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A RESOLUTION ADOPTING ZONING MAP  
AND REGULATING THE USE OF LAND AND  
THE HEIGHT OF STRUCTURES AND TREES  
WITHIN THE AIRPORT HAZARD AREA OF THE  
GLENCOE MUNICIPAL AIRPORT

THE JOINT AIRPORT ZONING BOARD CREATED BY THE JOINT ACTION OF THE CITY OF GLENCOE AND COUNTY OF MC LEOD PURSUANT TO THE PROVISIONS OF MINNESOTA STATUTES ANNOTATED, SECTION 360.063, DOES HEREBY ADOPT AIRPORT ZONING REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF MINNESOTA STATUTES ANNOTATED, SECTION 360.011 TO 360.075:

SECTION I. PURPOSE AND AUTHORITY

WHEREAS, the McLeod County Board of Commissioners and the City of Glencoe, acting on the recommendation of the Joint Airport Zoning Board, has found and declared that airport hazards endanger the lives and property of users of the Glencoe Municipal Airport and of the occupants of land in their vicinity, and also, if of the obstructive type, in effect would reduce the size of the areas available for landing, taking off, and maneuvering the aircraft, thus tending to destroy or impair the utility of the Glencoe Municipal Airport and the public investment therein,

ACCORDINGLY, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Glencoe Airport; (2) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and; (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

SECTION II. SHORT TITLE

The Ordinance shall be known and may be cited as the Glencoe Airport Zoning Ordinance.

SECTION III. DEFINITIONS

As used in this resolution and map, the following terms shall have the following meanings, unless the context otherwise requires:

A. "Airport" means the Glencoe Municipal Airport located in Helen Township, McLeod County, Minnesota.

B. "Airport Elevation" means the established elevation of the highest point on the usable landing area, which elevation is established to be 992 feet above mean sea level.

C. "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.

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

E. "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.

F. "Landing Area" means the area of the airport used for landing, taking off or taxiing of aircraft.

G. "Landing Strip" means any designated area or areas used for the landing and/or take-off of aircraft.

H. "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.

I. "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.

J. "Runway" means any paved surface specifically designated for the landing and/or take-off of aircraft.

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

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

M. "Tree" means any object of natural growth.

#### SECTION IV. AIRSPACE ZONING

A. AIRPORT REFERENCE SURFACES: In order to carry out the purposes of this ordinance, the following imaginary airport reference surfaces are hereby established: Primary Surface, Horizontal Surface, Conical Surface, Instrument Approach Surface, Approach Surface, and Transitional Surface; and whose locations, slopes and dimensions are as follows:

PRIMARY SURFACE: A 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 500 feet for all runways.

HORIZONTAL SURFACE: A horizontal plane 75 feet above the established airport elevation, or a height of 1067 feet above mean sea level, the perimeter of which is constructed by swinging arcs of 6000 feet 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. (When a 6000 foot arc is encompassed by tangents connecting two adjacent 6000 foot arcs, the 6000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

CONICAL SURFACE: A surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.

APPROACH SURFACE: A surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface. The approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 2500 feet at 10,000-foot distance and then continuing at the same rate of divergence to the periphery of the conical surface.

TRANSITIONAL SURFACE: A 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.

B. AIRSPACE ZONES: In order to carry out the provisions of this Ordinance, there are hereby created and established the following airspace zones: Primary Zone, Horizontal Zone, Conical Zone, Instrument Approach Zone, and Transitional Zone; and whose areas consist of all lands which lie directly under the correspondingly named airport reference surfaces described in Subsection A. hereof.

C. 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 zone created in Section IV. B. so as to project above any of the airport reference surfaces described in Section IV. A. hereof. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

#### SECTION V. LAND USE ZONING

A. LAND USE ZONES: In order to carry out the purposes of this Ordinance, there are hereby created and established the following land use zones:

ZONE A: All that land in the approach zones of a runway which is located within a horizontal distance of 2,600 feet from each end of the primary zone.

ZONE B: All that land in the approach zones of a runway which is located within a horizontal distance of 3,900 feet from each end of the primary zone and is not included in Zone A.

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.

B. LAND USE RESTRICTIONS:

(1) GENERAL: Subject at all times to the height restrictions set forth in Section IV, no use shall be made of any

land in any of the zones defined in Section IV. B. 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 Section IV and to the general restrictions contained in Subsection B-1, 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 (non-spectator), cemeteries and auto parking.

(3) ZONE B: Subject at all times to the height restrictions set forth in section IV, and to the general restrictions contained in Subsection B(1), land included in Zone B shall be used for the following purposes only:

1. For agricultural and residential purposes, provided there shall not be more than one single-family dwelling

per three (3) acre tract of land.

2. Any commercial or industrial use which meets the following minimum standards:

(a) 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.

(b) Each single commercial or industrial site shall be of a size not less than three acres.

(c) Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per three acre tract of land.

(d) 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 Bldg. Area (sq. ft.)	Max Site Population (15 persons/A)
3	4	12:1	10,900	45
		12:1		
4	6	10:1	17,400	60
		10:1		
6	10	8:1	32,600	90
		8:1		
10	20	6:1	72,500	150
		6:1		
20	20 and up	4:1	218,000	300

3. The following uses are specifically

prohibited in Zone B: Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semi-public assembly.

(4) ZONE C: Subject at all times to the height restrictions set forth in Section IV, and to the general restrictions contained in Subsection B(1), land included in Zone C may be used for any agricultural, residential, commercial, or industrial purpose, with the exception that dwellings are restricted to single-family dwellings constructed on not less than one and one-half (1 1/2) acre lots.

#### SECTION VI. AIRPORT ZONING MAP

The several zones herein established are shown on the Glencoe Airport Zoning Map consisting of two (2) sheets, prepared by Rieke, Carroll & Muller, and dated May 21, 1973, attached hereto and made a part hereof, which map, together with such admendments 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

Except as provided in Section IX, the provisions of Sections IV and V of this Ordinance shall not be construed to require the discontinuance, removal, lowering or other change or alteration of any use or structure not conforming to the provisions of this Ordinance as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use or structure. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two (2) years thereof.

#### SECTION VIII. VARIANCES

Any person desiring to erect, alter, or increase the height of any structure or otherwise use his property not in accordance with the provisions of this Ordinance may apply to the McLeod County Board of Commissioners for a variance therefrom. Such variance shall only be allowed when a literal application or enforcement of the provisions

of this Ordinance would result in practical difficulty or unnecessary hardships 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. In granting a variance, the McLeod County Board of Commissioners may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary to effectuate the purposes of this Ordinance.

#### SECTION IX. PERMITS

A. Future Uses. No material change shall be made in the use of the land, no use shall be made of land which has been previously unused, and no structure shall be erected, altered, moved or otherwise established in any of the zones provided in Section V, unless a permit therefore shall have been first applied for and granted. Each application shall indicate the purpose for which the permit is desired with sufficient particularity to allow a determination of whether the resulting use or structure would conform to the provisions of this Ordinance. If such determination is in the affirmative, the permit applied for shall be issued.

B. Existing uses. Before any existing use or structure may be replaced, substantially altered or repaired or rebuilt within any zone established in Section V, a permit must be secured authorizing such replacement, change or repair. No permit shall be issued which would allow the establishment or creation of an airport hazard or permit a non-conforming use or structure to be made higher, enlarged, intensified, or to become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for a permit is made.

#### SECTION X. HAZARDS, MARKING AND LIGHTING

Any permit issued, or variance granted, under Sections VIII and IX, may, if such action is deemed advisable to effectuate the purposes of this Ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the land or structure in question to permit the City of Glencoe, Minnesota, 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.

#### XI. AIRPORT ZONING ADMINISTRATOR

The Zoning Administrator or his agents for the County of McLeod, State of Minnesota, is hereby designated Airport Zoning Administrator and is charged with the duty of administering and enforcing the provisions of this Ordinance. The duties of the Airport Zoning Administrator shall include that of receiving applications for permits and granting or denying of such permits as provided in Section IX, but the Airport Zoning Administrator shall not have or exercise any of the powers or duties herein delegated to the McLeod County Board of Commissioners.

#### SECTION XII. BOARD OF ADJUSTMENT

A. Establishment. The Board of Adjustment, established pursuant to the McLeod County Zoning Ordinance, is hereby appointed the Board of Adjustment over this Glencoe Airport Zoning Ordinance.

B. Powers. The Board of Adjustment shall have and exercise the same powers as provided in Sections 8.3 through 8.3(7) of the McLeod County Zoning Ordinance.

C. Procedure. The Board of Adjustment shall adopt the same rules of procedure as provided in Sections 8.3 through 8.3(7) of the McLeod County Zoning Ordinance.

#### SECTION XIII. APPEALS

A. The Council of the City of Glencoe, the McLeod County Board of Commissioners or the Joint Airport Zoning Board, if of the opinion that a decision of the Airport Zoning Administrator or his agents is an improper application of the provisions of this Ordinance, and any person aggrieved, or taxpayer affected, by any decision of the Airport Zoning Administrator or his agents made in his administration of this Ordinance, may appeal to the Board of Adjustment.

B. All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the Board by filing with the Airport Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Airport Zoning

Administrator shall forthwith transmit to the Board 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 Airport Zoning Administrator certified to the Board, after the notice of appeal has been filed with him, 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 cases, the proceedings shall not be stayed otherwise than by order of the Board on notice to the Airport Zoning Administrator and on due cause shown.

D. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, and decide the same within a reasonable time.

E. The Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Airport Zoning Administrator.

F. The Board shall make written findings of fact, conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, or affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance. The office of the Board of Adjustment shall be in the office of the County Auditor of McLeod County. All decisions of the Board shall be filed in the office of the County Auditor and shall be served upon the appellant and the Airport Zoning Administrator.

G. The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision or determination of the Airport Zoning Administrator, or to decide in favor of the appellant or applicant on any matter upon which it is required to pass under this Ordinance, or to grant a variance as provided in this Ordinance.

#### SECTION XIV. JUDICIAL REVIEW

The Council of the City of Glencoe, the McLeod County Board of Commissioners or the Joint Airport Zoning Board, if of the opinion that a decision of the Board of Adjustment is illegal, and any person aggrieved or taxpayer affected by any decision of the Board of Adjustment, may secure a judicial review of such decision in the manner provided by Minnesota Statutes, Section 360.072.

#### SECTION XV. CONFLICTS

In the event of a conflict between the regulations of this Ordinance and any other regulations applicable to the same area whether adopted by Federal, State or local authorities, the more stringent limitation or regulation shall govern and prevail.

#### SECTION XVI. PENALTIES

Every person who violates the provisions of this Ordinance, or the provisions of any permit or variance granted under the provisions of this Ordinance, or who violates any ruling or order made thereunder, shall be guilty of a misdemeanor as provided in Minnesota Statutes, Section 360.073, shall be punished by a fine of not more than \$100 or imprisonment for not more than 90 days or both such fine and imprisonment, and each day violation continues to exist shall constitute a separate offense.

#### SECTION XVII. SEVERABILITY

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

SECTION XVIII. EFFECTIVE DATE

This Ordinance shall be published on September 27, 1973 in the Glencoe Enterprise, a legal newspaper in Glencoe, Minnesota, distributed in McLeod County, and shall take effect on the 4th day of October, 1973. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota and the Register of Deeds, McLeod County, Minnesota.

Passed and adopted after public hearing by the Joint Airport Zoning Board this 24th day of September, 1973.

JOINT AIRPORT ZONING BOARD

By *Karl Miller*  
Karl Miller - Chairman

By *Kenneth Butler*  
Kenneth Butler - Member

By *Melvin A. Sprengeler*  
Melvin A. Sprengeler - Member

By *Paul Wedin*  
Paul Wedin - Member

By *Russell B. Bacon*  
Russell B. Bacon - Member



STATE OF MINNESOTA

DEPARTMENT OF AERONAUTICS

ORDER APPROVING PROPOSED AIRPORT ZONING ORDINANCE  
OF THE JOINT AIRPORT ZONING BOARD  
OF THE CITY OF GLENCOE AND COUNTY OF McLEOD

Pursuant to the provisions of Minnesota Statutes 1971, Sections 360.061 to 360.074, as amended, known as the "Airport Zoning Act," the Joint Airport Zoning Board of the City of Glencoe and County of McLeod through Michael J. Gavin, City Attorney for Glencoe, on September 13, 1973, submitted to the Commissioner for his approval a proposed ordinance of the Joint Airport Zoning Board of the City of Glencoe and County of McLeod establishing zoning regulations for the Glencoe Municipal Airport, together with an airport zoning map showing the airport and the areas to be zoned as established by this ordinance.

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

September 15, 1973

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Lawrence E. McCabe  
Commissioner of Aeronautics

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 19 1973  
*William J. Cahill*  
Secretary of State