

**ORDINANCE NO. 448
(AS AMENDED THROUGH 448.A)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
448 ESTABLISHING AIRPORT OPERATING AREAS & REGULATING HEIGHT
STANDARDS AND LIMITS THEREIN**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. This ordinance shall be known as the "Airport Approaches Zoning Ordinance." It is adopted pursuant to the Airport Approaches Zoning Law, Sections 50485-50485.14 of the Government Code, and shall be liberally construed in support of the purposes and provisions thereof, and proceedings for additions or amendments to the official plan of airports shall conform thereto.

Section 2. As used in this ordinance, unless the context otherwise requires, the following words and phrases have the meaning herein set forth:

"Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

"Airport Hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airport Hazard Area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

"Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, city or county, or district, and includes any trustee, receiver, or assignee.

"Planning Commission" means the Riverside County Planning Commission.

"Planning Director" means the Riverside County Planning Director.

"Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead lines.

"Tree" means any object of natural growth.

Section 3.

- A.** Each item of the official plan of airport and operating zones hereby adopted or hereinafter added by amendment shall be described by a descriptive title sufficient to identify subject and location and shall contain a map and diagrams which said map and diagrams with appropriate notations shown thereon shall set forth in detail all provisions and requirements of such Item of the official plan, including a plot plan of each airport showing the location, direction and dimensions of all runways, and other formally adopted features of the physical ground plan thereof.

B For the purpose of this ordinance, all of the land lying within an area of two miles of the landing area of the Airport is hereby divided into five (5) types of zones as follows:

1. "L" - Landing Zones.
2. "AA" - Approach Zones.
3. "LT" - Landing Transition Zones.
4. "AT" - Approach Transition Zones.
5. "T" - Turning Zones.

Landing Zone: That portion of the airport property including the air above which is designed for the actual landing and take off of aircraft including the landing strip and adjacent area.

Approach Zone: A trapezoidal area and the air above it which extends outward in a graduated width from the end of the landing zone and may include property consisting of airport property and private property adjacent thereto.

Landing Transition Zone: An area lying adjacent to and parallel with the landing zone and the air above it and which may include airport property and private property adjacent thereto.

Approach Transition Zone: A trapezoidal area and the air above it extending outward from the end of the landing transition zone and being on both sides of the approach zone.

Turning Zone: All of the zoned area of an airport not contained within any of the hereinabove specified zones.

C. The extent of any zone with relation to any particular airport shall be that established by map for the airport in the Item hereof relating to such airport and need to be the same for different airports.

Section 4.

A. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this ordinance to a height in excess of the height limit hereby established for such zone. The datum plane for measurement of such heights, except as otherwise specified, shall be the elevation based on the U.S.G.S. datum of the nearest point on the center line of the nearest runway.

B. The height limit for each type of zone is hereby established as follows:

1. "L" (**Landing Zone**) - Nothing above the datum plane, except as required and as necessary and incidental to airport operations or recommended by or in accord with the rules of the Civil Aeronautics Administration.
2. "AA" (**Approach Zone**) - One foot of height above the datum plane for every X number of feet of the shortest distance the structure or tree is from the inner boundary of the approach zone or the line of such boundary extended, X being the value specified on each map adopted under Section 9 of this ordinance.
3. "LT" (**Landing Transition Zone**) - One foot of height above datum plane for every seven (7) feet of the shortest distance the structure or tree is from the boundary of the nearest "L" Zone.
4. "AT" (**Approach Transition Zone**) - The sum of, (A) the height permitted in the adjoining approach zone for the same distance from the inner boundary thereof, plus (B) one (1) foot of height for each seven (7) feet such structure

or tree is distant from the side boundary of the adjoining approach zone measured horizontally along a line perpendicular to the center line of the adjoining approach zone.

5. **"T" (Turning Zone)** - 150 feet above datum plane.
- C. The restrictions upon the use of property provided in subsection (a) hereof shall not apply to any structure or tree below a height to be determined and established in each Item as herein provided.

Section 5. An airport may be included within the official plan of airports by ordinance amending the official plan, in the manner prescribed by law. Each such ordinance amending the Official Plan shall be by amendment of Section 9 of this ordinance and for purposes of clarity and simplicity shall constitute a new serially numbered Item under said Section 9. Said map shall be the detailed map required by Section 3 of this Ordinance, provided that, for the purpose of legal publication, a suitable reduced scale map may be used, and that each amendment shall contain a proper title or designation identifying the particular Airport and the operating zones pertinent thereto.

Section 6. Each officer or employee of the county having the responsibility and authority for the issuance of licenses, or permits, and any officer or official body having the responsibility or authority to pass upon plans or specifications for private or public projects, shall issue no such license or permit nor approve any project, plan, or specification which does not conform to any feature of the official plan adopted hereby.

Section 7.

- a. **Nonconforming Uses.** No tree or structure shall be required to be removed, lowered or otherwise changed or altered if such is not conforming to regulations when such are adopted or amended, nor shall the continuance of such a situation be interfered with except as provided hereafter in this section.
- b. **Permit to Expand Nonconforming Use.** Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit thereof must be secured. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or a tree or non-conforming use to be made or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted. No such permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of the existing structure.
- c. **Variance From Established Regulations.** A structure may be erected, increased in height, or tree growth may be permitted or property may be otherwise used in violation of airport zoning regulations adopted under this ordinance if a variance from the airport zoning regulations is obtained from the Planning Commission. Such variances shall 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 do substantial justice and be in accordance with a spirit of the regulations and this article; provided, that any variance may be allowed subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purposes of this article and reasonable in the circumstances and it may condition such permit or variance so as to require the owner of the structure or tree in question to permit the County of

Riverside, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to aerial navigators the presence of an airport hazard.

- d. **Procedure to Make Application For Permit.** Permits may be secured upon application to the Planning Director of Riverside County, Courthouse, Riverside, California. All permits must be granted or denied not more than ten days after the application for such has been filed in the office of said Planning Director and notice thereof mailed to the applicant within 3 days after the decision has been reached. Within 10 days after such mailing, the applicant may appeal the decision of the Planning Director by filing a request for hearing before the Planning Commission in the same manner and in accordance with the same procedure for acquiring a variance as herein provided.
- e. **Procedure to Make Application for Variance.**
 - 1 Any property owner, including owners of easements, may file a request for such a variance with the Planning Director describing the structure, tree or use desired to be made of the property and giving its exact location, dimensions, and such other relevant information as the Planning Director may require. A \$10.00 filing fee shall accompany such request and shall be deposited in the county general fund.
 - 2 The Planning Director shall give notice of a public hearing before the Planning Commission on such request by publication of a notice in a newspaper of general circulation published in the County of Riverside not less than 7 days prior to the date of such public hearing. Such notice shall contain information concerning the hearing date, time and place, a general description of the use, structure or tree involved, the manner in which it will infringe on existing regulations, and its approximate location. Further, the applicant shall be advised of the hearing date by letter directed to the address supplied with his request for a variance, the same to be mailed not less than ten days prior to the date of hearing.
 - 3. Within not more than forty days following the conclusion of such public hearing, the Planning Commission shall by resolution grant or deny the variance requested and shall mail a copy of its decision to the applicant.

Section 8. If any section, subsection, paragraph or item of this ordinance or any portion thereof be declared unconstitutional, it shall not affect the remainder of such ordinance, and the Board of Supervisors hereby declare that it would have enacted the remainder of such ordinance irrespective of the portion declared unconstitutional. If the application of this ordinance or any item or portion thereof to any specific case or below any given height be declared unconstitutional, then said ordinance shall be applicable to all such cases and above such heights as to which it may be constitutional. Nothing in this ordinance shall be construed as depriving any person who shall suffer damages by reason of injury to himself or to his property by reason of the use of the air space adjacent to or over his property by aircraft of bringing as appropriate notice for such damages.

Section 9.

- a. Item one (1) of the Official Plan of Airports of the County of Riverside is Ryan Airport, Hemet, California, a map of which is attached hereto and is a part hereof.
- b. (Not used.)
- c. Item three (3) of the Official Plan of Airports of the County of Riverside is Thermal Airport, Thermal, California, a map of which is attached hereto and is made a part hereof.

Section 10.

- a.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- b.** Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- c.** Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than two hundred fifty dollars (\$250.00).
- d.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed. continued or permitted by any such person, and such person shall be punishable accordingly.

Adopted: 448 02/10/1958 (Eff: 03/12/1958)

Amended: 448a (Eff: 03/12/1958)

Amended by Ordinance 802 of 03/14/2000 (Eff: 04/13/2000)