

CHAPTER 11

LAND USE REGULATION (ZONING)

SECTION 11.01. HALLOCK CITY AIRPORT ZONING REGULATION

Subd. 1. Authority. The City Council of Hallock, Minnesota, finds it is necessary, in order to promote public health, safety and general welfare and to protect the lives and property of the users of the Hallock Municipal Airport and of the owners and occupants of land in its vicinity to adopt the following for Airport Zoning as authorized by the Laws of Minnesota 1953, Sections 360.061 through 360.074 inclusive.

Subd. 2. Title. This Section shall be known and may be cited as Hallock City Airport Zoning Regulation.

Subd. 3. Definitions. As used in this Section and the accompanying map, unless the context otherwise requires, the following terms shall have the following meaning:

A. "Airport" means the Hallock Municipal Airport located in Kittson County, Minnesota.

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

C. "Non-conforming Use" means any structure, tree or use of land which does not conform to the regulations described in this Section as of its effective date.

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

E. "Structure" means any object constructed or installed by man, including but not limited to, buildings, towers, smokestacks, and overhead transmission lines.

F. "Tree" means any object of natural growth.

G. "Airport Zoning Map" means the Airport Zoning Map consisting of two sheets dated March 5, 1973, together with such amendments thereto as may from time to time be made.

H. "Airport Approach Zones" comprises all lands under the approach surfaces as defined in Subd. 4 hereof.

I. "Airport Transition Zones" comprises all lands under the transitional surfaces as defined in Subd. 4 hereof.

J. "Airport Turning Zones" comprises all lands under the horizontal and conical surfaces as defined in Subd. 4 hereof.

K. "Airport Elevation" means the highest point established on the usable airport landing area which elevation is established to be 818.0 feet above sea level. (M.S.L. 1929 Adjustment).

Subd. 4. Airport Reference Surfaces, Definition and Description. In order to carry out the purposes of this Section, the following imaginary airport reference surfaces are hereby established: Primary Surface, Approach Surfaces, Horizontal Surface, Transitional Surfaces and Conical Surfaces and are defined as follows:

A. "Primary Surface". A surface longitudinally centered on a runway and extending 200 feet beyond each end of the runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for all runways. *250 - Crossroads*
Main runway

B. "Approach Surface". The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface. This surface is applied to each end of the runway and its dimensions are measured horizontally. The inner edges of all approach surfaces are the same width of 2,500 feet at a distance of 10,000 feet and continues at the same rate of divergence to the perimeter of the conical surface at a slope of 40 to 1.

C. "Horizontal Surface". The horizontal surface is a horizontal plane 100 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 6,000 foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those areas.

D. "Conical Surface". The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

E. "Transitional Surface". Transitional surface is a surface extending outward and upward at right angles to the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces until they intersect the horizontal surface or conical surface.

Subd. 5. Zones and Airport Zoning Map. In order to carry out the purposes of this Section, the following zones are established:

A. "Zone A". All land in the approach areas of the runway which is located within a horizontal distance of 6,000 feet from each end of each primary surface, being part of the following described real estate property:

Section Eighteen (18), Section Nineteen (19), and
Section Thirty (30), all in Township One Hundred

Sixty-one (161) North, Range Forty-nine (49) West, excluding therefrom that portion of said described property which lies within the established City Municipal Boundary limits of the City of Hallock as constituted on the date of this Section.

B. "Zone B". All that land in the approach areas of the runway which is located within a horizontal distance of 10,000 feet from each end of each primary surface and which is not included in Zone A. Said property being described as part of the following real estate property:

Part of Section Eighteen (18), Section Seventeen (17), Section Nineteen (19), Section Thirty-two (32), all in Township One Hundred Sixty-one (161) North, Range Forty-eight (48) West, and

Part of Section Thirteen (13), Section Twenty-six (26), Section Twenty-seven (27), Section Fifteen (15), Section Ten (10), Section Eleven (11), all in Township One Hundred Sixty-one (161) North, Range Forty-nine (49) West, excluding therefrom that portion of said described property which lies within the established City Municipal Boundary limits of the City of Hallock as constituted on the date of this Section.

C. "Zone C" consists of all that land which is within a 6,000 foot radius from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those areas and which is not included in Zone A or Zone B. Said property being described as part of the following real estate property:

Section Eighteen (18), Section Nineteen (19), Section Twenty (20), Section Twenty-nine (29), Section Thirty (30), all in Township One Hundred Sixty-one (161) North, Range Forty-eight (48) West; and

Part of Section Thirty-six (36), Section Twenty-five (25), Section Twenty-six (26), Section Twenty-four (24), Section Twenty-three (23), Section Twenty-two (22), Section Fourteen (14), and Section Thirteen (13), all in Township One Hundred Sixty-one (161) North, Range Forty-nine (49) West, excluding therefrom that portion of said described property which lies within the established City Municipal boundary limits of the City of Hallock as constituted on the date of this Section.

D. "Airport Zoning Map". The several zones above established are shown on the airport zoning map attached hereto and made a

part hereof, which map, together with all notations, references, elevations, data, zone boundaries, and other information thereof, shall be and the same hereby is adopted as part of this Section.

Subd. 6. Height Limitations. Except as otherwise provided in this Section, and except as necessary and incidental to airport operations, no structure shall be constructed, altered or maintained so as to project above any of the airport reference surfaces described in Subd. 4.

Subd. 7. Land Use Restrictions.

A. "In General". Subject at all times to the height restrictions set forth in Subd. 6, no use shall be made of any land in any of the zones defined in Subd. 5, which creates or causes interference with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport and other lights, results in glare in the eyes of pilots using the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

B. "Zone A". Subject at all times to the height restrictions set forth in Subd. 6, and to the general restrictions contained in Subd. 7.A., land included in Zone A shall be used for the following purposes only:

1. For agricultural purposes except that dwellings are prohibited;

2. Any commercial or industrial use which meets the following minimum standards:

a. Each single commercial or industrial site shall contain no dwellings;

b. The use shall not permit, require, cause or attract an assembly or concentration, public or private, at any one time, regardless of duration, of more than fifty (50) persons in any commercial building or of more than ten (10) persons in any one acre of such site.

The following uses are specifically prohibited in Zone A: churches, hospitals, schools, theatres, stadiums, and other places of public or semi-public assembly, hotels and motels, trailer courts, camp grounds, and multi-unit dwellings.

C. "Zone B". Subject at all times to the height restrictions set forth in Subd. 6, and to the general restrictions contained in Subd. 7.A., land included in Zone B shall be used for the following purposes only:

1. For agricultural and residential purposes provided there shall not be more than one single family dwelling and accessory buildings (accessory farm buildings may include one single family tenant dwelling) per five (5) acre tract of land;

2. Any commercial or industrial use which meets with the minimum standards set forth in Subd. 7.B.2.

The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theatres, stadiums and other places of public or semi-public assembly, hotels and motels, trailer courts, camp grounds and multi-unit dwellings.

D. "Zone C". Subject at all times to the height restrictions set forth in Subd. 6 and to the general restrictions contained in Subd. 7.A., land included in Zone C may be used for any agricultural, residential, commercial or industrial purpose, subject to the limitation that dwellings are restricted to single family dwellings constructed on not less than one (1) acre lots.

Subd. 8. Non-Conforming Uses. Except as provided in Subd. 10, the provisions of Subd. 6 and Subd. 7 of this Section shall not be constructed to requires the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use of the effective date hereof. Nothing herein contained shall require any change in any structure, the construction or alteration of which was begun prior to the effective date of this Section, and which is diligently prosecuted and completed within two (2) years thereof.

Subd. 9. Variances. Any person desiring to erect or increase the height of any structure or permit the growth of any tree, or otherwise use his property not in accord with the regulations prescribed in this Section may apply to the Board of Adjustment hereinafter established for a variance from the regulation 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; provided, any variance may be allowed subject to a reasonable condition that the Board of Adjustment may deem necessary to effectuate the purposes of this Section.

Subd. 10. Permits.

A. Future Uses. Except as specifically provided in paragraphs 1, 2 and 3 hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

2. In the areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permits shall be required for any tree or structure less

10 A 1, 2, 3
B, C

than 100 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zone.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this Section except as set forth in Subd. 4.

B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired or rebuilt within any zone established in Subd. 4, a permit must be secured authorizing such replacement, change or repair. No permit shall be issued which would allow the establishment or creation of an airport hazard or permit a non-conforming use of structure to be made higher, enlarged, intensified, 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 a permit is made.

C. Non-Conforming Uses Abandoned or Destroyed. Whenever the Airport Zoning Board determines that a non-conforming structure or tree has been abandoned, more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Subd. 11. Hazards, Marking and Lighting. Any permit issued, or variance granted, under Subd. 9 and Subd. 10, may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the land or structure in question to permit the City of Hallock, Minnesota, 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.

Subd. 12. Airport Zoning Administration. The Airport Commission is charged with the duty of administering and enforcing the provisions of this Section. The duties of the Airport Commission shall include that of receiving applications for and the granting or denying of permits as provided in Subd. 10. The Airport Commission shall not have or exercise any of the powers or duties herein delegated to the Board of Adjustment.

Subd. 13. Appeals.

A. Any person aggrieved, or any taxpayer affected, by any decision of the Airport Commission made in the administration of this Section, shall have the right of appeal to the City Council, which shall act as, and

have the powers of, the Board of Adjustment pursuant to the authority granted by Minnesota Statutes §360.071 (1971).

B. All appeals hereunder must be taken within fifteen (15) days from the date of the making and filing of any order or decision, by filing with the Clerk-Administrator of the City of Hallock, a note of appeal specifying the grounds thereof. The Clerk Administrator shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Commission certifies to the City Council, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent perils to life or property. In such case, proceedings shall not be stayed except by order of the City Council on notice to the Airport Commission and on due cause shown.

D. The City Council shall fix a reasonable time for hearing appeals; shall give public notice and due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. The City Council may, in conformity with the provisions of this Section, 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.

F. On appeal from a decision of the Airport Commission, the City Council shall make findings of fact and conclusions of law as provided in paragraph D. of Subd. 13.

Subd. 14. Judicial Review. Any person aggrieved, or any taxpayer affected, by a decision of the City Council, may appeal to the District Court as provided in Minnesota Statutes §360.072.

Subd. 15. Conflicts. In the event of a conflict within this Section or between the regulations of this Section and any other applicable federal, state or local regulations, the more stringent limitation or regulation shall govern and prevail.

Subd. 16. Penalties. Any person who violates any provision of this Section, or who violates any ruling or order made thereunder, shall be guilty of a misdemeanor as provided in Minnesota Statutes, Section 360.073, shall be punished by a fine of not more than \$100.00 or imprisonment for not more than 90 days or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.

Subd. 17. Severability. If any of the provisions of this Section or its application is held invalid, such invalidity shall not affect other provisions or applications of this Section which can be given effect without

the invalid provision of application, and to this end, the provisions of this Section are declared to be severable.

Subd. 18. Date Effective. This Section shall be effective ten (10) days following the date of its publication and copies thereof shall be filed with the Commissioner of Aeronautics and the Register of Deeds, Kittson County, Minnesota.

Source: Ordinance No. 119
Effective Date: March 24, 1986

(Sections 11.02 through 11.99, inclusive, reserved for future expansion.)