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ORDINANCE NO. 340

AIRPORT APPROACHES ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND ALSO OF OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF AIR SPACE IN THE VICINITY OF THE MARIPOSA-YOSEMITE AIRPORT BY CREATING AIRPORT APPROACH ZONES, HORIZONTAL ZONES, CONICAL ZONES, TRANSITION ZONES, AND ESTABLISHING THE BOUNDARIES THEREOF: PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The Board of Supervisors of the County of Mariposa do ordain as follows:

SECTION 1: Pursuant to the authority conferred by Article XI, Section 11, of the California Constitution, the Board of Supervisors of the County of Mariposa, State of California, deem it necessary to create an "Airport Approaches Zoning Ordinance" for the purpose of promoting the health, safety and general welfare of the inhabitants of the County of Mariposa, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the Mariposa-Yosemite Airport and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the airport and the public investment therein.

SECTION 2: SHORT TITLE: This ordinance shall be known and may be cited as the Mariposa-Yosemite Airport Zoning Ordinance of the County of Mariposa.

SECTION 3: DEFINITIONS. As used in this ordinance, unless the context otherwise requires:

- (1) "Airport" means the Mariposa-Yosemite Airport.
- (2) "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 the airport or is otherwise hazardous to such landing or taking off of aircraft.
- (3) "Non-Conforming Use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this

1 ordinance or an amendment thereto, as to the effective date of such
2 regulations.

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

6 (5) "Structure" means any object constructed or installed
7 by man, including, but not limited to buildings, towers, smoke-
8 stacks, and overhead lines.

9 (6) "Landing Area" means the area of the Airport used for
10 the landing, take-off, or taxiing of aircraft.

11 (7) "Tree" means any object of natural growth.

12 (8) "County" means the County of Mariposa.

13 (9) "Planning Commission" means the County Planning
14 Commission of the County of Mariposa, State of California.

15 SECTION 4: ZONES. In order to carry out the purposes of
16 this ordinance, all of the land within the boundaries of the
17 Mariposa-Yosemite Airport and other land in the vicinity of the
18 Airport is hereby divided into horizontal zones, conical zones,
19 transition zones and runway approach zones, boundaries of which are
20 shown on a map designated as Mariposa-Yosemite Airport Zoning Map.

21 That the Mariposa-Yosemite Airport Zoning Map is hereby
22 approved as the official map for such zoning purposes and shall
23 be on file in the office of the County Clerk and that the same is
24 hereby made a part of this ordinance, subject to amendments thereof
25 made pursuant to law from time to time. That such amendments shall
26 be entered on the official map and the same shall be maintained up
27 to date at all times.

28 SECTION 5: ZONES. In order to carry out the purpose of
29 this ordinance, the boundaries of the zones provided for in Section
30 4 shall be as set forth in the Mariposa-Yosemite Airport Zoning
31 Map, a copy of which shall be on file in the office of the Mariposa
32 County Clerk. Said map shall be available for examination at all

1 times that said office is open for business.

2 HEIGHT LIMITS: Except as otherwise provided in this
3 ordinance, no structure shall be erected, altered or maintained,
4 in any airport approach zone, transition zone, horizontal zone
5 or conical zone to a height in excess of the height limit herein
6 established for each zone. For purposes of determining these
7 height limits as hereinafter specified, the U. S. Coast and
8 Geodetic Survey has established the official airport elevation
9 reference to be 2221 feet mean sea level and all height limits
10 will begin at said elevation. For purposes of this regulation, the
11 following height limits are hereby established for each of the
12 zones in question:

- 13 (a) Horizontal zone one hundred fifty (150) feet.
14 (b) Conical zone one hundred fifty (150) feet at the
15 inner perimeter and increasing in height at the
16 ratio of 20:1 to the outer perimeter.
17 (c) Runway approach zone Runway 12 and Runway 30 as
18 designated on said Mariposa-Yosemite Airport
19 shall not exceed a height greater than permitted
20 by a 20 to 1; glideslope and in no event to
21 exceed one hundred and fifty (150) feet.
22 (d) Transition Zones: The height to be determined
23 within the boundaries of the transition zone by
24 reference to Mariposa-Yosemite airport zoning map
25 at a ratio of 7:1 commencing at the boundary of
26 the landing area.
27 (e) For additional runways.
28 (f) Excepted Height Limitations: Nothing in this
29 ordinance shall be construed as prohibiting the
30 growth, construction or maintenance of any tree or
31 structure to a height up to 25 feet above the
32 surface of the land except in the clear and approach
zone to the runway.

Where an area is covered by more than one (1) height
limitation, the more restrictive limitations shall
prevail.

33 SECTION 6: USE RESTRICTIONS: No use may be made of land
34 within any airport approach zone, horizontal zone, conical zone, or
35 airport transition zone, in such a manner as to create electrical
36 interference with radio communication between the airport and

1 aircraft making it difficult for pilots to distinguish between
2 airport light and other lights, resulting in glare in the eyes of
3 the pilots using the airport, impairing visibility in the vicinity
4 of the airport, or otherwise endangering the landing, take-off or
5 maneuvering of aircraft.

6 SECTION 7: NON-CONFORMING USES: The regulations prescribed
7 in Sections 5 and 6 of this ordinance shall not be construed to
8 require the removal, lowering, or other change or alteration of any
9 structure or trees not conforming to the regulations as of the
10 effective date hereof, or otherwise interfere with the continuance
11 of any non-conforming use. Nothing herein contained shall require
12 any change in the construction, alteration or intended use of any
13 structure, the construction or lateration of which was begun prior
14 to the effective date of this ordinance, and is diligently pro-
15 secuted and completed within a reasonable time thereof.

16 SECTION 8: ADMINISTRATIVE AGENCY: The Board of Supervisors
17 may by resolution designate a person whose duty it is to enforce
18 the regulations herein described. Said person may be, in the
19 Board of Supervisor's discretion, a county officer or employee.
20 The Planning Commission shall review and decide upon all applica-
21 tions for permits and variances under Sections 9 and 10 of this
22 ordinance.

23 SECTION 9: PERMITS: Before any non-conforming structure
24 or trees may be replaced, substantially altered or repaired, re-
25 built, allowed to grow higher, or replanted, a permit must be
26 secured from the Planning Commission. No permit shall be granted
27 that would allow the establishment or creation of an airport
28 hazard or permit a non-conforming structure or tree or non-conform-
29 ing use to be made or become higher or become a greater hazard to
30 air navigation than it was on the effective date of this ordinance,
31 or than it is when the application for a permit is made. Except as
32 provided herein, all applications for permits shall be granted.

1 No such permit shall be required to make maintenance repairs to or
2 to replace parts of existing structures which do not enlarge or
3 increase the height of the existing structure.

4 SECTION 10: VARIANCES: Any person desiring to erect any
5 structure, or increase the height of any structure, or permit the
6 growth of any tree, or otherwise use his property in violation of
7 airport zoning regulations adopted under this article, may apply
8 to the Planning Commission for a variance from the zoning regula-
9 tions in question. Such variances shall be allowed where a literal
10 application or enforcement of the regulations would result in
11 practical difficulty or unnecessary hardship and the relief granted
12 would not be contrary to the public interest but do substantial
13 justice and be in accordance with the spirit or the regulations and
14 this article; provided, that any variance may be allowed subject
15 to any reasonable conditions that the Planning Commission may deem
16 necessary to effectuate the purpose of the article.

17 SECTION 11: VIOLATIONS: In the event any person should
18 erect, construct, move, alter or attempt to erect, construct, move
19 or alter any structure or allow any tree to exceed a height, in
20 violation of the provisions of this ordinance, the same is hereby
21 declared a public nuisance, and it shall be the duty of the District
22 Attorney of the County of Mariposa to bring and prosecute an action
23 in any Court of competent jurisdiction to enjoin such person from
24 continuing such erection, construction, moving, alteration or
25 growth, or if such erection, construction, moving, alteration or
26 growth is being or has been accomplished, the District Attorney
27 shall bring and prosecute an action to enjoin such person from
28 maintaining same.

29 SECTION 12: PENALTY: Any person violating any provisions
30 of this ordinance shall be guilty of a misdemeanor, and upon con-
31 viction thereof shall be punishable of a fine of not more than
32 Five Hundred (\$500) Dollars or by imprisonment for a term not

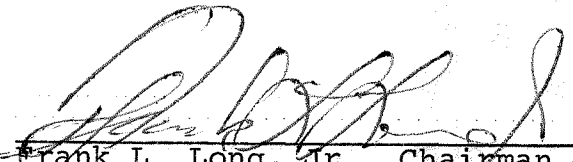
1 exceeding six months, or by both such fine and imprisonment. Such
2 person shall be deemed guilty of a separate offense for each, and
3 every day during any portion of which any violation of this ordinance
4 is committed, continued or permitted, by such person and shall be
5 punishable as herein provided.

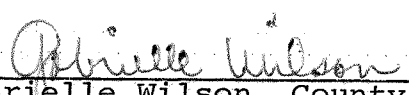
6 SECTION 13: CONFLICTING REGULATIONS: Where this ordinance
7 imposes a greater or more stringent restriction upon the use of
8 land than is imposed or required by any other ordinance or regula-
9 tion, the provisions of this ordinance shall govern.

10 SECTION 14: VALIDITY: Should any section or part of a
11 section, clause or provision of this ordinance be declared by any
12 Court to be invalid, the same shall not affect the validity of the
13 ordinance as a whole or any part thereof, other than the part so
14 declared to be invalid.

15 PASSED AND ADOPTED by the Board of Supervisors of the
16 County of Mariposa, State of California, this 4th day of May
17 1971, by the following vote:

- 18 AYES: Davis, Hurlbert, Long, Moffitt, Richardson
- 19 NOES: None
- 20 ABSENT: None
- 21 NOT VOTING: None

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23 
24 Frank L. Long, Jr., Chairman of
25 the Board of Supervisors of the
County of Mariposa, State of
California

26 ATTEST:
27 
28 Gabrielle Wilson, County Clerk
29 and Ex Officio Clerk of the
Board of Supervisors

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