

Texas



Aeronautics Commission

POST OFFICE BOX 12607, CAPITOL STATION, AUSTIN 78711 / (512) 476-9262

February 10, 1983

Mr. Arthur G. Hansen, Chancellor
Texas A&M University Systems
Texas A&M University
College Station, Texas 77843-1122

RE: Easterwood Field Airport
Height Zoning Ordinance

Dear Mr. Hansen:

We have reviewed the referenced ordinance dated January 24, 1983, and the procedural forms completed in its enactment.

The ordinance appears to have been properly enacted and satisfies the Texas A&M University - Texas Aeronautics Commission Grant Agreement requirement that Easterwood Field Airport be protected by a height zoning negotiation.

Should you have any questions, do not hesitate to contact us.

Sincerely,

Max G. Ulrich
Chief Engineer

MGU:js

cc: FAA, HOU ✓
Donald A. Robinson, Jr., Texas A&M Univ. ✓
George Dresser, TTI ✓

ADOPTION BY EASTERWOOD FIELD JOINT AIRPORT ZONING BOARD OF THE EASTER-
WOOD FIELD AIRPORT ZONING ORDINANCE

WHEREAS, the Airport Zoning Commission heretofore appointed by the Board did submit its Final Report on the 22nd day of December 1982, and;

WHEREAS, this Board did issue an order on the 22nd day of December 1982, giving notice of a public hearing to be held before this Board on 24 January 1983, at the City Hall in College Station, Texas at 2:00 PM, for the purpose of hearing all parties in interest and citizens who desire to be heard on the final Report of said Airport Zoning Commission, and;

WHEREAS, any objections to said Report were considered after the Board had assembled at the appointed time and place to consider such objections;

NOW, THEREFORE, on a motion by AL ZACCAGNINO and seconded by JIM NOEL, and a majority vote of the Easterwood Field Joint Airport Zoning Board, 5 members voting aye and 0 members voting nay, it is ordered that the Ordinance contained in the final report of the Airport Zoning Commission be adopted. Such ordinance is in harmony and alike to a map prepared by the Texas Aeronautics Commission, Austin, Texas on January 12, 1981, as to technical requirements of the various zones and heights as set out on such zoning map.

PASSED this 24th day of January 1983.

George B. Dresser

Chairman

George B. Dresser

Easterwood Field Joint Airport Zoning Board

AN AIRPORT ZONING ORDINANCE TO LIMIT HEIGHTS OF OBJECTS
AROUND EASTERWOOD FIELD AIRPORT

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF THE PROPERTY IN THE VICINITY OF EASTERWOOD FIELD AIRPORT 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 EASTERWOOD FIELD AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; IMPOSING PENALTIES; AND REPEALING THE FEBRUARY 1968, EASTERWOOD AIRPORT ZONING ORDINANCE.

This ordinance is adopted pursuant to the authority conferred by the Airport Zoning Act, as amended, Tex. Rev. Civ. Stat. Ann. Article 46e-1 et seq (1969).

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

- (1) that Easterwood Field Airport fulfills an essential community service;
- (2) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Easterwood Field Airport;
- (3) that it is necessary in the interest of the 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) that 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

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TEXAS AERONAUTICS COLLECTION
AUSTIN, TEXAS

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 EASTERWOOD FIELD JOINT AIRPORT ZONING BOARD OF THE CITY OF COLLEGE STATION, TEXAS, THE CITY OF BRYAN, TEXAS, THE COUNTY OF BRAZOS, TEXAS, AND THE COUNTY OF BURLESON, TEXAS.

Section 1. Short Title. This Ordinance shall be known and may be cited as "The Easterwood Field Airport Zoning Ordinance."

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

- (1) AIRPORT - Easterwood Field Airport.
- (2) AIRPORT ELEVATION - The established elevation of the highest point on the usable landing area measured from mean sea level.
- (3) AIRPORT HAZARD - 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, takeoff, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; hazardous, interfering with, or obstructing such landing, takeoff, or flight of aircraft or which is hazardous to or interfering with tracking and/or data acquisition pertaining to flight and flight vehicles.
- (4) AIRPORT HAZARD AREA - Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Ordinance.
- (5) AIRPORT MANAGER - Easterwood Field Airport Manager.
- (6) AIRPORT REFERENCE POINT - The point established as the approximate geographic center of the airport landing area and so designated.
- (7) 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.
- (8) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 3 of this Ordinance.
- (9) BOARD OF ADJUSTMENT - A Board consisting of five members appointed by the Easterwood Field Joint Airport Zoning Board as provided by Article 46e-10, Tex. Rev. Civ. Stat. Ann. (1969).
- (10) CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
- (11) DIRECTOR OF PLANNING - Director of Planning, City of College Station.
- (12) HAZARD TO AIR NAVIGATION - An obstruction determined to have

- a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (13) 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 unless otherwise specified.
 - (14) HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
 - (15) JOINT AIRPORT ZONING BOARD - A board consisting of nine members, two members appointed by the City Council of the City of College Station, Texas; two members appointed by the City Council of the City of Bryan, Texas; two members appointed by the Commissioner's Court, Brazos County, Texas; and two members appointed by the Commissioner's Court, Burleson County, Texas. The eight members so appointed shall elect a ninth member, the Chairman.
 - (16) LANDING AREA - The surface area of the Airport used for the landing, takeoff, or taxiing of aircraft.
 - (17) 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.
 - (18) NONPRECISION 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 nonprecision instrument approach procedure has been approved or planned.
 - (19) OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.
 - (20) PERSON - An individual, firm, partnership, corporation, company, association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
 - (21) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) 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.
 - (22) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 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:

- (A) 250 feet for utility runways having only visual approaches.
- (B) For other than utility runways the width is:
 - (1) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (2) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.
- (23) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (24) STRUCTURE - An object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (25) TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven 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 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- (26) TREE - Any object of natural growth.
- (27) UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft 12,500 pounds maximum gross weight and less.
- (28) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

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 Easterwood Field Airport. Such zones are shown on the Zoning Map consisting of one sheet, prepared by the Texas Aeronautics Commission, Austin, Texas, and dated January 12, 1981, 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 limitations. The various zones are hereby established and defined as follows:

(1) APPROACH ZONES

- (a) Runway 34 Approach zone is established beneath the approach surface at the end of runway 34 on Easterwood Field Airport for precision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (b) Runway 16 Approach zone is established beneath the approach surface at the end of runway 16 on Easterwood Field Airport for nonprecision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond the end of the runway, widening thereafter uniformly to a width of 4,000 feet, at a horizontal distance of 10,000 feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (c) Runway 10/28 Approach zone is established beneath the approach surface at the end of runway 10/28 on Easterwood Field Airport for nonprecision instrument landings and takeoffs. The inner edge of the approach zone shall have a width of 500 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of the runway widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.
- (d) Runway 4/22 Approach zone is established beneath the approach surface at the end of runway 4/22 on Easterwood Field Airport for visual landings and takeoffs. The inner edge of the approach zone shall have a width of 250 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

- (2) TRANSITION ZONES - Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on the zoning map. Transitional 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 7:1 from the sides of the primary surface and from the sides of the 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 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
- (3) HORIZONTAL ZONE - The area beneath a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 16/34 and 10/28 and connecting the adjacent arcs by lines tangent to those arcs.
- (4) CONICAL ZONE - The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 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:

(1) APPROACH ZONES

- (a) Runway 34 one foot in height for each 50 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface, then rising one foot in height for each 40 feet in horizontal distance for an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (b) Runways 16 and 10/28 one foot in height for each 34 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface.
- (c) Runway 4/22 one foot in height for each 20 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 5,000 feet from the end of the primary surface.

(2) TRANSITION ZONES - Slope seven 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 150 feet above the airport elevation which is 320 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven 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 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 5,000 feet measured at 90 degree angles to the extended runway centerline.

(3) HORIZONTAL ZONE - Established at 150 feet above the airport elevation, or a height of 470 feet above mean sea level.

(4) CONICAL ZONE - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(5) 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 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 airport lights and others, result in glare in the eyes of the 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.

(1) 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 interfere 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.

- (2) 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 Easterwood Field Joint Airport Zoning Board or Airport Manager 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 Texas A&M University for hazards located on Texas A&M University property and by the City of College Station, City of Bryan, County of Brazos, County of Burleson for hazards located within their respective jurisdictions.

Section 7. Permits.

- (1) Future Uses - Except as specifically provided for in (a), (b), and (c) 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 therefor 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. (4).
- (a) 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 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.
- (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 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.

- (c) 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 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, 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. (5).

- (2) Existing Uses. No permit shall be granted that would allow 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 was made. Except as indicated all applications for such a permit shall be granted.
- (3) Nonconforming Uses Abandoned or Destroyed. Whenever the ~~Easterwood Field Joint Airport Board~~ or Director of Planning determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed applicable height limit or otherwise deviate from the zoning regulations.
- (4) Variances. Any person desiring to erect or increase the height of any structure, or permit 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 variance 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 Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

- (5) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable by the Easterwood Field Joint Airport Zoning Board, Airport Manager, 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 of College Station, Texas, to install, operate, and maintain, at the expense of the owner of the structure or tree, such markings and lights as may be necessary.

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

Section 9. Board of Adjustment.

- (1) There is hereby created a Board of Adjustment to have and to exercise the following powers:
- (a) to hear and decide appeals from any order, requirement, decision, or determination made by the Director of Planning in the enforcement of this Ordinance;
 - (b) 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;
 - (c) to hear and decide specific variances.
- (2) The Board of Adjustment shall consist of five members appointed by the Easterwood Field Joint Airport Zoning Board and each shall serve a term of two years and be removeable for cause by the appointment authority upon written charges, after a public hearing.

- (3) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with 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 Easterwood Field Joint Airport Zoning Board and shall be a public record.
- (4) 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.
- (5) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Easterwood Field Joint Airport Zoning Board or the Director of Planning 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.

Section 10. Appeals.

- (1) Any person aggrieved, or any taxpayer affected, by any decision of the Director of Planning made in his administration of this Ordinance if of the opinion that a decision of the Director of Planning is an improper application of these regulations, may appeal to the Board of Adjustment.
- (2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Director of Planning a notice of appeal specifying the grounds thereof. The Director of Planning shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action was taken.
- (3) An appeal shall stay all proceedings, in furtherance of the action appealed from, unless the Director of Planning 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 the Director of Planning 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 Director of Planning and on due cause shown.

- (4) 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.
- (5) 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, as amended, Tex. Rev. Civ. Stat. Ann. Article 46e-11 (1969).

Section 12. Enforcement and Remedies. The Easterwood Field Joint Airport Zoning Board 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, as amended, Tex. Rev. Civ. Stat. Ann. Article 46e-12 (1969).

Section 13. Penalties. Each violation of this Ordinance or 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 dollars; and each day a violation continues 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.

Section 15. 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 severable.

Section 16. 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 Airport Zoning Board and publication and posting as required by law. Adopted by the Easterwood Field Joint Airport Zoning Board this 24th day of January, 1983. The Easterwood Airport Zoning Ordinance adopted by the Easterwood Field Airport Zoning Board February 20, 1968, is repealed.

George B. Dresser
Chairman

Robert A. Zaccagnini

Harry E. Rainey

James D. McCall

Robert O. Mapp

Address

Easterwood Field Joint Airport Zoning Board
Easterwood Airport
P.O. Box 224 FE
College Station, TX 77843