Joint Airport Zoning Boards

Taken From Texas Local Government Code:
CHAPTER 241. MUNICIPAL AND COUNTY ZONING AUTHORITY AROUND AIRPORTS
JOINT AIRPORT ZONING BOARD. (a) A political subdivision to whose benefit an airport is used in the interest of the public or in which an airport owned or operated by a defense agency of the federal government or the state is located may create a joint airport zoning board with another political subdivision in which an airport hazard area or a controlled compatible land use area relating to the airport is located.

The political subdivisions must act by resolution or ordinance in creating the joint board.
• Jurisdiction is not based upon noise contours
• Jurisdiction encompasses airport hazard areas or land use compatibility areas contained within participating municipalities.
‘Compatible Land Use’

• a use of land adjacent to an airport 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.
‘Compatible Land Use Area’

• area of land located outside airport boundaries and within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of an instrument or primary runway and lines located no farther than 5 statute miles from each end of the paved surface of an instrument or primary runway.
• If an agency of the state owns and operates an airport located within an airport hazard area or controlled compatible land use area governed by a joint airport zoning board, the agency is entitled to have two members on the board.
Authority of the Joint Zoning Board

The joint airport zoning board has the same power to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations under this section as that given a political subdivision by Sections 241.011 and 241.012.
Authority of the Joint Zoning Board

• Before an airport zoning regulation may be adopted, a political subdivision acting unilaterally under Section 241.013 must appoint an airport zoning commission. If the political subdivision has a planning commission or comprehensive zoning commission, that commission may be designated as the airport zoning commission.

• The governing body of a political subdivision may not hold a public hearing or take other action concerning an airport zoning regulation until it receives the final report of the airport zoning commission.
Land Planning Tools Analysis

#2

(In General - All Jurisdictions)
Zoning & Subdivision Ordinances

- Federal Aviation Regulations, Part 77, *Objects Affecting Navigable Airspace*, as they pertain to NAS JRB Fort Worth, have not been incorporated into local ordinances.

- Do not authorize more restrictive airfield zoning districts within the 65 Ldn.

- Do not address density and land use issues regarding Accident Potential Zones (APZ’s) or Clear Zones (CZ’s).

- Do not require disclosure of proximity to a military installation, airport, or noise contour as part of site plan submittal.

- Do not address encroachment.
Examples of development or land use activities that might be incompatible with the mission of a military installation include:

- Intensive residential development;
- Building/tower height;
- Lighting;
- Electromagnetic spectrum interference; and
- Loss of endangered species habitat outside of military installations resulting in a curtailment of mission activities to prevent impacts to similar habitat areas inside the installation.
# Noise Compatibility Matrix

<table>
<thead>
<tr>
<th>Land Use</th>
<th>&lt;60 DNL/CNEL</th>
<th>60-65 DNL/CNEL</th>
<th>65-70 DNL/CNEL</th>
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<td>Churches, Schools</td>
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Legend to Matrices

- Green delineates “acceptable”
- Royal Blue delineates “unacceptable”
- Navy Blue delineates “possible acceptance with conditions”
# APZ Matrix

## Land Use

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<thead>
<tr>
<th>Land Use</th>
<th>CZ</th>
<th>APZ 1</th>
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<td>Agriculture, Public R-O-W</td>
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Zoning District Analysis

Each jurisdiction surrounding NAS JRB Fort Worth was analyzed to determine whether incompatible uses still existed since the 2002 AICUZ and, if so, did they exist “by right.”

The results showed that incompatible uses still existed and were permitted “by right” according to zoning laws.

The following tables show the zoning districts in each jurisdiction that permit incompatible uses within the 65 ldn or higher noise contours and APZ and CZ zones.

Please note that these districts also contain the APZ and CZ areas.
### Zoning Districts within the 65-70 DBN

<table>
<thead>
<tr>
<th></th>
<th>Industrial</th>
<th>Commercial / Office</th>
<th>SF Residential</th>
<th>MF Residential</th>
<th>Public / Institutional</th>
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<tbody>
<tr>
<td>Benbrook</td>
<td>H</td>
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<td>C, D-PD</td>
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<td>J, I</td>
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# Zoning Districts within the 75-80 DBN

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## Zoning Districts within the 85-90 DBN

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• APZs are areas where an aircraft mishap is most likely to occur if one occurs but they do not reflect the probability of an accident.

• APZs follow arrival, departure, and pattern flight tracks and are based upon analysis of historical data.

• An accident is more likely to occur in APZ 1 than APZ 2 and more likely to occur in the Clear Zone than in either APZ 1 or APZ 2.
• Land use development should be compatible with noise zones and APZs.

• Modifications to proposed land developments near the airfield can help resolve tension between the community and the military.

• In general, DOD recommends that noise sensitive uses (e.g., houses, churches, amphitheaters, etc.) be placed outside the high noise zones and that people-intensive uses (e.g., regional shopping malls, theaters, etc.) not be placed in APZs.
## Recommended APZ I Use & Acquisition Plan

<table>
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<tr>
<th>Property Type</th>
<th>Tools</th>
<th>Develop with compatible use</th>
<th>Rezone or grant conditional use permit (&quot;CUP&quot;) for compatible use</th>
<th>Voluntary acquisition</th>
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<td><strong>NONRESIDENTIAL</strong></td>
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<tr>
<td>Developed</td>
<td>Owner’s choice. Already developed use is &quot;not incompatible&quot; and can remain, or owner can redevelop with a different compatible use.</td>
<td>Owner’s choice. Owner can initiate application for new compatible use. City will not initiate rezoning because owner has existing use and other allowable, compatible reasonable uses.</td>
<td>Yes. Owner has development options for reasonable use, so City need not acquire. But if initiated by owner, City may acquire to &quot;roll back&quot; development in APZ1.</td>
<td></td>
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<tr>
<td>Undeveloped</td>
<td>Yes. Owner can initiate development to a compatible use. Every nonresidential zoning category allows some compatible &amp; reasonable use.</td>
<td>Yes. Owner can initiate application for compatible use. City need not initiate rezoning because owner may seek approval for some compatible &amp; reasonable use.</td>
<td>No. Owner has development options for reasonable use. City need not acquire.</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developed</td>
<td>Not applicable because the property is already developed. Existing uses are &quot;not incompatible,&quot; so no action is needed.</td>
<td>Yes. On case-by-case basis; Owner can initiate rezoning.</td>
<td>No. Existing use is &quot;not incompatible,&quot; thus City need not acquire.</td>
<td></td>
</tr>
<tr>
<td>Undeveloped</td>
<td>No. There is no compatible use without rezoning/CUP.</td>
<td>Yes. On case-by-case basis; depends on size, location and intended use of parcel. Either owner or City can initiate rezoning.</td>
<td>Yes. But only if unsuitable for rezoning/CUP and only if new APZ-1 Zoning Ordinance leaves property without a reasonable use.</td>
<td></td>
</tr>
</tbody>
</table>
Encroachment

“Any non-military action planned or executed which inhibits, curtails, or possesses the potential to impede the performance of military activities.”
Types of Encroachment

- **Urban Growth**
- Airborne noise
- Competition for air space, land, and sea space
- Frequency spectrum
- Ordnance – Unexploded OXO/Munitions
- Threatened and Endangered Species
- Maritime issues

- **Air Quality**
- Water Quality
- Competition for scarce resources – i.e., oil, gas and minerals
- Inter-Agency Coordination
- Challenges to Military Activities
- Legislative initiatives
NAS JRB Fort Worth Vicinity and Year of Construction on Nearby Parcels

- 2004 Noise Contours
- Lakes
- Year of Construction

**Built through 1940**

- 1940 - 1950
- 1950 - 1960
- 1960 - 1970
- 1970-1980
- 1980 - 1990
- 1990 - 2000
- 2000 - 2004

Recent Developments

- Date Opened
  - 2005
  - 2006
NAS JRB Fort Worth Vicinity and Year of Construction on Nearby Parcels

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**NAS JRB Fort Worth Vicinity and Year of Construction on Nearby Parcels**

- **2004 Noise Contours**
- **Lakes**

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**Recent Developments**
- **Date Opened**
- **2005**
- **2006**
The following analysis was based on a distance of 2500’, which is the recommended buffer/easement distance around a military base, as described in the Texas Military Preparedness Act.

Source: SB 652, 2003
Fort Worth

Ridgmar Addition
Ridgmar Mall Additions
Ridgmar Meadow Addition
Ridgmar Estates
Cardinal Addition

Westover Acres
Calloway Land Subdivision Addition
Calloway Park Addition
Victory Heights Addition
Scott Addition
Sundown Park Addition
Edgewater Estates
Sundown Park 4th Filing Addition
River Gardens Addition

Connelley - Carrol Subdivision
Timberlake Heights Addition
Riverview Subdivision
Chapman Heights

Brock Addition
Trinity Acres Addition
Oak Leaf Addition
Trinity Gardens Addition
Greenfield Acres Addition
Inspiration Point North W Addition
Cahoba Lift Station
Lake Worth Leases
Shady Oaks Manor
National Campus
C.I. Ladd Addition
R.J. Ladd Addition
Saint Elizabeth
Sullivan
River Lake Addition
Grady (C.A.F.B)

*Appears to be split jurisdictions
Westworth Village
Villages at Hawks Creek
Quicktrip Addition
The Shoppes of Hawks Creek Addition
Westworth Park Addition
Leonard Oaks

Westover Acres
Twin Acres Addition
Culbertson
Mcnaughton
Aubrey Place
Pecan Point Addition
Casstevens Acres Addition
Armstrong Addition
Pecan Hollow

Connelley - Carrol Subdivision
Skyacres Addition
Sam Rosen Subdivision

*Appears to be split jurisdictions
White Settlement
Wood, ER Subdivision
Harwell Addition
Smith, WB Addition
Brookdale Addition
Credit Union Center
First Baptist Church
W.S. ISD Addition
W.S. IND PK Addition
Skyline IND Park Addition
Wilson Cliff Addition
Liberator Vill.
Mc Donnell Addition
Target Ind Park Addition
Altadena Heights

St Peter the Apostle Heights
Cook Heights Addition
Sam's Wholesale Club Addition
Casa Loma Addition
Stagecoach Hills Addition
Westgate Addition
Pilgrim Addition
Hutton & Murphy Addition
Mac-Cal I Addition
Allen Roy Subdivision
Lowe's Addition
Convair Oaks Estates Addition
River Oaks
River Oaks Gardens
River Oaks Park Addition
As you can see, there has been much development (encroachment) around NAS JRB Fort Worth.

An installation that cannot perform it’s mission is in real danger of being closed.

A base closing in this instance would cost this area approximately $4.2 billion.
Local land use planning & zoning are among the most effective tools to resolve urban growth encroachment.
General Recommendations

• Develop plans & zoning regulations to guide compatible development
• Enact legislation to implement appropriate development controls
• Seek financial assistance to develop & implement effective encroachment prevention measures
• Acquire land for conservation
• Protect existing installation mission from incompatible land uses.
Department of Defense Memorandum of Understanding (MOU) signed with National Resource Conservation Service on 8 November 2006 to promote cooperative conservation partnerships

- Assist private landowners in retaining productive and viable working lands
- Sustain agricultural productivity and environmental quality
- Support continued economic viability and military preparedness
- Support development of land management practices that meet state water quality objectives

Specific projects targeted in Southeastern US, Texas, Kansas, Oklahoma, Kentucky, Hawaii, Georgia, New York and Colorado
JLUS Budgeting – Next Steps

**JLUS Policy Committee**
- Cost: $258,883
- Time span: 10 months
- Funded by: DOD OEA, Local Government In Kind Matching, 
  & NCTCOG

October 2007

**Base Zoning Commission**
- Create a joint zoning board surrounding NAS JRB to address land use, development, airspace hazards, the development of necessary overlay districts, building improvements for noise abatement

**JLUS Policy Committee**
- Segue into a community policy committee board and technical advisory board to assist with the implementation of JLUS recommendations

**Friends of the Base Community Group**
- Engage in public outreach to educate community groups, citizens and base neighbors (website, maps, noise hotline, email notification of noise events, billboards, etc)

**Encroachment Partnering**
- Foster partnerships with conservation groups to preserve open space and compatible land uses in proximity to the installation

Possible roles – unfunded today

NCTCOG Planning for Surface Transportation Access to NAS JRB 
and Identification of needed improvements