

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors

**Airport Safety Zoning Ordinance for  
Blue Earth Municipal Airport**

Adoption Date – March 10<sup>th</sup>, 2011

Approved by the Joint Airport Zoning Board

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

# Table of Contents

TITLE AND INTRODUCTION.....	2
SECTION I: PURPOSE AND AUTHORITY.....	3
SECTION II: SHORT TITLE.....	3
SECTION III: DEFINITIONS.....	4
SECTION IV: AIRSPACE OBSTRUCTION ZONING.....	5
SECTION V: LAND USE SAFETY ZONING.....	7
SECTION VI: AIRPORT MAP.....	10
SECTION VII: NONCONFORMING USES.....	10
SECTION VIII: PERMITS.....	10
SECTION IX: VARIANCES .....	11
SECTION X: HAZARD MARKING AND LIGHTING .....	12
SECTION XI: AIRPORT ZONING ADMINISTRATOR.....	12
SECTION XII: BOARD OF ADJUSTMENT.....	13
SECTION XIII: APPEALS .....	14
SECTION XIV: JUDICIAL REVIEW.....	15
SECTION XV: PENALTIES .....	15
SECTION XVI: CONFLICTS.....	15
SECTION XVII: SEVERABILITY .....	16
SECTION XVIII: EFFECTIVE DATE.....	16
EXHIBIT A.....	17
EXHIBIT 1 – LAND USE SAFETY ZONES MAP	
EXHIBIT 2 – AIRSPACE MAP	
EXHIBIT 2.1 – AIRSPACE MAP	

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:  
19

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.

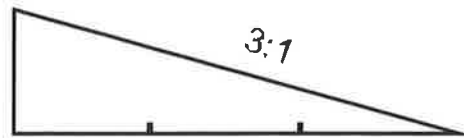
70 “*NONCONFORMING USE*” means any pre-existing structure, tree, natural growth, or land use which is  
71 inconsistent with the provisions of this Ordinance or an amendment hereto.

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.



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

185

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

189

190 4. EXCEPTIONS - ESTABLISHED RESIDENTIAL NEIGHBORHOODS:

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

194

195 B. USE RESTRICTIONS:

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

203

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

211

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

215

a. Each use shall be on a site whose area shall not be less than three acres.

216

b. Each use shall not create, attract, or bring together a site population that would  
217 exceed 15 times that of the site acreage

217

218

c. Each site shall have no more than one building plot upon which any number of  
219 structures may be erected.

219

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:

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 7<sup>th</sup>, 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.

419

420 E. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or  
421 affirm, in whole or in part, or modify the order, requirement, decision or determination appealed  
422 from and may make such order, requirement, decision or determination, as may be appropriate  
423 under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

424

425 **SECTION XIV: JUDICIAL REVIEW**

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

433

434 **SECTION XV: PENALTIES**

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

445

446 **SECTION XVI: CONFLICTS**

447 Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance  
448 and any other regulations applicable to the same area, whether the conflict be with respect to the height of  
449 structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall  
450 govern and prevail.

451



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 5<sup>th</sup> 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 10<sup>th</sup>  
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

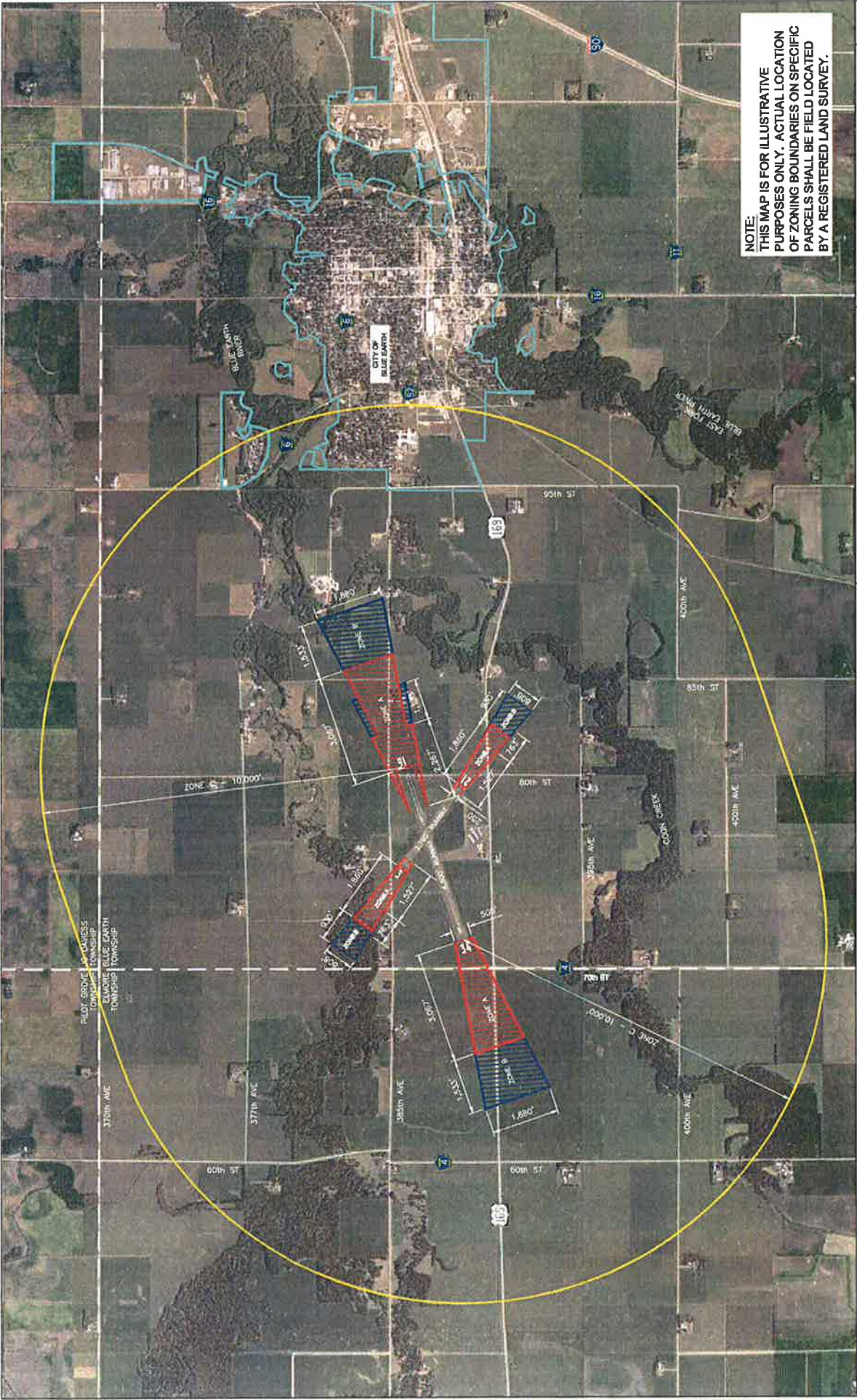
3/10/11  
Date

**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

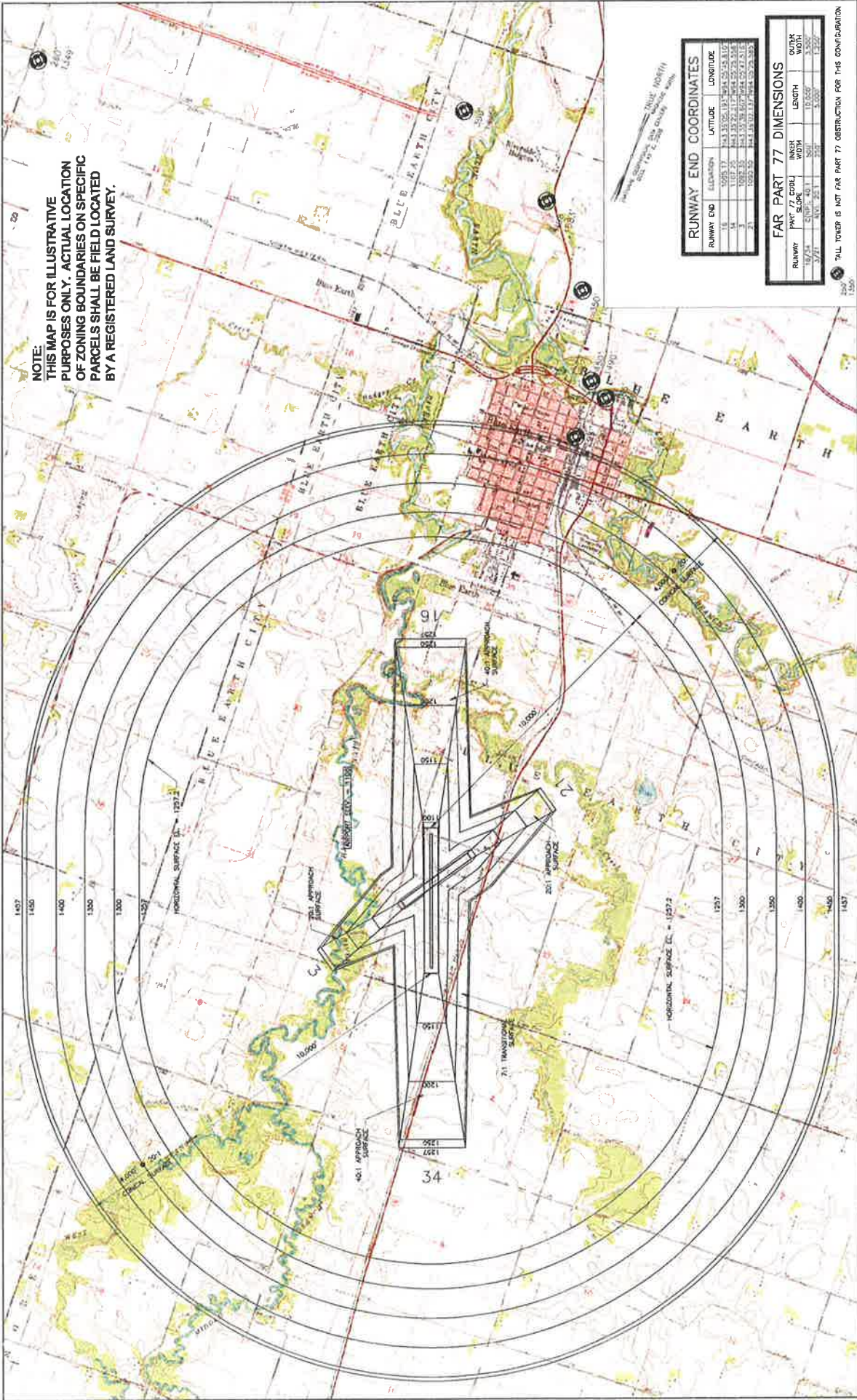


NOTE:  
 THIS MAP IS FOR ILLUSTRATIVE  
 PURPOSES ONLY. ACTUAL LOCATION  
 OF ZONING BOUNDARIES ON SPECIFIC  
 PARCELS SHALL BE FIELD LOCATED  
 BY A REGISTERED LAND SURVEY.

**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 MANASSAS, VA 20108, VA 703/797-2200  
 BURLINGAME, CA 94010, CA 415/331-0300  
 RANCHO, CA 92083, CA 760/734-7100  
 WASHINGTON, DC 20004, DC 202/331-2200  
 WASHINGTON, DC 20005, DC 202/331-2200  
 WASHINGTON, DC 20006, DC 202/331-2200  
 WASHINGTON, DC 20007, DC 202/331-2200  
 WASHINGTON, DC 20008, DC 202/331-2200  
 WASHINGTON, DC 20009, DC 202/331-2200  
 WASHINGTON, DC 20010, DC 202/331-2200  
 WASHINGTON, DC 20011, DC 202/331-2200  
 WASHINGTON, DC 20012, DC 202/331-2200  
 WASHINGTON, DC 20013, DC 202/331-2200  
 WASHINGTON, DC 20014, DC 202/331-2200  
 WASHINGTON, DC 20015, DC 202/331-2200  
 WASHINGTON, DC 20016, DC 202/331-2200  
 WASHINGTON, DC 20017, DC 202/331-2200  
 WASHINGTON, DC 20018, DC 202/331-2200  
 WASHINGTON, DC 20019, DC 202/331-2200  
 WASHINGTON, DC 20020, DC 202/331-2200

BLUE EARTH MUNICIPAL AIRPORT  
 AIRPORT ZONING ORDINANCE  
 LAND USE ZONING MAP

DRAWN  
 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.

RUNWAY END COORDINATES		
RUNWAY END	ELEVATION	LONGITUDE
16	1029.17	144.33326191784 05 15.8157
14	1107.25	144.33326191784 05 15.8157
3	1029.33	144.33326191784 05 15.8157
21	1029.29	144.33326191784 05 15.8157

FAR PART 77 DIMENSIONS			
RUNWAY	INCH	FEET	LENGTH
18,743	18,743	15,619	15,619
300	300	25	25
1,000	1,000	83	83
150	150	12	12

TALL TOWER IS NOT FAR PART 77 OBSTRUCTION FOR THIS CONFIGURATION

**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 1000 W. 10TH ST. SUITE 200  
 BLUE EARTH, MN 56007  
 MARKET ST. MARSHFIELD, WI 54451, USA

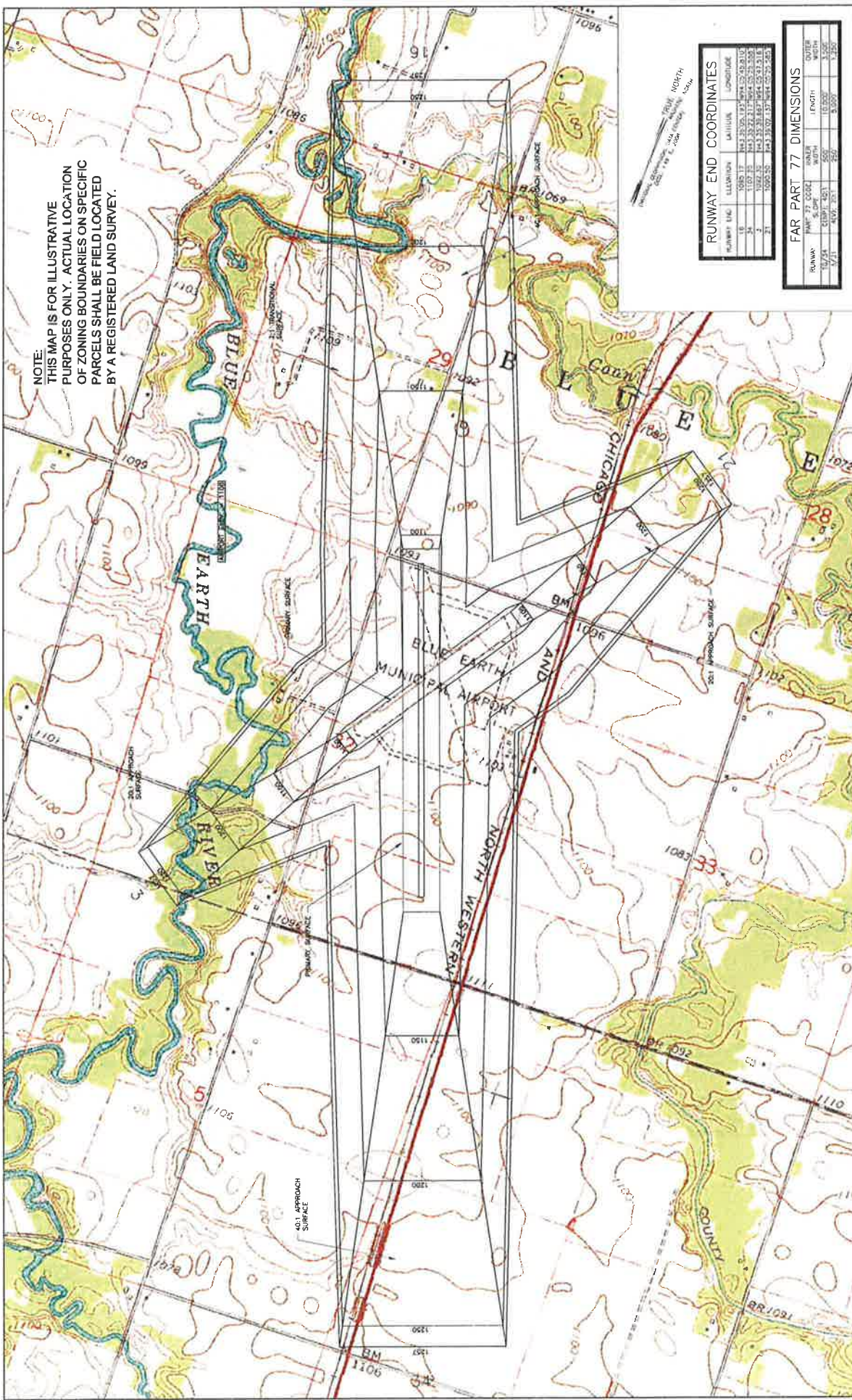
**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 1000 W. 10TH ST. SUITE 200  
 BLUE EARTH, MN 56007  
 MARKET ST. MARSHFIELD, WI 54451, USA

**BLUE EARTH MUNICIPAL AIRPORT**  
 AIRSPACE MAP



SCALE  
 1" = 3000'

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.



RUNWAY END COORDINATES			
NUMBER	UTM EASTING	UTM NORTING	LENGTH
1	109255	110215	1000.00
2	109255	110215	1000.00
3	109255	110215	1000.00
4	109255	110215	1000.00

FAR PART 77 DIMENSIONS			
ROW	START	END	WIDTH
1	109255	109255	1000.00
2	109255	109255	1000.00
3	109255	109255	1000.00
4	109255	109255	1000.00



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MINNEAPOLIS, MN 55412  
SARASOTA, FL 34237  
ST. LOUIS, MO 63103  
DULUTH, GA 30091  
MILWAUKEE, WI 53219  
CHICAGO, IL 60606  
DENVER, CO 80202  
SAN ANTONIO, TX 78203  
HOUSTON, TX 77001  
MEMPHIS, TN 38103  
INDIANAPOLIS, IN 46204  
COLUMBUS, OH 43260  
CINCINNATI, OH 45202  
CLEVELAND, OH 44115  
DETROIT, MI 48202  
KANSAS CITY, MO 64108  
PITTSBURGH, PA 15222  
RICHMOND, VA 23219  
SAN FRANCISCO, CA 94102  
WASHINGTON, DC 20004  
WICHITA, KS 67202  
WISCONSIN RAPIDS, WI 53091

DATE: 11/11/11  
PROJECT: BLUE EARTH MUNICIPAL AIRPORT  
AIRSPACE MAP  
2.1

WFO

**AFFIDAVIT OF TRUE COPY  
CERTIFICATION**

STATE OF MINNESOTA  
SS  
COUNTY OF FARIBAULT

I, Kathy Bailey, duly appointed and qualified City Administrator of the City of Blue Earth, Minnesota and keeper of the records of the City do hereby certify that I have carefully compared the attached copy and that it is a true and correct copy of the original Resolution passed by the Joint Airport Zoning Board on the 10<sup>th</sup> Day of March 2011 and that I further certify that the seal affixed hereto is the seal of the City of Blue Earth, County of Faribault, Minnesota.

Kathy Bailey  
Kathy Bailey  
City Administrator

10/25/11  
Date



Office of County Recorder  
County of Faribault, Minnesota  
I hereby certify that the within  
instrument was filed in this office  
for recording on 10/25/2011 at 03:40PM  
and was duly recorded as Document No.

**356221**

Sheryl Asmus  
Faribault County Recorder  
By Sheryl Asmus Deputy

REC FEE: \$46.00  
PAGES: 23