

**ORDINANCE 091024 - 4**

**AN ORDINANCE OF THE CITY OF CADDO MILLS, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.08, AIRPORTS AND AVIATION, OF THE CODE OF ORDINANCES OF THE CITY OF CADDO MILLS BY CREATING DIVISION 4, AIRPORT ZONING, AND ADOPTING THE CADDO MILLS MUNICIPAL AIRPORT ZONING ORDINANCE FOR THE PURPOSE OF REGULATING AND RESTRICTING THE HEIGHT TO WHICH STRUCTURES MAY BE ERECTED OR THE HEIGHT OF OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF CADDO MILLS AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO A ZONING DISTRICT MAP, WHICH IS INCORPORATED IN AND MADE PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A ZONING HEARING BOARD; AND IMPOSING PENALTIES.; PROVIDING SEVERABILITY, REPEALING AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Caddo Mills (the “City”) is a type A general-law municipality located in Hunt County operating pursuant to its Code of Ordinances and provisions of the state law including the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Caddo Mills (the “City Council”) finds and determines that an obstruction has the potential for endangering the lives and property of users of Caddo Mills Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Caddo Mills Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to diminish or impair the utility of the airport and the public investment therein; and

**WHEREAS**, the City Council declares that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Caddo Mills Municipal Airport; that it is necessary in the interest of public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation; and

**WHEREAS**, the City Council further declares 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

the City of Caddo Mills may raise and expend public funds and acquire land or interests in land; and

**WHEREAS**, a public hearing was held regarding this amendment at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Caddo Mills Planning and Zoning Commission has recommended approval of adopting the Airport Zoning Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CADDO MILLS, TEXAS:**

Section 1. Findings. The recitals, findings and declarations set forth above are hereby found by the City Council to be true and correct and are hereby adopted by the Caddo Mills City Council and incorporated herein for all purposes as findings of fact.

Section 2. Amendment. Chapter 1, General Provisions, Article 1.08, Airports and Aviation, is hereby amended by creating Division 4, Airport Zoning Ordinance, to read as follows

## **CADDO MILLS MUNICIPAL AIRPORT ZONING ORDINANCE**

### **SECTION 1: SHORT TITLE AND DESCRIPTION**

- 1.1 Caddo Mills Municipal Airport Zoning Ordinance – This Ordinance shall be known and may be cited as the (Caddo Mills) Airport Zoning Ordinance or This Ordinance.**
- 1.2 Description – This ordinance will regulate and restrict the height to which structures may be erected or the height of objects of natural growth and otherwise regulating the use of property in the vicinity of Caddo Mills Airport by creating the appropriate zones and establishing boundaries thereof: providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to This Ordinance, that regulates height limitations and zoning district maps, which is incorporated in and made part of This Ordinance; providing for enforcement; establishing a zoning hearing board; and imposing penalties.**

### **SECTION 2: DECLARATION OF POLICY**

WHEREAS, these regulations are also adopted pursuant to the authority conferred by the Airport Zoning Act, Texas Local Government Code, §§241.001 et seq.

This Ordinance is adopted pursuant to the authority conferred by the Caddo Mills City Council to the Caddo Mills Planning and Zoning Commission.

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

- 2.1 That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Caddo Mills Municipal Airport;**
- 2.2 That it is necessary in the interest of public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and**
- 2.3 That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of 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 the City of Caddo Mills may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ORDAINED AND ENACTED BY THE CITY OF CADDO MILLS CITY COUNCIL to hereby confer Airport Zoning Authority to the City's Planning and Zoning Commission that will serve the public interest and protect the lands and surfaces within the airport district.

### SECTION 3: GENERAL DEFINITIONS

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ORDINANCE SHALL HAVE THE MEANING GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

- 3.1 AIRCRAFT – Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.
- 3.2 AIRPORT – Any area of land or water that is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas that are used, or intended **to be used, for**

airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

- 3.3 AIRSPACE HAZARD – Any structure, tree, object or use of land that obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport or heliport.
- 3.4 AIRPORT ELEVATION – The highest point of an airport’s useable landing area measured in feet above sea level.
- 3.5 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 surface zone height limitation slope set forth in Section 5 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.
- 3.6 APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES – These zones are set forth in Section 4 of this Ordinance.
- 3.7 BOARD OF APPEALS OR ADJUSTMENT – A Board appointed by the authority adopting these regulations. The numbers of members, powers, governing rules, etc., of the Board are set forth in Section 10 of this Ordinance.
- 3.8 CONICAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 3.9 DEPARTURE SURFACE – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the runway end at the same slope set forth by the departure surface zone height limitations in Section 5 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the departure surface zone.
- 3.10 FAA – Federal Aviation Administration of the United States Department of Transportation.
- 3.11 HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- 3.12 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.

HELIPORT PRIMARY SURFACE – The area of the primary surface coincides in size and shape

- 3.13 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- 3.14 TREE – Any object of natural growth.
- 3.15 UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- 3.16 VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

#### SECTION 4: AIRPORT SURFACE 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, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Caddo Mills Municipal Airport. Such zones are shown on the Caddo Mills Municipal Airport Height Limitation and Zoning District Map, prepared by Garver LLC, and dated July 2024, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) 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, with the height limitations defined in Section 5.

- 4.1 Utility Runway Visual Approach Surface Zone – Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface, which is 250 feet wide or the width of the primary surface correlating to the other runway end if wider. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 4.2 Utility Runway Non-Precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface, which is 500 feet wide or the width of the primary surface correlating to the other runway end if wider. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the runway centerline.
- 4.3 Runway Larger than Utility Visual Approach Surface Zone – Established beneath the

visual approach surface. The inner edge of this zone coincides with the width of the primary surface, which is 500 feet wide or the width of the primary surface correlating to the other runway end if wider. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- 4.4 Runway Larger than Utility with a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Non-precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface, which is 500 feet wide or the width of the primary surface correlating to the other runway end if wider. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 4.5 Runway Larger than Utility with a Visibility Minimum as Low as  $\frac{3}{4}$  Mile Non-precision Instrument Approach Surface Zone – Established beneath the non-precision instrument approach surface. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 4.6 Precision Instrument Runway Approach Surface Zone – Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 4.7 Heliport Approach Zone – The inner edge of the approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
- 4.8 Departure Surface Zone – Established beneath the departure surface. This zone commences at the end of the runway. The inner edge of this zone is 1,000 feet wide. The zone expands outward uniformly to a width of 6,466 feet at a horizontal distance of 10,200 feet from the runway end. Its centerline is the continuation of the centerline of the runway.
- 4.9 Transitional Surface Zones – Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.
- 4.10 Heliport Transitional Zones – These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary

surface centerline and the heliport approach zone centerline.

- 4.11 Horizontal Surface Zone – Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii for utility and visual runways and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The radius of the arcs for each end of the runway shall be the same. The radius used shall be the longest determined for either end. The horizontal surface zone does not include the approach surface and transitional surface zones.
- 4.12 Conical Surface Zone – Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward there from a horizontal distance of 4,000 feet.

## SECTION 5: AIRPORT SURFACE ZONE 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:

- 5.1 Utility Runway Visual Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 5.2 Utility Runway Non-Precision Instrument Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 5.3 Runway Larger than Utility Visual Approach Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 5.4 Runway Larger than Utility with a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Non-precision Instrument Approach Surface Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

- 5.5 Runway Larger than Utility with a Visibility Minimum as Low as ¾ Mile Non-precision Instrument Approach Surface Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 5.6 Precision Instrument Runway Approach Surface Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- 5.7 Heliport Approach Zone – Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
- 5.8 Runway Departure Surface Zone – Slopes forty (40) feet outward for each foot upward beginning at the end of the runway and at the runway end elevation and extending to a horizontal distance of 10,200 feet along the extended runway centerline.
- 5.9 Transitional Surface Zones – 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 150 feet above the airport elevation of five hundred forty-one feet above sea level). In addition to the foregoing, when an airport has a precision instrument runway approach 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 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 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.
- 5.10 Heliport Transitional Zones – Slopes two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90-degree angles to the primary surface centerline and heliport approach zones centerline.
- 5.11 Horizontal Surface Zone – Established at 150 feet above the established airport elevation of five hundred forty-one feet above mean sea level) 541ft’.
- 5.12 Conical Surface Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation (ranges from



685 feet at area A to 895 feet at area E).

- 5.13 Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to fifty feet (50)ft'
- 5.14 above the surface of the land.

## SECTION 6: AIRPORT ZONING REQUIREMENTS

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 the aircraft; make it difficult for pilots to distinguish between 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, takeoff, or maneuvering of aircraft intending to use the airport.

## SECTION 7: NONCONFORMING USES

- 7.1 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, except as provided in Section 8 (relating to permits and variances). Nothing contained herein 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 executed.
- 7.2 Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the (Federal Aviation Administration, State aeronautics agency and/or airport sponsor) to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of (typically airport sponsor).

## SECTION 8: PERMITS AND VARIANCES

8.1 Future Uses – Except as specifically provided hereunder, no material change shall be made in the use of erected or otherwise established structures, 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 allow 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 Subsection 8.4 of this section.

- 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 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.
- 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 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 limit prescribed for such approach zones.
- c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, 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 feature 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 that no permit is required to make maintenance repairs to or to replace parts of existing structures that do not enlarge or increase the height of an existing structure. All construction will be regulated by the City of Caddo Mills and will adhere to the adopted version of the International Building Code. This includes existing uses and nonconforming uses.

8.2 Existing Uses – Before any nonconforming structure may be replaced, substantially altered, or rebuilt, or tree allowed to grow higher or be replanted, a permit must be secured from the City of Caddo Mills authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or allow a nonconforming use, structure, or tree to 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.

- 8.3 Nonconforming Uses Abandoned or Destroyed – Whenever the (Planning and Zoning Commission) determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, has physically deteriorated, or has decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Ordinance.
- 8.4 Variance – Any person desiring to erect any structure, increase the height of any structure, permit the growth of any object of natural growth, or otherwise use his property in violation of airport zoning regulations may apply to the Caddo Mills Planning and Zoning Commission for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Section 8 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this Ordinance. Any variance may be granted subject to any reasonable conditions that the Planning and Zoning Commission may deem necessary to effectuate the purposes of this Ordinance. The application for variance shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of the Ordinance may be considered by the Planning and Zoning Commission unless a copy of the application has been furnished to the Airport Director or City Council appointed officer for advice as to the aeronautical effects of the variance. If the Airport Director (or City Council appointed officer) does not respond to the application within fifteen (15) working days after receipt, the Planning and Zoning Commission may act without such input to grant or deny said application.
- 8.5 Conditional Acceptance of Variance- Should the Planning and Zoning Commission accept a variance application, the commission shall make a recommendation to the Caddo Mills City Council for final approval.
- 8.6 Obstruction Marking and Lighting – In granting any permit or variance under this section, the Board shall, if it deems the action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, condition the permit or variance as to require the owner of the structure or object of natural growth in question to allow the airport sponsor, at its own expense, or to require the person or persons requesting the permit or variance, to install, operate, and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

## SECTION 9: ENFORCEMENT/NOTICE

- 9.1 Local Enforcement – It shall be the duty of the (City of Caddo Mills, City Manager and or the Airport Director), to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the (City of Caddo Mills Building Services Department) upon a form published for that purpose. Applications required by this Ordinance to be submitted to the (City of Caddo Mills Building Services Dept.) shall be promptly considered and granted or denied.
- 9.2 Application for action by the Planning and Zoning Commission shall be forthwith transmitted by the (City of Caddo Mills Building Services Department).

#### SECTION 10: (CM) AIRPORT BOARD

- 10.1 Powers – There is hereby appointed a Caddo Mills Airport Board. The Airport Board shall conduct the business of the Caddo Mills Airport under the authority of the Caddo Mills City Council. The City Manager of the City of Caddo Mills will be the council appointed representative to the Airport Board. The Airport Board is granted the following powers as it pertains to this ordinance: (1) to hear and recommend or deny actions for variances, appeals from any order, requirement, decision, or determination made by the (Building Services Department) in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which the Airport Board and the Caddo Mills City Council under such regulations may be required to pass;
- 10.2 Conferred Jurisdiction – The Airport property zoning jurisdiction shall be provided by the City’s Planning and Zoning Commission and may have an airport or county representative at the request of the City Council or the Airport Board. Each appointed member from the airport board or county shall for a term of two years by the authority of the Caddo Mills City Council.
- 10.3 Governing Rules – The Airport Board shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Airport Board shall be held at the call of the Chairperson and at such other times as the Airport Board may determine. For conduct of any hearing or taking of any action, a quorum shall not be less than a majority of all members. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board shall be public. The Airport Board 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 inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide.

- 10.4 Findings of Fact/Conclusions of Law – The Airport Board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination that comes before it under the provisions of this Ordinance.
- 10.5 Voting – The concurring vote of a majority of the members of the Caddo Mills City Council shall be sufficient to reverse any order, requirement, decision, or determination of the (Airport Board or Planning and Zoning Commission) or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect variation to this Ordinance.

## SECTION 11: APPEALS

- 11.1 Right of Appeal – Any individual affected, or taxpayer affected by any decision of the Airport Board or the Planning and Zoning Commission with regard to the airport may appeal to the Caddo Mills City Council as provided by law.
- 11.2 Reasonable Time Requirement – All appeals hereunder must be taken within a reasonable time as provided by the rules of the Airport Board. The Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, will submit to the City Secretary for appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- 11.3 Stay of Proceedings – An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Board certifies to the City Council, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would in its opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the City Council.
- 11.4 Power to Reverse, Affirm, or Modify Orders – The Airport Board may with approval of the City Council, 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 12: ACQUISITION OF AIR RIGHTS

In any case in which it is desired to remove, lower, or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, the municipality within which the property or nonconforming use is located, or the municipality or municipal authority owning the airport or served by it, may acquire by purchase, grant, or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such as air rights, aviation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Ordinance. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility that is required to be moved to a new location.

#### SECTION 13: RELATION TO OTHER ZONING REGULATIONS

- 13.1 Incorporation – In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of the comprehensive zoning regulations and be administered and enforced in connection therewith.
- 13.2 Conflicts – In the event of conflict between any airport zoning regulations adopted under 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, and whether the other regulations were adopted by the municipality that adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

#### SECTION 14: JUDICIAL REVIEW

Any person aggrieved or any taxpayer affected by any decision of the Caddo Mills Airport Board may appeal to the Caddo Mills City Council regarding Airport Zoning. Or the aggrieved or taxpayer may appeal to (the district court of Hunt County) as provided by law. In cases where applicable law does not provide an appeal from a municipality to a Board or Council, a person or taxpayer may appeal from a decision of a municipality or airport board, as provided by law for similar zoning proceedings.

## SECTION 15: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provisions of this Ordinance.

## SECTION 16: INTERPRETATION OF LANGUAGE AND CAPTIONS

- 16.1 Use of Language – Words of any gender used in the Ordinance shall be held and construed to include any other gender, and words in the singular shall be used to include the plural, unless the context otherwise requires.
- 16.2 Use of Captions – The captions or headings of sections in this Ordinance are inserted for convenience only and shall not be considered in construing the provisions herein if any question of intent should arise.

## SECTION 17: ADOPTION

Effective Date – WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of public health, safety, morals, 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 municipality and publication and posting as required.

Section 3. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Caddo Mills hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

Section 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as it may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed

under this Ordinance shall not preclude Caddo Mills from filing suit to enjoin the violation. Caddo Mills retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

Section 7. Open Meeting. That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

RECOMMENDED FOR ACCEPTANCE by the Planning & Zoning Commission of the City of Caddo Mills, Texas, on the 8<sup>th</sup> day of July, 2024.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CADDO MILLS, TEXAS, ON THIS THE 10TH DAY OF SEPTEMBER 2024.

APPROVED:

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Chris Davies, Mayor

ATTEST:

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Becky Pattillo, City Secretary