

## **TITLE AND INTRODUCTION**

Red Wing Regional Airport Zoning Ordinance

Red Wing Regional Airport

Joint Airport Zoning Board (JAZB)

The following is an Ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Red Wing Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Red Wing Regional Airport zoning maps which are incorporated in and made a part of this Ordinance; providing for enforcement; and establishing a Board of Adjustment.

The Red Wing Joint Airport Zoning Board, created and established by joint action of the City Council of the City of Red Wing, the Red Wing Airport Board, the Board of Commissioners of Goodhue County and Pierce County, and the Planning Commissions and Town Boards of the Village of Bay City, Isabelle Township, Trenton Township, and Hartland Township.

Minnesota State Statutes 360.061 through 360.074 state that the purpose of a land use zoning ordinance around an airport is to restrict uses hazardous to the operational safety of aircraft, and to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident (Minnesota Statute 360.063). The Minnesota Department of Transportation (Mn/DOT) Office of Aeronautics requires airport overlay zoning and due to interstate reciprocity with the State of Wisconsin, the City of Red Wing as owner of the Red Wing Regional Airport located in Pierce County WI, is to complete a land use zoning ordinance in conjunction with state laws. Mn/DOT Office of Aeronautics financially supports the airport. Accepting airport funding requires that land uses surrounding the airport are compatible with normal airport operations through such techniques as a land use zoning ordinance.

“Lot” – A parcel of land described in a recorded plat or deed.

“Nonconforming Use” – Any pre-existing structure, tree, natural growth, or land use which does not conform with existing land use regulations contained in this chapter, but that was in compliance with previous land use regulations and that existed at the time of adoption of this chapter.

“Person” – Any individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes any partner, trustee, receiver, assignee, or other similar representative thereof.

“Precision Instrument Runway” – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems.

“Preexisting permitted use” – Any use of land lawfully in existence at the time of this Ordinance or amendment thereto becomes effective.

“Runway” – A portion of the Airport having a surface specifically developed and maintained for the taxiing, landing and taking off of aircraft.

“Structure” – Any object or construction, excluding fills and fences, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility built or placed by man.

“Tree” – Any objects of natural growth, except farm crops which are cut once a year, capable of obtaining a height greater than 15 feet.

“Vacant Lot” – A lot with no permanent structures.

### **SECTION 3: PREEXISTING PERMITTED USES AND STRUCTURES**

Nothing contained herein shall require any change in the construction or alteration of any existing structure, or any structure for which the construction or alteration of such structure was legally begun prior to the date the Ordinance is recorded at the Goodhue County Recorder’s Office and the Pierce County Clerk’s Office. As stated in Minnesota Statutes 360.065 Subdivision 2, “A copy of the regulations as adopted shall be filed with the county recorder in each county in which the zoned area is located.”

### **SECTION 4: NONCONFORMING USE**

The owner of any preexisting permitted use, building, structure, tree or plant which, as a result of fire, explosion or other natural disaster is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use on the same parcel, provided that the preexisting permitted use complies with the height limitation imposed by this chapter and a permit or statement showing such compliance is signed by the Administrator prior to any rebuilding, reconstructing or rehabilitation.

Any preexisting permitted uses, as described in this Ordinance, may be expanded, altered or otherwise enlarged as long as the following requirements are met:

- 1) All required permits are obtained prior to rebuilding, reconstruction or rehabilitation.
- 2) The expansion, alteration or enlarging meets the requirements of height limitation zoning and a statement showing such compliance is signed by the Administrator prior to the expansion, alteration or enlargement.
- 3) The expansion, alteration or enlargement does not increase or create any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the preexisting permitted use.

precision instrument approach surface and at right angles to the extended precision instrument runway centerline. No airport land use zoning is in place beneath the transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface.

## **SECTION 6: HEIGHT LIMITATIONS**

All zones established by **Section 5, Air Space Obstruction Surfaces**, are as shown on the map dated January 26, 1998 (see **Exhibit 2**) and entitled "Height Limitation Zoning Map, Red Wing Municipal Airport, Red Wing Minnesota," which are located in and can be obtained from the Pierce County Land Management Department or City of Red Wing offices.

Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be erected, constructed, altered, located, allowed to grow or permitted to remain in excess of the height depicted on the Height Limitation Zoning Map referred to in this Ordinance.

## **SECTION 7: BOUNDARY LIMITATIONS**

The airspace obstruction height zoning restrictions set forth in this ordinance shall apply to the area defined on the Height Limitation Zoning Map. The land use zoning restrictions set forth in this ordinance shall apply to the areas defined as Zones A, B and C.

## **SECTION 8: AIRPORT SAFETY ZONE REGULATIONS**

In order to carry out the purpose of this Ordinance to limit those uses which may be hazardous to the operational safety of aircraft operating to and from the Red Wing Regional Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones. The land use safety zones apply to all existing parcel owners in addition to any future parcel owners.

Safety Zone A: All land in that portion of the approach zones of a runway which extends outward from the end of the primary surface a distance equal to two-thirds of the existing length of 5,010 feet for Runway 9/27, which distance shall be:

- 1) 3,340 feet for each end of Runway 9/27.

Safety Zone B: All land in that portion of the approach zones of a runway, which extends outward from Safety Zone A a distance equal to one-third of the existing length of 5,010 feet for Runway 9/27, which distance shall be:

- 1) 1,670 feet for each end of Runway 9/27.

Safety Zone C: All land which is enclosed within the perimeter of the horizontal surface, except for the area located under the perimeter of the horizontal surface in Minnesota, and which is not located in Safety Zone A or Safety Zone B (see **Exhibit 3**).

## **SECTION 9: AIRPORT MAPS**

The several zones herein established are shown on the Red Wing Regional Airport Zoning Maps consisting of five (5) sheets, prepared by Short, Elliott, Hendrickson, Inc., (SEH) and dated October 3, 2012, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

Nothing 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 limitations established by this Ordinance as set forth in **Section 5, Air Space Obstruction Surfaces.**

#### **SECTION 14: BOARD OF ADJUSTMENT**

The Pierce County Board of Adjustment and the Bay City Board of Adjustment shall serve as the Board of Adjustment for the Red Wing Regional Airport Zoning Ordinance. The Pierce County Board of Adjustment shall exercise the powers and procedures as established in the Pierce County Zoning Code Article X §240-70. The Village of Bay City Board of Adjustment shall exercise the powers and procedures as established in the Village of Bay City Zoning Code.

#### **SECTION 15: VARIANCES**

Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his or her property not in accordance with the regulations prescribed in this Ordinance may apply to either the Pierce County or Village of Bay City Board of Adjustment, hereinafter provided for, for a variance from such regulations. The review time allowed and procedures for the variance review are found in Pierce County Zoning Code Article XI §240-78 and the Village of Bay City Zoning Code.

#### **SECTION 16: APPEALS**

Any person aggrieved, or any taxpayer affected by any decision of the zoning administrator made in their administration of this Ordinance may appeal to the Board of Adjustment as listed in this Ordinance. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is the opinion that a decision of the zoning administrator is an improper application of this Ordinance as it concerns such governing body or board.

The appeal process for the Pierce County Board of Adjustment is found in Pierce County Zoning Code Article XI §240-79. The appeal process for the Village of Bay City Board of Adjustment is found in the Village of Bay City Zoning Code.

#### **SECTION 17: JUDICIAL REVIEWS**

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

#### **SECTION 18: PENALTIES**

Any person violating any of the provisions of this Ordinance shall, upon conviction, be subject to the penalties described in Pierce County Zoning Code Article XII §240-85 or the Village of Bay City Zoning Code.

#### **SECTION 19: 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

Rick Madhwa  
Member

Brian Peter  
Member

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Member

James Kleinhans  
Member

Bernard Schoedor Jeff Holt  
Member Member

Larry Larson  
Member

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Sue Moldenhauer  
Member

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Barry Barringer  
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Michael A. Wozniak  
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Member