

ORDINANCE NO. 501.00

IN THE MATTER OF ZONING THE
DETROIT LAKES AIRPORT

THE CITY COUNCIL OF THE CITY
OF DETROIT LAKES,
MINNESOTA, DOES ORDAIN:

Section 1. DEFINITIONS: As used
in this Ordinance, unless the context
otherwise requires:

1. AIRPORT — Means Detroit
Lakes Airport.

2. AIRPORT ELEVATION —
Means the established elevation of
the highest point on the usable
landing area.

3. AIRPORT HAZARD — Means
any structure, 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.

4. AIRPORT REFERENCE
POINT — Means the point established
as the approximate geographic center
of the airport landing area and so
designated.

5. 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.

6. 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.

7. LANDING AREA — Means the
area of the Airport used for the
landing, taking off or taxiing of
aircraft.

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

9. NONINSTRUMENT RUNWAY
— Means a runway other than an
instrument runway.

10. 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.

11. RUNWAY — Means the paved
surface of an airport landing strip.

12. STRUCTURE — Means an
object constructed or installed by
man, including, but without
limitation, buildings, towers,
smokestacks, and overhead
transmission lines.

13. TREE — Means any object of
natural growth.

Section 2. ZONES In order to
carry out the provisions of this
Ordinance, there are hereby created
and established certain zones which
include all of the land lying within
the instrument approach zones, non-
instrument approach zones, non-
instrument approach zones, non-
instrument approach zones, horizontal zone and
conical zone. Such areas and zones
are shown on the Detroit Lakes
Airport Zoning Map consisting of
two (2) pages prepared by Winston C.
Larson & Associates, and dated 1970,
which is attached to this Ordinance
and made a part hereof. The various
zones are hereby established and
defined as follows:

1. INSTRUMENT APPROACH
ZONE — An instrument approach
zone is established at each end of the
instrument runway for instrument
landings and takeoffs. The
instrument approach zones shall have
a width of 1,000 feet at a distance of
200 feet beyond each end of the
runway, widening thereafter
uniformly to a width of 16,000 feet
at a distance of 50,200 feet beyond
each end of the runway, its centerline
being the continuation of the
centerline of the runway.

2. NONINSTRUMENT
APPROACH ZONE — A
noninstrument approach zone is
established at each end of all
noninstrument runways for
noninstrument runways for
noninstrument landings and takeoffs.
The noninstrument approach zone
shall have a width of 500 feet at a
distance of 200 feet beyond each end
of the runway, widening thereafter
uniformly to a width of 2,500 feet at
a distance of 10,200 feet beyond
each end of the runway, its centerline
being the continuation of the
centerline of the runway.

3. TRANSITION ZONES (not
applicable to VFR airports) —
Transition zones are hereby
established adjacent to each
instrument and noninstrument
runway and approach zone as
indicated on the zoning map.
Transition zones symmetrically
located on either side of runways
have variable widths as shown on the
zoning map. Transition zones extend
outward from a line 250 feet on
either side of the centerline of the
noninstrument runway, for the
length of such runway plus 200 feet
on each end; and 500 feet on either
side of the centerline of the
instrument runway, for the length of
such runway plus 200 feet on each
end, and are parallel and level with
such runway centerlines. The
transition zones along such runways
slope upward and outward one (1)
foot vertically for each seven (7) feet
horizontally to the point where they
intersect the surface of the horizontal
zone. Further, transition zones are
established adjacent to the
instrument approach zones for the
entire length of the approach zones,
and the noninstrument approach
extends upward and outward on a 7
to 1 slope until it intersects the
horizontal on conical surfaces. These
transition zones have variable widths,
as shown on the zoning map. Such
transition zones flare symmetrically
with either side of the runway
approach zones from the base of such
zones and slope upward and outward
at the rate of one (1) foot vertically
for each seven (7) feet horizontally
to the points where they intersect the
surfaces of the horizontal and conical
zones. Additionally, transition zones
are established adjacent to the
instrument approach zone where it
projects through and beyond the
limits of the conical zone, extending
a distance of 5,000 feet measured
horizontally from the edge of the
instrument approach zones at right
angles to the continuation of the
centerline of the runway.

4. HORIZONTAL ZONE — A
horizontal zone is hereby established
as the area within a circle with its
center at the Airport Reference Point
and having a radius of 7,000 feet.
The horizontal zone does not include
the instrument and non-instrument
approach zones and the transition
zones.

5. CONICAL ZONE — A conical
zone is hereby established as the area
that commences at the periphery of
the horizontal zone and extends
outward therefrom a distance of
5,000 feet. The conical zone does not
include the instrument approach
zones and transition zones.

Section 3. HEIGHT
LIMITATIONS Except as otherwise
provided in this Ordinance, no
structure or tree shall be erected,
altered, allowed to grow, or
maintained in any zone created by
this Ordinance to a height in excess
of the height limit herein established
for such zone. Such height
limitations are hereby established for
each of the zones in question as
follows:

1. INSTRUMENT APPROACH
ZONE — One foot in height for each

fifty feet in horizontal distance
beginning at a point 200 feet from
and at the centerline elevation of the
end of the instrument runway and
extending until it intersects the
horizontal zone, then extending
horizontally until it reaches the
periphery of the horizontal zone,
then extending upward on a 50 to 1
slope to a distance of 10,200 feet
from the end of the runway; thence
one (1) foot in height for each forty
(40) feet in horizontal distance to a
point 50,200 feet from the end of
the runway.

2. NONINSTRUMENT
APPROACH ZONE — One (1) foot
in height for each forty (40) feet in
horizontal distance beginning at a
point 200 feet from and at the
centerline elevation of the end of the
noninstrument runway and extending
to a point where it intersects the
horizontal zone and continues
horizontally until it reaches the
periphery of the horizontal zone,
then extending upward at a 40 to 1
slope to a point 10,200 feet from the
end of the runway.

3. TRANSITION ZONE — One (1)
foot in height for each seven (7) feet
in horizontal distance beginning at
any point 250 feet normal to and at
the elevation of the centerline of non-
instrument runways, extending 200
feet beyond each end thereof, and
500 feet normal to and at the
elevation of the centerline of the
instrument runway, extending 200
feet beyond each end thereof,
extending to a height of 100 feet
above the airport elevation which is
1,396 feet above mean sea level. In
addition to the foregoing, there are
established height limits of one (1)
foot vertical height for each seven (7)
feet horizontal distance measured
from the edge of all approach zones
for the entire length of the approach
zones and extending upward and
outward to the points where they
intersect the horizontal or conical
surfaces. Further, where the
instrument approach zone projects
through and beyond the conical
zone, a height limit of one (1) foot
for each seven (7) feet of horizontal
distance shall be maintained
beginning at the edge of the
instrument approach zone and
extending a distance of 5,000 feet
from the edge of the instrument
approach zone measured normal to
the centerline of the runway
extended.

4. HORIZONTAL ZONE — One
hundred (100) feet above the airport
elevation or a height of 1,396 feet
above mean sea level.

5. CONICAL ZONE — One (1)
foot in height for each twenty (20)
feet of horizontal distance at the
periphery of the horizontal zone,
extending to a height of 1,746 feet
above the airport elevation.

Section 4. USE RESTRICTIONS
Notwithstanding any other provisions
of this Ordinance, no use may be
made of land within any zone
established by this Ordinance, in such
a manner as to create electrical
interference with radio
communication between the airport
and aircraft, make it difficult for
flyers to distinguish between airport
lights and others, result in glare in the
eyes of flyers using the airport,
impair visibility in the vicinity of the
airport or otherwise endanger the
landing, taking off, or maneuvering
of aircraft.

Section 5. NONCONFORMING
USES (a) 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 the
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.

(b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Commission.

Section 6. 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 the 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 75 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 instrument and noninstrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument 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 75 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 Ordinance except as set forth in Section 3.

(b) Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or 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 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.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application 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 will do substantial justice and be in accordance with the spirit of this Ordinance.

(e) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Airport Commission 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.

Section 7. ENFORCEMENT It shall be the duty of the Zoning Administration to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him.

Passed and adopted this 6th day of October, 1970.

Approved this 6th day of October, 1970.

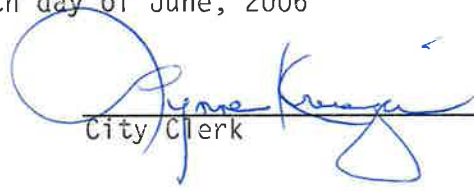
KENT M. FREEMAN
Mayor
L. E. LEARNED
Clerk-Treasurer

First Reading-September 1, 1970
Second Reading-October 6, 1970
Oct 12T

State of Minnesota)
County of Becker) SS
City of Detroit Lakes)

I do hereby certify that the foregoing Ordinance 501.00 is a true and correct copy of the Ordinance adopted by the City Council on October 6, 1970.

Dated this 13th day of June, 2006


City Clerk

ORDINANCE NO. 501.00

IN THE MATTER OF ZONING THE DETROIT LAKES AIRPORT

THE CITY COUNCIL OF THE CITY OF DETROIT LAKES, MINNESOTA, DOES ORDAIN:

Section 1. DEFINITIONS: As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT - Means Detroit Lakes Airport.
2. AIRPORT ELEVATION - Means the established elevation of the highest point on the usable landing area.
3. AIRPORT HAZARD - Means any structure, 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.
4. AIRPORT REFERENCE POINT - Means the point established as the approximate geographic center of the airport landing area and so designated.
5. 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.
6. 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.
7. LANDING AREA - Means the area of the airport used for the landing, taking off or taxiing of aircraft.
8. NONCONFORMING USE - Means any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this Ordinance or any amendment thereto.
9. NONINSTRUMENT RUNWAY - Means a runway other than an instrument runway.
10. 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.
11. RUNWAY - Means the paved surface of an airport landing strip.
12. STRUCTURE - Means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.
13. TREE - Means any object of natural growth.

Section 2. ZONES: In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Detroit Lakes Airport Zoning map consisting of two⁵(2) pages, prepared by Winston C. Larson & Associates, and dated 1974, which is attached to this Ordinance and made a part hereof. The various zones are hereby established and defined as follows:

1. INSTRUMENT APPROACH ZONE - An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000

3. **TRANSITION ZONES** (not applicable to VFR airports) - Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the noninstrument runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of the instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the instrument approach zones for the entire length of the approach zones, and the noninstrument approach extends upward and outward on a 7 to 1 slope until it intersects the horizontal or conical surfaces. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.
4. **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. 1000 feet for runway 13-31.
 - b. 500 feet for all other runways.
5. **HORIZONTAL ZONE:** All that land which lies directly under an imaginary horizontal surface 100 feet above the established airport elevation, or a height of 1496 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 runway 13-31.
 - b. 6,000 feet for all other runways.

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.

6. **CONICAL ZONE:** All that land which lies directly under an

2. ZONE B: All that land in the approach zones of a runway which is located within a horizontal distance of 5,600 feet from each end of the primary zone and is not included in Zone A.
3. 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.

Section 3. HEIGHT LIMITATIONS: Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

1. INSTRUMENT APPROACH ZONE - One foot in height for each fifty feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending until it intersects the horizontal zone, then extending horizontally until it reaches the periphery of the horizontal zone, then extending upward on a 50 to 1 slope to a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.
2. NONINSTRUMENT APPROACH ZONE: All that land which lies directly under an imaginary noninstrument approach surface longitudinally centered on the extended centerline at each end of each noninstrument runway. The inner edge of the noninstrument approach surface is at the same width and elevation as, and coincides with, the primary surface. The noninstrument approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 2,500 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.
3. TRANSITION ZONE - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 100 feet above the airport elevation which is 1,396 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edge of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

Section 4. USE RESTRICTIONS:

1. **GENERAL:** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3, no use shall be made of any land in any of the safety zones defined in Sub Section 2. Paragraph 6, which creates or causes interference with the operations of radio or electronic facilities on the airport, or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. **ZONE A:** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3k and to the general restrictions contained in Sub Section 4, Paragraph 1. Areas designated as Zone 1, shall contain no buildings 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 (nonspectator), and auto parking.

3. **ZONE B:** Subject at all times to the height restrictions set forth in Sub Section 6, Paragraph 3, and to the general restrictions contained in Section 4, areas designated as Zone B shall be used for the following purposes only:
 - a. For agricultural and residential purposes, provided there shall not be more than one single family dwelling per three acre tract of land.

 - b. Any commercial or industrial use which meets the following minimum standards:
 1. Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
 2. Each single commercial or industrial site shall be of a size not less than three acres.
 3. Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per three acre tract of land.
 4. The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

<u>At Least (Acres)</u>	<u>But Less Than (Acres)</u>	<u>Ratio</u>
3		12:1
	4	12:1
4		10:1
	6	10:1
6		8:1
	10	8:1
10		6:1

c. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theatres, stadiums, hotels, and motels, trailer courts, campgrounds, and other places of public or semipublic assembly.

4. ZONE C: Shall contain no lights which would make it difficult for pilots to distinguish between airport lights and other lights, or results in a 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, or any concentration of smoke that impairs the visibility in the vicinity of the airport.

Section 5. NONCONFORMING USES: (a) 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 the 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. (b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Commission.

Section 6. 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 the 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 75 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 instrument and noninstrument approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument 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 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour,

(c) Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or 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. (d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application 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 will do substantial justice and be in accordance with the spirit of this Ordinance. (e) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Airport Commission, 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.

Section 7. ENFORCEMENT: It shall be the duty of the Zoning Administration to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him.

Passed and adopted this 5th day of March, 1974.

Approved this 5th day of March, 1974.

Kent M. Freeman, Mayor

Wayne Lance, Clerk-Treasurer

~~First Reading---February 5, 1974~~
~~Second Reading--March 5, 1974~~

1ST

2ND READING APRIL 5, 1974

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THE CITY COUNCIL OF THE CITY OF DETROIT LAKES, MINNESOTA, DOES ORDAIN:

Section 1. DEFINITIONS: As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT — Means Detroit Lakes Airport.

2. AIRPORT ELEVATION — Means the established elevation of the highest point on the usable landing area.

3. AIRPORT HAZARD — Means any structure, 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.

4. AIRPORT REFERENCE POINT — Means the point established as the approximate geographic center of the airport landing area and so designated.

5. 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.

6. 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.

7. LANDING AREA — Means the area of the Airport used for the landing, taking off or taxiing of aircraft.

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

9. NONINSTRUMENT RUNWAY — Means a runway other than an instrument runway.

10. 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.

11. RUNWAY — Means the paved surface of an airport landing strip.

12. STRUCTURE — Means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

13. TREE — Means any object of natural growth.

Section 2. ZONES In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Detroit Lakes Airport Zoning Map consisting of two (2) pages prepared by Winston C. Larson & Associates, and dated 1970, which is attached to this Ordinance and made a part hereof. The various zones are hereby established and defined as follows:

1. INSTRUMENT APPROACH ZONE — An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

2. NONINSTRUMENT APPROACH ZONE — A noninstrument approach zone is established at each end of all noninstrument runways for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

3. TRANSITION ZONES (not applicable to VFR airports) — Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line 250 feet on either side of the centerline of the noninstrument runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of the instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the instrument approach zones for the entire length of the approach zones, and the noninstrument approach extends upward and outward on a 7 to 1 slope until it intersects the horizontal on conical surfaces. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

4. HORIZONTAL ZONE — A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of 7,000 feet. The horizontal zone does not include the instrument and non-instrument approach zones and the transition zones.

5. CONICAL ZONE — A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 5,000 feet. The conical zone does not include the instrument approach zones and transition zones.

Section 3. HEIGHT LIMITATIONS Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

1. INSTRUMENT APPROACH ZONE — One foot in height for each

fifty feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending until it intersects the horizontal zone, then extending horizontally until it reaches the periphery of the horizontal zone, then extending upward on a 50 to 1 slope to a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.

2. NONINSTRUMENT APPROACH ZONE — One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the noninstrument runway and extending to a point where it intersects the horizontal zone and continues horizontally until it reaches the periphery of the horizontal zone, then extending upward at a 40 to 1 slope to a point 10,200 feet from the end of the runway.

3. TRANSITION ZONE — One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 100 feet above the airport elevation which is 1,396 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edge of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

4. HORIZONTAL ZONE — One hundred (100) feet above the airport elevation or a height of 1,396 feet above mean sea level.

5. CONICAL ZONE — One (1) foot in height for each twenty (20) feet of horizontal distance at the periphery of the horizontal zone, extending to a height of 1,746 feet above the airport elevation.

Section 4. USE RESTRICTIONS Notwithstanding any other provisions of this Ordinance, no use may be made of land within any zone established by this Ordinance, in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

Section 5. NONCONFORMING USES (a) 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 the 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.

(b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Commission.

Section 6. 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 the 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 75 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 instrument and noninstrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument 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 75 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 Ordinance except as set forth in Section 3.

(b) Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or 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 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.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application 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 will do substantial justice and be in accordance with the spirit of this Ordinance.

(e) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Airport Commission 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.

Section 7. ENFORCEMENT It shall be the duty of the Zoning Administration to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him.

Passed and adopted this 6th day of October, 1970.

Approved this 6th day of October, 1970.

KENT M. FREEMAN

Mayor

L. E. LEARNED

Clerk-Treasurer

First Reading-September 1, 1970

Second Reading-October 6, 1970

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