

**ORDINANCE CODE PART VII, CHAPTER 13**  
**AIRPORT ZONING REGULATIONS**  
**(formerly Chapter 3)**

**PURPOSE**

**SECTION 7-13-1000 (formerly Section 7275).**

The Board of Supervisors deems it necessary to adopt this Chapter as an exercise of the police power in order to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the various airports in the County to which this Chapter applies and of the occupants of the land in the vicinity of said occupants of the land in the vicinity of said airports, and by preventing the destruction or impairment of the utility of said airports and the public investment therein.

**LEGISLATIVE  
AUTHORITY**

**SECTION 7-13-1005 (formerly Section 7276).**

This Chapter is adopted pursuant to the Airport Approaches Zoning Law of the State of California (commencing at Section 50485 of the Government Code of the State of California) and the Planning and Zoning Law of the State of California (commencing at Section 65000 of the Government Code of the State of California). (Amended by Ord. No. 1233, effective 7-18-68.)

**DEFINITIONS**

**SECTION 7-13-1010 (formerly Section 7277).**

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

**Airport**

- (a) "Airport" means any area of land or water designated 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, a map of which has been or is hereafter included as a part of the Airport Zoning Map of the County of Tulare.

**Airport Elevation**

- (b) "Airport Elevation" means the elevation of the highest point on the usable or designated runway as established by the County Surveyor.

**Airport Hazard**

- (c) "Airport hazard" means any structure, 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**

- (d) "Airport reference point" means the point established at the

<b>Reference Point</b>		approximate geographic center of the airport landing area and so designated.
<b>Height</b>	(e)	"Height," used for the purpose of determining height limits in all zones set forth in this Chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.
<b>Landing Area</b>	(f)	"Landing area" means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.
<b>Nonconforming Use</b>	(g)	"Nonconforming use" means any structure, tree or use of land which does not conform to the provisions of this Chapter at the time this Chapter is made applicable to a particular airport.
<b>Person</b>	(h)	"Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, city, county or district, and includes any trustee, receiver, assignee or other similar representative thereof.
<b>Planning Commission</b>	(i)	"Planning Commission" means the Planning Commission of the County of Tulare.
<b>Runway</b>	(j)	"Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.
<b>Structure</b>	(k)	"Structure" means any object constructed, installed or placed on real property by man including, but not limited to, buildings, towers, smokestacks and overhead lines.
<b>Tree</b>	(l)	"Tree" means any object of natural growth. (Amended by Ord. No. 1233, effective 7-18-68.)

**TYPES OF  
ZONES AND  
HEIGHT  
LIMITS**

**SECTION 7-13-1015 (formerly Section 7278).**

Six (6) types of zones, and the height limits for said zones, are hereby established for the purposes of airport zoning. Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone to a height in excess of the height limit established for such zone. The datum plane for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by subsection (b) of Section 7277. Said zones are as follows:

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|---------------------------------|--|
| <b>Landing Zone</b>             | (a) LANDING ZONE ("L"): A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred (200) feet beyond the ends of the runway. The landing zone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate. The landing zone shall have the width specified on each map adopted pursuant to Section 7280.   |
| <b>Approach Zone</b>            | (b) APPROACH ZONE ("AA"): A plane surface, and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing zone, coinciding in width with the landing zone where they join. The height and width of the approach zone shall be as specified on each map adopted pursuant to Section 7280.   |
| <b>Landing Transition Zone</b>  | (c) LANDING TRANSITION ZONE ("LT"): A plane surface, and the airspace above it, rectangular in shape, lying adjacent and parallel to each side of each landing zone, having a length equal to the landing zone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty (150) feet above the established airport elevation.   |
| <b>Approach Transition Zone</b> | (d) APPROACH TRANSITION ZONE ("AT"): A plane surface, and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition zone, coinciding in height with the approach zone and landing transition zone where they join and extending outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum height of one hundred fifty (150) feet above the established airport elevation or to the conical zone surface, whichever is higher. |
| <b>Horizontal Zone</b>          | (e) HORIZONTAL ZONE ("H"): A horizontal circular plane surface, and the airspace above it, one hundred fifty (150) feet above the established airport elevation, its radius point being the airport reference point and having the radius specified on each map adopted pursuant to Section 7280. The horizontal zone does not include the landing zone, approach zone or transition zones.  |
| <b>Conical Zone</b>             | (f) CONICAL ZONE ("C"): A conical surface of an inverted conical frustum, and the airspace above it, its minor base being coincidental with the periphery of the horizontal zone and extending outward and upward, radially to its axis, at a slope of   |

twenty-to-one for the horizontal distance specified on each map adopted pursuant to Section 7280. The conical zone does not include the approach zone or the approach transition zone. (Amended by Ord. No. 1233, effective 7-18-68.)

## **HEIGHT LIMITS**

**SECTION 7279** (repealed by Ord. No. 1233, effective 7-18-68).

## **AIRPORT ZONING MAP**

**SECTION 7-13-1020 (formerly Section 7280).**

The several zones established by Section 7278 shall be shown and delineated on the Airport Zoning Map of the County of Tulare which is hereby adopted. Said Zoning Map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included within the provisions of this Chapter. Additional parts of the Airport Zoning Map may be adopted from time to time by ordinance. Each part of the Airport Zoning Map of the County of Tulare hereby adopted or hereafter adopted by ordinance shall be described by a descriptive title sufficient to identify the subject and the location and shall contain a map and diagrams including a plot plan of the subject airport showing the location, direction and dimensions of all runways. The location and dimensions of all zones described in Section 7278 and the specific values applied to said zones in accordance with the formulas established for the regulation of heights pursuant to Section 7278. The size, shape and area of any of the aforementioned zones need not be the same for different airports. The following parts of the Airport Zoning Map are hereby adopted:

- (a) Part 1 - Porterville Municipal Airport.\*
- (b) Part 2 - Tulare Airpark.\*
- (c) Part 3 - Visalia Municipal Airport.\*
- (d) Part 4 - Woodlake Municipal Airport.\*

\* Map on file in the Tulare County Building and Planning Department Office.

The Airport Zoning Map and amendments to additional parts thereof adopted pursuant to this Chapter, shall not be included in or made a part of this Code. (Amended by Ord. No. 1233, effective 7-18-68; amended by Ord. No. 1943, effective 8-12-76.)

**ADMINISTRATION AND  
ENFORCEMENT**

**SECTION 7-13-1025 (formerly Section 7281).**

- (a) The Planning Commission is hereby designated as the agency for the administration and enforcement of this Chapter.
- (b) The Building and Planning Director shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 7278 if said construction, reconstruction or structural alteration would result in violation of the restrictions imposed on said zones by this Chapter. Any building permit issued in violation of the provisions of this subsection shall be null and void. (Amended by Ord. No. 1233, effective 7-18-68; amended by Ord. No. 2524, effective 3-31-83.)

**NON-  
CONFORMING  
USES**

**SECTION 7-13-1030 (formerly Section 7282).**

The provisions of this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree which did not conform to the provisions of this Chapter at the time this Chapter was made applicable to the particular airport, or to authorize interference with the continuance of any such nonconforming use except as provided in Section 7283. Nothing contained in this Chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was commenced prior to the date this Chapter was made applicable to a particular airport, if said construction or alteration was completed within two (2) years after the date this Chapter was made applicable to such airport.

**PERMITS**

**SECTION 7-13-1035 (formerly Section 7283).**

Before that portion of any nonconforming structure which exceeds the height limitation established by the Airport Zoning Map and Section 7278 may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the Planning Commission authorizing such structural alteration, replacement, reconstruction or change. Those portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein, without securing such a permit unless such structural alteration, repair, addition or minor replacement would increase the height of the structure or enlarge that portion of the structure which exceeds the applicable height limitation. No such permit shall be granted that will 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 date that this Chapter was made applicable to a particular airport or than it was when the application for a permit was made, but all other applications for such permits shall be granted. (Amended by Ord. No. 1233, effective 7-18-68.)

## **VARIANCES**

### **SECTION 7-13-1040 (formerly Section 7284).**

If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter result through the strict and literal interpretation and enforcement of this Chapter, then the Planning Commission shall have the authority to grant a variance from the provisions of this Chapter such as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed, public safety and welfare served and substantial justice done.

## **PERMITS AND VARIANCES:**

### **SECTION 7-13-1045 (formerly Section 7285).**

### **Applications**

The Planning Commission shall grant a permit or a variance under the provisions of this Chapter only upon the filing of a written application therefor by the owner of the real property affected or his authorized representative. The Planning Commission shall prescribe the form of applications for such permits and variances. At the time of filing his application, the applicant shall pay a fee to defray the expense of postage, publication and the mailing of the notice of hearing, and other expenses incidental to the proceedings. The amount of said fee shall be established, and may be modified from time to time, by resolution of the Board of Supervisors. No part of said fee shall be returned to the applicant regardless of whether the applicant subsequently withdraws his application for such permit or variance.

### **Procedure For Processing**

### **SECTION 7-13-1050 (formerly Section 7286).**

Before granting a permit or variance the Planning Commission shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the permit or variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the published notice of said hearing, not less than ten (10) days prior to the date of such public hearing, to the management of the airport affected and to all owners of property within three hundred (300) feet of the exterior boundaries of the property on which the structure or tree is located for which the permit or variance is requested. When mailing notices of said hearings to the property owners, the Planning Commission

shall use the last known names and addresses of such owners as the same are shown on the assessment roll of Tulare County. After the public hearing the Planning Commission shall, by resolution, grant or deny the permit or variance and said resolutions shall recite in full the findings upon which the Planning Commission granted or denied such permit or variances. A copy of such resolution shall be mailed to the applicant at the address shown upon the written application and to the appropriate airport management. A copy of such resolution shall also be delivered to the Board of Supervisors. The action of the Planning Commission on an application for a permit or variance shall be final and conclusive ten (10) days after said resolution is mailed to the applicant unless an appeal is taken to the Board of Supervisors pursuant to Section 7288 within said ten (10) day period.

## **Conditions**

### **SECTION 7-13-1055 (formerly Section 7287).**

Any variance or permit granted pursuant to the provisions of this Chapter may be allowed subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purpose of this Chapter. If such action is deemed advisable to effectuate the purpose of this Chapter and reasonable under the circumstances, any such variance or permit may be so conditioned as to require the owner of the structure or tree to permit the appropriate airport management, 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. Any variance or permit which is granted, subject to any conditions, shall be deemed to be automatically revoked if any of the conditions are violated.

## **Appeals**

### **SECTION 7-13-1060 (formerly Section 7288).**

Within ten (10) days after the resolution of the Planning Commission granting or denying a permit or variance has been mailed to the applicant, any person affected by the action of the Planning Commission may file with the Clerk of the Board of Supervisors a notice of appeal from such action by the Planning Commission. Upon receiving a notice of appeal the Board of Supervisors may affirm the action of the Planning Commission, or refer the matter back, with or without instructions, to the Commission for further consideration or hearings, or set the appeal for hearing before the Board of Supervisors. If the appeal is set for hearing before the Board, the Board shall give notice of said hearing in the same manner prescribed in this Chapter for giving notice of the same type of hearing by the Planning Commission and at such hearing the Board of Supervisors shall hear and decide the matter de novo. The decision of the Board of Supervisors upon an appeal is final and conclusive as to all things involved in the matter.

**PROCEDURE  
ON REHEARING  
OR RECON-  
SIDERATION**

**SECTION 7-13-1065 (formerly Section 7289).**

If the Board of Supervisors refers the matter back to the Planning Commission for further consideration or hearings, as provided in Section 7288, all proceedings on the appeal are automatically terminated. When the Commission has adopted a new resolution denying or granting the permit or variance after such further consideration or rehearing, a copy of such resolution shall be mailed to the applicant, at the address shown upon the written application, to the appellant, the appropriate airport management and the Board of Supervisors. The action of the Planning Commission on an application for a permit or variance after such rehearing or reconsideration shall be final and conclusive ten (10) days after said resolution of the Planning Commission is mailed to the applicant unless a new appeal is taken to the Board of Supervisors within the ten (10) day period pursuant to the procedure set forth in Section 7288.

**CONFLICTING  
REGULATIONS**

**SECTION 7-13-1075 (formerly Section 7290).**

If there is a conflict between this Chapter and any other laws or ordinances 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, the more stringent limitation or requirement shall govern and prevail.

**VIOLATIONS**

**SECTION 7-13-1080 (formerly Section 7291).**

Every person violating any provision of this Chapter or of any permit or variance granted pursuant to this Chapter is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail for not more than 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 Chapter is committed, continued or permitted by such person, and shall be punishable therefor as hereinabove provided.

**PROCEDURE FOR  
AMENDMENTS**

**SECTION 7-13-1085 (formerly Section 7292).**

Amendments to this Chapter, changes in the boundaries or restrictions of the several zones herein established, and the addition of new parts to the Airport Zoning Map shall be made pursuant to the procedure set forth in Article 9 of Chapter 3 of Title 7 of the Government Code (Commencing at Section 65500), as it presently exists and as it may be amended from time to time, except that notice of the time and place of the hearings shall be published in a newspaper of general circulation in the County pursuant to



Section 6066 of the Government Code of the State of California.  
(Amended by Ord. No. 1034, effective 1-20-66.)