

ORDINANCE NO. 371 N.S.

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND ALSO OF OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF PASO ROBLES MUNICIPAL AIRPORT BY CREATING AIRPORT APPROACH ZONES, TRANSITION ZONES, HORIZONTAL AND CONICAL SURFACES, AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND APPLYING SAID ORDINANCE TO PASO ROBLES MUNICIPAL AIRPORT.

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES

ORDAIN AS FOLLOWS:

SECTION I. That Section 21.16.150 through Section 21.16.164 of Title 21 of the Municipal Code of the City of El Paso de Robles entitled "Airport Zoning" is enacted as follows:

21.16.150. AUTHORITY. Pursuant to the authority conferred by the Government Code of the State of California and standards of the Federal Aviation Administration, the City Council of the City of El Paso de Robles, San Luis Obispo County, State of California deems it necessary to create an "Airport Zoning Ordinance" for the purpose of promoting the health, safety and general welfare of the inhabitants of the City of El Paso de Robles by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of public airports and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the airports and public investment therein.

21.16.151 SHORT TITLE. This Ordinance shall be known and may be cited as the "Airport Zoning Ordinance of the City of El Paso de Robles".

21.16.152. DEFINITIONS. As used in this Ordinance, unless the context otherwise requires:

1. "Airport" shall mean any airport publicly owned or operated or open to the public and so located that its exterior boundaries or any area within two (2) miles thereof lie wholly or partly in the Incorporated and Unincorporated City of El Paso de Robles and adjacent areas in San Luis Obispo County.

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. "Nonconforming Use" means structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulations.

4. "Person" means any individual, firm, co-partnership, corporation, company, association, joint association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

5. "Structure" shall mean any object constructed or installed by man including (but not limited to) buildings, towers, smokestacks and overhead transmission lines.

6. "Tree" shall mean any object of natural growth.

7. "Landing Area" shall mean the area of the airport used for the landing, take-off or taxiing of aircraft.

8. "Planning Commission" shall mean the Planning Commission of the City of El Paso de Robles.

21.16.153. ZONES. In order to carry out the purposes of this Ordinance, all land within the vicinity of the landing area of any airport is hereby divided into approach zones, transition zones, horizontal and conical surfaces, in accordance with "Standards for Determining Obstructions to Air Navigation" prepared by the Federal Aviation Administration, which is adopted and made a part hereof.

1. Such approach zones, transition zones, horizontal and conical surfaces shall not become effective unless and until the adoption of an airport zoning map or maps delineating such approach zones, transition zones, horizontal and conical surfaces, and height limits therefor, in the vicinity of the landing area of the

airport. Said airport zoning map shall be adopted in the same manner as this Ordinance, shall be made a part hereof, and shall be subject to amendments made pursuant to the law. Such amendments shall be entered on the Airport Zoning Maps and the same shall be maintained up to date at all times.

21.16.154. AIRPORT ZONING MAPS. Airport Zoning Maps shall be numbered, in the order of their adoption, as subsections of this Section.

21.16.155. HEIGHT LIMITS. Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow or be maintained in any airport approach zone, transition zone, horizontal and conical surfaces, to a height in excess of the height limit specified for such zone as delineated upon the airport zoning map. Such height limits shall be those specified in aforesaid "Standards for Determining Obstructions to Air Navigation".

21.16.156. USE RESTRICTIONS. Notwithstanding any other provisions of this Ordinance no use may be made of land within any airport approach zones, airport transition zones, horizontal and conical surfaces, in such a manner as to create harmful electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in harmful glare in the eyes of the flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, takeoff or maneuvering of aircraft.

21.16.157. NONCONFORMING USES.

1. The regulations prescribed in Section 21.16.154 and 21.16.155 of 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 hereof 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 of alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted and completed within two (2) years of the adoption of this Ordinance.

2. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit shall be secured from the Planning Commission authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use 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 than it was when the application for such permit is made. Except as provided herein, all applications for permits shall be granted. No such permit shall be required to make maintenance repairs or to replace parts of existing structures, or electrical distribution or telephone poles or lines which do not enlarge or increase the height of existing structures, poles or lines.

21.16.158. VARIANCES. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any tree or use his property otherwise than as required in this Ordinance, may apply to the Planning Commission for a variance from the regulation in question. Such variance 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 the spirit of the regulations and this ordinance; provided that any variance may be allowed, subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purpose of this Ordinance.

21.16.159. HAZARD MARKING AND LIGHTING. Any permit or variance granted under Section 21.16.157 or 21.16.158 of this Ordinance

may, if such action is deemed advisable to effectuate the purpose of this Ordinance and reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the City of El Paso de Robles at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

21.16.160 ADMINISTRATIVE AGENCY. The Building Inspector of the City of El Paso de Robles is hereby designated the administrator, charged with the duty of administering and enforcing the regulations herein described. The duties of the Building Inspector shall include that of reviewing all applications for building permits within the approach zones, transition zones, horizontal and conical surfaces of the Paso Robles Municipal Airport in the City of El Paso de Robles, but the Building Inspector shall not have or exercise any of the powers or duties delegated to the City of El Paso de Robles Planning Commission.

21.16.161. CONFLICTING REGULATIONS. In the event of conflict between this Ordinance and any other regulations applicable to the same area or parcel of land, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the City of El Paso de Robles or by some other public agency, the more stringent limitations or requirements shall govern and prevail.

21.16.162. VIOLATIONS. In the event that any person should erect, construct, move, alter, or attempt to erect, construct, move or alter any structure or allow any tree to grow to a height in violation of the provisions of this Ordinance, the same is hereby declared a public nuisance. It shall be the duty of the City Attorney, when ordered by the City Council of the City of El Paso de Robles to bring and prosecute an action in any court of competent jurisdiction to enjoin such person from continuing such erection, construction, moving, alteration

or growth or if such erection, construction, moving, alteration or growth is being or has been accomplished, the City Attorney, when ordered by the City Council of the City of El Paso de Robles shall enjoin such person from maintaining the same.

21.16.163. PENALTY. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than Three Hundred (\$300.00) Dollars or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable as herein provided.

21.16.164. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of El Paso de Robles hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

PASSED AND ADOPTED this 7th day of October, 1974, by the following roll call vote:

AYES: COUNCILMEN BARNHART, HANSON, MINSHULL, STOCKDALE  
AND SCHWARTZ

NOES: NONE

ABSENT: NONE

  
BARNEY SCHWARTZ, Mayor

ATTEST:

  
DONALD B. KEEFFER, City Clerk