



Airport Safety Zoning Ordinance for the Le Sueur Municipal Airport (12Y)

Adopted March 18, 2014

Approved by the Joint Airport Zoning Board

*This ordinance amends and replaces Le Sueur Airport Zoning Ordinance
adopted January 1979.*



393152

203 South Second Street, Le Sueur, MN 56058

Phone (507)-665-6401 • Fax (507)-665-3813

STATE OF MINNESOTA

COUNTY OF LE SUEUR


CITY OF LE SUEUR

OFFICE OF CITY CLERK

CERTIFICATION

I, Monica Muchow, City Clerk of the City of Le Sueur, Minnesota, do hereby certify that I have compared the attached and foregoing document with the original thereof, now remaining of record in my office, and that the same is a true and exact copy of said original Airport Safety Zoning Ordinance for the Le Sueur Municipal Airport (12Y), passed, adopted and approved by the Joint Airport Zoning Board on the 18th day of March, 2014.

Witness my hand and seal of said City of Le Sueur, Minnesota, this 5th day of May, 2014.




Monica Muchow, City Clerk

Document No. 393152

Office of County Recorder
Le Sueur County, Minnesota

I hereby certify that the within instrument
was filed in this office for record on
May 14, 2014 9:00 AM
Sharon J. Budin, Recorder

Pages 24 

Well Cert Received
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SEAL
AFFIXED

(Seal)

STATE OF MINNESOTA

CITY OF LE SUEUR

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Monica Muchow, City Clerk



233095

*I hereby certify that this document was
filed in this office and duly recorded on*

May 16, 2014 10:00 AM

Kathy Dietz, Recorder by KD \$46.00

Well Certificate: Rec'd () Not Req'd

Abstract: Yes () No

Pages: 24

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Office of County Recorder/Registrar
SIBLEY COUNTY, MN



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RECORDER TECHNOLOGY FUND 20: \$10.00
STATE TREASURY GENERAL 21: \$10.50
GENERAL ABSTRACT 19: \$14.50

Return To:

LE SUEUR CITY OF
505 BORIGHT ST
LE SUEUR, MN 56058



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STATE OF MINNESOTA
COUNTY OF LE SUEUR

CITY OF LE SUEUR
OFFICE OF CITY CLERK

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Witness my hand and seal of said City of Le Sueur, Minnesota, this 5th day of May, 2014.



Monica Muchow, City Clerk

(Seal)



KATHRYN CONLON
County Recorder
Nicollet County, Minnesota 

Document No. 306924

Certified Recorded on 05-15-2014 at 10:00 AM

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TITLE AND INTRODUCTION

LE SUEUR MUNICIPAL AIRPORT ZONING ORDINANCE

LE SUEUR MUNICIPAL AIRPORT JOINT AIRPORT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE LE SUEUR MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE LE SUEUR MUNICIPAL AIRPORT ZONING EXHIBITS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE LE SUEUR MUNICIPAL AIRPORT JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES SECTION 360.061 THROUGH 360.074, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

The Le Sueur Municipal Airport Joint Airport Zoning Board, created and established by joint action of the City Council of the City of Le Sueur and the Board of Commissioners of Le Sueur County, Nicollet County and Sibley County and the Township Boards of Henderson, Ottawa and Sharon Township pursuant to the provisions and authority of Minnesota Statutes Section 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Le Sueur Municipal Airport, and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of said Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Le Sueur Municipal Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
- D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. 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.
- F. The Le Sueur Municipal Airport is an essential public facility that serves an important public transportation role and provides a public good.
- G. The City of Le Sueur Zoning Ordinance revised August, 2010, “regulat[es] the use of land... for the purpose of promoting the public health, safety and welfare of the citizens of Le Sueur.” The Le Sueur County Zoning Ordinance dated June 23, 2009 has the goal “to promote and protect the health, safety, morals and general welfare throughout Le Sueur County.” This ordinance will further the goal of the City’s and County’s Zoning Ordinances to protect the safety of the flying public and people and property on the ground near the Le Sueur Municipal Airport.

H. This Ordinance amends and replaces the Le Sueur Municipal Airport Zoning Ordinance dated January 3rd, 1979.

SECTION II: SHORT TITLE

This Ordinance shall be known as the “Le Sueur Municipal Airport Zoning Ordinance.” Those sections of land affected by this Ordinance are indicated in Exhibit “A”, which is attached to this Ordinance.

SECTION III: DEFINITIONS

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

“*AIRPORT*” means the Le Sueur Municipal Airport located in Sections 2 and 11 of Township 111, Range 26.

“*AIRPORT ELEVATION*” means the established elevation of the highest point on the usable landing area which elevation is established to be 868 feet above mean sea level.

“*AIRPORT HAZARD*” means any structure, tree, or use of land which obstructs the air space 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.

“*COMMISSIONER*” means the Commissioner of the Minnesota Department of Transportation.

“*CONFORMING USE*” means any structure, tree, or object of natural growth, or use of land that complies with all the applicable provisions of this Ordinance or any amendment to this ordinance.

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

“*ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA*” means an area which, if it existed on or before January 1, 1978 shall be considered a conforming use that shall not be prohibited.

“*HEIGHT*,” for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on Exhibit 1- Airspace Map , the datum shall be mean sea level elevation unless otherwise specified.

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

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

“*NONPRECISION INSTRUMENT RUNWAY*” means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

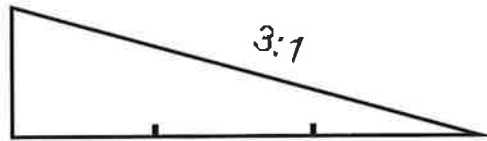
“OTHER THAN UTILITY RUNWAY” means a runway that is constructed for and intended to be used by jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or is 4,900 feet or more in length.

“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.

“PLANNED,” as used in this Ordinance, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics, and the City of Le Sueur.

RUNWAY” means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

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



Slope = 3:1 = 3 feet horizontal to 1 foot vertical

“STRUCTURE” means any permanent or temporary object constructed or installed by man, including but without limitations, buildings, towers, radio and television aerial and antennae, cranes, smokestacks, earth formations, overhead transmission lines, and any type of material storage and/or processing facility or site, whether enclosed or non-enclosed.

“TRAVERSE WAYS,” for the purpose of determining height limits as set forth in this Ordinance, shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

“TREE” means any object of natural growth.

“UTILITY RUNWAY” means a runway that is constructed for, and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less; and is less than 4,900 feet in length.

“VISUAL RUNWAY” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

“WATER SURFACES” for the purpose of this ordinance, shall have the same meaning as land for the establishment of protected zones.

SECTION IV: AIR SPACE OBSTRUCTION ZONING

A. AIR SPACE ZONES: In order to carry out the purpose of this Ordinance, as set forth above, the following air space zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone, and whose locations and dimensions are as follows:

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:
 - a. Extending 200 feet beyond each end of Runway 13-31.
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:
 - b. 500 feet for Runway 13-31.
2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,018 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 the arc is 10,000' feet for Runway 13-31.
3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal surface.
4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:
 - a. 40:1 for Runway 13-31.

The approach surface expands uniformly to a width of:
 - a. 3,500 feet for Runway 13-31 at a distance of 10,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.

5. **TRANSITIONAL ZONE:** All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 7:1 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 precision 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 precision instrument approach surface and at right angles to the extended precision 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 air space zone created in SECTION IV A so as to project above any of the imaginary air space surfaces described in said SECTION IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

C. **BOUNDARY LIMITATIONS:** The air space obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

SECTION V: LAND USE SAFETY ZONING

A. **SAFETY ZONE BOUNDARIES:** In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Le Sueur Municipal Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

1. **SAFETY ZONE A:** All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned and existing length of the runway, which distance shall be:
 - a. 2,000 feet for Runway 13-31 at a length of 3,000 feet, and
 - b. 2,133 feet for Runway 13-31 at a length of 3,200 feet.

2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned and existing length of the runway, which distance shall be
 - a. 1,000 feet for Runway 13-31 at a length of 3,000 feet, and
 - b. 1,067 feet for Runway 13-31 at a length of 3,200 feet.
3. SAFETY ZONE A1: All land in that portion of the approach which coincides with the limits of Safety Zones A and B.
4. SAFETY ZONE C: All land which is enclosed within the perimeter of the horizontal zone, as defined in SUBSECTION IV A hereof, and which is not included in Safety Zone A or Safety Zone B.
5. EXCEPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS:
There are no areas designated as Established Residential Neighborhoods in Built up Urban Areas based upon the status of development existing on January 1, 1978.

B. USE RESTRICTIONS:

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

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

- a. Each use shall be on a site whose area shall not be less than three acres.
- b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.
- d. A building plot shall be a single, uniform, and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area		Ratio of Building Site Area to Bldg. Plot Area	Max. Site Plot Area (sq. ft.)	Population (15 persons/acre)
At least (acres)	But Less Than (acres)			
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	and up	4:1	218,000	300

- e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

4. ZONE A1: No use shall be made of any land in Zone A1 which involves or includes the commercial storage or distribution of animal feeds other than dry hay or dry grass or similar feedstocks not attractive to birds; or the commercial storage or accumulation of animal or food wastes or byproducts. The application of animal waste to agricultural land shall not be prohibited so long as it is immediately injected or otherwise incorporated into the soil.

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

6. EXEMPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS

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

C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

D. BOUNDARY ASSURANCES: A certified survey prepared by a licensed land surveyor shall be required to be submitted with a building permit application for properties that are entirely or partially contained within Land Use Safety Zones A and B, unless the Airport Zoning Administrator determines the proposed building site is clearly outside said Safety Zones. For any location within the air space jurisdiction of this ordinance, the Airport Zoning Administrator may require a survey that shows the elevation of a proposed structure will conform to the air space requirements of this ordinance.

SECTION VI: AIRPORT MAP

The several zones herein established are shown in Exhibit 1 – Airspace Map and Exhibit 2 - Land Use Safety Zones Map, Exhibit 2.1 Land Use Zone Map – Runway Approaches and have been prepared by Bolton and Menk, Inc., and dated 3/18/2014. Said exhibits are attached hereto and made a part hereof, which together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SECTION VII: NONCONFORMING USES

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

SECTION VIII: PERMITS

- A. **FUTURE USES:** Except as specifically provided in Paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Airport Zoning Administrator, 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.
1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this ordinance as set forth in SECTION IV and the land use limitations set forth in SECTION V.
 3. If required to file notice under §77.9, a completed FAA Form 7460-1, Notice of Alteration, as may be amended, must be submitted to the FAA. The Airport Zoning Administrator shall not issue a zoning or building permit for said land use unless or until the findings of the 7460-1 identify that the proposed use does not have a negative impact on the existing or planned airport as identified in the Airport Layout Plan.
- 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 Airport Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, 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.

Whether application is made for a permit under this paragraph or not, the Airport 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 Airport 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. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION IX: VARIANCES

Any person desiring to erect or increase the height of any structure, 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, hereinafter provided for, for a variance from such regulations. If the Board of Adjustment fails to grant or deny the variance within 60 days after the Airport Zoning Administrator receives the application by certified mail, or as provided for within Minnesota State Statutes 15.99, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by certified mail, that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective sixty days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. 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 relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Ordinance.

If the variance request relates to an unincorporated area of Sibley, Nicollet or Le Sueur County, the applicable zoning administrator shall forward the request to the Airport Zoning Administrator. The Airport Zoning Administrator shall forward the request to the Minnesota Department of Transportation

Office of Aeronautics for review and comment prior to consideration of the request by the Board of Adjustment.

SECTION X: 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 Airport 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 Le Sueur Municipal Airport.
- B. **PERMITS AND VARIANCES:** Any permit or variance deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, and granted by the Airport Zoning Administrator or Board, shall require the owner of the structure or tree in question, at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the City of Le Sueur, Nicollet County, Sibley County and Le Sueur County to forward any request made within their respective jurisdiction to the Airport Zoning Administrator.

The City Council shall appoint the Airport Zoning Administrator to consider any permit, variance or appeal made to this Airport Zoning Ordinance. The Airport Zoning Administrator, in consultation with the Minnesota Department of Transportation Office of Aeronautics, will review variance applications and appeals and shall provide comment prior to consideration of the request by the Board of Adjustment.

The Airport Zoning Administrator shall enforce the regulations prescribed herein. Applications for permits, variances, and appeals shall be made to the Airport Zoning Administrator upon a form furnished by them. Upon request by the Airport Zoning Administrator and necessary by federal law, applicants must also complete a 7460 Obstruction Evaluation. Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein or as provided for within Minnesota State Statutes 15.99. Variance applications shall be forthwith transmitted by the Airport Zoning Administrator for action by the Board of Adjustment, hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. ESTABLISHMENT: The Board of Adjustment for the Airport Zoning Ordinance shall be comprised of non-elected (i.e. not elected in any capacity), appointed persons identified by the City of Le Sueur City Council (2 appointments) and the Le Sueur County, Sibley County and Nicollet County Board of Commissioners (1 appointment each) for a term of three years at their individual government's annual organization meeting. One of the City of Le Sueur's appointments shall serve as Chair of the Board of Adjustment and shall be appointed at the City's annual organization meeting.
- B. POWERS: The Board of Adjustment shall have and exercise the following powers:
1. Hear and decide appeals from any order, requirement, decision, or determination made by the administrator in the enforcement of this Ordinance.
 2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
 3. Hear and decide specific variances.
- C. PROCEDURES:
1. A request for a variance or an appeal to the Airport Zoning Administrator's ruling shall be filed with the Airport Zoning Administrator. The Airport Zoning Administrator shall forward the request to the Minnesota Department of Transportation Office of Aeronautics for review and comment prior to consideration of the request by the Board of Adjustment.
 2. Rules governing the Board of Adjustment shall be consistent with those established by City of Le Sueur's Board of Adjustment and the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Airport Zoning Administrator or chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Airport Zoning Administrator, City of Le Sueur Zoning Administrator, applicable County Zoning Administrator, (if variance or appeal is within the unincorporated area), and the County Recorder's Office and shall be a public record.
 3. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or

modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

4. 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 Airport Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decision of the Airport Zoning Administrator made in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Airport Zoning Administrator is an improper application of this Ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be commenced within 30 days of the Airport Zoning Administrator's decision, by filing with the Airport Zoning Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Airport Zoning Administrator made in his administration of this Ordinance who desires to appeal such decision shall submit an application for a variance, by certified mail, to the Airport Zoning Administrator in the manner set forth in Minnesota Statutes Section 360.068, Subdivision 2.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Airport Zoning Administrator and on due cause shown.

- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
- E. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Airport Zoning Administrator.

SECTION XIV: JUDICIAL REVIEW

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

SECTION XV: PENALTIES

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

SECTION XVI: CONFLICTS

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

SECTION XVII: SEVERABILITY

- A. In any case in which the provision of this Ordinance, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

- B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVIII: EFFECTIVE DATE

This ordinance shall take effect on the 12th day of April, 2014. Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota, and the County Recorder's Office of, Le Sueur County, Sibley County and Nicollet County, Minnesota.

Passed and adopted after public hearing by the Le Sueur Municipal Airport Joint Airport Zoning Board this 18th day of March, 2014.

EXHIBIT A

LE SUEUR MUNICIPAL AIRPORT ZONING ORDINANCE

This Ordinance affects all or a portion of the following sections of land:

NAME AND NUMBER OF TOWNSHIP	AIR SPACE OBSTRUCTION ZONING: <u>Section 4 of Ordinance:</u> Exhibit 2 - Air Space Map Exhibit 2.1 Air Space Map – Runway Approach	LAND USE SAFETY ZONING: <u>Section 5 of Ordinance:</u> Exhibit 1 - Land Use Safety Zones Map
Henderson Township T 112 N R26W	Sections: 23, 25, 26, 27, 28, 32, 33, 34, 35	Sections: 26, 33, 34, 35,
Ottawa Township T111N and T112N R26W	Sections: T111 - 35, 36, T112 - 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26	Sections: T111 - 35, 36, T112 - 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24
Tyrone Township T112N R25W	Sections: 30, 31, 32	Sections: 31
Sharon Township T111N R25W	Sections: 5, 6, 7, 8, 17, 18, 19, 20	Sections: 6, 7, 18
Lake Prairie Township T111N R26W	Sections: 2, 3, 4, 5, 8, 9, 10, 15, 16, 21, 22	Sections: 2, 3, 4, 9, 10, 15, 16