. He said that the appeals process was very similar to what was currently in this document but that he was recommending making some changes. These changes include:

Section 8.0 Appeals:

8.1 – Mr. Johnson stated that this had been changed to reflect the respective jurisdiction's process for appeals. Mr. Roether asked if any jurisdictions process changed that it would automatically be changed with this wording and Mr. Johnson stated that was correct. He stated that this language was inserted into the remainder of Section 8. Mr. Johnson stated that language is included that each jurisdiction has the right to participate in the appeal process.

8.2 – Mr. Johnson stated that this section was placed into **8.3**. He stated that 8.3 would become 8.2 and all subsequent paragraphs would have to be renumbered.

Section 9.0 Judicial Review:

Mr. Johnson stated that "Board of Adjustments" needs to be changed to reflect "governing body" so that it corresponds with Section 8. He stated that verbiage was inserted to clarify the judicial review process as stated in the statute of 241.041 for appealing to a court of record.

Section 10. Enforcement and Remedies:

Mr. Johnson stated that the governing bodies have the right to go through the judicial process to enforce any violation of the ordinance and also seek injunctive relief. He stated that this section was allowed through Texas Local Government Code, Section 241.044.

Mr. Hensarling asked if these changes changed the flow chart. Mr. Johnson stated that it did not but he did notice that the request for building permits goes through the Airport Director in **Section 3.0 Administration of Ordinance** so the flow chart needs to reflect that.

Mr. Johnson did state that Section 3.1 needs to specify the department within each jurisdiction. He stated that 3.2 needed to have "consistency" removed.

Ms. Gott asked to have **Section 11. Penalties** addressed. Ms. Goodman-Morris stated that cities can only enforce Class C misdemeanors. She stated that a Class B would have to go to the county or district courts. She suggested either remove "Class B" or make it a "Class C" misdemeanor.

At this time, the Board returned to various sections for formal approval of changes.

Section 3.2 – Mr. Johnson made the motion to approve the striking of the word "consistency" and changing wording on names of each jurisdictions body to the generic wording in Section 8. Ms. Gott seconded the motion. All members voted aye.

Section 6.0 – Mr. Hensarling made the motion to approve the changes made to this section. Mr. Brawley seconded the motion. All members voted aye.

Exhibit B – Mr. Johnson made the motion to approve removing the line going to "City/County Planning Department Review". Mr. Hensarling seconded the motion. All members voted aye.

Table A – Mr. Johnson made the motion to change "Fair Discloser Statement" in Zone B to "Airport Disclosure Statement". Ms. Gott seconded the motion. All members voted aye.

Section 8, 9, and 10 – Mr. Johnson made the motion to approve the changes to these sections as presented. Mr. Hensarling seconded the motion. All members voted aye.

Section 11 – Mr. Brawley made the motion to change from Class B to Class C. Ms. Gott seconded the motion. All members voted aye.

Mr. Roether asked the Board if they felt comfortable taking the document as revised to a public hearing. He stated that if they were he would like to set a public hearing date and have a board meeting the following Wednesday, July 30, to take action as appropriate from the hearing. After further discussion, Mr. Hensarling made the motion to conduct the public hearing on Monday, July 28, 2014, at 6:00pm at the Grayson County Courthouse. Ms. Gott seconded the motion. All members voted aye.

IV.
Public Comments.

There were no public comments.

V.
Adjourn.

Mr. Brawley made the motion to adjourn the meeting and Mr. Farley seconded the motion. All members voted aye. The meeting was adjourned at 1:29pm.

Phil Roether, Chairman

Terry Morrow, Administrative Asst.

JOINT AIRPORT ZONING BOARD

ITEM NUMBER: Three
MEETING DATE: 08-05-14

ITEM TITLE: Approval of the minutes of the July 28, 2014, Joint Airport Zoning Board Public Meeting.

SUBMITTED BY: Terry Morrow, Administrative Asst.

DATE SUBMITTED: July 30, 2014

SUMMARY:

Minutes of the July 28, 2014, Joint Airport Zoning Public Meeting as transcribed from recorded tape.

ATTACHMENTS (LIST)

Minutes

ALTERNATIVES/RECOMMENDATIONS:

Approve minutes with changes if any.

**NORTH TEXAS REGIONAL AIRPORT
JOINT AIRPORT ZONING BOARD
JULY 28 2014**

MEMBERS' PRESENT:

Phil Roether, Chairman
Ken Brawley
Kevin Farley
Janet Gott
Randy Hensarling
Ryan Johnson
Lee Olmstead
Todd Thompson

MEMBERS' ABSENT:

Jason Sofey

OTHERS' PRESENT:

Mike Shahan, Airport Director
David Fitz, Coffman Associates
James M. Shankles
Mary M. McCullough
Tim Hubert
Jeff Whitmire, Commissioner, Pct. 1
Jim Copeland
Kelly Cannell, Schuler Development
Cindy Lawrence
James Shankles, Jr.
Nita McCullough
Marilyn Morrow
Bobby Hancock, President, Pottsboro Chamber of Commerce

Michael Hutchins, Herald Democrat
Phyllis James, Commissioner, Pct. 3
Rexie Hendrix
Mark Springer
Mrs. Tim Hubert
Richey Rivers, Grayson Co. Auditor
John McCullough
Scott Connell, SEDCO
J. Thurston
Giles Brown, Vice President, Grayson College
John McCullough

I.

Call to Order.

Mr. Roether called the meeting to order at 6:00 p.m. At this time, Mr. Roether advised the audience that if they would like to make comments they would need to indicate that on the sign in sheet and he would call each person to speak. He stated that each person would have three minutes to make comments to the Board. He stated that they would need to give their name and address. He stated that all comments would be recorded and the Board would use those comments as they take action going forward in the future.

Mr. Roether then updated the audience on the background of the Zoning Ordinance.

II.

Presentation by Coffman Associates and NTRA Staff.

Mr. Shahan and Mr. Fitz made their presentation.

III.

Public Hearing on Draft Airport Zoning Ordinance.

The following persons spoke in opposition to the Airport Zoning Ordinance:

Mr. Tim Hubert
Mrs. Tim Hubert
Mr. John McCullough

Mr. Jim Copeland was in favor of zoning but felt that further work was needed on this ordinance.

The following persons spoke in favor of the Airport Zoning Ordinance:

Mrs. Kelly Cannel
Mr. Scott Connell

Those who signed up to speak but did not were:

Mr. Mike Springer
Mr. John McCullough, Sr.
Ms. Marilyn Morrow

A full transcript of comments is attached.

IV.
Adjourn.

The Public Hearing adjourned at 6:37p.m.

Phil Roether, Chairman

Terry Morrow, Administrative Asst.

TRANSCRIPT OF PUBLIC COMMENTS
CITIES OF DENISON/POTTSBORO/SHERMAN-GRAYSON COUNTY
JOINT AIRPORT ZONING BOARD
PUBLIC HEARING
JULY 28, 2014

Mr. Mike Springer:

"I have no comment at this time."

Mr. Tim Hubert:

"Well, I got three whole minutes to defend something I've worked twenty years for. I don't have anything against the airport. I love airplanes. My father was a fighter pilot in World War II. He trained out at the airport in 1942. He flew 53 combat missions for the United States government. At the last meeting I asked a pilot coming out of their elite coffee club they have and he said that the pilots need protection from the landowners. I didn't know that my house or barn were flying over their planes. What I have to say is taxation without representation. There was not one landowner on the board. Even when they lost people they gave another person in, not a landowner. We were not represented. This is an elite government. They find the elite for the elite. It's for the pilots. If the airport is going to be adding all these extra things, then I think the current landowners need compensation for their land. All right. Secondly, I say sign nothing. Zone A1, A2, B, if you sign it you are signing away all your rights. All right. If you read the minutes to their meetings, Mr. Roether says it's good that we're leaving verbiage in here so we can expand it whenever we want. Whatever zone you're in they're going to expand it. They have had very decent lawyers, excellent lawyers working on this. Okay. You're not going to get anything if a plane crashes on your property. You are liable. They will not pay you anything. They will not pay you a dime. Okay. We need full disclosure on this. There are some things that we haven't seen. That agreement, if you sign your agreement you are signing away all your rights. And finally I have been Republican since 87 and 92. I voted Democrat in 96 but I've been Republican. Republicans claim that they are for the landowners but this is for the elite people, the pilots. They say they are for less government. This is more government. This is elite for government for the elite by the elite. And the small businessman that they say they are for and the common man. You can see where this is going people. Do not sign any agreement. Thank you.

Mrs. Tim Hubert:

My friend that started. My name is Maria. At this point Mr. Roether advised her not to start until she got to the podium.

My name is Maria Morgan, 50 Hagerman Road. Commissioners Court needs to take another look at NTRA at business and management issues. The airport has had net operating losses of approximately eight million over the past fifteen years. It is a business that has not made a profit in fifteen years. Four million of that has been lost out of the taxpayers pocket in the past five years. Your director requested over \$22,000 worth of invoices be written off. When I asked him he didn't even remember how much. That's who's managing your airport. One of these invoices was written off to a competitor of mine. Now I have to report to the director who gets insider info on my business on my property. He sets up a competitive business at the Airport and the tax payers pay that competitor's overhead. Is this fair trade? You have a 1.2 million hangar sitting empty. Do you really need a bigger foot print? Fuel usage was flat in 2012 and 2013 and yet numbers were up. Your own County Auditor is wondering how that happened. Ran on a platform looking for wastage. Here it is. As far as the economic imprint, every business in this county contributes to that. Not just the airport, every business in here. Ask yourself if this airport really needs a bigger footprint. Commissioners Court, let's look at all the other studies. The growth wants to come west up 289. They are coming here for our natural

resources, Hagerman Refuge and Lake Texoma. They're coming to get away from asphalt plants and airports. Airport venues as such don't come here due to lack of infrastructure. We are your future infrastructure. There is nothing in this for the landowners, no compensation and no representation. A landowner who is standing out in support of us has been threatened with lawsuits for looking out for the landowner. You ran on a platform for being for the landowner. Just take another look. Let's take another look at the ordinance itself. They asked a study company what was the maximum they could bear down on landowners. Let's ask the study company what is the minimum we can bear down on the landowner's, still satisfy the FAA and still allow for infrastructure. If you can swing the pendulum all the way your way, let's swing it the landowner's way and meet in the middle. If this is so important for the FAA, why is only part of their avigation area being zoned? Mr. Roether said there were too many people in the way for him to push the zone out any further, that's why. But they have the authority to expand it and they will. And oh my gosh, those deed restrictions that they say are so denying, if I put a boat on the lake, a car on the road, the pilot's should be responsible for the planes in the air. Planes are getting shot down now gentleman. You can't hold the people down on the ground responsible. Then there's this whole process. Landowners not represented. No compensation. Time was then called. Mrs. Hubert continued as she went to her seat: Only presented what they wanted us to hear. Mr. Roether said next. Mrs. Hubert continued: It is important to take another look. Mr. Roether then called Mr. Jim Copeland. Mrs. Hubert continued: Airport owned forty-three years. You've got time to take another look at this one.

Mr. Jim Copeland:

Thank you. My name is Jim Copeland and I own a twenty acre block of land on the north side of the airport. I actually reside at 1485 Old Quail Run Road west of the airport property. Lived in the community forty-four years. Love it. Love the airport. Probably have a little different perspective than some of the other folks in the room on this. I was asked to serve by this board on a committee. I do not like this document as presented. It bothers me a lot that are, several members of our Commissioner's Court don't like the document as presented, that are elected officials by the people. I feel like that you guys were asked to look into this, you were asked by a prior Commissioner's Court to look at the zoning. I think we need to protect the airport. I don't think we need to do away with the ordinance. I think there are some things that we could change in it to make it a little more compatible with landowners. So I guess with everything being said, I guess I'm probably right in the middle compared to what I have heard so far. It did start off much larger than it is now. Not sure about the expansion side of it. I've been told that this Board will be dissolved once this is put in place. I'm a little bit worried about whose going to administer the zoning. I'm worried about who's going to pay for the litigation if there is any litigation against the county or the cities, how that will work. There is a couple of things that I have heard from the Board that really bothers me. I have heard that, when I say heard it doesn't mean I heard it from this is all hearsay, but if there is any truth to the fact that anybody on this Board has threatened any landowner in any way with litigation that's opposed to this ordinance it needs to stop now. Ok. If that has happened, that needs to stop. Completely. There is no reason for anybody on this Board to think that they have the right to threaten any landowner with litigation over these policies. Ok. So we need to put that to bed now if that's happened. If it hasn't happened, no harm no foul. I'm not accusing anybody of doing anything. I'm just saying that if that's happened it needs to stop. Ok. I do think that we need to protect the airport. I think the airport is important to our local economy. I just feel like there's a lot of unanswered questions that need to be answered and thought through prior to any of this being put in place. Thank you.

Mr. John McCullough:

Mr. Roether stated that he had Mr. John McCullough on the list twice. He asked if he signed twice or were there two John McCullough's present. They stated that there were two present. Again my name is John McCullough and I'm representing my family that is here tonight. We have property to the north, south, and to the west of the existing airport. My family has worked hard for

that property. They've, uh, a lot of blood, sweat and long hours working that property. We feel that, on behalf of my family, that there should be no restrictions on that property other than what's already in place. If we want to build a football field we ought to be able to build a football field. That's our stance and we strongly oppose any restrictions being placed other than what's there on our property that you're proposing. Thank you.

Ms. Kelly Cannell:

I'm Kelly Cannell with Schuler Development. We own the fixed based operation at 3604 Airport Drive. I want to thank the Board for taking the time and effort to put the zoning in place. I think that it's important for the airport as well as for the landowners. We previously owned the fixed base operation at the airport in McKinney. We heard a lot of the same concerns from landowners and they were later, any time something is new I think there are concerns. I think over time you will find your concerns are (undecipherable). We appreciate again your efforts.

Mr. Scott Connell:

Hi. I'm Scott Connell with the Sherman Economic Development Corporation. My address is 915 N. Woods in Sherman. We want to say that we appreciate the work that is being done. We see North Texas Regional Airport, as it was talked about earlier, it's a business park. It has a long term plan, long term growth opportunities for business. But it also brings jobs and tax base to the Grayson County area and it's a unique business park. It has specific, particular activities that happen there, different and distinct from any other kind of business area. The planning for the issues that are happening there today and what will happen there over the next twenty years in this time verizon, if you will, is important. To plan for that, to protect what is there now but the neighbors, the area around it, elements and other activities, not just is in the park or the property but what is around it so that there is a compatible interaction over time. This park needs to be close to but separate from some activities in the community and I think as you can plan any of those kind of business areas we are cognizant of what can happen over time and I think that's a good thing. So we appreciate the good work the zoning board has done.

Mr. John McCullough (#2):

No further comments.

Ms. Marilyn Morrow:

No comments.

Mr. Roether asked if there was anyone that had not spoken that would like too. There were none.

JOINT AIRPORT ZONING BOARD

ITEM NUMBER: Four
MEETING DATE: 08-05-14

ITEM TITLE: Workshop to review Airport Zoning Committee recommendations and comments from the July 28, 2014, Public Hearing and take action as necessary

SUBMITTED BY: Mike Shahan, Airport Director

DATE SUBMITTED: July 30, 2014

SUMMARY:

Attached are changes in red line format of the NTRA Zoning Regulations.

ATTACHMENTS (LIST)

Draft NTRA Zoning Regulations 08-05-14

ALTERNATIVES/RECOMMENDATIONS:

NORTH TEXAS REGIONAL AIRPORT
LAND USE COMPATIBILITY ZONING ~~ORDINANCE~~REGULATION

1.0 PURPOSE

The North Texas Regional Airport (the “Airport”) is used in the interest of the public and fulfills an essential purpose for the communities of Denison, Pottsboro, Sherman, and Grayson County. This *Airport Land Use Compatibility Zoning ~~Ordinance~~Regulation* (the “~~Ordinance~~Regulation”) for the Airport is intended to protect and promote the safety and welfare of Airport users and residents near the Airport, while promoting the continued operation of the Airport. Specifically, the ~~Ordinance~~Regulation seeks to protect the public from the adverse effects of Airport noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

~~The This ~~Ordinance~~Regulation~~ will ensure compatible development in the vicinity of the Airport by creating appropriate compatibility zones, and providing for enforcement and defining terms of use within created compatibility zones,~~creating the appropriate compatibility zones, and providing for enforcement.~~ The ~~Ordinance~~Regulation is adopted pursuant to the authority conferred by the *Airport Zoning Act*, Texas Local Government Code, Section 241. Municipal and County Zoning Authority around Airports.

2.0 DEFINITIONS

(1) **ACT** - means the *Airport Zoning Act*, Texas Local Government Code, Section 241.001 et seq.

(2) **ADMINISTRATIVE AGENCY** - The ~~Grayson County-Denison-Pottsboro-Sherman~~ Joint Airport Zoning Board (the “Joint Airport Zoning Board”) or an administrative agency, commission, board, or person designated by the Joint Airport Zoning Board to administer and enforce airport compatible land use zoning regulations.

(3) **AIRPORT** - Means that area of land owned by Grayson County and located within Grayson County, Texas, currently referred to as the North Texas Regional Airport-Perrin Field, which is designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose. The term includes an area with installations relating to flights, including facilities, and bases of operation for tracking flights or acquiring data concerning flights.

(4) **Airport Director** - Means the Airport Director of the ~~North Texas Regional~~ Airport.

(5) **Airport Elevation** - The established elevation of the highest point on the runway, either existing or planned, at the Airport measured in feet above mean sea level (MSL). The Airport Elevation of the ~~North Texas Regional~~ Airport is 749 feet above mean sea level (MSL).

(6) **AIRPORT HAZARD** - Means a structure or object of natural growth or use of land that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(7) **AIRPORT HAZARD AREA** - Means an area of land or water on which an Airport Hazard could exist as defined by the Act or Regulation.

(8) **AIRPORT ZONING REGULATION** - Means an Airport Hazard Area defined or described by zoning regulation or an airport compatible land use zoning regulation adopted under this Ordinance Regulation.

(9) **AVIGATION EASEMENT** – Means an easement which shall include, but is not limited to, the right of aircraft to fly over the Land, together with its attendant noise, vibrations, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on the Airport.

(10) **CENTERLINE** - Means a line extending through the midpoint of each end of an Airport runway and extending outward to the North and/or South end of Zone A as hereinafter defined.

(11) **COMPATIBLE LAND USE** - Means a use of land in the vicinity of the Airport within the Development Zone that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the Airport, including the taking off and landing of aircraft, as indicated on described in the attached **Exhibit Table A**.

(12) **CONTROLLED COMPATIBLE LAND USE** – Means an area ~~of~~ located outside Airport boundaries and within a rectangle bounded by lines located no farther than one and one-half statute miles from the Centerline of an instrument or primary runway and lines located no farther than five statute miles from the each end of the paved surface of an instrument or primary runway. Further definition of Controlled Compatible Land Use is found in Section 3.0 and Exhibit A: Zoning Boundaries.

(13) **EXISTING LAND USE** - A land use which either physically exists or for which a firm local government commitments along with substantial construction investment by the property owner make it not feasible for the land to be used for anything other than its proposed current use. A local government commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, or other land use entitlement has been approved or all discretionary approvals have been made and exists before the date of adoption of this Regulation these adopted regulations.

(14) **INSTRUMENT RUNWAY** - An existing or planned runway of at least 3,200 feet for which there is or is planned to be an instrument landing procedure published by the Federal Aviation Administration. Runway 17L – 35R is the instrument runway at the Airport.

(15) **JOINT AIRPORT ZONING BOARD** - Means a board created by Resolution or Order consisting of nine members, two members appointed by Grayson County, two members appointed by the City of Denison, two members appointed by the City of Pottsboro, and two members appointed by the City of Sherman (the "Board"). The eight appointed members shall elect by a majority vote the ninth member who shall serve as chairman of the Board in accordance with the *Airport Zoning Act*, Texas Local Government Code, Section 241.014 (c).

(16) **NONCONFORMING USE** - Any structure, object of natural growth, or use of land which exists before the date of ~~these adopted regulations~~adoption of this Regulation and is inconsistent with the provisions set forth in ~~these policies~~this Regulation. See Section 6: Non-conforming Uses, Regulations not Retroactive.

(17) **OBSTRUCTION** - Means a structure, growth, or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by ~~an Airport Zoning Regulation~~this Regulation.

(18) **~~ORDINANCE~~REGULATION COORDINATOR** - The ~~rdinance~~Regulation Coordinator shall mean the Airport Director.

(19) **PERSON** - Means an individual, firm, partnership, corporation, limited liability company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(20) **POLITICAL SUBDIVISION** - Means a municipality or county as defined by the Act.

(21) **PRIMARY RUNWAY** - Means the paved runway, as shown in the official Airport Layout Plan (ALP), greater than 3,200 feet in length on which a majority of the approaches to and departures from the Airport occur. Currently, Runway 17L-35R is the primary runway at the Airport.

(22) **RUNWAY** - A defined area on an airport that has been prepared for landing and take-off of aircraft along its length.

3.0 ADMINISTRATION OF ~~ORDINANCE~~REGULATION

3.1 RESPONSIBLE JURISDICTION. It shall be the duty of the Grayson County Planning Department to administer and enforce this ~~Ordinance~~Regulation within the unincorporated portion of Grayson County. It shall be the duty of the City of Denison Planning and Zoning Department to administer and enforce this ~~Ordinance~~Regulation within the city limits of Denison. It shall be the duty of the City of Pottsboro Planning and Zoning Commission to administer and enforce this ~~Ordinance~~Regulation within the city limits of Pottsboro. It shall be the duty of the City of Sherman Building and Zoning Commission to administer and enforce this ~~Ordinance~~Regulation within the city limits of Sherman.

3.2 **OrdinanceRegulation Coordinator.** To ensure efficiency in administration of this ~~rdinanceRegulation~~, the Joint Airport Zoning Board appoints the Airport Director ~~or and~~ the ~~Responsible Jurisdiction appropriate governing body~~ to coordinate administration of this ~~rdinanceRegulation~~. It is not intended by this ~~ordinanceregulation~~ that the Airport Director be given any authority to make final determinations or enforce this ~~ordinanceregulation~~.

3.3 **Procedure.** All applications, appeals, or other documents and inquiries required by this ~~rdinanceRegulation~~ shall be filed with the Airport Director. The Airport Director shall assign such application, appeal or procedure to the ~~Responsible Jurisdiction~~ in accordance with Section 3.1. The Airport Director shall coordinate with the ~~Responsible Jurisdictions~~ the processing and status of applications, appeals and any other procedures affecting the zoning at the Airport. ~~The~~ procedure for processing applications is provided in Section 7.0. ~~The~~ procedure for processing appeals is provided in Section 8.0. **Exhibit B** depicts the enforcement process.

4.0 CONTROLLED COMPATIBLE LAND USE AREA

The Controlled Compatible Land Use Area is defined by the boundaries of the Airport and ~~land~~ in the vicinity of the Airport as indicated on attached **Exhibit A: Zoning Boundaries** and **Exhibit A1: Metes & Bounds**.

5.0 COMPATIBILITY CRITERIA

The criteria for assessing whether a ~~Responsible Jurisdiction's~~ land use plan, ~~or zoning ordinance~~, or ~~Person's~~ development proposal is to be judged compatible with the Airport are set forth in the Compatibility Criteria ~~Matrix~~, ~~attached as~~ **Table A**. These criteria are to be used in conjunction with the ~~Controlled Compatibility Land Use Area map~~ ~~Zoning Boundaries~~ depicted on **Exhibit A**. For the purposes of reviewing proposed amendments to ~~community a Responsible Jurisdiction's~~ land use plans and zoning ~~ordinanceregulations~~, as well as in the review of ~~individual a Person's~~ development proposals, the Compatibility Criteria ~~in the~~ ~~Matrix~~ will control.

There are three Airport Hazard Areas ~~defined~~ for the Airport ~~which include~~:

Zone A1, This ~~Z~~one encompasses areas overflown at low altitudes, typically 200 or less above Airport ~~Elevation~~. Residential uses are prohibited unless the dwelling unit per acre criteria is met in Table A: Compatibility Criteria Matrix. Nonresidential uses for activities which attract people (uses such as, theaters, ~~auditoriums, & stadiums~~ ~~meeting halls, multi-story office buildings, and labor-intensive manufacturing plants~~) are prohibited. In addition, children's schools, day care centers, hospitals, nursing homes, and hazardous uses (e.g., ~~petroleum refining and~~ aboveground bulk fuel storage ~~and landfills~~) are prohibited. **Table A** provides a ~~complete~~-list of prohibited uses and conditions for Zone A1.

Zone A2, This Zone encompasses areas overflown at low altitudes, typically 200 to 400 feet above Airport Elevation. Residential uses are prohibited unless the dwelling unit per acre criteria is met in Table A: Compatibility Criteria Matrix. Nonresidential uses for activities which attract people (such as outdoor stadiums and similar uses with very high intensities are prohibited). In addition, Airport Hazards (physical [e.g., tall objects], visual, and electronic forms of interference with the safety of aircraft operations) are also prohibited. Table A provides a complete list of prohibited uses and conditions for Zone A2.

Zone B, This Zone ~~includes all~~encompasses other ~~portions~~ areas of regular aircraft traffic patterns and pattern entry routes.

6.0 NONCONFORMING USES, ~~REGULATIONS~~ ~~REGULATIONS~~ NOT RETROACTIVE

This ~~Ordinance~~Regulation shall not be construed to require changes in land use or the removal or other change or alteration of any structure not conforming, with the uses provided in this Regulation as of ~~the its~~ effective date ~~of this Ordinance~~, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ~~Ordinance~~Regulation and whose completion is diligently pursued. For purposes of this ~~Ordinance~~Regulation, permitted non-conforming structures shall include all phases or elements of a multi-phase structure, whether or not actual construction has commenced, which have received a completed determination by the Federal Aviation Administration under Title 14 of the Code of Federal Regulations, Part 77.31 ~~before prior to~~ the effective date of this ~~Ordinance~~Regulation or amendments thereto ~~under the Airport Zoning Act.~~

7.0 PERMITS

7.1 *Future Uses.* No change shall be made in the use of land and no structure shall be erected or otherwise established in any Zone hereby created unless a Permit has been applied for and granted under this ~~Ordinance~~Regulation. Each application for a Permit shall be filed with the Airport Director and indicate the purpose of the Permit and include sufficient information to determine whether the resulting use or structure would conform to this ~~Ordinance~~Regulation. The Airport Director shall assign the Permit application and transmit all Permit application documentation to the Responsible Jurisdiction in accordance with Section 3.1.

If the Responsible Jurisdiction determines that the requested Permit is consistent with the provisions of this ~~Ordinance~~Regulation, the Permit shall be granted. Within Zone A, an Avigation Easement is required as a condition of the approval of ~~the a~~ Permit. No Permit that is inconsistent with the provisions of this ~~Ordinance~~Regulation shall be granted unless a variance has been approved in accordance with Section 7.4.

7.2 ~~Existing-Nonconforming Uses.~~ No Permit shall be granted that would allow the expansion of an ~~established~~ Nonconforming Use or structure or creation of a new Nonconforming Use or structure as defined in Section 6.0.

7.3 *Nonconforming Use, Abandoned or Destroyed.* Whenever the Responsible Jurisdiction, ~~County or City~~ determines that a nonconforming structure has been abandoned or more than ~~sixty~~ (60) percent torn down, physically deteriorated, or decayed, no Permit shall be granted that would allow such structure or any nonconforming structure that is inconsistent with the provisions of this OrdinanceRegulation.

7.4 *Variances.* Any person desiring to use his or her property in violation of the provisions of this OrdinanceRegulation may apply for a variance. Applications for a variance shall be filed with the Airport Director. The Airport Director shall assign the variance application and transmit all variance application documentation to the Responsible Jurisdiction in accordance with Section 3.1. Each jurisdiction shall determine if the variance meets the requirement of the applicable state and/or federal law, ~~local~~ its zoning ~~ordinance~~ eregulation and this ~~rdinance~~ Regulation. A variance may be allowed where it is found that a literal application or enforcement of this OrdinanceRegulation would result in practical difficulty or unnecessary hardship and granting relief would result in substantial justice being done, would not be contrary to public interest and the relief would be in accordance with the spirit of this OrdinanceRegulation.

8.0 APPEALS

8.1 Any person aggrieved, or any taxpayer affected, by any decision of a Responsible Jurisdiction ~~(Denison, Pottsboro, Sherman, or Grayson County acting by and through the Grayson County Regional Mobility Authority)~~ made in administration or enforcement of this OrdinanceRegulation, may appeal the decision in accordance with the ~~respective~~ Responsible Jurisdiction's appeal process ~~(Denison, Pottsboro, Sherman, or Grayson County acting by and through the Grayson County Regional Mobility Authority)~~, if that person or taxpayer is of the opinion that a decision of any Re-sponsive Jurisdiction is an improper application of this OrdinanceRegulation. This same right of appeal is extended to the governing body of ~~the Cities of Denison, Sherman, or Pottsboro, Texas or Grayson County, Texas~~ each Responsible Jurisdiction.

8.2 All appeals must be filed with the Airport Director and taken within ~~a reasonable~~ such time as provided by the rules of the Responsible Jurisdiction ~~(Denison, Pottsboro, Sherman or the Grayson County Regional Mobility Authority)~~, by filing a notice of appeal specifying the grounds for the appeal. For all height related appeals, a completed aeronautical study determination from the Federal Aviation Administration under Title 14 of the Code of Federal Regulations, Part 77.5 must accompany the appeal before it can be considered by the responsible jurisdiction. The Airport Director shall assign such appeal and transmit the appeal documentation con-

stituting the record upon which the action appealed was taken to the responsible jurisdiction in accordance with Section 3.1.

- 8.3 An appeal shall stay all actions and proceedings by any party in furtherance of the decision appealed from, unless the Responsible Jurisdiction (~~Denison, Pottsboro, Sherman or Grayson County acting by and through the Grayson County Regional Mobility Authority~~) certifies in writing that by reason of the facts stated in such certification, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by Order of the Responsible Jurisdiction on due cause shown.
- 8.4 ~~The governing body in the responsible jurisdiction's appeal process~~Each Responsible Jurisdiction shall fix a reasonable time for filing and hearing appeals, give public notice and due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.
- 8.5 The ~~governing body in the~~Responsible Jurisdiction's appeal process may in conformity with the provisions of this OrdinanceRegulation reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.

9.0 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Responsible Jurisdiction's governing body (~~Denison, Pottsboro, or Sherman or the Grayson County Regional Mobility Authority~~), may present to a court of record a petition stating that the decision of the Responsible Jurisdiction's governing body is an improper application of the Ordinance Regulation and specifying the grounds for the ~~for the~~ improper application as provided by and in accordance with, Texas Local Government Code, Section 241.041.

10.0 ENFORCEMENT AND REMEDIES

The ~~governing bodies of the Cities of Denison, Sherman, and Pottsboro, Texas or Grayson County, Texas~~Responsible Jurisdiction may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this Ordinance Regulation or of any order or ruling made in connection with ~~their-its~~ administration or enforcement including, but not limited to, an action for injunctive relief as provided by Section 241.044 of the Texas Local Government Code.

11.0 PENALTIES

Each violation of this ~~OrdinanceRegulation~~ or of any regulation, ~~or~~ order ~~past-after~~ the ~~es-~~
~~established-effective~~ date of ~~the-this~~ ~~OrdinanceRegulation~~, or ruling promulgated hereunder
shall constitute a Class C misdemeanor and upon conviction shall be punishable by a fine of
not more than \$2,000.00. Each day a violation continues to exist shall constitute a separate
offense.

12.0 CONFLICTING REGULATIONS

Where there exists a conflict between any of the ~~regulations-or-limitations-prescribed~~
~~inprovisions-of~~ this ~~OrdinanceRegulation~~ and any other regulations affecting the same land,
whether the conflict be with respect to the height of structures or trees, the use of land or
any other matter, the Airport compatibility criteria shall govern or prevail as provided by
the *Airport Zoning Act*, Texas Local Government Code, Section 241.902.

13.0 SEVERABILITY

If any of the provisions of this ~~OrdinanceRegulation~~ or the application thereof to any ~~P~~-
erson or circumstance is held invalid, such invalidity shall not affect other provisions or ap-
plications of this ~~OrdinanceRegulation~~ which can be given effect without the invalid provi-
sion or application, and to this end the provisions of this ~~OrdinanceRegulation~~ are declared
to be severable.

14.0 EFFECTIVE DATE

Implementation of the provisions of this ~~OrdinanceRegulation~~ is for the general welfare of
the public and preservation of the Airport. This ~~OrdinanceRegulation~~ shall be in full force
and effect from and after its ~~passage-adoption~~ by the ~~Grayson-County~~ Joint Airport Zoning
Board and ~~any~~ publication ~~and-or~~ posting as required by law.

Adopted by the ~~Grayson-County~~ Joint Airport Zoning Board this ____ ~~d~~ay of ____, 2014

Joint Airport Zoning Board

By: _____
Phil Roether, Chairman

State of Texas)
 SS
Grayson County)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2014 by Phil Roether, Chairman, Joint Airport Zoning Board.

TABLE A

COMPATIBILITY CRITERIA MATRIX

The materials in this ~~attachment~~ Table are for use in implementing the North Texas Regional Airport – Perrin Field Land Use Compatibility Zoning ~~Ordinance~~ Regulation and include the following:

- Table showing the Compatibility Criteria Matrix for Zone A1, Zone A2 and Zone B

TABLE A Compatibility Criteria Matrix					
Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Req'd Open Land ³	Prohibited Uses ⁴	Other Development Conditions ⁵
Zone A1	1 d.u. per 5 acres	100 persons per acre	30%	<ul style="list-style-type: none"> Residential, except for very low residential Hazards to flight⁶ Petroleum refining & storage⁷ Natural gas & petroleum pipelines⁸ Children's schools, day care centers, libraries Hospitals, nursing homes Places of worship Schools Theaters, auditoriums, & stadiums Dumps or landfills, other than those consisting entirely of earth & rock. Waterways that create a bird hazard, does not include flood control, detention ponds or stock tanks. 	<ul style="list-style-type: none"> Avigation easement dedication Within reason, locate structures maximum distance from extended runway centerline FAA airspace review if required by Federal Code of Regulations, Title 14: Aeronautics and Space, Part 77 Subpart D for objects > 770' MSL elevation⁷
Zone A2	1 d.u. per 2.5 acres	250 persons per acre	No Limit	<ul style="list-style-type: none"> Hazards to flight⁶ Theaters, auditoriums, & stadiums Dumps or landfills, other than those consisting entirely of earth & rock. Waterways that create a bird hazard, does not include flood control, detention ponds or stock tanks. 	<ul style="list-style-type: none"> Avigation easement dedication FAA airspace review if required by Federal Code of Regulations, Title 14: Aeronautics and Space, Part 77 Subpart D for objects > 770' MSL elevation⁷
Zone B	No Limit	No Limit	No Limit	<ul style="list-style-type: none"> No Limit 	<ul style="list-style-type: none"> Airport disclosure statement

Notes:

¹ Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent public or private roads and any adjacent, permanently dedicated, open lands.

² Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside.

³ Open land requirements are to be applied with respect to an entire Zone A1. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects. Open land is defined as all land not occupied by a structure, to include roadways, parking areas, allowed waterways, etc.

⁴ The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other non-residential uses will not be permitted in the respective compatibility zones when they do not meet the usage intensity criteria.

⁵ As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within the Airport influence area); information regarding Airport proximity and the existence of aircraft overflights must be disclosed. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new and redevelopment if approval is required.

⁶ Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is prohibited.

⁷ ~~This Mean Sea Level (MSL) height criterion is for general guidance. Objects below this 770' MSL height normally will not be airspace obstructions. Taller objects may be acceptable if determined not to be obstructions.~~

⁸ Does not include storage tanks associated with well heads.

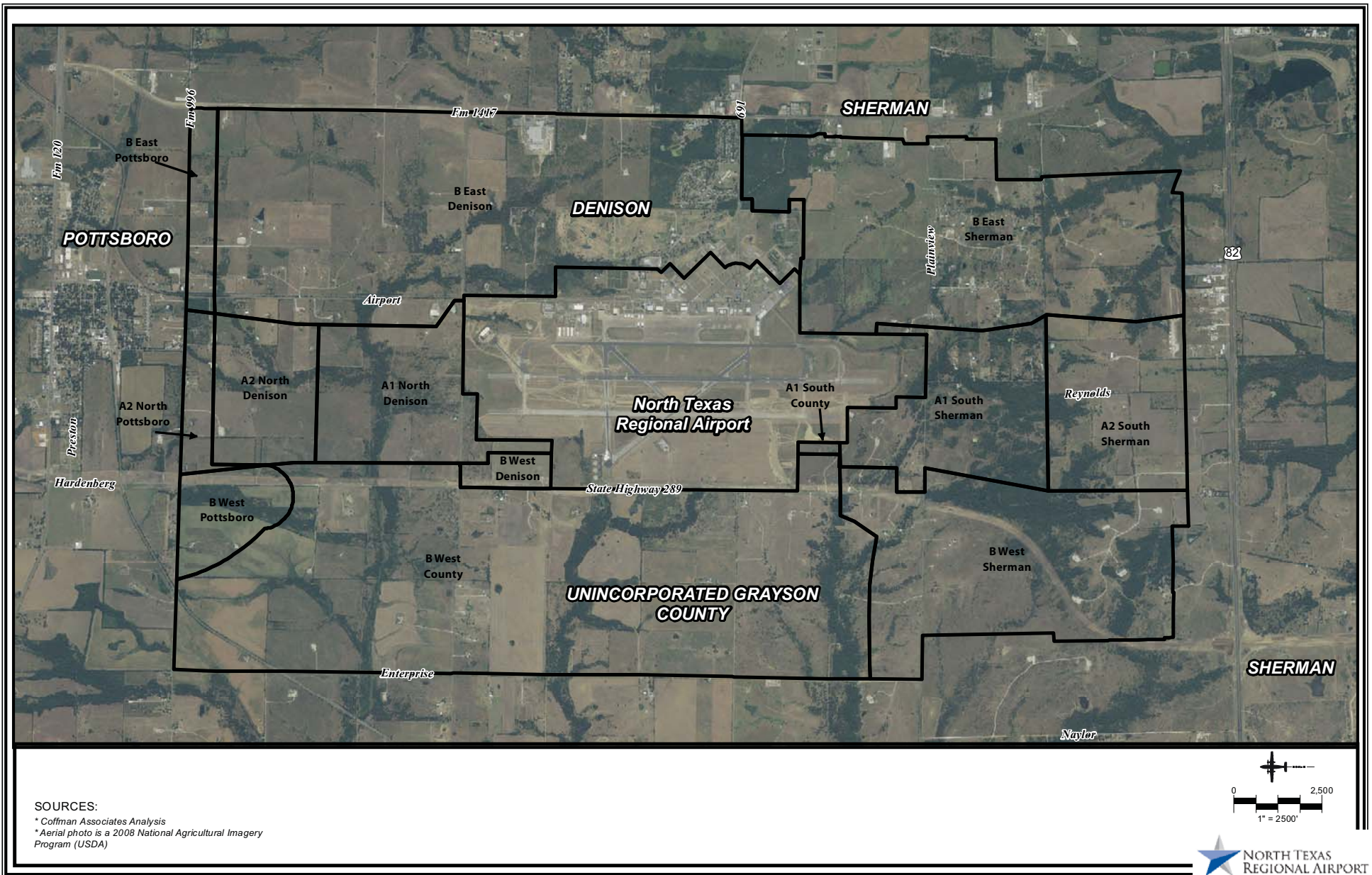
⁹ Natural gas & petroleum pipelines less than 36 inches below the surface.

Exhibit A

ZONING BOUNDARIES

The materials in this ~~attachment~~ Exhibit are for use in implementing the North Texas Regional Airport – Perrin Field Land Use Compatibility Zoning ~~Ordinance~~ Regulation and include the following:

- Map showing Zoning Boundaries



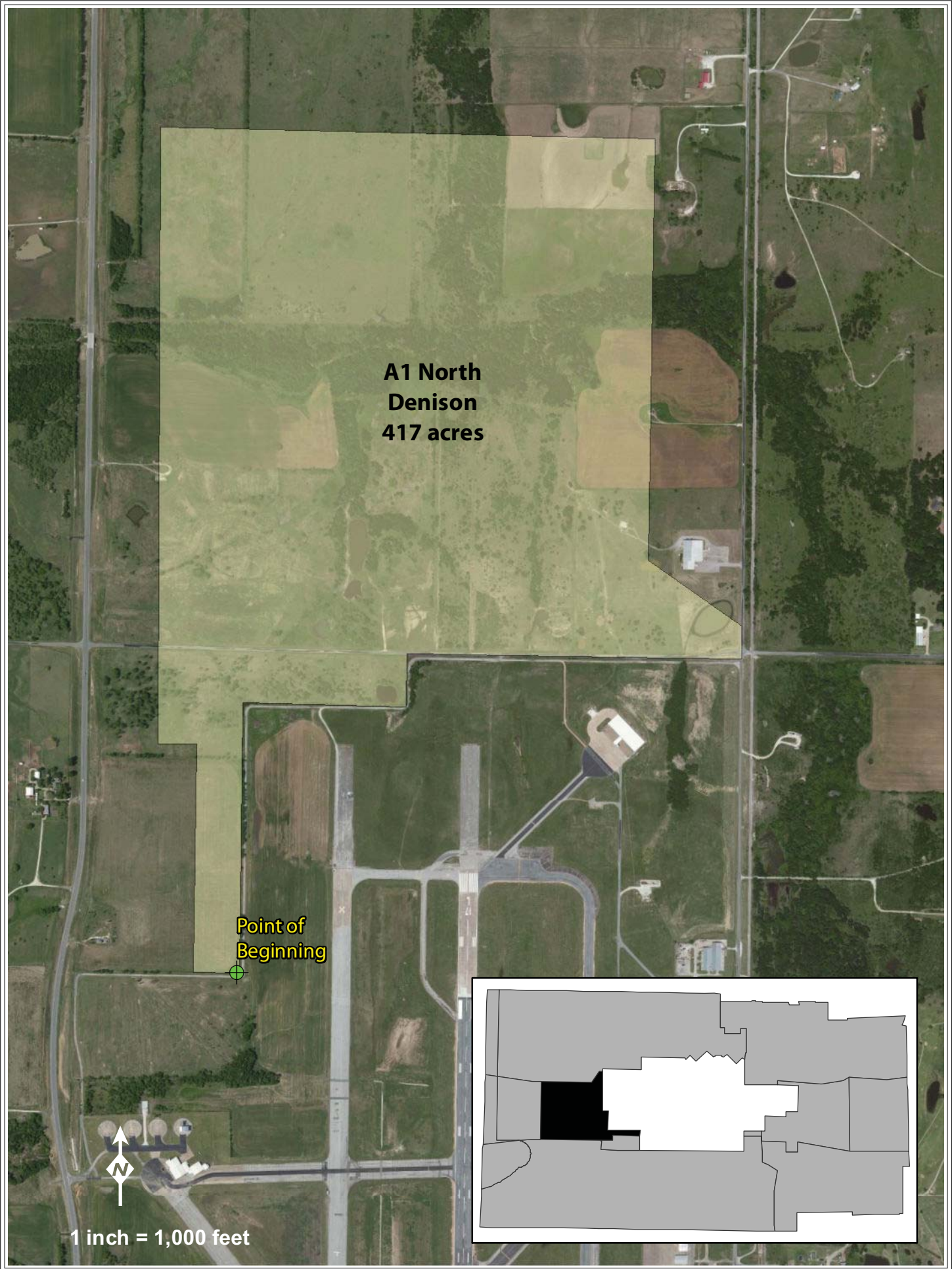
SOURCES:
 * Coffman Associates Analysis
 * Aerial photo is a 2008 National Agricultural Imagery Program (USDA)

Exhibit A1

ZONING MAPS AND LEGAL DESCRIPTION

The materials in this ~~attachment~~ Exhibit are for use in implementing the North Texas Regional Airport – Perrin Field Land Use Compatibility Zoning ~~Ordinance~~ Regulation and include the following:

- Maps showing Zone A1, Zone A2 and, Zone B Legal Description for each Zone and the Responsible Jurisdiction

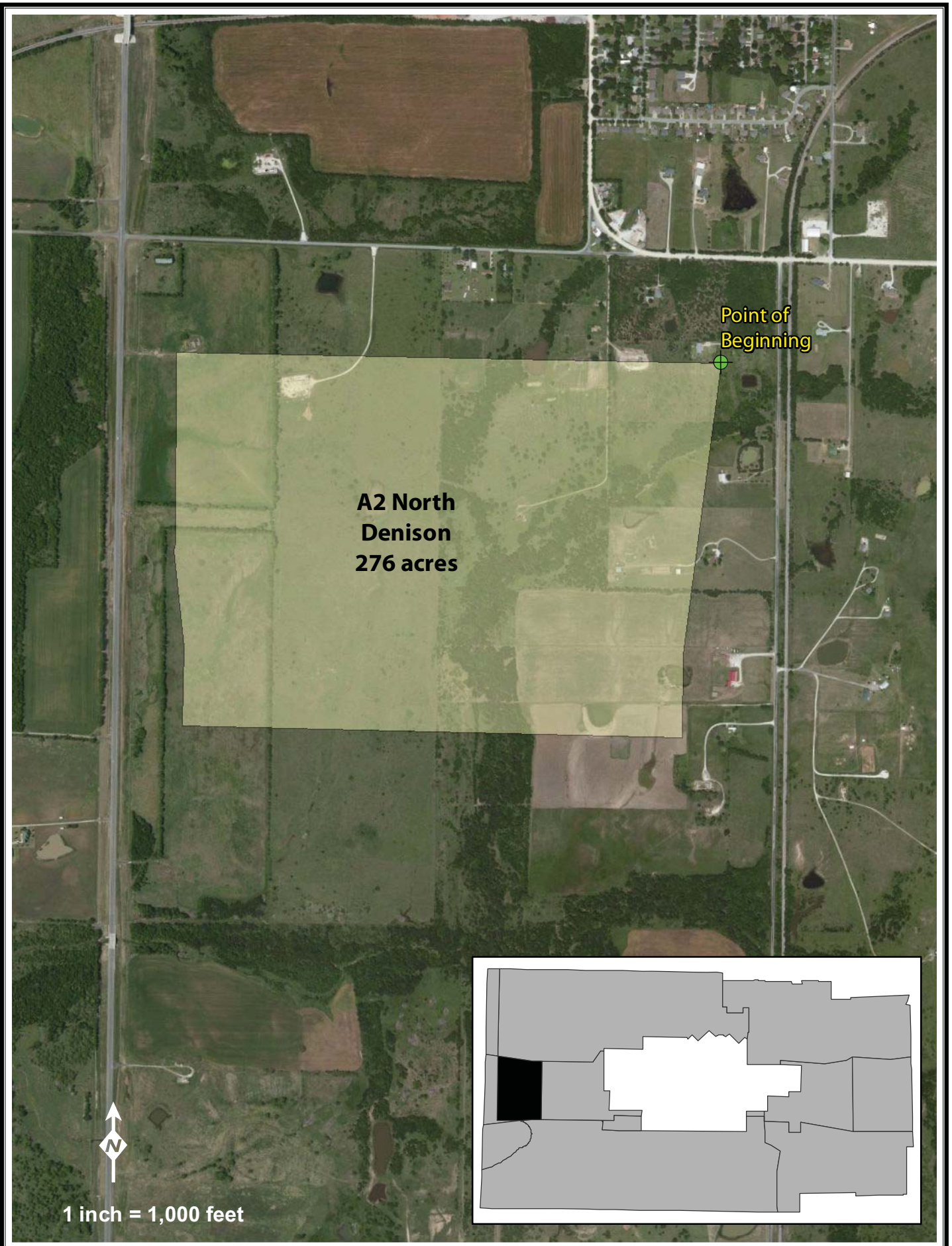


**A1 North
Denison
417 acres**

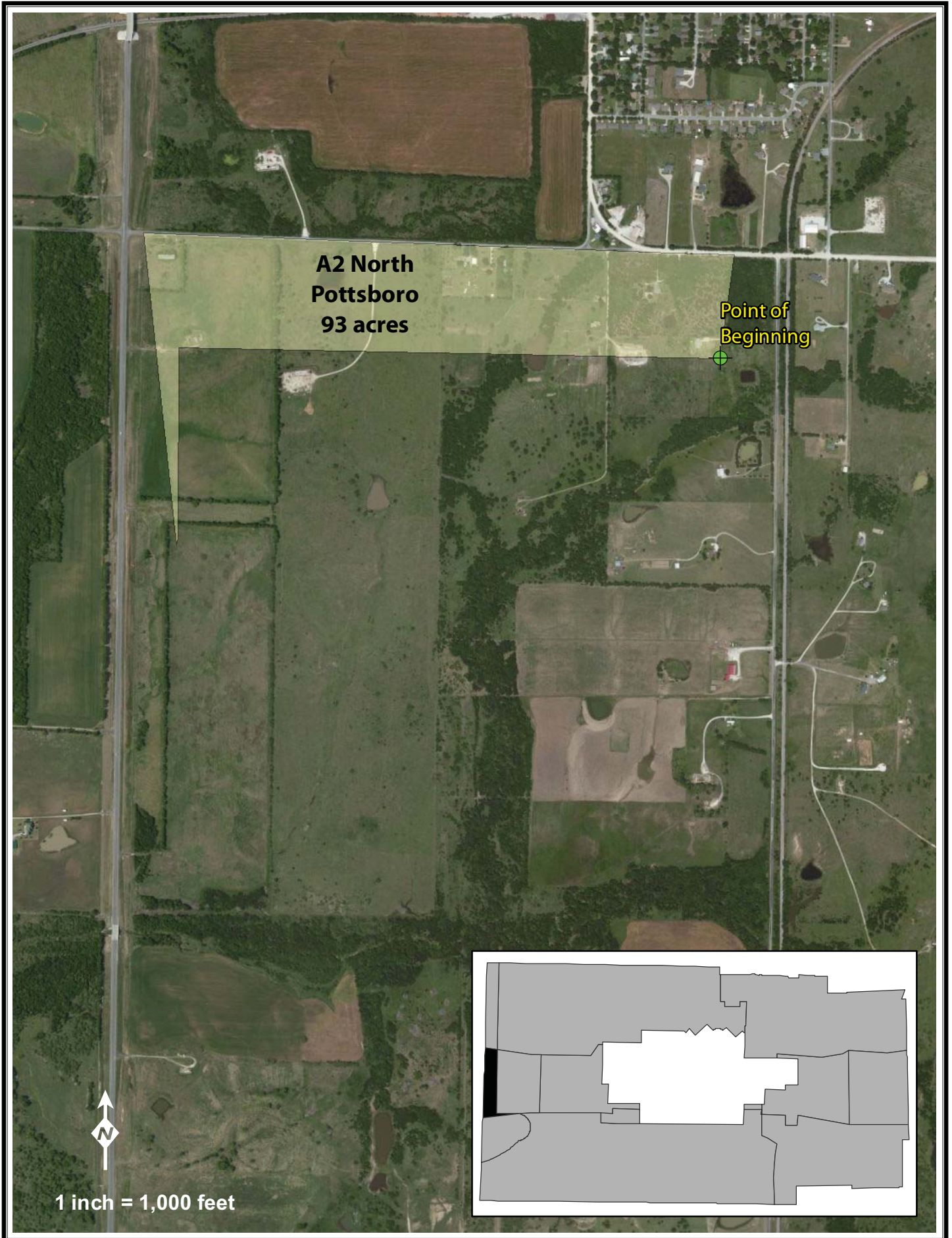
**Point of
Beginning**

1 inch = 1,000 feet

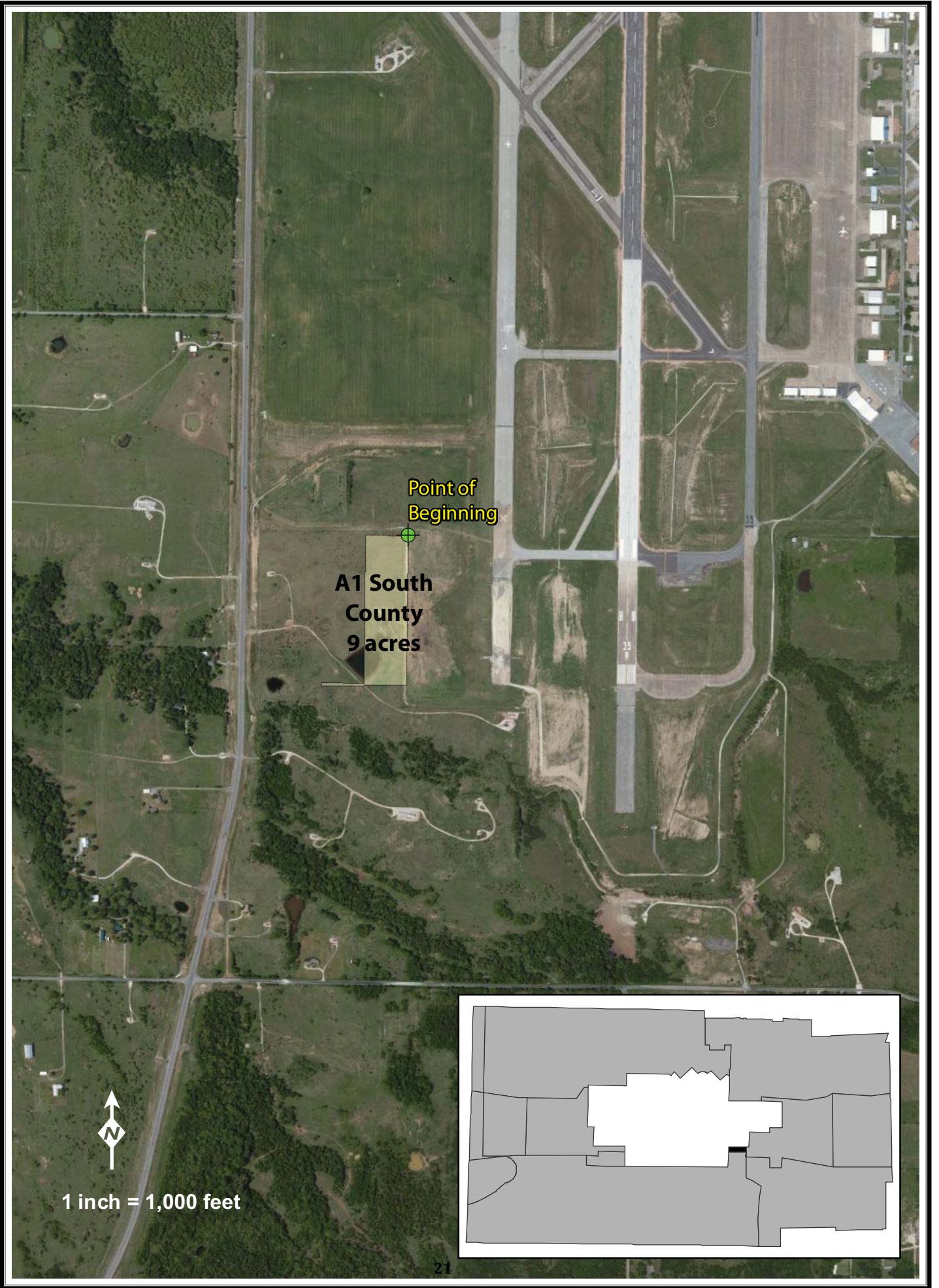
A1 North Denison
LEGAL DESCRIPTION TO BE ATTACHED



A2 North Denison
LEGAL DESCRIPTION TO BE ATTACHED



**A2 North Pottsboro
LEGAL DESCRIPTION TO BE ATTACHED**

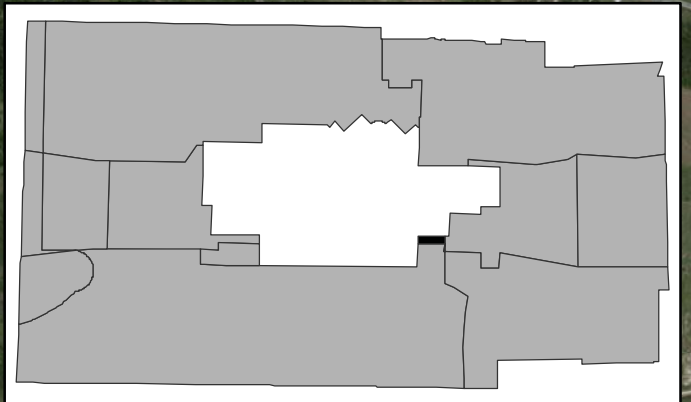


Point of Beginning

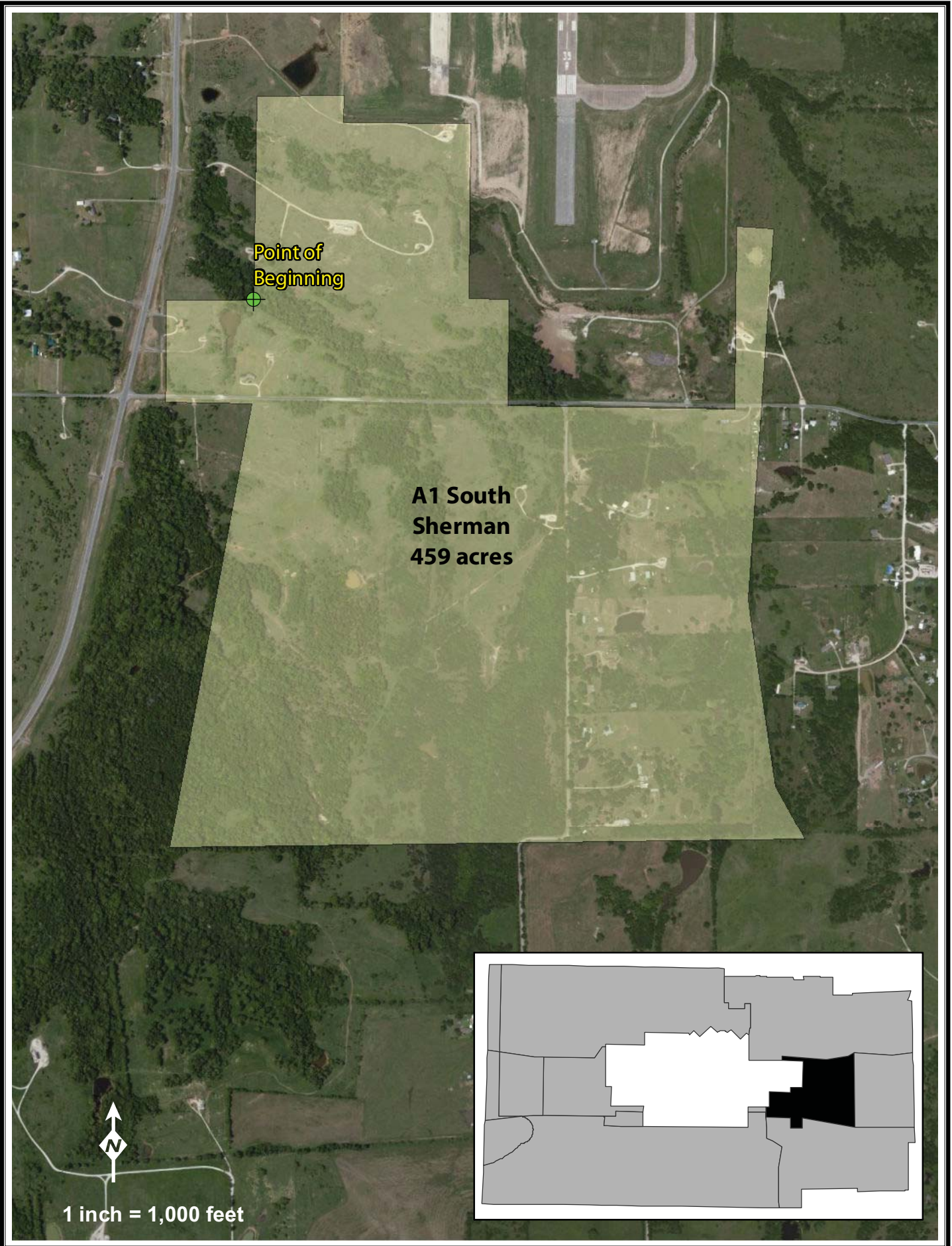
A1 South County
9 acres



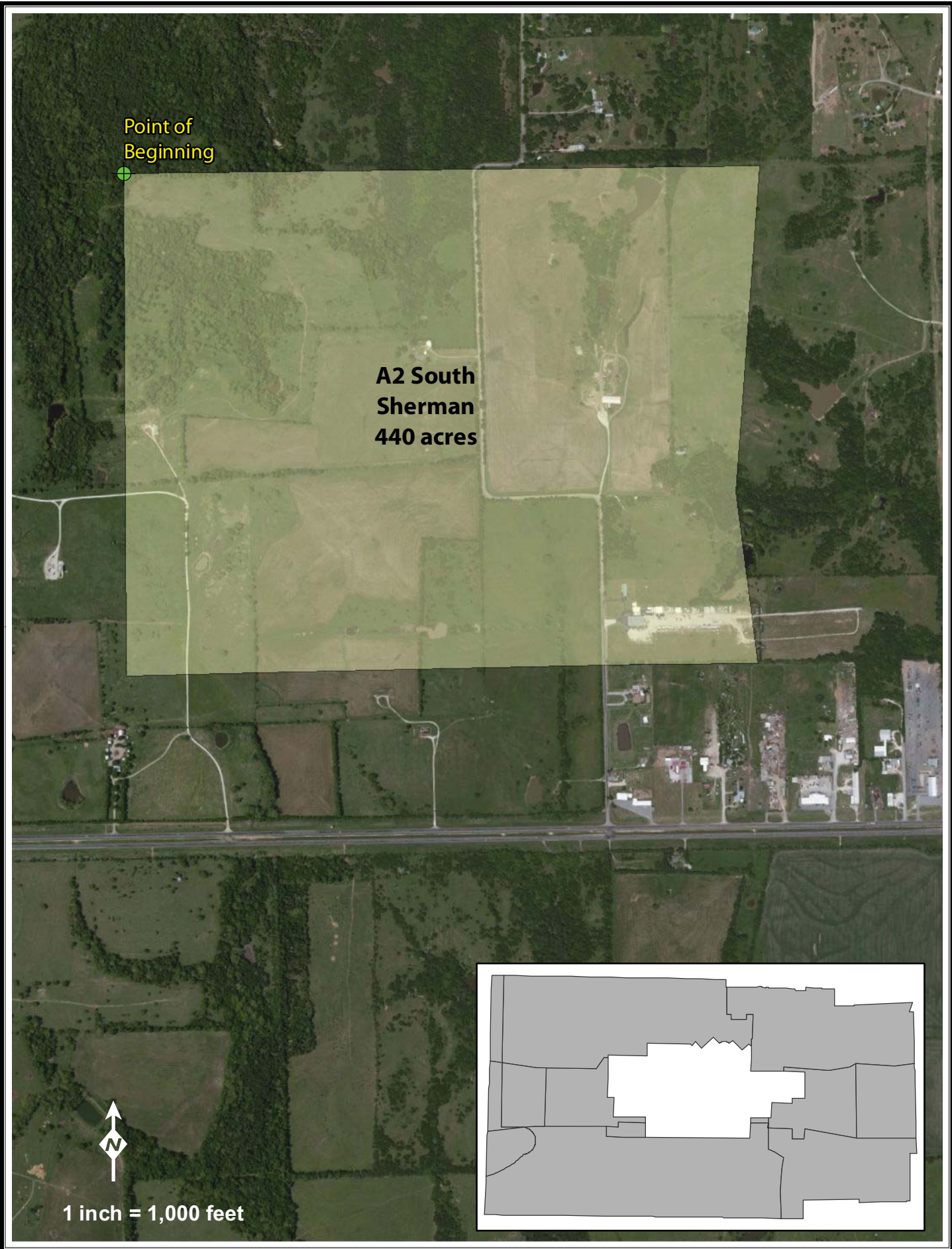
1 inch = 1,000 feet



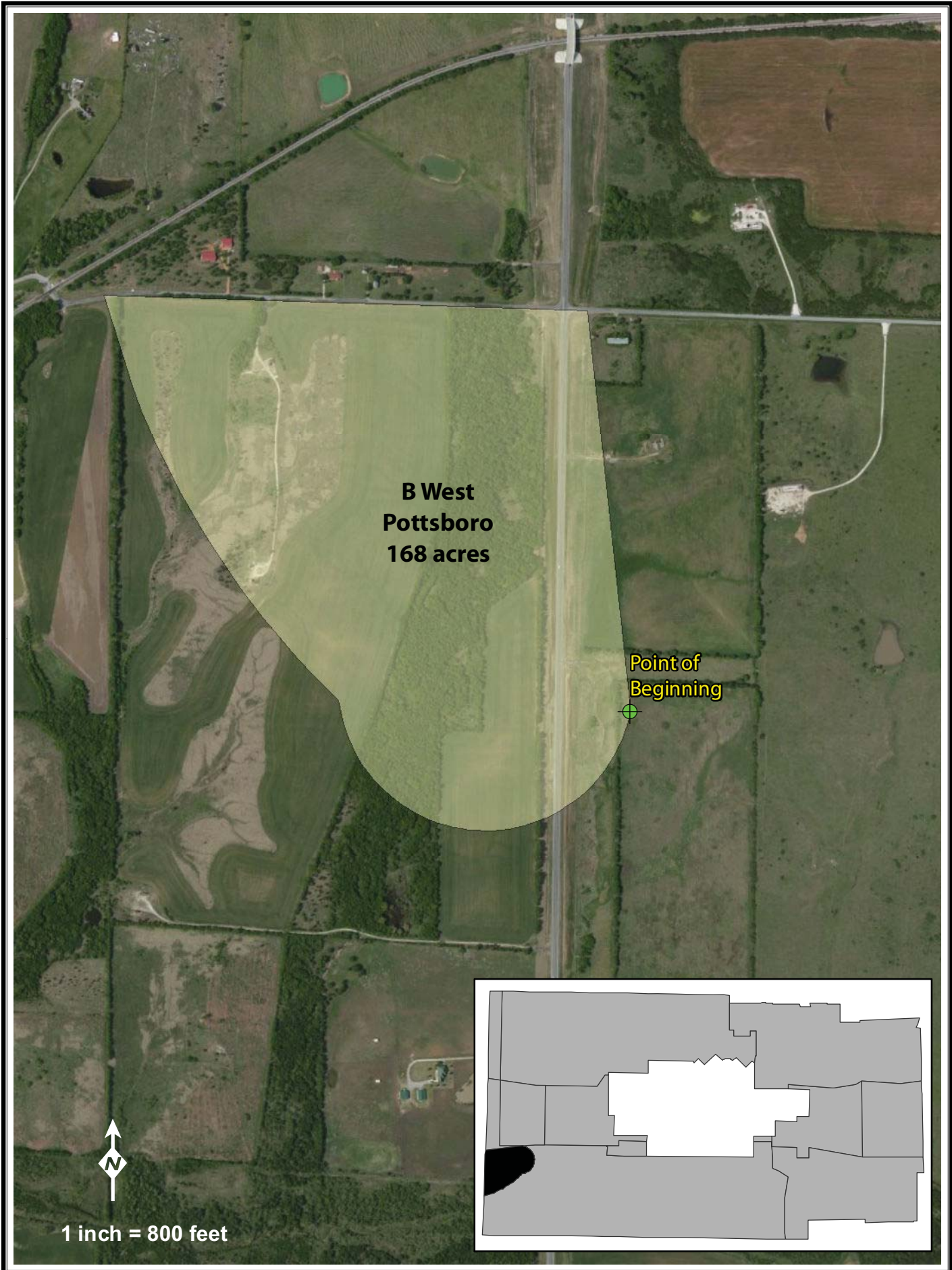
**A1 South County
LEGAL DESCRIPTION TO BE ATTACHED**



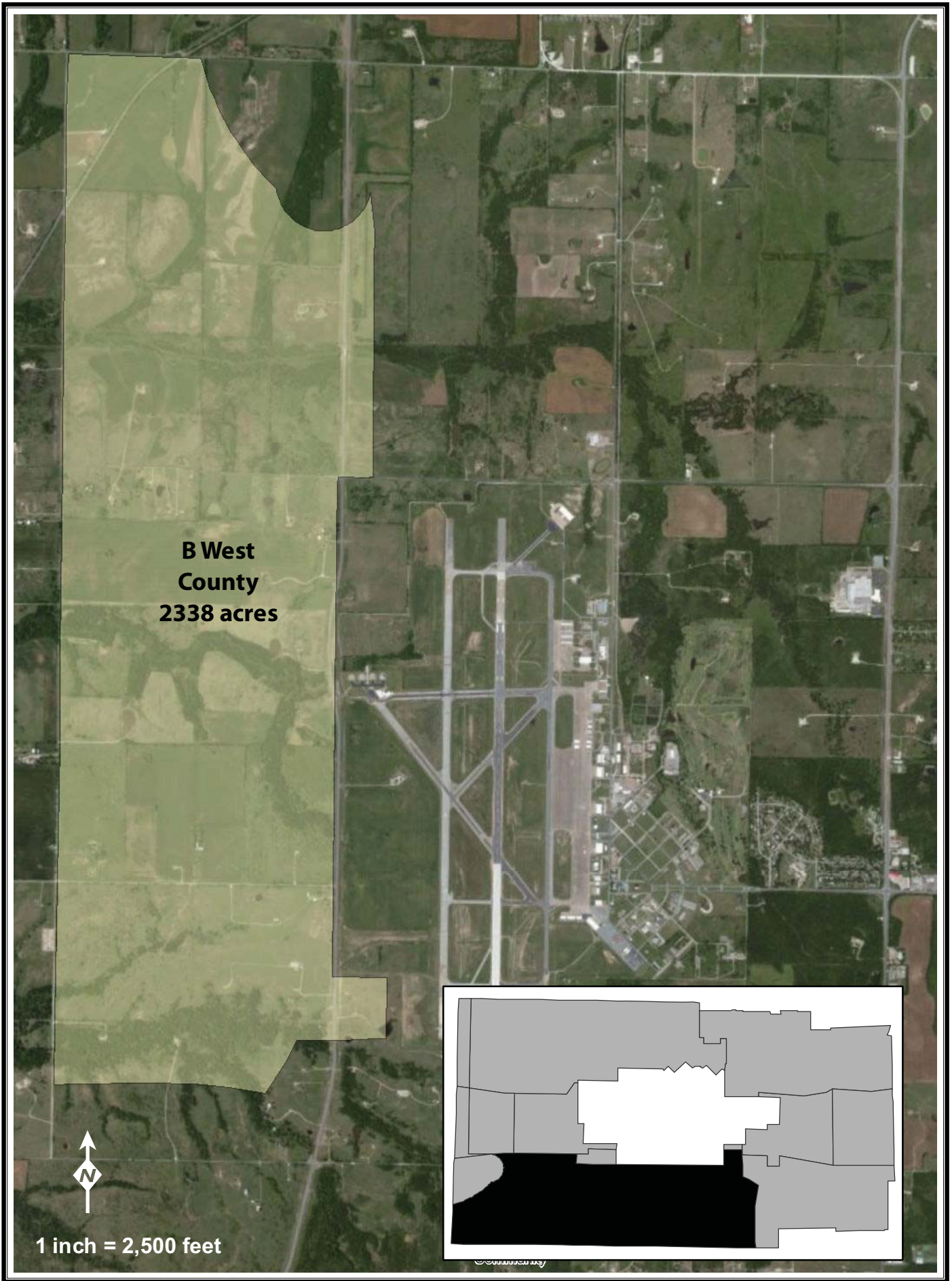
A1 South Sherman
LEGAL DESCRIPTION TO BE ATTACHED



A2 South Sherman
LEGAL DESCRIPTION TO BE ATTACHED



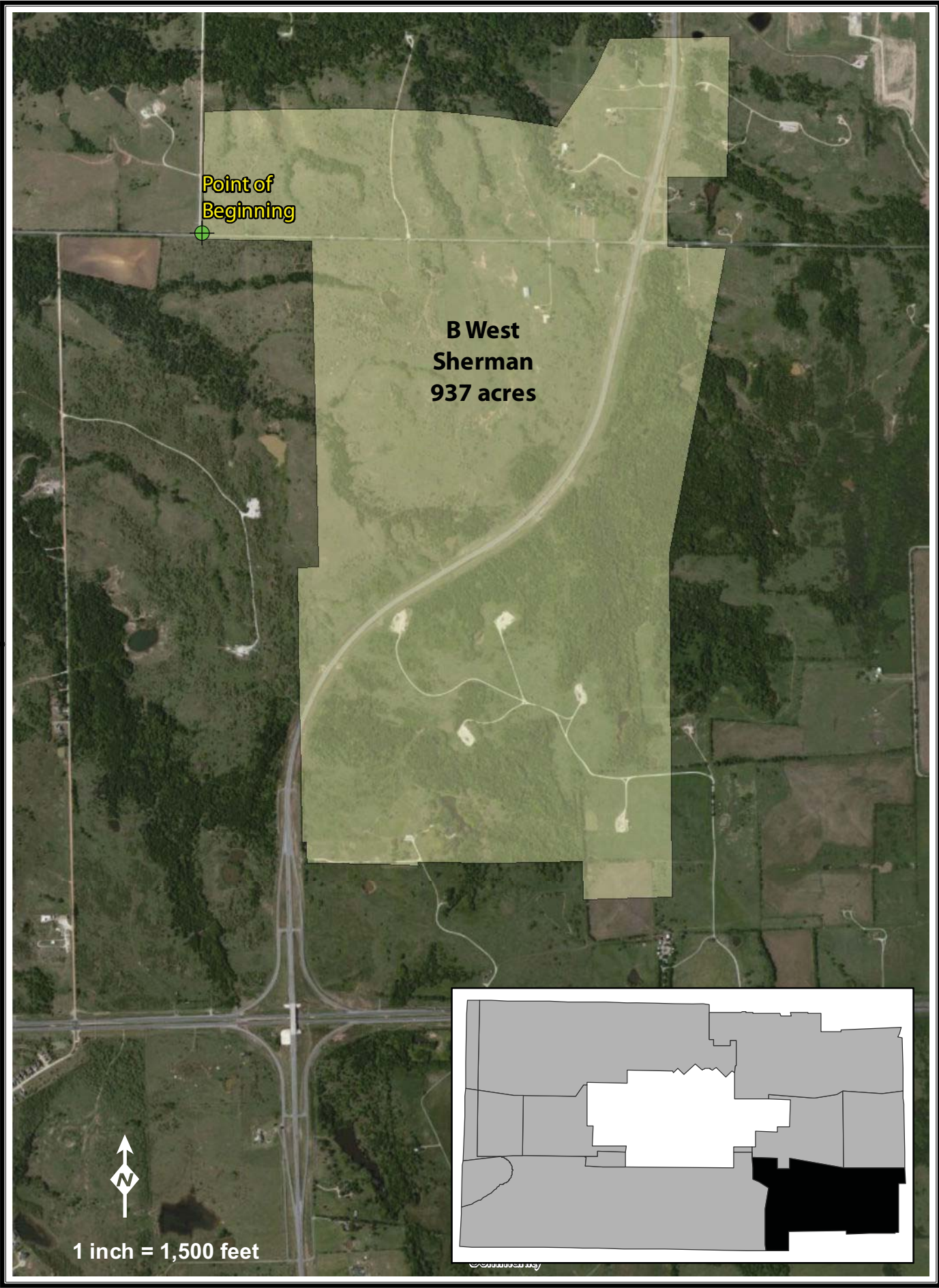
B West Pottsboro
LEGAL DESCRIPTION TO BE ATTACHED



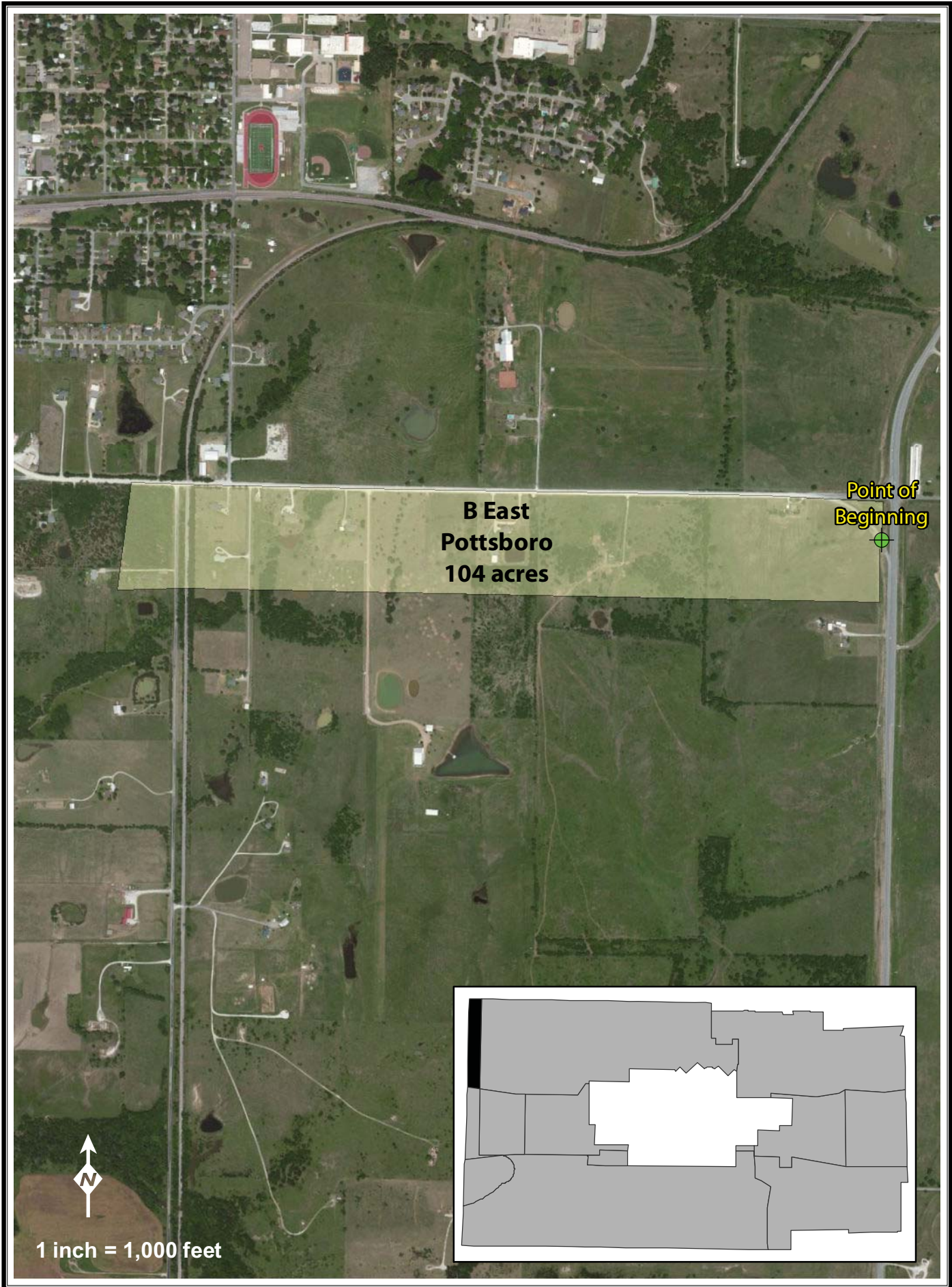
B West County
LEGAL DESCRIPTION TO BE ATTACHED



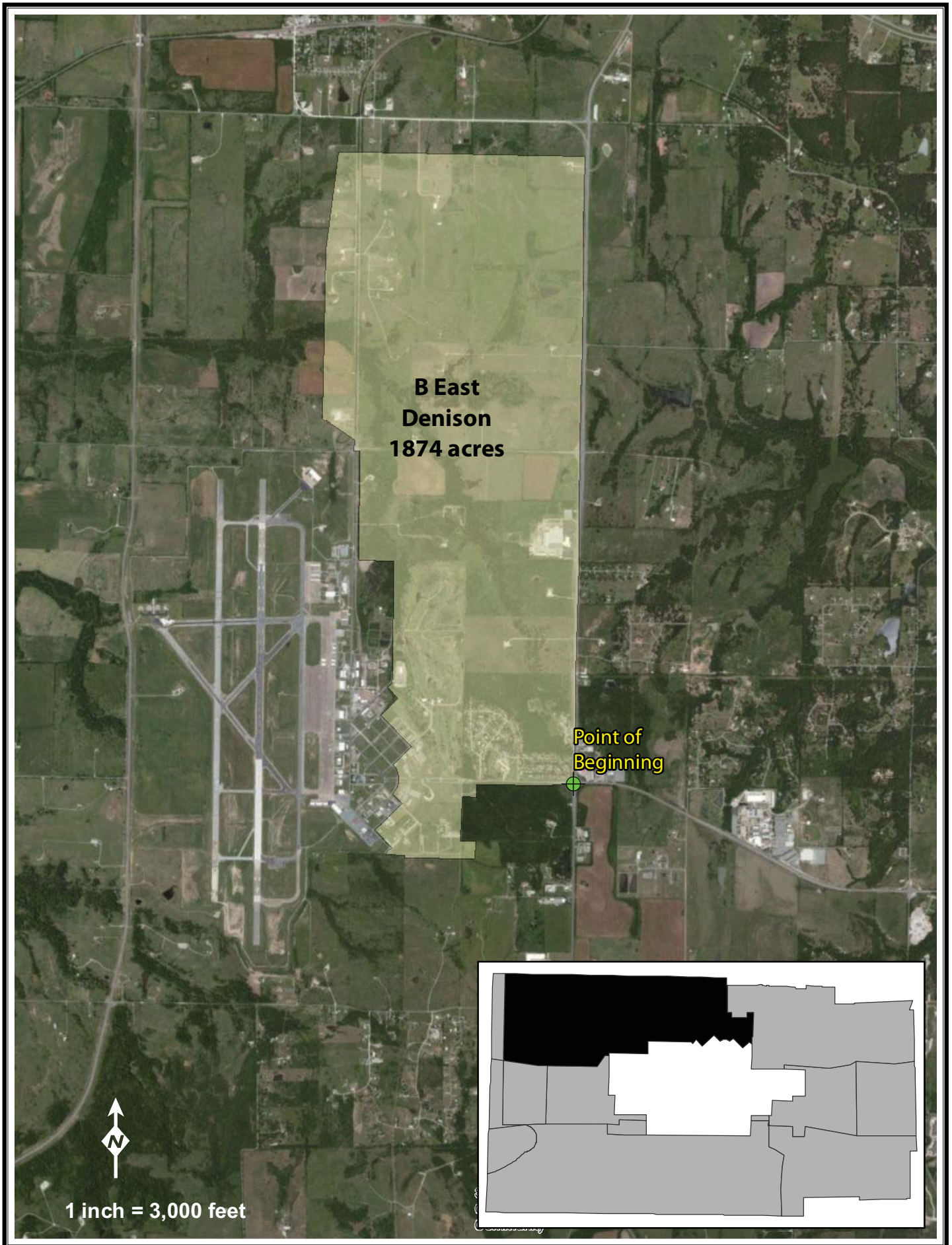
B West Denison
LEGAL DESCRIPTION TO BE ATTACHED



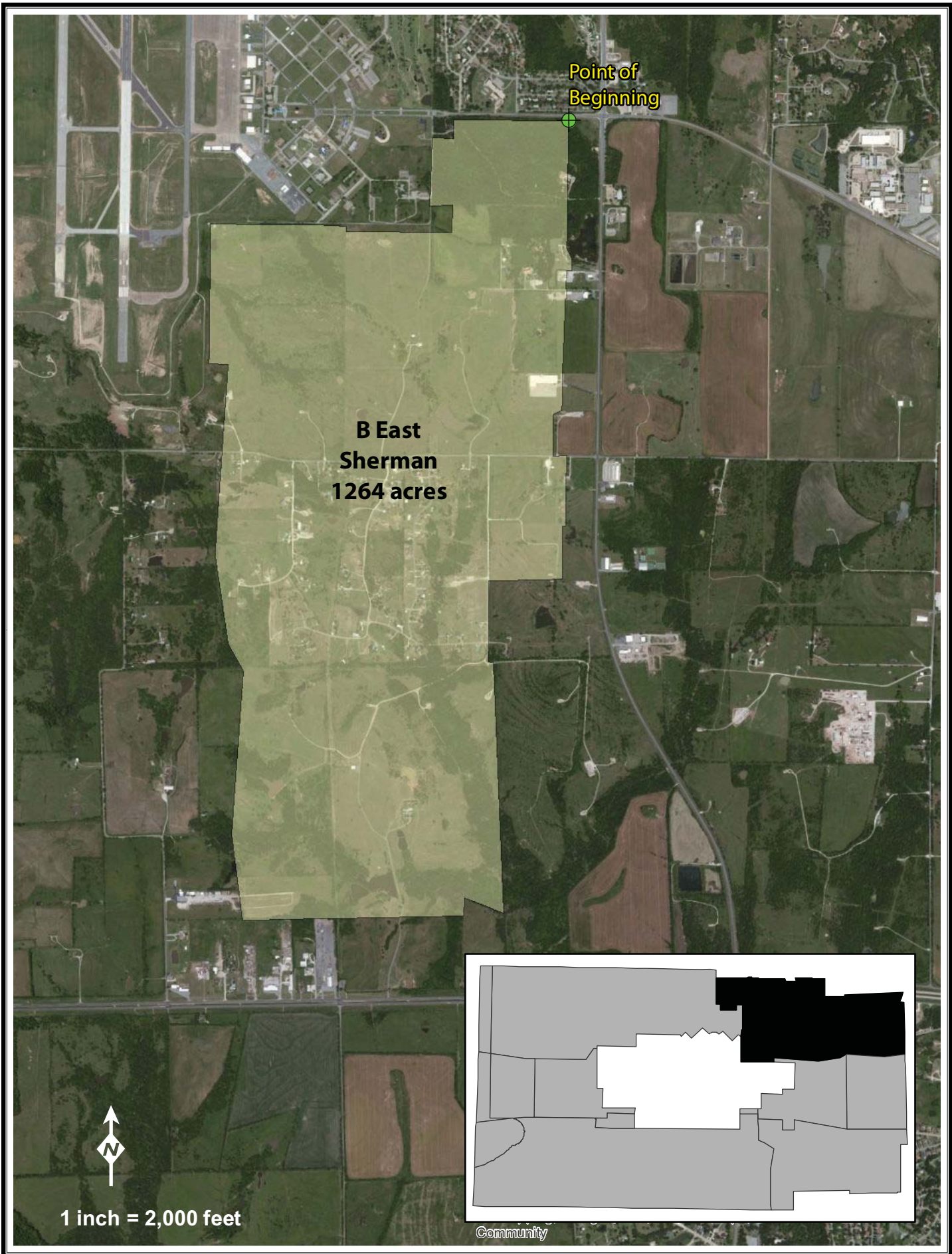
B West Sherman
LEGAL DESCRIPTION TO BE ATTACHED



B East Pottsboro
LEGAL DESCRIPTION TO BE ATTACHED



B East Denison
LEGAL DESCRIPTION TO BE ATTACHED



B East Sherman
LEGAL DESCRIPTION TO BE ATTACHED

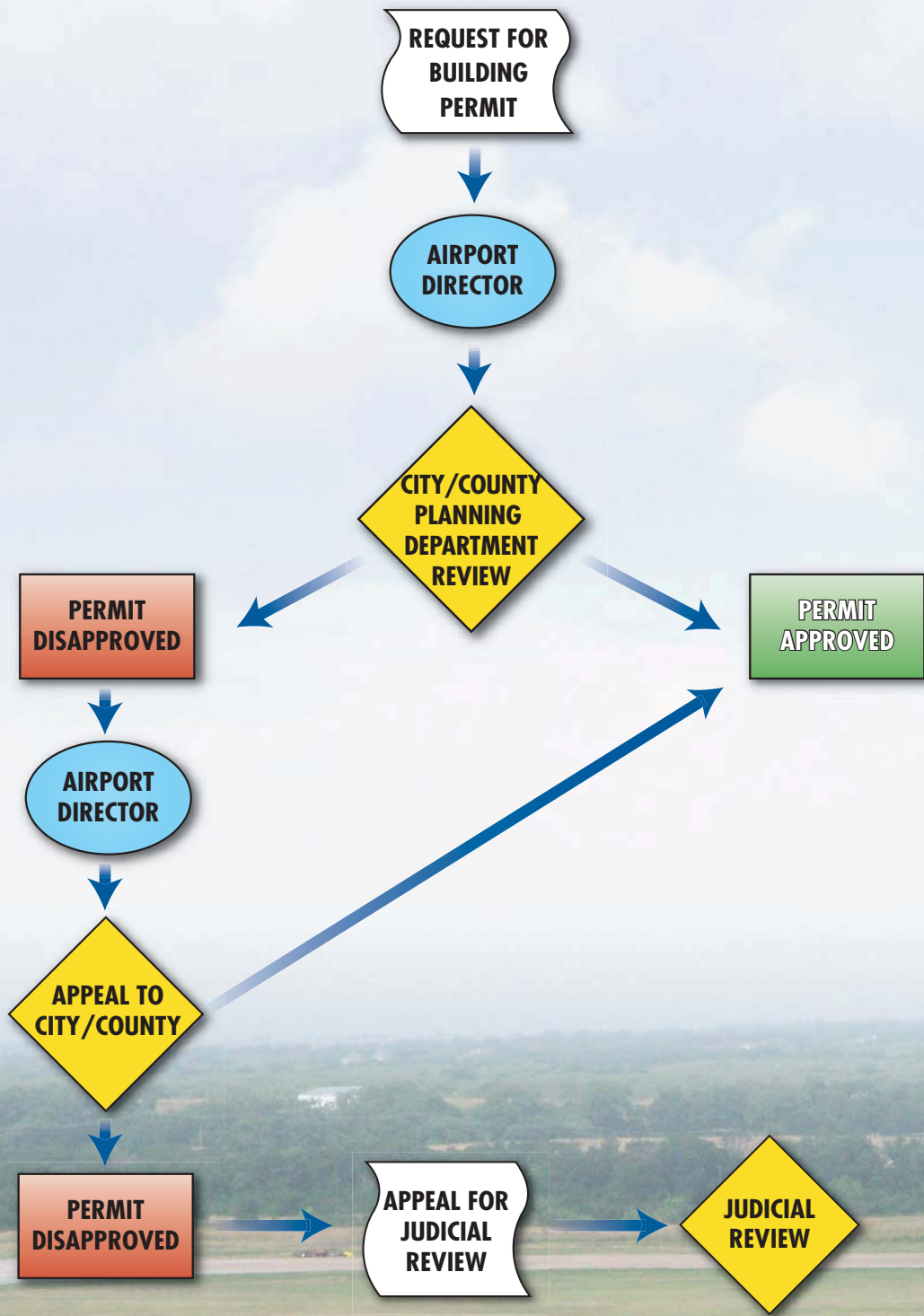
Exhibit B

OVERLAY ZONING ENFORCEMENT PROCESS

The material in this Exhibit is for use in implementing the North Texas Regional Airport – Perrin Field Land Use Compatibility Zoning ~~Ordinance~~Regulation and includes the following:

- Flow Chart showing the Airport Overlay Zoning Enforcement Process

AIRPORT OVERLAY ZONING ENFORCEMENT PROCESS



JOINT AIRPORT ZONING BOARD

ITEM NUMBER: Five
MEETING DATE: 08-05-14

ITEM TITLE: Public Comments
SUBMITTED BY: Mike Shahan, Airport Director
DATE SUBMITTED: July 30, 2014

SUMMARY:

This item has been added so that the public may address the Board. Each person will be limited to three minutes.

ATTACHMENTS (LIST)

ALTERNATIVES/RECOMMENDATIONS: