

AGENDA
KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD
December 10, 2007, 3 pm
AIRPORT TERMINAL CONFERENCE ROOM
1877 AIRPORT LOOP ROAD, KERRVILLE, TEXAS

1. Call to Order.
2. Visitors/Citizens Forum: At this time, any person with business not scheduled on this agenda, may speak to the corporation. No formal action can be taken on these items. Visitors are asked to limit presentations to three minutes.
- P.1 3. Approve the Minutes of November 12, 2007, Board Meeting
4. Discussion and Possible Action.
- 4A. Consideration of 1994 Airport Loop Rd. facility lease for Kendall Burleson (Bruce McKenzie)
- 4B. Consideration of Ground Lease for Granger MacDonald (Stephen King)
- 4C. Consideration of Office Lease for Nelson Happy (Stephen King)
- 4D. Discuss Airport Governance (Stephen King)
- 4E. Discussion on Airport Code requirements for bonds for private contractors (Roger Bobertz)
- 4F. Discussion of possible zoning issues related to Martin Marietta property (Roger Bobertz)
- 4G. Definition of aviation or aeronautical use. (Mike Hayes)
- P. 5 4H. Consider, discuss and take appropriate action on updating Kerrville / Kerr County Airport Hazard Zoning Ordinance (Kerrville Municipal-Louis Schreiner Filed Airport Hazard Zoning Ordinance, July 16, 1992). (Commissioner Letz)
6. Announcements and General Updates:
 - Highway 27
 - Taxiway relocation
 - Louis Schreiner field sign
 - EIC project funding update
 - Progress on City/County Interlocal Agreement and Request for Texas Attorney General Opinion on Airport Authority (Stephen King)
7. Executive Session

The Kerrville-Kerr County Joint Airport Board reserves the right to discuss any of the below items in executive closed session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.075, 551.076, 551.087 of Chapter 551 of the Government Code of the state of Texas and also the following item:
8. Adjournment

Note: The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city clerk at 830-257-8000 for further information.

**CITY OF KERRVILLE, TEXAS
KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD**

**Board Meeting
November 12, 2007**

On Monday, November 12, 2007, the meeting of the Board Members of the Kerrville-Kerr County Joint Airport Board was called to order at 3:00 p.m. by Roger Bobertz, President, at the Airport Terminal, Louis Schreiner Field, Kerrville, Texas.

Members Present:

Roger Bobertz, President
Stephen W. King, Vice-President
Fred Vogt

Members Absent:

Staff Present:

Bruce McKenzie, Interim Airport Manager
K. Irene Stone, Executive Assistant to the City Manager
Josh Selleck, Finance Director
Mike Hayes, City Attorney

2. Visitors/Citizens Forum No one spoke.

3. Approve the Minutes of September 14, 2007, and October 8, 2007, Board Meetings.

Mr. Vogt voted to approve the Minutes of September 14, 2007, Board Meeting as amended. Vice-President King seconded the motion; and the motion passed 3-0.

Fred Vogt moved to approve the Minutes of October 8, 2007, Board Meeting. Vice-President King seconded the motion; and the motion passed 2-0, with President Bobertz abstaining as he was absent at that meeting.

4. Approve Monthly Financials

Mr. Selleck presented the October financial statement to the Board and explained that as these financials were the first for the fiscal year, staff was still closing out the previous fiscal year. Therefore, the October financial statements were not 100% complete, but at the next Airport Board Meeting, the November financial statements will be. Fred Vogt moved to approve the financial statement as presented. Vice-President King seconded the motion; and the motion passed 3-0.

5. Discussion and Possible Action

5A. President's Remarks (President Bobertz)

President Bobertz wanted to use this opportunity to discuss airport business as the quorum issue (on a three member board, two members are a quorum) prevented him from discussing airport business outside the board meetings. He felt this was an interim period, and the Board was waiting on the Airport Business Plan and, then, the government agencies. He explained that during this interim period, he had been working closely with the interim airport manager, Bruce McKenzie, to open the lines of communication between the "stakeholders", i.e. Airport Board, the Airport Manager, Airport lessees and business operators, and the public (taxpayers). One item of interest was the newly established "Airport News" bulletin board in the Airport Terminal. This bulletin board displayed the Airport Board agendas and minutes, among other airport news. They are also working on other options to improve communications, which President Bobertz felt was important because of the economic impact of the Airport.

Commissioner Jonathan Letz stated that the Airport Business Plan would give the Board a range of options. He acknowledged that the County has two representatives ready to discuss the Interlocal Agreement with the City, but the City has not responded to the County as of yet.

Mr. Vogt stated that the Airport Business Plan had more to do with economics than the Board's structure, and that the Airport Board would be given "models" of other airports as examples. He agreed with President Bobertz that the limitation of the Board was a problem. His plea to the

government agencies was that a partial or addendum be added to the current Interlocal Agreement to enable them to "flesh the Board out." He did not feel it conducive for the agencies to wait for the Airport Business Plan or a new Interlocal Agreement before restructuring the Board.

Vice-President King asked that Commissioner Bill Williams and a representative of the City give the Board a progress report on the next agenda. He would personally talk to City Council Members and encourage public involvement (i.e. letters to the editor) to get this issue moving. He felt it was a "disservice to the public" to wait.

President Bobertz responded that it was his understanding that the City was waiting for the Airport Business Plan before moving forward on the Interlocal Agreement. Commissioner Williams agreed with Commissioner Letz that the Airport Business Plan would have a range of options. The County was ready to meet with the City and had two representatives ready, but the City had not selected anyone yet to meet with them. His realistic expectation was that this would "take awhile." Currently the issue was at the Attorney's General's doorstep and an answer from his office could take up to six months.

No action was taken.

5B. Discuss Airport Board Meeting Schedule (President Bobertz)

President Bobertz recommended continuing the monthly meetings as that was the only way to follow the Open Government Meetings Act and discuss airport business. He asked Mr. Selleck if the current day of the month would help the financial statements. Mr. Selleck replied that the current day worked as well as any other time of the month. Commissioner Letz agreed. President Bobertz then asked the Board if the 3:00 p.m. time was acceptable. The Board affirmed it was a good time.

President Bobertz stated that the Airport Board would continue to meet on the second Monday of the month at 3:00 p.m. at the Airport Terminal. The next meeting would be December 10, 2007.

No motion was required.

5C. Discussion and action regarding defining the terms "aviation use" and/or "aeronautical use" (Mike Hayes)

Mr. Hayes addressed the Board and stated this was a confusing issue. The issue stems from the Airport grant assurances and the need to pen down the terminology. The term "aeronautics" is more specific to "flying a plane." "Aviation use" has added services that the public uses while engaging in aeronautics. Mr. Hayes had personally asked TxDOT and the FAA on how the Airport should use the terminal -aviation use or aeronautical. They were hesitant to answer his specific question on which definition to use. In fact, Mr. Hayes explained, they would not answer the question, but stated they prefer to do a case by case basis because of political implications.

That being the case, Mr. Hayes recommended to the Board that they "get comfortable" with a definition for their own facility, the Airport Terminal, and, if TxDOT or the FAA questions the tenants, in some form or fashion, how the tenants' activities relate to the operations of the Airport. If the Airport Board allows non-aviation uses for hangars, and an aeronautical business wants to come in, the non-aviation users have to vacate their hangar leases. Mr. Hayes explained that currently there is that clause in the Airport lease agreements. He concluded his report by stating that the Airport Terminal is a facility at the Airport that is held to a higher standard.

President Bobertz restated Mr. Hayes' comments that there were two sets of definitions, which were not completely compatible; none of the sources will give the Airport Board a definitive definition; so the Airport Board would have to decide on which definition they will work with and how they are going to apply it; and the Board needs to be comfortable that whichever definition used will "pass mustard" if the Airport is ever investigated by FAA or TxDOT for compliance in grant assurances.

Mr. Vogt thought part of the issue dealt with compliance issues. TxDOT or the FAA would have guidelines for the Airport, but they would not police the issue. The Airport Terminal is clearly within the context of "anybody's" definition of aeronautic building and would be subject to taxpayers' money that was used to be put in it. Mr. Vogt felt the Board does not have it defined properly in the minimum standard so they need to decide on the definition. He recommended the Airport Board use the TxDOT definition and that will take the burden off of the Board. The Board needs to get their minimum standards "up to speed."

President Bobertz asked Mr. Vogt be the "point guy" and work on a project where end point would be a suggested entry into the minimum operating standards. The product would be what the Airport Board needs to do to the Airport Code to accommodate the definition and what administrative procedures should be in place, i.e. ask every tenant to certify they are compliant, etc... Mr. Vogt said that Mr. Hayes would have to help him with that. Mr. Hayes stated that once definition was decided and the Airport Code was updated accordingly, all tenants would have to provide assurances that they are in compliance with the definition. Vice-President King asked if it would help to have the tenants provide an affidavit, and Mr. Hayes said it would.

5D. Discuss lease of 1994 Airport Loop Road to Mr. Kendall Burlison

Mr. McKenzie informed the Board that Mr. Burlison was still interested in the lease but had moved the date from February 2008 to March 2008.

No action taken by the Board.

5E. Discuss location of "Louis Schreiner Field" sign

Mr. McKenzie explained to the Board that the final placement of the sign was at the end of the sidewalk, up on the left of the parking lot. He had TxDOT review the site to be sure its placement would not violate any airport rules. The sign will be at a good focal point for the Airport, have a matching rock façade and set on two short pedestals. Mr. McKenzie has Nelson Happy's letter in hand stating Mr. Happy's willingness to pay for the sign's mounting.

The Board asked about possibility of also placing a sign by Highway 27. Mr. McKenzie explained that TxDOT would only allow a frangible (breakable) sign to be placed. There will be signs announcing the Airport at Hwy 27 and Hwy 173. Commissioner Letz commented that he would like to see an entrance sign when drive up to Airport.

Mr. McKenzie then asked if the verbiage proposed for the sign, "Kerrville-Kerr County Airport" was agreeable. That was the verbiage on the Airport Terminal's plaque. The Board agreed to the use of the verbiage with either a hyphen or slash separating Kerrville and Kerr County.

5F. Discuss cost of developing new taxiways

Mr. McKenzie announced that Mr. Walling was no longer considering building his own hangar at the Airport, but was now looking at leasing one of Granger McDonald's proposed hangars. Consequently, the Airport will not have to be concerned about a connecting him to the taxiway. Mr. McKenzie then reviewed the taxiways map with the Board. He believed the Airport was going to receive \$90,000 from the Economic Improvement Corporation. If so, those funds would take care of areas 2, 3, and 4 (\$80,000 total, which leaves \$10,000 for "fluff"). The Board asked where he received the financial information, and he replied that URS Corporation provided the figures.

The Board asked why he did not apply for a new grant to cover areas 2, 3, and 4. Mr. McKenzie stated that he was concerned about the \$6 million in grants that the Airport had already tied up with TxDOT. Mr. Vogt suggested Mr. McKenzie apply for a grant to cover the whole project as the project would be a good use of Airport Improvement Program money. There may be a chance, if the grant was approved by TxDOT, that it would not be received until next fiscal year.

President Bobertz moved to authorize the Airport Manager to contact TxDOT regarding a possible grant to cover the cost of this project. Mr. Vogt seconded; and the motion passed 3-0.

6. Announcements and General Updates

□ Mr. McKenzie and Mr. Vogt met with TxDOT in Austin on September 10, 2007.

Mr. Vogt explained the meeting to the Board and stated that the discussion centered mostly on Highway 27. The real purpose of the meeting, though, was to introduce Bruce McKenzie to TxDOT. As Mr. Vogt did not attend the meeting as a representative of the Airport Board, there was no set agenda. Mr. Vogt and Mr. McKenzie also took opportunity at the meeting to see how TxDOT felt about the Airport and what the future is like for the Airport. They were well-received by Dave Fulton, met his all senior staff and saw a Power Point presentation. After that was over, the discussion did lead itself to development here at the Airport.

□ Meeting with TxDOT regarding Highway 27 – (President Bobertz)

Mr. Vogt continued his discussion of the TxDOT meeting on September 10, 2007. They addressed 1) Highway 27 and the Object Free Zone, and 2) the runway extension from 1,000 feet to 7,000 feet. He stated that TxDOT was amazed the Airport would consider moving Highway 27 with respect to the cost to fix it. TxDOT cannot see the relocation plan passing the cost analysis benefit where it's the "benefit" to move the highway. Currently, Mr. Vogt noted, TxDOT has no plan to spend funds on Highway 27. They do want the Airport to not put anything up in the Object Free Zone. There is a telephone pole that will have to be removed when the road is repaired in the future. The same applied to the runway extension. TxDOT did not see the Airport needing a 7,000 foot runway (outside the planning scope), unless the Airport had commercial aircraft landing here. In Mr. Vogt's opinion, that is good news for the Airport as it frees up some of the economic money for other projects and there is not a safety issue.

Mr. Vogt continued to explain that he, Mr. McKenzie, and TxDOT discussed the Airport using the Instrument Landing System (ILS) approach, but this was a discussion to bring up at another time. In Mr. Vogt's estimation, thought, the existing GPS approach and the minimum is not that bad. He did not see anyone, whether it is flight standards, penalizing the Airport for not having an ILS approach. He realized this goes against some of the previous conversations this Board has held. To conclude his report, Mr. Vogt felt TxDOT was happy the Airport Board was coming to them as their "entry point" into this whole process.

Mr. McKenzie noted that Mike Coward of TxDOT says he and his engineers will spend two months to see what the cost will be to lower Highway 27, and then the Board can get a good picture on the cost benefit analysis.

Mr. Selleck explained to the Board that the Highway 27 Relocation project was in the City of Kerrville's Capital Improvement Plan in conjunction with TxDOT 's transition in widening Highway 27 from two lanes to four lanes

Mr. McKenzie briefly mentioned to the Board that the Taxiway project was moving along nicely.

7. Adjournment.

Mr. Vogt moved to adjourn; Vice-President King seconded the motion. The meeting adjourned at 4:15 p.m.

APPROVED: _____

Roger Bobertz, President

K. Irene Stone,
Executive Assistant to the City Manager

KERRVILLE MUNICIPAL-LOUIS SCHREINER FIELD
AIRPORT HAZARD ZONING ORDINANCE

JULY 16, 1992

An ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Kerrville Municipal-Louis Schreiner Field by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Kerrville Municipal-Louis Schreiner Field Airport Zoning Map which is incorporated in and made a part of this Ordinance; providing for enforcement; establishing a Board of Adjustment; and imposing penalties.

This Ordinance is adopted pursuant to the authority conferred by the Airport Zoning act, Tex. Local Gov't. Code Ann. §241.001 et seq (Vernon 1988).

It is hereby found that an obstruction has the potential for endangering the lives and property of users of Kerrville Municipal-Louis Schreiner Field and property of occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Kerrville Municipal-Louis Schreiner Field, and that an obstruction may reduce the size of areas available for landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Kerrville Municipal-Louis Schreiner Field, and the public investment therein. Accordingly it is declared that:

1. Kerrville Municipal-Louis Schreiner Field fulfills an essential community purpose; and
2. the creation or establishment of an obstruction has the potential of being a nuisance and may injure the region served by Kerrville Municipal-Louis Schreiner Field; and
3. it is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
4. the prevention of these obstructions should be accomplished, to the extent legally possible by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Be it Ordained by the Kerrville-Kerr County Joint Airport Zoning Board of the City of Kerrville, Texas and the Commissioners Court of The County of Kerr, Texas:

Section 1. Short Title - This Ordinance shall be known and may be cited as "Kerrville Municipal-Louis Schreiner Field Airport Hazard Zoning Ordinance".

Section 2. Definitions - As used in this Ordinance, unless the context otherwise requires:

- A. Airport - means Kerrville Municipal-Louis Schreiner Field.
- B. Airport Elevation - means the established elevation of the highest point on the usable landing area measured in feet from mean sea level.
- C. Airport Hazard - means any structure or tree or use of land which obstructs the air space required for the flights of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; is hazardous, interferes with or obstructs such landing, taking off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- D. Airport Hazard Area - means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Ordinance.
- E. Airport Reference Point - means the point established as the approximate geographic center of the airport landing area and so designated.
- F. Approach surface - a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- G. Approach, Transitional, Horizontal, and Conical Zones - These zones are set forth in Section 3 of this Ordinance.
- H. Board of Adjustment - A Board consisting of five (5) members appointed by the City Council of the City of

Kerrville, Texas as provided by Tex. Local Gov't Code Ann., §241.032 (Vernon 1988).

- I. Conical surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
- J. Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- K. Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation.
- L. Horizontal Surface - A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- M. Joint Airport Zoning Board - means a board consisting of five (5) members: two (2) members appointed by the City Council of the City of Kerrville, Texas and two (2) members appointed by the Commissioners Court of Kerr County, Texas. The four (4) members so appointed shall elect a fifth (5th) member who shall serve as Chairman of said Joint Airport Zoning Board.
- N. Landing Area - means the surface area of the Airport used for the landing, take-off or taxiing of aircraft.
- O. Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- P. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
- Q. Person - means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- R. Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard

surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) Five hundred (500) feet for utility runways having non-precision instrument approaches.
- (2) For other than utility runways the width is one thousand (1,000) feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument approach runways.

- S. Runway - A defined area on an airport prepared for landing and take-off of aircraft along its length.
- T. Structure - An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
- U. Transitional Surfaces - These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.
- V. Tree - Any object of natural growth.
- W. Utility Runway - a runway that is constructed for and intended to be used by propeller-driven aircraft twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- X. Non-precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in

non-precision instrument approach procedure has been approved or planned.

- Y. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Section 3. Zones - In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transition Surfaces, Horizontal Surface and Conical Surface as they apply to Kerrville Municipal-Louis Schreiner Field. Such zones are shown on the Zoning Map consisting of one (1) sheet, prepared by the Texas Department of Aviation, Austin, Texas and dated October 1, 1990, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Approach Zones -

- (1) Runway 30 Approach zone is established beneath the approach surface at the end of Runway 30 on Kerrville Municipal-Louis Schreiner Field for precision instrument landings and take-offs. The inner edge of the approach zone shall have a width of one thousand (1,000) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (2) Runway 12 Approach zone is established beneath the approach surface at the end of Runway 12 on Kerrville Municipal-Louis Schreiner Field for non-precision instrument landings and take-offs with visibility minimums as low as three-fourths of a statute mile. The inner edge of the approach zone shall have a width of one thousand (1,000) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of four thousand (4,000) feet

at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.

- (3) Runway 2/20 Approach zone is established beneath the approach surface at the ends of Runway 2/20 on Kerrville Municipal-Louis Schreiner field for non-precision instrument landings and take-offs. The inner edge of the approach zone shall have a width of five hundred (500) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

B. Transition Zones - transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on the zoning map. Transition surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

C. Horizontal Zone - The area beneath a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runway 12/30 and connecting the adjacent arcs by lines tangent to those arcs.

D. Conical Zone - The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Section 4. Height Limitations - Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or

maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Approach Zones -

- (1) Runway 30 One (1) foot in height for each fifty (50) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface, then rising one (1) foot in height for each forty (40) feet in horizontal distance for an additional forty thousand (40,000) feet from the end of the primary surface.
- (2) Runway 12 One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point ten thousand (10,000) feet from the end of the primary surface.
- (3) Runway 2/20 One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point five thousand (5,000) feet from the end of the primary surface.

B. Transition Zone - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is one thousand six hundred sixteen (1,616) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

C. Horizontal Zone - Established at one hundred fifty (150) feet above the airport elevation, or a height of one

thousand seven hundred sixty-six (1,766) feet above mean sea level.

- D. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- E. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land.

Section 5. Use Restrictions - Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

Section 6. Nonconforming Uses -

- A. Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interferes with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- B. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager of the City of Kerrville, Texas to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and

maintained at the expense of the City of Kerrville,
Texas, and the County of Kerr, Texas.

Section 7. Permits -

A. Future Uses - Except as specifically provided in (1), (2) and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the Affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with section 7, Par. D.

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 4, Par. E.

- B. Existing Uses - No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed - Whenever the City Manager of the City of Kerrville, Texas determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Kerrville Municipal-Louis Schreiner Field Airport Advisory Board for advice as to the aeronautical effects of the variance. If the Kerrville Municipal-Louis Schreiner Field Airport Advisory Board does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

- E. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable by the City Manager of the City of Kerrville, Texas or the Board of Adjustment to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the City Manager of the City of Kerrville, Texas to install, operate, and maintain, at the expense of the City of Kerrville, Texas and the County of Kerr, Texas such markings and lights as may be necessary.

Section 8. Enforcement - It shall be the duty of City Manager of the City of Kerrville, Texas to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the City Manager of the City of Kerrville, Texas upon a form published for that purpose. Applications required by this Ordinance to be submitted to the City Manager of the City of Kerrville, Texas shall be promptly considered and granted or denied. Applications for variances shall be made to the Board of Adjustment by first filing said application for variance with the City Manager of the City of Kerrville, Texas, who shall forthwith transmit said application to the Board of Adjustment for determination.

Section 9. Board of Adjustment -

- A. There is hereby created a Board of Adjustment to have and exercise the following powers:
- (1) to hear and decide appeals from any order, requirement, decision, or determination made by the City Manager of the City of Kerrville, Texas in the enforcement of this Ordinance.
 - (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass;
 - (3) to hear and decide specific variances.
- B. The Board of Adjustment shall consist of five (5) members appointed by the City Council of the City of Kerrville, Texas and each shall serve for a term of two (2) years and be removable for cause by the appointment authority upon written charges, after a public hearing.
- C. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment

shall be held at the call of the Chairman and at such times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Clerk of the City of Kerrville, Texas and shall be a public record.

- D. The Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
- E. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the City Manager of the City of Kerrville, Texas or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance as provided in the Tex. Local Gov't Code Ann. §241.032(d) (Vernon 1988).

Section 10. Appeals -

- A. Any person aggrieved, or any taxpayer affected, by any decision of the City Manager of the City of Kerrville, Texas made in his administration of this Ordinance, if of the opinion that a decision of the City Manager of the City of Kerrville, Texas is an improper application of these regulations, may appeal to the Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the City Manager of the City of Kerrville, Texas a notice of appeal specifying the grounds thereof. The City Manager of the City of Kerrville, Texas shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Manager of the City of Kerrville, Texas certifies to the Board of Adjustment, after the notice of appeal has been filed

with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of City Manager of the City of Kerrville, Texas cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the City Manager of the City of Kerrville, Texas and on due cause shown.

D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. The Board of Adjustment may in conformity with the provisions of this Ordinance, 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.

Section 11. Judicial Review - Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to a court of competent jurisdiction, as provided by the Airport Zoning Act, Tex. Local Gov't Code Ann. §241.041 (Vernon 1988).

Section 12. Enforcement And Remedies - The City Council of the City of Kerrville, Texas and the County of Kerr, Texas may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this Ordinance or of any order or ruling made in connection with its administration or enforcement including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, Tex. Local Gov't Code Ann. §241.044 (Vernon 1988).

Section 13. Penalties - Each violation of this Ordinance or of any regulation order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$200.00 and each day a violation continues to exist shall constitute a separate offense.

Section 14. Conflicting Regulations - Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by the Airport Zoning Act, Texas Local Gov't Code Ann., §241.901 (Vernon 1988).

Section 15. Prior Ordinance Replaced - This Ordinance replaces and supersedes in its entirety that certain Airport Zoning Ordinance (the "Prior Ordinance") dated March 17, 1980, heretofore adopted by the Kerrville-Kerr County Joint Airport Zoning Board, and said Prior Ordinance is rendered null and void upon passage of this Ordinance and publication and posting of same as required by law.

Section 16. Severability - If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 17. Effective Date - Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare an Emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Joint Airport zoning Board and publication and posting as required by law.

Adopted by the Kerrville-Kerr County Joint Airport zoning Board this 16 day of July, 1992.

Ruth Priest
RUTH PRIEST, chairman

Stephen Drane
STEPHEN DRANE

John D. Davis
JOHN D. DAVIS

William R. Goertz
WILLIAM R. GOERTZ

Dale Gregory
DALE GREGORY

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