

STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION

ORDER APPROVING PROPOSED ORDINANCE  
OF THE  
FERGUS FALLS JOINT AIRPORT ZONING BOARD

Pursuant to the provisions of Minnesota Statutes 1975, Section 360.061 to 360.076, as amended, known as the "Airport Zoning Act," the Fergus Falls Joint Airport Zoning Board, through Chairman Lee Rogness, on April 12, 1991, submitted to the Commissioner for his approval a proposed ordinance establishing zoning regulations for the Fergus Falls Municipal Airport, together with an airport zoning map showing the airport and the area to be zoned as established by the ordinance.

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

Commissioner's Order Number 457, Docket Number 303, issued on September 2, 1977, approving a proposed zoning ordinance for the Fergus Falls Municipal Airport is hereby revoked.



Raymond J Rought  
Director, Office of Aeronautics

May 1, 1991

FERGUS FALLS MUNICIPAL AIRPORT  
ZONING ORDINANCE

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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 Fergus Falls municipal Airport, and property or occupants of land in its vicinity, and also if of the obstructive type, if 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 Fergus Falls 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 Fergus Falls 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

"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.

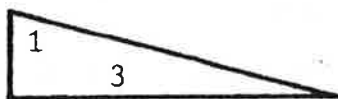
"PERSON" means an individual, firm, partnership, corporation, company, association joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"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 office of Aeronautics, and the City of Fergus Falls.

"PRECISION INSTRUMENT RUNWAY" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

"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 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.

"SUBSTANTIALLY ALTERED" means an addition to the footprint of the structure, an addition to the height of the structure or a change in the usage of the structure.

"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

perimeter of which is constructed by swinging arcs of specified radius from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- a. 10,000 feet for Runway 13-31.
- b. 6,000 feet for 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: 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.

expanding uniformly to an ultimate width of 16,000 feet.

6. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending ward 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. 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 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.

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 of:
  - a. 5,000 feet for Runway 13 - 31.
  - b. 7,300 feet for Runway 17-35.
3. SAFETY ZONE C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subsection IV A hereof, 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 Subsection IV B, no use shall be made of any land in any of the safety zones defined in Subsection V A which creates or causes interference with the operation 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.



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 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)
5	-	10:1	21,800	75
-	6	8:1	-	-
6	-	8:1	32,600	90
-	10	8:1	-	-
10	-	6:1	72,500	150
-	20	6:1	-	-
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 public or semipublic 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

## SECTION VIII: CERTIFICATES OF COMPLIANCE

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 certificate of compliance (hereinafter "permit") therefore shall have been applied for and granted by the Airport Zoning Compliance Administrator. 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 Certificate of Compliance 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 exceed the height limit prescribed for the respective zone.
2. Nothing contained in this foregoing exception shall be construed as permitting or intending to

Airport Zoning Compliance 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 within 30 days after receipt of written notice of such order, the Airport Zoning Compliance 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. All permit applications for the replacement of a destroyed nonconforming structure or tree shall be granted provided that the replacement of the structure or tree is of no greater hazard to air navigation, nor occupies a greater area than it did on the effective date of this Ordinance.

and the Commissioner of Transportation may deem necessary to effectuate the purposes of this Ordinance.

#### 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 Compliance 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 of Fergus Falls.

B. PERMITS AND VARIANCES: Any permit or variance granted by the Airport Zoning Compliance 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 XI: AIRPORT ZONING COMPLIANCE ADMINISTRATOR

It shall be the duty of the Fergus Falls City Engineer to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the governmental entity

1. To hear and decide appeals from any order, requirement, decision or determination made by the Airport Zoning Compliance Administrator in the enforcement of this Ordinance.
2. To 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. To hear and decide specific variances.

C. PROCEDURES:

1. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his or her absence the acting chairman, 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

Compliance 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 Compliance Administrator's decision, by filing with the Airport Zoning Compliance Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Compliance 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 Compliance Administrator made in his or her administration of this Ordinance who desires to appeal such decision shall submit an application for a variance by certified mail to the members of the Board of Adjustment in the matter set forth in Minnesota Statute 360.068, Subdivision 2.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Compliance Administrator certified 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 or her opinion, cause imminent peril to life or property. In such case,

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 . (At the effective date of this Ordinance a misdemeanor was punishable by a fine of not more than \$700.00 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 Zoning Compliance Administrator may enforce all provisions of this Ordinance through such proceedings for injunctive relief and other relief as may be proper under the laws of Minn. Stat. 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



Fergus Falls, Minnesota, and shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota, and the Register of Deeds, Otter Tail County, Minnesota.

Passed and adopted after public hearing by the Fergus Falls Joint Airport Zoning Board this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

~~\_\_\_\_\_ Chairman  
\_\_\_\_\_ Member  
\_\_\_\_\_ Member  
\_\_\_\_\_ Member  
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\_\_\_\_\_ Member~~



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Doug Dahlen, Aastad Township

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David Jensen, Aastad Township

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David Johnson, Otter Tail County

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Gerald Rufer, Otter Tail County

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B. K. Soby, City of Fergus Falls

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Steven Rufer, City of Fergus Falls