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ZONING ORDINANCE
NO. 68
LITTLEFORK MUNICIPAL AIRPORT

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LITTLEFORK MUNICIPAL AIRPORT

ZONING ORDINANCE

CREATED BY THE

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

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

SECTION I: PURPOSE AND AUTHORITY

The Littlefork Municipal Airport Zoning Board, created and established by action of the common council of the City of Littlefork pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Littlefork 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 the Littlefork Municipal 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 Littlefork 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.

SECTION II: SHORT TITLE

This ordinance shall be known as "Littlefork Municipal Airport Zoning Ordinance." Those sections of land affected by this ordinance are indicated in "Exhibit A" which is attached to this Ordinance.

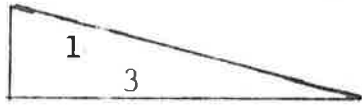
SECTION III: DEFINITIONS

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

- "AIRPORT" means the Littlefork Municipal Airport located in the North one half of the Southeast Quarter (N¹-SE¹/₄) and the Southwest Quarter of the Southeast Quarter (SW¹/₄-SE¹/₄) of Section Five (5), Township Sixty-eight (68) North and Range Twenty-five (25) West of the 4th. Principal Meridian.
- "AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,132.00 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.
- "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 use of land 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.
- "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, the Department of Aeronautics, and City of Littlefork.

"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 include from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



slope = 3:1 = 3 Ft.
horizontal to 1 Ft. vertical

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

"TRAVERSE WAYS" for the purpose of determining height limits as set forth in this Ordinance shall be increased in height by Seventeen (17) feet for interstate highways; Fifteen (15) Feet for all other public roadways; Ten (10) Feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; Twenty-three (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.

"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: AIRSPACE OBSTRUCTION ZONING

A. AIRSPACE ZONES: In order to carry out the purpose of Ordinance, as set forth above, the following airspace 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 Two hundred (200') feet beyond each end of the East - West 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:

- b. Five hundred feet (500') for the East - West runway.

2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface one hundred fifty (150') above the established airport elevation or a height of 1,132.00 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. 6,000 feet for the East - West runway

When a 6,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 6,000 foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially 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 East - West runway

- b. The approach surface expands uniformly to a width of 3,500 feet

at a distance of ten thousand feet (10,000) 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 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. 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 Subsection IV A so as to project above any of the imaginary airspace surfaces described in said Subsection IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
- C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size and use of buildings and the density of population in that portion of any airport hazard area under the approach zones for a distance not exceeding two miles from the airport boundary and by height restriction zoning for a distance not to exceed one and one-half 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 and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Littlefork Municipal Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as 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 Subsection IV A hereof, which extends outward from the end of primary surface a distance equal to two-third of the planned length of the runway, which distance shall be:
 - a. 1,667 Feet for the East-West runway.
 2. Safety Zone B: All land in that portion of the approach zones of a runway as defined in Subsection IV A hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:
 - a. 833 Feet for the East-West runway.

Site Area at least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (Sq. Ft.)	Max. Site Population (15 Persons/A)
3	4	12:1 12:1	10,000	45
4	6	10:1 10:1	17,400	60
6	10	8:1 8:1	32,700	90
10	20	6:1 6:1	72,600	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, and motels, trailer courts, camp grounds, and other places of frequent public or semi-public assembly.

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

C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not to exceed two (2) miles from the airport boundary and in other portions of an airport hazard area not to exceed one (1) mile from the airport boundary.

SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Littlefork Municipal Airport Zoning Map consisting of Three (3) sheets, prepared by Howard A. Kusisto, P. E., and dated October 12, 1978, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be 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 (2) 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 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 or 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 limit prescribed for the respective zone.
 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limitations established by this Ordinance as set forth in Section IV.
- B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a 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 80% torn down, physically deteriorated, or decayed no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the 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

The Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

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

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county or airport zoning board which is of the opinion that a decision of the zoning administrator is an improper application of this ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be commenced within Thirty (30) days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his administration of this ordinance who desires to appeal such decision shall submit a notice of appeal by certified mail to the members of the Board of Adjustment in the matter set forth in Minnesota Statute 360.067, subd. 2.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown

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, are 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 be published on the 18th day of January, 1979 in the LITTLEFORK TIMES, an official newspaper in the City of Littlefork, Minnesota and shall take effect on the 18th day of January, 1979. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota, and the Register of Deeds, Koochiching County, Minnesota.

Passed and adopted after public hearing by the Littlefork City Council this 11th day of January, 1979.


/s/Charles Spoden
Mayor

Attest: 
Dale L. Peterson
City Clerk-Adm-Treasurer

CLERK'S CERTIFICATION

The undersigned duly qualified and acting Clerk of the City of Littlefork does hereby certify that the foregoing city ordinance is a true and correct copy of ordinance number sixty-eight (68) adopted at a legally convened meeting of the City Council duly held on the 11th day of January, 1979, and further that such resolution has been recorded in the official ordinance book and recorded in my office.

S E A L

S E A L

In Witness Whereof, I have hereunto set my hand and official seal of the City this 2nd day of February, 1979.

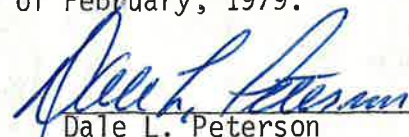

Dale L. Peterson
City Clerk-Adm-Treasurer

EXHIBIT A

Littlefork Municipal AIRPORT

ZONING ORDINANCE

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

NAME AND NUMBER OF TOWNSHIP	AIRSPACE OBSTRUCTION ZONING Section IV of Ordinance Pages <u>1</u> of Zoning Map.	LAND USE SAFETY ZONING Section V of Ordinance Page <u>3</u> of Zoning Map.
<p><u>Unorganized</u></p> <p>Township T 69 N R 25 W</p>	<p>Sections: ²⁸2, 8 29, 30, 31 32, 33, and 34</p>	<p>Sections: 31, 32, and 33</p>
<p><u>Jameson</u></p> <p>Township T 68 N R 25 W</p>	<p>Sections: 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18</p>	<p>Sections: 4, 5, 6, 7, 8, 9</p>
<p><u>Reedy</u></p> <p>Township T 69 N R 26 W</p>	<p>Sections: 36</p>	<p>Sections:</p>
<p><u>Meadowbrook</u></p> <p>Township T 68 N R 26 W</p>	<p>Sections: 1 and 12</p>	<p>Sections:</p>
<p>Township T N R W</p>		

28 = this is typewriter & was corrected per print of draft of 3-1-79 and Dale Peterson's letter of 3-5-79

NEW

CLERK'S CERTIFICATION

The undersigned duly qualified and acting Clerk of the City of Littlefork does hereby certify that the Zoning Ordinance for the Littlefork Municipal Airport was duly recorded in the Office of the Koochiching County Recorder at the date and time so indicated on this document.

In Witness Whereof, I have hereunto set my hand and official seal of the City this 2nd day of February, 1979.

Dale L. Peterson

Dale L. Peterson
City Clerk-Adm-Treasurer

S E A L

ZONING ORDINANCE

NO. 68

LITTLEFORK MUNICIPAL AIRPORT

OFFICE OF COUNTY RECORDER
County of Koochiching, Minn.

I hereby Certify that the within instrument was Filed In this office for Record on the 30th day of January A.D., 1979 at 10:30 o'clock A.M., and was duly Recorded on Microfilm

No. 159966

James E. Palm

County Recorder

By _____ Deputy