

**SUMMARY OF
BRAZORIA COUNTY – ANGLETON – LAKE JACKSON JOINT ZONING AIRPORT BOARD
COMPATIBLE LAND USE ZONING ORDINANCE NO. 2**

***NOTE:** This document is a summary of the above-referenced Ordinance and is not intended to represent all provisions of the Ordinance. For a complete copy of the Ordinance, please contact the Texas Gulf Coast Regional Airport.*

Authority for Ordinance: Pursuant to the Airport Zoning Act, Texas Local Government Code chapter 241, local governmental entities may adopt, administer, and enforce “compatible land use” zoning regulations in areas surrounding airports.

Purpose of Ordinance: The Ordinance regulates the use of land within the “development zone” so that the health, safety, or welfare of the owners, occupants, or users of the land are not endangered 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.

“Development Zone”: The Ordinance applies to all land within the development zone. A map of the development zone is attached as Attachment 1 to this Summary.

Use Restrictions within the Development Zone: The Ordinance **prohibits** the following uses within the Development Zone:

1. All residential uses, unless the residential use is incidental or ancillary to the operation of the Airport or aviation-related activities. Hotels and motels are permitted in the Development Zone.
2. All educational uses, including public and private schools, child care facilities, and colleges and universities. However, schools for flight instruction or vocations associated with the Airport or aviation-related activities are permitted. In addition, facilities for employee or client training or instruction related to the business of the entity providing training or instruction are permitted.
3. All hospitals; nursing homes; institutions providing convalescent or rehabilitative care; establishments for the treatment, care, or rehabilitation of alcoholic, narcotic, or psychiatric patients; residential homes for the elderly; and homes, centers, or institutions for persons convicted of crimes. However, outpatient clinics, medical laboratories, pharmacies, veterinarian clinics, establishments for the sale, rental, or manufacture of medical supplies, and public safety or emergency medical facilities are permitted.

4. Any use that would create electrical interference with navigational signals or radio communications between the Airport and aircraft.
5. Any use that would create interference with any inter-navigation facility, Airport visual approach or landing aid, or aircraft arresting or meteorological device.
6. Any use that would 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 endanger or interfere with the operation of aircraft using the Airport.
7. Any heliport, helistop, or any other facility for the landing or taking off of helicopters that is within 1,000 feet of any church, library, or public park. However, the applicable city council may approve the location of any such facility that is within 1,000 feet of any church, library, or public park.

Joint Airport Zoning Board: Brazoria County, the City of Angleton, and the City of Lake Jackson each appoint two members to serve on the Joint Airport Zoning Board. The six members appointed by the above governmental entities appoint a seventh member of the Zoning Board. The Joint Airport Zoning Board has the authority to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations.

Board of Adjustment: The Joint Airport Zoning Board appoints a Board of Adjustment consisting of five members to serve a term of two years. The Board of Adjustment has the authority to hear and decide (1) appeals from any order, requirement, decision, or determination made by the Brazoria County Commissioners Court related to the enforcement of this Ordinance, (2) special exceptions to the terms of the Ordinance that the Board of Adjustment is required to pass, and (3) applications for variances.

Permit Requirements: A permit is required before any structure may be built and any change in the use of any land may be made in the Development Zone. A permit application must state the purpose for which it is desired with sufficient particularity to determine whether the structure and/or use conform to the Ordinance. No permit for a use inconsistent with the Ordinance will be granted unless the applicant receives a variance. Variances are only allowed where the Board of Adjustment finds that the application or enforcement of the Ordinance will result in “unnecessary hardship and the relief granted would not be contrary to public interest but do substantial justice and be in accordance with the spirit and purposes of th[e] Ordinance.”

Permit Application and Appeal Procedures: Permit applications are submitted to the Brazoria County Commissioners Court, or its designee. Permit applications are either granted or denied

by Commissioners Court, or its designee. Any person aggrieved (or any taxpayer affected) by a decision of Commissioners Court with respect to its administration of the Ordinance may file an appeal with the Board of Adjustment. The Board of Adjustment will provide the person an opportunity for a hearing. The Board of Adjustment may reverse, affirm, or modify, in whole or in part, any decision appealed, and may make any such order or decision as may be appropriate. Any person aggrieved (or any taxpayer affected) may appeal any decision of the Board of Adjustment to a court of record. In addition, Commissioners Court may institute an action to prevent, restrain, correct, or abate any violation of the Ordinance or any order or ruling made under the Ordinance.

Variance Application Procedure: If an applicant wishes to request a variance, an application for a variance must be submitted to Commissioners Court. Commissioners Court will provide the application for a variance to the Board of Adjustment for a determination.

ATTACHMENT

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