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O.K.

AN ORDINANCE OF THE JOINT AIRPORT
ZONING BOARD, CITY OF WINONA AND
COUNTY OF WINONA, MINNESOTA

The Joint Airport Zoning Board, City of Winona and County of Winona, Minnesota, does ordain:

Whereas, the Joint Airport Zoning Board, created by the City Council of the City of Winona, Minnesota, and the Board of County Commissioners of the County of Winona, Minnesota, did on July 16, 1946, duly pass an ordinance for the purpose of promoting public health, safety, order, convenience, and general welfare to protect the lives and property of users of the City of Winona, Minnesota Municipal Airport and of owners and occupants of land in its vicinity, by adopting airport zoning regulations, said ordinance being adopted pursuant to Minnesota Laws for 1945, chapter 303, and after a public hearing and with the approval of the Commissioner of Aeronautics, and

Whereas, it appears said ordinance should now be amended, and

Whereas, a public hearing has been held pursuant to public notice required by Minnesota Statutes 360.065,

Now, Therefore, the Joint Airport Zoning Board, created by the City Council of the City of Winona, Minnesota, and the Board of County Commissioners of the County of Winona, Minnesota, does ordain:

Section 1. Definitions.

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

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 656 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.

"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 taxing 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 hereto.

"NON-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 any 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, without limitations, buildings, towers, smokestacks, and overhead transmission lines.

"TREE" means any object of natural growth.

"WATER SURFACES" for the purpose of this Ordinance shall have the same meaning as land for the establishment of protected zones.

"ZONING ADMINISTRATOR" means the City Manager or his duly authorized representative.

Article C. 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, Instrument Approach Zone, Non-instrument Approach Zone and Transitional Zone and whose locations and dimensions are as follows:

1. Primary Zone. A primary zone is 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 11-29
- b. 500 feet for runway 17-35.

2. Horizontal Zone. A horizontal zone is all that land which lies directly under an imaginary horizontal surface 100 feet above the established airport elevation, or a height of 756 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 11-29.
- b. 6,000 feet for runway 17-35.

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. A conical zone is 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.

4. Instrument Approach Zone. An instrument approach zone is all that land which lies directly under an imaginary instrument approach surface longitudinally centered on the extended centerline at each end of runway 11-29. The inner edge of the instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The 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-instrument Approach Zone. A non-instrument approach zone is all that land which lies directly under an imaginary non-instrument approach surface longitudinally centered on the extended centerline at each end of runway 17-35. The inner edge of the non-instrument approach surface is at the same width and elevation as, and coincides with, the primary surface. The non-instrument 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.

6. Transitional Zone. A. Transitional zone is 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 of 5,000 feet measured horizontally from the edge of the instrument approach surface and at right angles to the extended instrument runway centerline. B. Height Restrictions. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any airspace zone created in Paragraph A of Section 2 herein so as to project above any of

the imaginary airspace surfaces described in said paragraph. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

Section 3. 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 safety zone boundaries:

1. Safety Zone A. Safety Zone A is all that land in the approach zones of a runway which is located within a horizontal distance of 3,470 feet from each end of the primary zone for runway 11-29, and 2,000 feet from each end of the primary zone for runway 17-35.

2. Safety Zone B. Safety Zone B is all that land in the approach zones of a runway which is located within a horizontal distance of 5,200 feet from each end of the primary zone for runway 11-29, and 3,000 feet from each end of the primary zone for runway 17-35, and is not included in Zone A.

3. Safety Zone C. Safety Zone C is all that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.

B. Use Restrictions:

1. General. Subject at all times to the height restrictions set forth in Paragraph B of Section 2 herein, no use shall be made of any land in any of the safety zones defined in Paragraph A of Section 3 herein 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 or makes it difficult for pilots to distinguish between airport lights and other lights or results in glare in the eyes of pilots using the airport or 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 paragraph B of Section 2 herein and to the general restrictions contained

in paragraph 1 of paragraph B of Section 3 herein, areas designated as Zone A shall contain no buildings or temporary structures 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), cemeteries and auto parking.

3. Zone B. Subject at all times to the height restrictions set forth in paragraph B of Section 2 herein, and to the general restrictions contained in paragraph 1 of paragraph B of Section 3 herein, 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:

At least (Acres)	But Less Than (Acres)	Ratio of Site Area to 1st Floor Bldg. Area	1st Floor Max. Bldg. Area Pop. (sq. ft.)(15 persons per acre)
3		12.1	10,900
	4	12.1	
4		10.1	17,400
	6	10.1	
6		8.1	32,600
	10	8.1	
10		6.1	72,500
	20	6.1	
20	and up	4.1	213,000

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

4. Zone C. Zone C is subject only to the height restrictions set forth in paragraph B of Section 2 herein, and to the general restrictions contained in paragraph 1 of paragraph B of Section 3 herein.

Section 4. Airport Zoning Maps.

The several zones herein established are shown on the Winona Airport Zoning Map consisting of four sheets prepared by Robert Bollant, City Engineer, and dated ~~April 1, 1973~~^{March 27}, which map, together with such amendments thereto as may from time to time be made, and all notations, elevations, data, zone boundaries and other information thereon, shall be and the same is hereby adopted as part of this Ordinance. Said maps shall be and remain on file in the office of the Director of Utilities.

Section 5. Nonconforming Uses. 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 as of the first day of ~~August, 1966~~^{March 27, 1974}, or otherwise interfere with the continuance of any non-conforming 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 first day of ~~August, 1966~~^{March 27, 1974}.

Section 6. Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use his property not in accord with the regulations herein established may apply to the board of adjustment hereinafter established for a variance from the regulation in question. Such variance shall be allowed where 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 do substantial justice and be in accordance with the spirit of the regulations; provided, that any variance may be allowed subject to any reasonable condition that the board of adjustment may deem necessary to effectuate the purposes of these regulations.

Section 7. Permits.

A. Future Uses. Except as specifically provided in paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator as hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, 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. 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. 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 2.

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 nonconforming 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 30% 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 zoning regulations. Whether application is made

for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed or equipped and assess the cost and expense thereof against the land on which the structure is or was located, as a special assessment in the manner provided by Minnesota Statutes, Sections 429.061 and 429.031, but the assessment shall be payable in a single installment.

Section 8. Hazard Marking and Lighting.

A. Nonconforming Uses. 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 Zoning Administrator 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 City.

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 9. Airport Board of Adjustment.

1. An airport board of adjustment is hereby established. Such board shall consist of five citizens who are residents of the City of Winona, Minnesota or the County of Winona, Minnesota. Each member shall be appointed

by the joint airport zoning board created by the city council of the City of Winona, Minnesota and the board of county commissioners of the County of Winona, Minnesota and shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, two for a term of two years and two for a term of three years. Members shall be removable by said joint airport zoning board for cause after a public hearing. The City Clerk of the City of Winona, Minnesota, shall act as secretary to the board.

2. The airport 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 City Manager of the City of Winona, Minnesota in the enforcement of the airport zoning regulations.

(2) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which the board may be required to pass under such regulations.

(3) To hear and decide specific variances.

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 City Manager of the City of Winona, Minnesota or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

4. The board shall adopt rules in accordance with the provisions of these regulations. Meetings shall be held at the call of the chairman and at such other times as the board 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 shall be public. The board 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 examination and other official action, all of which shall immediately be filed in the office

of the City Clerk of the City of Winona, Minnesota and shall be a public record. The office of the City Clerk of the City of Winona, Minnesota shall be the office of the board. Upon their appointment the members of the board of adjustment shall select a chairman to act at the pleasure of the board.

Section 10. Zoning Administrator.

It shall be the duty of the Zoning Administrator 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. Permit applications shall be promptly considered and granted or denied by him. Variance applications shall be forthwith transmitted by the Zoning Administrator for action by the Board of Adjustment hereinafter provided for.

Section 11. Appeals and review.

Any person aggrieved or taxpayer affected by any decision of the Zoning Administrator of the City of Winona, Minnesota made in his administration of these regulations, or the City Council of the City of Winona, Minnesota, or the board of county commissioners of the County of Winona, Minnesota, or the joint airport zoning board created by the City Council of the City of Winona, Minnesota and the board of county commissioners of the County of Winona, Minnesota, when it is of the opinion that a decision of the Zoning Administrator is an improper application of airport zoning regulations of concern to the City Council of the City of Winona, Minnesota, or the board of county commissioners of the County of Winona, Minnesota, or the joint airport zoning board created by the City Council of the City of Winona, Minnesota and the board of county commissioners of the County of Winona, Minnesota, may appeal to the board of adjustment in accordance with state law. Any person aggrieved or taxpayer affected by any decision of the board of adjustment, or the City Council of the City of Winona, Minnesota, or the board of county commissioners of the County of Winona, Minnesota, or the joint airport zoning board created by the City Council of the City of Winona, Minnesota and the board of county commissioners of the County of Winona, Minnesota, when it is of the opinion that a decision of the board of adjustment is illegal

may secure judicial review of such decision in the manner provided by state law.

Section 12. Penalties.

A person who violates the provisions of these regulations or any ruling made thereunder shall be guilty of a misdemeanor.

Section 13. Conflicting Regulations.

Where the regulations in this ordinance impose a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provision of this ordinance shall govern.

Section 14. Severability.

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable."

Section 2. This ordinance shall take effect upon its passage and publication.

Passed at Winona, Minnesota, this _____ day of _____, 1974.

Chairman, Joint Airport Zoning Board

Attested by:

Secretary