

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Airport Safety Zoning Ordinance for Blue Earth Municipal Airport



Adoption Date – March 10th, 2011

Approved by the Joint Airport Zoning Board

This ordinance amends and replaces Blue Earth Municipal Airport Zoning Ordinance adopted July 1977.

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1 **TITLE AND INTRODUCTION**

2
3 BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE
4 BLUE EARTH MUNICIPAL JOINT AIRPORT ZONING BOARD

5
6 AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND
7 OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY,
8 IN THE VICINITY OF THE BLUE EARTH MUNICIPAL AIRPORT BY CREATING THE
9 APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR
10 CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING
11 CERTAIN TERMS USED HEREIN; REFERRING TO THE BLUE EARTH MUNICIPAL AIRPORT
12 ZONING EXHIBITS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS
13 ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF
14 ADJUSTMENT; AND IMPOSING PENALTIES.

15
16 IT IS HEREBY ORDAINED BY THE BLUE EARTH MUNICIPAL AIRPORT JOINT AIRPORT
17 ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES
18 SECTION 360.061 THROUGH 360.074, AS FOLLOWS:

20 **SECTION I: PURPOSE AND AUTHORITY**

21 The Blue Earth Municipal Airport Joint Airport Zoning Board, created and established by joint action of
22 the City Council of the City of Blue Earth, the Board of Commissioners of Faribault County, and the
23 Town Board of Blue Earth Township pursuant to the provisions and authority of Minnesota Statutes
24 Section 360.063, hereby finds and declares that:

- 25 A. An airport hazard endangers the lives and property of users of the Blue Earth Municipal Airport, and
26 property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the
27 size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy
28 or impair the utility of said Airport and the public investment therein.
- 29 B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region
30 served by the Blue Earth Municipal Airport.
- 31 C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare,
32 and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or
33 establishment of airport hazards.
- 34 D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the
35 exercise of the police power without compensation.
- 36 E. The prevention of the creation or establishment of airport hazards, and the elimination, removal,
37 alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for
38 which political subdivisions may raise and expend public funds.
- 39 F. The Blue Earth Municipal Airport is an essential public facility that serves an important public
40 transportation role and provides a public good.
- 41 J. This Ordinance amends and replaces the Blue Earth Municipal Airport Zoning Ordinance adopted
42 July 1977.

43

44 **SECTION II: SHORT TITLE**

45 This Ordinance shall be known as the “Blue Earth Municipal Airport Zoning Ordinance.” Those sections
46 of land affected by this Ordinance are indicated in Exhibit “A”, which is attached to this Ordinance.

47 **SECTION III: DEFINITIONS**

48 As used in this Ordinance, unless the context otherwise requires:

49 “*AIRPORT*” means the Blue Earth Municipal Airport located in Sections 32, Township 102 North, Range
50 27 West.

51 “*AIRPORT ELEVATION*” means the established elevation of the highest point on the usable landing area
52 which elevation is established to be 1,108 feet above mean sea level.

53 “*AIRPORT HAZARD*” means any structure, tree, or use of land which obstructs the airspace required for,
54 or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of
55 land which is hazardous to persons or property because of its proximity to the airport.

56 “*COMMISSIONER*” means the Commissioner of the Minnesota Department of Transportation.

57 “*CONFORMING USE*” means any structure, tree, or object of natural growth, or use of land that
58 complies with all the applicable provisions of this Ordinance or any amendment to this ordinance.

59 “*DWELLING*” means any building or portion thereof designed or used as a residence or sleeping place of
60 one or more persons.

61 “*ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA*” (ERN - BUUA)
62 means an area which, if it existed on or before January 1, 1978 shall be considered a conforming
63 use that shall not be prohibited.

64 “*HEIGHT*,” for the purpose of determining the height limits in all zones set forth in this Ordinance and
65 shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

66 “*LANDING AREA*” means the area of the airport used for the landing, taking off, or taxiing of aircraft.

67 “*LOW DENSITY RESIDENTIAL STRUCTURE*” means a single-family or two-family home.

68 “*LOW DENSITY RESIDENTIAL LOT*” means a single lot located in an area which is zoned for single-
69 family or two-family residences and in which the predominant land use is such type of residences.

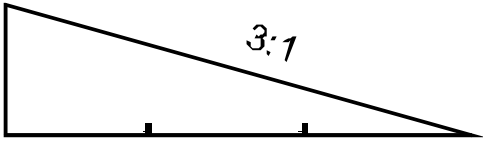
70 “*NONCONFORMING USE*” means any pre-existing structure, tree, natural growth, or land use which is
71 inconsistent with the provisions of this Ordinance or an amendment hereto.

72 “*NONPRECISION INSTRUMENT RUNWAY*” means a runway having an existing or planned straight-in
73 instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for
74 which no precision approach facilities are planned or indicated on an approved planning document.

75 “*OTHER THAN UTILITY RUNWAY*” means a runway that is constructed for and intended to be used by
76 jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or is 4,900 feet or more in
77 length.

78 “*PERSON*” means an individual, firm, partnership, corporation, company, association, joint stock
79 association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian,
80 or other representative.

81 “*PLANNED*,” as used in this Ordinance, refers only to those proposed future airport developments that
82 are so indicated on a planning document having the approval of the Federal Aviation Administration,
83 Minnesota Department of Transportation Office of Aeronautics and the City of Blue Earth.
84 *RUNWAY*” means any existing or planned paved surface or turf covered area of the airport which is
85 specifically designated and used or planned to be used for the landing and/or taking off of aircraft.
86 *SLOPE*” means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to
87 vertical magnitude.



88
89 Slope = 3:1 = 3 feet horizontal to 1 foot vertical

90 “*STRUCTURE*” means an object constructed or installed by man, including, but without limitations,
91 buildings, towers, smokestacks, earth formations, and overhead transmission lines.
92 “*TRAVERSE WAYS*,” for the purpose of determining height limits as set forth in this Ordinance, shall be
93 increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the
94 height of the highest mobile object that would normally traverse the road, whichever is greater, for private
95 roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an
96 amount equal to the height of the highest mobile object that would normally traverse it.

97 “*TREE*” means any object of natural growth.

98 “*UTILITY RUNWAY*” means a runway that is constructed for, and intended to be used by propeller-driven
99 aircraft of 12,500 pounds maximum gross weight and less; and is less than 4,900 feet in length.

100 “*VISUAL RUNWAY*” means a runway intended solely for the operation of aircraft using visual approach
101 procedures, with no straight-in instrument approach procedure and no instrument designation indicated on
102 an approved planning document.

103 “*WATER SURFACES*” for the purpose of this ordinance, shall have the same meaning as land for the
104 establishment of protected zones.

105

106 **SECTION IV: AIRSPACE OBSTRUCTION ZONING**

107 A. AIRSPACE ZONES: In order to carry out the purpose of this Ordinance, as set forth above, the
108 following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone,
109 Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, and whose locations
110 and dimensions are as follows:

111

- 112 1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface
113 longitudinally centered on a runway and:

- 114 a. Extending 200 feet beyond each end of Bituminous Runway 16-34 at 4,600’.
- 115 b. Coinciding with the end of Turf Runway 3-21 at 2,790’

116

117 The elevation of any point on the primary surface is the same as the elevation of the nearest point
118 on the runway centerline.

119 The width of the primary surface is:

- 120 a. 500 feet for Runway 16-34.
- 121 b. 250 feet for Runway 3-21.

122

123 2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface
124 150 feet above the established airport elevation, or a height of 1,258 feet above mean sea level,
125 the perimeter of which is constructed by swinging arcs of specified radii from the center of each
126 end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to
127 those arcs. The radius of the horizontal surface arc is 10,000 feet for Runway 16-34 which
128 encompasses the arc of the crosswind runway.

129

130 3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending
131 upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a
132 horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal
133 surface.

134

135 4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface
136 longitudinally centered on the extended centerline at each end of a runway. The inner edge of the
137 approach surface is at the same width and elevation as, and coincides with, the end of the primary
138 surface. The approach surface inclines upward and outward at a slope of

139 a. 40:1 for Runway 16-34 at the 4,600 foot alignment expanding uniformly to a width
140 of 3,500 feet at a distance of 10,000 feet, then continuing at the same rate of
141 divergence to the periphery of the conical surface.

142 b. 20:1 for Turf Runway 3-21 at the 2,790 foot alignment expanding uniformly to a
143 width of 1,250 feet at a distance of 5,000 feet, then continues at the same rate of
144 divergence to the periphery of the conical surface.

145

146 5. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending
147 upward and outward at right angles to the runway centerline and centerline extended at a slope of

148 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they
149 intersect the horizontal surface or the conical surface.

150
151 B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary
152 and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or
153 allowed to grow in any airspace zone created in SECTION IV A so as to project above any of the
154 imaginary airspace surfaces described in said SECTION IV A hereof. Where an area is covered by
155 more than one height limitation, the more restrictive limitation shall prevail.

156
157 C. BOUNDARY LIMITATIONS: The airspace obstruction height zoning restrictions set forth in this
158 section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the
159 airport boundary and in that portion of an airport hazard area under the approach zone for a distance
160 not exceeding two miles from the airport boundary.

161

162 SECTION V: LAND USE SAFETY ZONING

163 A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth
164 above, to restrict those uses which may be hazardous to the operational safety of aircraft operating
165 to and from the Blue Earth Municipal Airport, and, furthermore, to limit population and building
166 density in the runway approach areas, thereby creating sufficient open space to protect life and
167 property in case of an accident, there are hereby created and established the following land use
168 safety zones:

169

170 1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in
171 SECTION IV A hereof, which extends outward from the end of the primary surface a distance
172 equal to two-thirds of the existing or planned length of the runway, which distance shall be:

173

a. 2,267 feet for the 3,400 foot alignment of Runway 16-34.

174

b. 3,067 feet for the 4,600 foot alignment of Runway 16-34.

175

c. 1,527 feet for the 2,290 foot alignment of turf Runway 3-21.

176

d. 1,860 feet for the 2,790 foot alignment of turf Runway 3-21.

177

178 2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in
179 SECTION IV A hereof, which extends outward from Safety Zone A a distance equal to one-
180 third of the planned length of the runway, which distance shall be:

181

a. 1,133 feet for the 3,400 foot alignment of Runway 16-34.

182

b. 1,533 feet for the 4,600 foot alignment of Runway 16-34.

183

c. 763 feet for the 2,290 foot alignment of Runway 3-21.

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d. 930 feet for the 2,790 foot alignment of Runway 3-21.

3. SAFETY ZONE C: All land which is enclosed within the perimeter of the horizontal zone, as defined in SUBSECTION IV A hereof, and which is not included in Safety Zone A or Safety Zone B.

4. EXCEPTIONS - ESTABLISHED RESIDENTIAL NEIGHBORHOODS:

There are no areas designated as Established Residential Neighborhoods in Built up Urban Areas based upon the status of development existing on January 1, 1978.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in SECTION IV B, no use shall be made of any land in any of the safety zones defined in SECTION V A which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. ZONE A: Subject at all times to the height restrictions set forth in Subsection IV B and to the general restrictions contained in Subsection V B 1, areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, light outdoor recreation (non-spectator), cemeteries, and automobile parking.

3. ZONE B: Subject at all times to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B 1, areas designated as Zone B shall be restricted in use as follows:

- a. Each use shall be on a site whose area shall not be less than three acres.
- b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.

220 d. A building plot shall be a single, uniform, and non-contrived area, whose shape is
 221 uncomplicated and whose area shall not exceed the following minimum ratios with
 222 respect to the total site area:
 223

Site Area		Ratio of Building Site Area to Bldg. Plot Area	Max. Site Plot Area (sq. ft.)	Population (15 persons/acre)
At least (acres)	But Less Than (acres)			
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	and up	4:1	218,000	300

224
 225 e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools,
 226 theaters, stadiums, hotels, motels, trailer courts, campgrounds, and other places of frequent
 227 public or semi-public assembly.
 228

229 4. ZONE C: Zone C is subject only to height restrictions set forth in SECTION IV B, and to the
 230 general restrictions contained in SECTION V B 1.
 231

232 5. EXEMPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS
 233 There are no areas designated as Established Residential Neighborhoods in Built up Urban
 234 Areas based upon the status of development existing on January 1, 1978.
 235

236 C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section shall apply
 237 for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that
 238 portion of an airport hazard area under the approach zone for a distance not exceeding two miles
 239 from the airport boundary.
 240

241 D. BOUNDARY ASSURANCES: A certified survey prepared by a licensed land surveyor shall be
 242 required to be submitted with a building permit application for properties that are entirely or
 243 partially contained within Land Use Safety Zones A and B, unless the Zoning Administrator
 244 determines the proposed building site is clearly outside said Safety Zones. For any location within
 245 the airspace jurisdiction of this ordinance, the Zoning Administrator may require a survey that

246 shows the elevation of a proposed structure will conform to the airspace requirements of this
247 ordinance.

248

249 **SECTION VI: AIRPORT MAP**

250 The several zones herein established are shown in Exhibit 1 – Land Use Safety Zones Map and Exhibit 2
251 – Airspace Map Full View & 2.1 – Airspace Map Close View and have been prepared by Bolton &
252 Menk, Inc., and dated January 7th, 2011, said exhibits are attached hereto and made a part hereof, which,
253 together with such amendments thereto as may from time to time be made, and all notations, references,
254 elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted
255 as part of this Ordinance. Refer to the local land use authority for underlying land use and zoning
256 designations, as well as Section XVI for guidance on conflicts between regulations.

257

258 **SECTION VII: NONCONFORMING USES**

259 Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to
260 require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the
261 regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any
262 nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or
263 intended use of any structure, the construction or alteration of which was begun prior to the effective date
264 of this Ordinance, and is diligently prosecuted and completed within two years thereof.

265

266 **SECTION VIII: PERMITS**

267 A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material
268 change shall be made in the use of land and no structure shall be erected, altered, or otherwise
269 established in any zone hereby created unless a permit therefore shall have been applied for and
270 granted by the Zoning Administrator, hereinafter, provided for. Each application for a permit shall
271 indicate the purpose for which the permit is desired, with sufficient particularity to permit it to
272 conform to the regulations herein prescribed. If such determination is in the affirmative, the permit
273 shall be granted.

274 1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground
275 shall not be required in the horizontal and conical zones or in any approach and transitional
276 zones beyond a horizontal distance of 4,200 feet from each end of the runway except when
277 such tree or structure, because of terrain, land contour, or topographic features, would extend
278 the height or land use limit prescribed for the respective zone.

279 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to
280 permit any construction, alteration, or growth of any structure or tree in excess of any of the

281 height limitations established by this ordinance as set forth in SECTION IV and the land use
282 limitations set forth in SECTION V.

283

284 B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or
285 repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such
286 replacement, change, or repair. No permit shall be granted that would allow the establishment or
287 creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater
288 hazard to air navigation than it was on the effective date of this Ordinance or any amendments
289 thereto, or than it is when the application for a permit is made. Except as indicated, all applications
290 for such a permit shall be granted.

291

292 C. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Zoning
293 Administrator determines that a nonconforming structure or tree has been abandoned or more than
294 80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure
295 or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
296 Whether application is made for a permit under this paragraph or not, the Zoning Administrator
297 may order the owner of the abandoned or partially destroyed nonconforming structure, at his own
298 expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to
299 the provisions of this Ordinance. In the event the owner of the nonconforming structure shall
300 neglect or refuse to comply with such order for ten days after receipt of written notice of such order,
301 the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or
302 partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and
303 assess the cost and expense thereof against the land on which the structure is or was located.
304 Unless such an assessment is paid within ninety days from the service of notice thereof on the
305 owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date
306 the cost and expense is incurred until paid, and shall be collected in the same manner as are general
307 taxes.

308

309 SECTION IX: VARIANCES

310 Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use
311 his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board
312 of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an
313 application for a variance by certified mail to the members of the Board and the Board fails to grant or
314 deny the variance within four months after the last member receives the application, the variance shall be
315 deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to

316 act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by
317 certified mail, that the variance has been granted. The applicant shall include a copy of the original
318 application for the variance with this notice to the Commissioner. The variance shall be effective sixty
319 days after this notice is received by the Commissioner subject to any action taken by the Commissioner
320 pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be allowed where
321 it is duly found that a literal application or enforcement of the regulations would result in practical
322 difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do
323 substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed
324 may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to
325 effectuate the purpose of this Ordinance.

326
327 The respective Zoning Administrator shall forward the request to the Minnesota Department of
328 Transportation Office of Aeronautics for review and comment prior to consideration of the request by the
329 Board of Adjustment. If the request is located within Faribault County's jurisdiction, the request shall also
330 be sent to the City of Blue Earth's Zoning Administrator.

331

332 **SECTION X: HAZARD MARKING AND LIGHTING**

333 A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required
334 to permit the installation, operation, and maintenance thereon of such markers and lights as shall be
335 deemed necessary by the Zoning Administrator, to indicate to the operators of aircraft in the
336 vicinity of the airport the presence of such airport hazards. Such markers and lights shall be
337 installed, operated, and maintained at the expense of the City of Blue Earth.

338

339 B. PERMITS AND VARIANCES: Any permit or variance deemed advisable to effectuate the
340 purpose of this Ordinance and be reasonable in the circumstances, and granted by the Zoning
341 Administrator or Board, shall require the owner of the structure or tree in question, at his own
342 expense, to install, operate, and maintain thereon such markers and lights as may be necessary to
343 indicate to pilots the presence of an airport hazard.

344

345 **SECTION XI: AIRPORT ZONING ADMINISTRATOR**

346 It shall be the duty of the City of Blue Earth and Faribault County Zoning Administrators to administer
347 and enforce the regulations prescribed herein, based on the area they have land use authority.

348 Applications for permits and variances shall be made to the appropriate jurisdiction's Zoning
349 Administrator upon a form furnished by them. Permit applications shall be promptly considered and
350 granted or denied by them in accordance with the regulations prescribed herein. Variance applications

351 shall be forthwith transmitted by the appropriate jurisdiction's Zoning Administrator to the Board of
352 Adjustment for action as hereinafter provided for.

353

354 **SECTION XII: BOARD OF ADJUSTMENT**

355 A. ESTABLISHMENT: The Board of Adjustment for the Blue Earth Municipal Zoning Ordinance
356 shall exclude elected officials and be defined as follows:

357 1. City of Blue Earth Planning Commission for requests in the corporate City limits or within the
358 boundary of an orderly annexation agreement area.

359 2. Faribault County Board of Adjustments for requests in the unincorporated area.

360

361 B. POWERS: The Board of Adjustment shall have and exercise the following powers:

362 1. Hear and decide appeals from any order, requirement, decision, or determination made by the
363 administrator in the enforcement of this Ordinance.

364 2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of
365 Adjustment under such regulations may be required to pass.

366 3. Hear and decide specific variances.

367

368 C. PROCEDURES:

369 1. A request for a variance or an appeal to the Zoning Administrator's ruling shall be filed with
370 the Zoning Administrator. The Zoning Administrator shall forward the request to the
371 Minnesota Department of Transportation Office of Aeronautics for review and comment prior
372 to consideration of the request by the Board of Adjustment. The Faribault County Zoning
373 Administrator shall also forward the request to the Blue Earth Zoning Administrator for review
374 and comment prior to consideration of the request by the Board of Adjustment.

375 2. Rules governing the Board of Adjustment shall be consistent with those established by the body
376 serving as the Board of Adjustment and the provisions of this Ordinance. Meetings of the
377 Board of Adjustment shall be held at the call of the Zoning Administrator or chairperson and at
378 such other times as the Board of Adjustment may determine as necessary. The chairperson, or
379 in his absence the acting chairperson, may administer oaths and compel the attendance of
380 witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment
381 shall keep minutes of its proceedings showing the vote of each member upon each question or,
382 if absent or failing to vote, indicating such fact, and shall keep records of its examinations and
383 other official actions, all of which shall immediately be filed in the office of the respective
384 Zoning Administrator, City Zoning Administrator (if variance or appeal is within the
385 unincorporated area), and County Recorder's Office and shall be a public record.

- 386 3. The Board of Adjustment shall make written findings of facts and conclusions of law giving the
387 facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or
388 modifying any order, requirement, decision, or determination which comes before it under the
389 provisions of this ordinance.
- 390 4. The concurring vote of a majority of the members of the Board of Adjustment shall be
391 sufficient to reverse any order, requirement, decision, or determination of the Zoning
392 Administrator or to decide in favor of the applicant on any matter upon which it is required to
393 pass under this Ordinance, or to effect any variation in this Ordinance.

394
395 **SECTION XIII: APPEALS**

- 396 A. Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made
397 in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may
398 also be made by any governing body of a municipality, county, or airport zoning board, which is of
399 the opinion that a decision of the Zoning Administrator is an improper application of this Ordinance
400 as it concerns such governing body or board.
- 401
- 402 B. All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision,
403 by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The
404 Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers
405 constituting the record upon which the action appealed from was taken. In addition, any person
406 aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his
407 administration of this Ordinance who desires to appeal such decision shall submit an application for
408 a variance, by certified mail, to the Zoning Administrator in the manner set forth in Minnesota
409 Statutes Section 360.068, Subdivision 2.
- 410
- 411 C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning
412 Administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it,
413 that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril
414 to life or property. In such case, proceedings shall not be stayed except by order of the Board of
415 Adjustment on notice to the Zoning Administrator and on due cause shown.
- 416 D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due
417 notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing,
418 any party may appear in person, by agent, or by attorney.

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E. The Board of Adjustment may, 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, and to that end shall have all the powers of the Zoning Administrator.

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Faribault County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The airport Zoning Administrator may enforce all provisions of this Ordinance through such proceedings for injustice relief and other relief as may be proper under the laws of Minnesota Statutes Section 360.073 and other applicable law.

SECTION XVI: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in 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, the more stringent limitation or regulation shall govern and prevail.

452 **SECTION XVII: SEVERABILITY**

453 A. In any case in which the provision of this Ordinance, although generally reasonable, is held by a court
454 to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to
455 be so onerous in their application to such a structure or parcel of land, as to constitute a taking or
456 deprivation of that property in violation of the constitution of this state or the constitution of the
457 United States, such holding shall not affect the application of this Ordinance as to other structures and
458 parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

459
460 B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or
461 invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof
462 other than the parts so declared to be unconstitutional or invalid.

463

464 **SECTION XVIII: EFFECTIVE DATE**

465 This ordinance shall take effect on the 5th day of May, 2011. Copies thereof shall be filed with the
466 Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds,
467 Faribault County, Minnesota.

468

469 Passed and adopted after public hearing by the Blue Earth Municipal Joint Airport Zoning Board this 10th
470 day of March, 2011.

**RESOLUTION OF THE
BLUE EARTH JOINT AIRPORT ZONING BOARD
AS TO FINAL ADOPTION OF A ZONING ORDINANCE**

At the second public meeting for airport zoning held by the above Board held on March 10, 2011,
Member David Classon, seconded by Member Ross Kempf,
introduced the following Resolution and moved its adoption.

WHEREAS, A public hearing has been held on a proposed zoning ordinance pursuant to
Minnesota Statutes Section 360.065; and

WHEREAS, No changes in said proposed ordinance are necessary;

NOW, THEREFORE, It is hereby resolved as follows:

1. That the Zoning Ordinance and Map attached thereto are hereby adopted.

ROLL CALL

Member	Voted Aye	Voted Nay	Absent from Voting
Chair Ellwood Bentley	X		
Catherine Fletcher	X		
Dave Classon	X		
Ross Kempf	X		
Loren Lein	X		
Rodney Anderson		X	
Don Krieger		X	

Resolution declared passed: Ellwood Bentley
Ellwood Bentley, Chair

Attest: Kathy Bailey
Secretary

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution.

SEAL OR
NOTARY STAMP

Kathy Bailey
Kathy Bailey, City Clerk

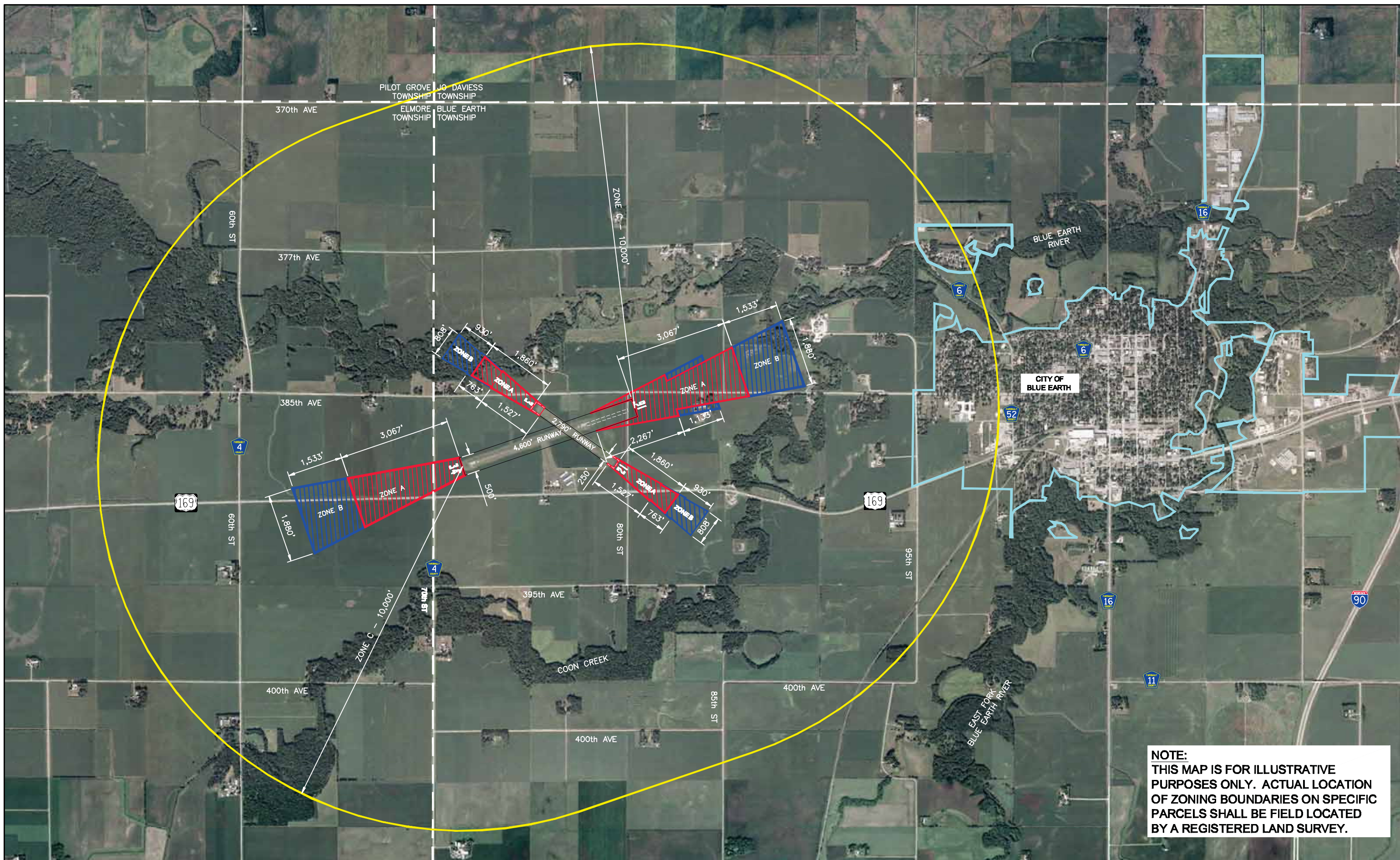
3/10/11
Date

EXHIBIT A

BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE

This Ordinance affects all or a portion of the following sections of land:

NAME AND NUMBER	AIRSPACE OBSTRUCTION ZONING: Section IV of Ordinance; Exhibit 2 - Airspace Map	LAND USE SAFETY ZONING: Section V of Ordinance; Exhibit 1 - Land Use Safety Zones Map.
Blue Earth Township T102N R27W	Sections:16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35	Sections: 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35
Elmore Township T101N R27W	Sections:2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18	Sections: 3, 4, 5, 6, 7, 8, 9, 10
Jo Davies Township T___102N R___28W	Sections:24, 25, 26, 35, 36	Sections: 24, 25, 36
Pilot Grove Township T___101N R___28W	Sections:1, 12	Section:1



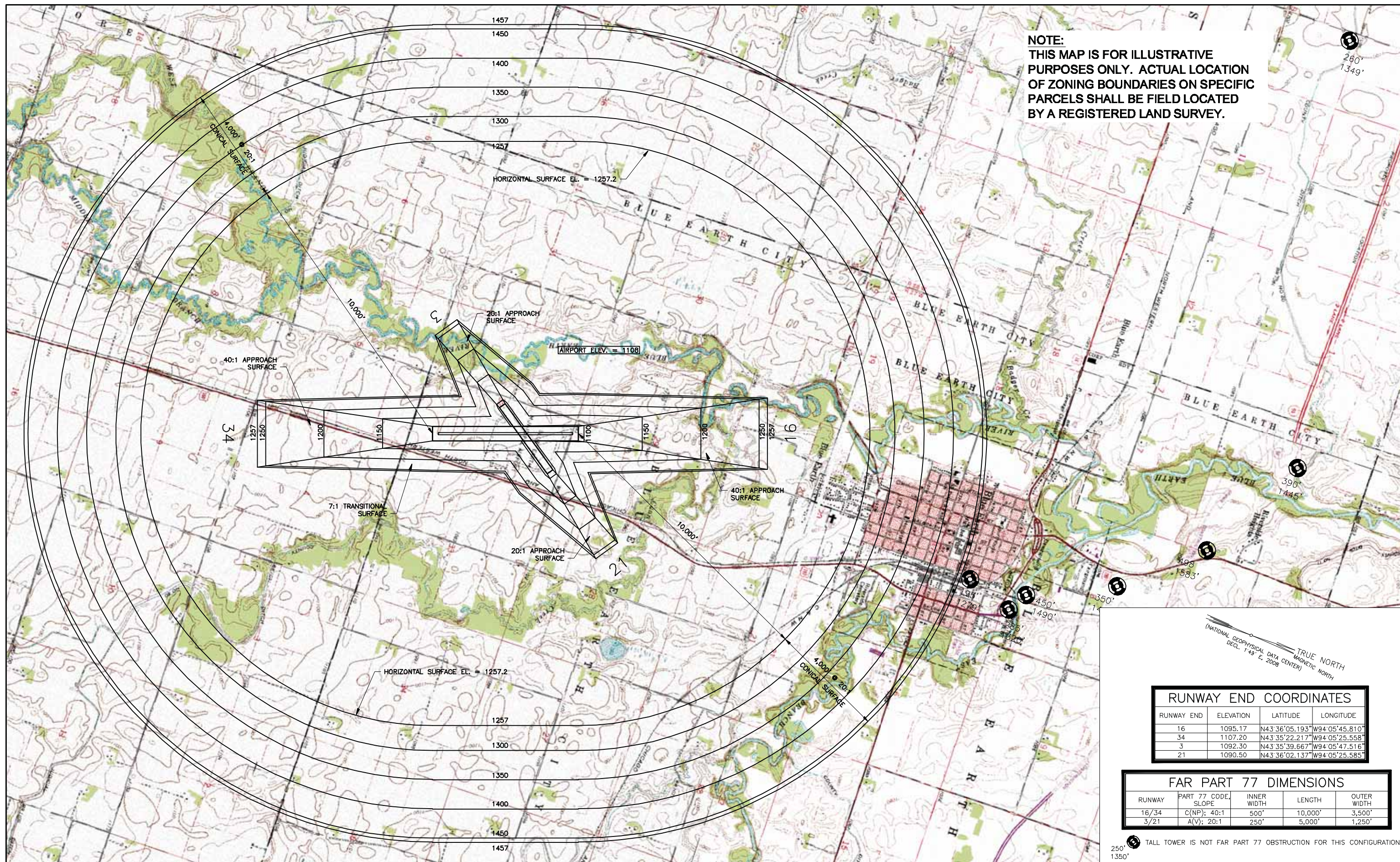
NOTE:
 THIS MAP IS FOR ILLUSTRATIVE
 PURPOSES ONLY. ACTUAL LOCATION
 OF ZONING BOUNDARIES ON SPECIFIC
 PARCELS SHALL BE FIELD LOCATED
 BY A REGISTERED LAND SURVEY.



BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN
 BURNSVILLE, MN WILLMAR, MN CHASKA, MN
 RAMSEY, MN MAPLEWOOD, MN BRAINERD, MN AMES, IA

BLUE EARTH MUNICIPAL AIRPORT		EXHIBIT 1
AIRPORT ZONING ORDINANCE		
LAND USE ZONING MAP		

NOTE:
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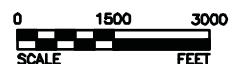


TRUE NORTH
 MAGNETIC NORTH
 (NATIONAL GEOPHYSICAL DATA CENTER)
 DECL. 1°49' E. 2008

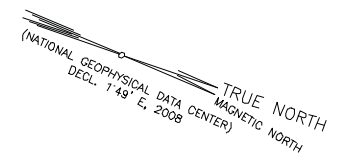
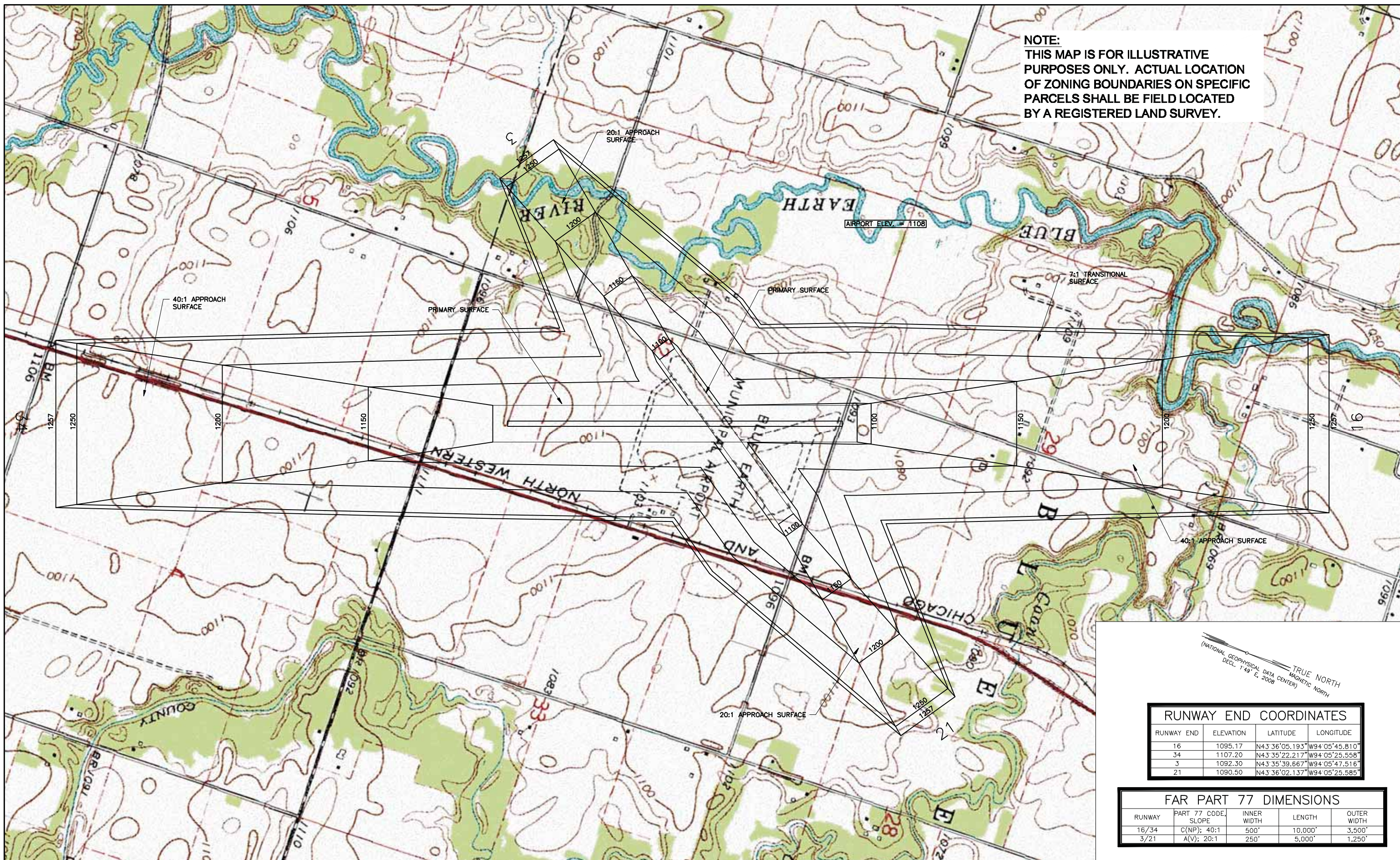
RUNWAY END COORDINATES			
RUNWAY END	ELEVATION	LATITUDE	LONGITUDE
16	1095.17	N43°36'05.193"W	W94°05'45.810"E
34	1107.20	N43°35'22.217"W	W94°05'25.558"E
3	1092.30	N43°35'39.667"W	W94°05'47.516"E
21	1090.50	N43°36'02.137"W	W94°05'25.585"E

FAR PART 77 DIMENSIONS				
RUNWAY	PART 77 CODE, SLOPE	INNER WIDTH	LENGTH	OUTER WIDTH
16/34	C(NP): 40:1	500'	10,000'	3,500'
3/21	A(V): 20:1	250'	5,000'	1,250'

250' TALL TOWER IS NOT FAR PART 77 OBSTRUCTION FOR THIS CONFIGURATION
 1350'



NOTE:
 THIS MAP IS FOR ILLUSTRATIVE
 PURPOSES ONLY. ACTUAL LOCATION
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 PARCELS SHALL BE FIELD LOCATED
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