

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION

ORDER APPROVING REVISED PROPOSED ORDINANCE
BY THE
CITY OF ALEXANDRIA-DOUGLAS COUNTY JOINT AIRPORT ZONING BOARD

Pursuant to the provisions of Minnesota Statutes 1974, Sections 360.061 to 360.076, as amended, known as the "Airport Zoning Act," the City of Alexandria-Douglas County Joint Airport Zoning Board, through Mr. John C. Lervick, City Attorney, on June 1, 1977, submitted to the Assistant Commissioner of Transportation, Aeronautics Division, for his approval a revised proposed ordinance establishing zoning regulations for the Alexandria Municipal Airport, together with an airport zoning map showing the airport and the areas to be zoned as established by the ordinance.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Assistant Commissioner that the zoning regulations as submitted by and proposed to be adopted by the City of Alexandria-Douglas County Joint Airport Zoning Board for the Alexandria Municipal Airport comply with Minnesota Statutes and Division of Aeronautics Rules and Regulations relating to zoning of public airports and the proposed zoning regulations are hereby approved.



Lawrence E. McCabe
Assistant Commissioner
Department of Transportation
Aeronautics Division

June 9, 1977

RESOLUTION 77 - 5
OF THE
ALEXANDRIA JOINT AIRPORT ZONING BOARD
AS TO
AN AMENDMENT TO THE PROPOSED ZONING ORDINANCE

At a meeting of the above Board held on June 1, 1977, Member Nelson , seconded by Member Carlisle , introduced the following resolution and moved its adoption:

IT IS HEREBY RESOLVED AS FOLLOWS:

1. That the proposed Zoning Ordinance and Map adopted by Resolution 77-1 and amended by Resolutions 77-2, 77-3 and 77-4 of the Board shall be amended so that Section I E. shall read as follows:
 - E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or making and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.
2. It is further resolved that the said amendment be transmitted to the Commissioner of Aeronautics for his approval of the proposed Ordinance as amended.

ALEXANDRIA AIRPORT
ZONING ORDINANCE
CREATED BY THE
ALEXANDRIA JOINT AIRPORT ZONING BOARD

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 ALEXANDRIA 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 ALEXANDRIA AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE ALEXANDRIA JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES 360.061 - 360.074, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

The Alexandria Joint Airport Zoning Board, created and established by joint action of the City Council of the City of Alexandria and the Board of County Commissioners of Douglas County pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Alexandria Airport, and property or occupants of land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Alexandria Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Alexandria Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land,

the creation or establishment of airport hazards.

E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or making and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds, and acquire land or property interests therein.

SECTION II: SHORT TITLE

This ordinance shall be known as "Alexandria Airport Zoning Ordinance". The following sections of land lying and being in Douglas County, Minnesota, are affected by this ordinance:

Township 128N Range 38 W (LaGrand Township)

Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36

Township 128N Range 37W (Alexandria Township)

Sections 18, 19, 20, 29, 30, 31, and 32

Township 127N Range 38W (Lake Mary Township)

Sections 1, and 2

Township 127N Range 37W (Hudson Township)

Sections 5 and 6

SECTION III: DEFINITIONS

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

"Airport" means the Alexandria Municipal Airport located in Douglas County, Minnesota, in Section 24 and 25, Township 128N, Range 38W and in Section 30, Township 128N, Range 37W.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,425 feet above mean sea level.

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

"DWELLING" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

"HEIGHT" For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"PRECISION INSTRUMENT RUNWAY" means a runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

"LANDING AREA" means the area of the airport used for the landing, taking off or taxiing of aircraft.

"LANDING STRIP" means any grass or turf covered area of the airport specifically designated and used for the landing and/or take-off of aircraft. This term shall have the same meaning throughout this Ordinance as does the term "runway".

"NONCONFORMING USE" means any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

"NON-PRECISION INSTRUMENT RUNWAY" means a runway other than an instrument runway.

"PERSON" means an individual, firm partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"RUNWAY" means any paved surface of the airport which is specifically designated and used for the landing and/or take-off of aircraft.

"SLOPE" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

"STRUCTURE" means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

"TREE" means any object of natural growth.

SECTION IV: AIRSPACE OBSTRUCTION ZONING

A. AIRSPACE ZONES: In order to carry out the purposes of this Ordinance, the following airspace zones are hereby established:

Primary Zone, Horizontal Zone, Conical Zone, Precision Instrument Approach Zone, Non-Precision Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway. 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:
 - (a) 1,000 feet for Runway 13-31;
 - (b) 500 feet for Runway 4-22.
2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,575 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (a) 10,000 feet for Runways 13-31;
 - (b) 6,000 feet for Runways 4-22.

When a 6,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 6,000 foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.
3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending 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.

The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizontal distance of 10,000 feet at a slope of 50 to 1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40 to 1, expanding uniformly to an ultimate width of 16,000 feet.

5. NON-PRECISION APPROACH ZONE: All that land which lies directly under an imaginary non-precision instrument approach surface longitudinally centered on the extended centerline at each end of Runway 4-22. The inner edge of the non-precision instrument approach surface is at the same width and elevation as, and coincides with, the primary surface. The non-precision instrument approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.
6. TRANSITIONAL ZONE: All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the instrument approach surface which project through and beyond the limits of the conical surface, extend a distance

maintained, or allowed to grow in any airspace zone created in Sub Section IV A so as to project above any of the imaginary airspace surfaces described in said Sub Section IV A hereof. Where an area is covered by more than one height limitation, the more-restrictive limitations shall prevail.

- C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not exceeding two miles from the airport boundary and by height restriction zoning for a distance not to exceed one and one-half mile from the airport boundary.

SECTION V: LAND USE SAFETY ZONING

- A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, there are hereby created and established the following zone boundaries:
1. SAFETY ZONE A: All that land in the approach zones of a runway which is located within a horizontal distance of:
 - (a) 3,600 feet from each end of the primary zone of the Northwest-Southeast Instrument Runway 13-31;
 - (b) 2,733 feet from each end of the primary zone of the Northeast-Southwest Runway 4-22.
 2. SAFETY ZONE B: All that land in the approach zones of a runway which is located within a horizontal distance of:
 - (a) 5,400 feet from each end of the primary zone and is not included in Zone A for the Northwest-Southeast Instrument Runway 13-31;
 - (b) 4,100 feet from each end of the primary zone and is not included in Zone A for the Northeast-Southwest Runway 4-22.
 3. SAFETY ZONE C: All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.

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 agriculture, light outdoor recreation (non-spectator), cemeteries and auto 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.
 - (d) A building plot shall be a single, uniform and noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		

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

C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size, and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area not to exceed one mile from the airport boundary.

SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Alexandria Airport Zoning Map consisting of 4 sheets, prepared by Hall Engineering, Alexandria, Minnesota, and dated _____, 197__, 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.

SECTION VII: NON-CONFORMING USES

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

SECTION VIII: PERMITS

A. FUTURE USES: Except as specifically provided in Paragraphs 1 and

with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
2. Nothing contained in this foregoing exception 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 IV.

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

C. NONCONFORMING USES ABANDONED OR DESTROYED. Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% 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

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

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Alexandria and Douglas County Building Inspectors to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Alexandria or Douglas County Building Inspectors upon a form furnished by them. Permit applications shall be promptly considered and granted or denied by the Alexandria or the Douglas County Inspectors. Variance applications shall be forthwith transmitted by either the Alexandria or the Douglas County Building Inspectors for action by the Board of Adjustment hereinafter provided for. Applications for a variance shall be accompanied by a fee of \$5.00.

SECTION XII: BOARD OF ADJUSTMENT

A. ESTABLISHMENT. The Board of Adjustment for the Alexandria Airport Zoning Ordinance shall consist of five members of which three shall be appointed by the Alexandria City Council and two shall be appointed by the Board of Douglas County Commissioners.

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

1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

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

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the zoning administrator is an improper application of this Ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Zoning

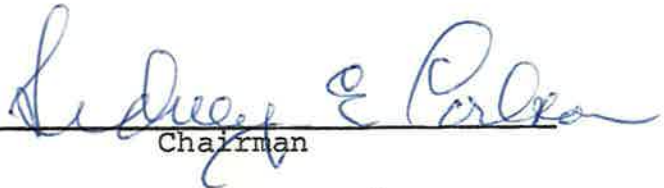
- grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- 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 Douglas 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

Commissioner of Aeronautics, State of Minnesota, and the Register
of Deeds, Douglas County, Minnesota.

Passed and adopted after public hearing by the Alexandria
Joint Airport Zoning Board this 21st day of June, 1977.


Chairman


Member


Member


Member


Member

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


Arlan E. Johnson, Secretary