

**AFFIDAVIT OF TRUE COPY**

Granite Falls Airport Zoning Ordinance

I, Joan Taylor, being first duly sworn, deposes and states that the attached document is a true and correct copy of the original passed by the Joint Airport Zoning Board on the 4<sup>th</sup> day of January, 2012 and that I further certify that the notary and County Recorded information from Yellow Medicine County and Chippewa County are true copies of originals.

Subscribed and sworn to before me

Joan M. Taylor  
(Joan Taylor)

this 27 day of February, 2012.

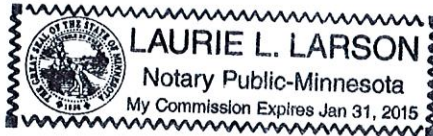
Attest by Notary:

The foregoing instrument was acknowledged before me this

27 day of February, 2012,

by Laurie L. Larson

Notary Public





IND.	<input checked="" type="checkbox"/>
MARG.	<input checked="" type="checkbox"/>
SCAN	<input checked="" type="checkbox"/>
TRACTED	<input checked="" type="checkbox"/>

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CHIPPEWA COUNTY, MINNESOTA

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56241

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Property & Public Services  
Property Records Division  
Yellow Medicine County, Minnesota

I hereby certify that the within instrument  
was filed on January 24, 2012 at 9:55 AM

Janel Timm, Yellow Medicine County Recorder

By Debra Bleaf Deputy

## BOLTON & MENK, INC.

Consulting Engineers & Surveyors

### Airport Safety Zoning Ordinance for the Granite Falls Municipal Airport

Adoption Date – January 4<sup>th</sup>, 2012

Approved by the Joint Airport Zoning Board

This ordinance amends and replaces Granite Falls Airport Zoning Ordinance  
adopted June, 1996.





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30 **TITLE AND INTRODUCTION**

31  
32 GRANITE FALLS MUNICIPAL AIRPORT ZONING ORDINANCE

33 GRANITE FALLS MUNICIPAL AIRPORT JOINT AIRPORT ZONING BOARD

34  
35 AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND  
36 OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY,  
37 IN THE VICINITY OF THE GRANITE FALLS MUNICIPAL AIRPORT BY CREATING THE  
38 APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR  
39 CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING  
40 CERTAIN TERMS USED HEREIN; REFERRING TO THE GRANITE FALLS MUNICIPAL  
41 AIRPORT ZONING EXHIBITS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS  
42 ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF  
43 ADJUSTMENT; AND IMPOSING PENALTIES.

44  
45 IT IS HEREBY ORDAINED BY THE GRANITE FALLS MUNICIPAL AIRPORT JOINT AIRPORT  
46 ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES  
47 SECTION 360.061 THROUGH 360.074, AS FOLLOWS:

49 **SECTION I: PURPOSE AND AUTHORITY**

50 The Granite Falls Municipal Airport Joint Airport Zoning Board, created and established by joint action  
51 of the City Council of the City of Granite Falls, the Board of Commissioners of Yellow Medicine County,  
52 and the Town Board of Minnesota Falls pursuant to the provisions and authority of Minnesota Statutes  
53 Section 360.063, hereby finds and declares that:

- 54 A. An airport hazard endangers the lives and property of users of the Granite Falls Municipal Airport,  
55 and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces  
56 the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to  
57 destroy or impair the utility of said Airport and the public investment therein.
- 58 B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region  
59 served by the Granite Falls Municipal Airport.
- 60 C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare,  
61 and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or  
62 establishment of airport hazards.
- 63 D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by  
64 the exercise of the police power without compensation.
- 65 E. The prevention of the creation or establishment of airport hazards, and the elimination, removal,  
66 alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for  
67 which political subdivisions may raise and expend public funds.
- 68 F. The Granite Falls Municipal Airport is an essential public facility that serves an important public  
69 transportation role and provides a public good.
- 70 H. The Transportation section of Chapter 6: Vision Statements, Goals, Objectives and Strategies of the  
71 Yellow Medicine County Comprehensive Plan, April 2006 states in Objective 3 that “The County  
72 needs to work in partnership with cities, townships, the Upper Sioux Community, regional counties  
73 and cities, the Area Transportation Partnership and Minnesota Department of Transportation  
74 (Mn/DOT) to provide a transportation system and road network that moves people and products  
75 economically.” The plan identifies a strategy of “Work[ing] to ensure that the transportation system  
76 and road network encourages employment and growth and opportunities throughout the entire  
77 County” (Strategy 3). The airport zoning process is a cooperative effort in part by the City of  
78 Granite Falls and Yellow Medicine County and Minnesota Falls Township to allow for growth and  
79 opportunities within the region; as such, the goals of the County are advanced.
- 80 I. This Ordinance amends and replaces the Granite Falls Municipal Airport Zoning Ordinance dated  
81 June 1<sup>st</sup>, 1996.

82



83 **SECTION II: SHORT TITLE**

84 This Ordinance shall be known as the “Airport Safety Zoning Ordinance for the Granite Falls Municipal  
85 Airport.” Those sections of land affected by this Ordinance are indicated in Exhibit “A”, which is  
86 attached to this Ordinance.

87

88 **SECTION III: DEFINITIONS**

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

90 “*AIRPORT*” means the Granite Falls Municipal Airport located in Section 21, Township 115, Range 39.

91 “*AIRPORT ELEVATION*” means the established elevation of the highest point on the usable landing area.

92 The elevation is established to be 1,047 feet above mean sea level while Runway 15-33 is in commission.

93 At a point when Runway 16-34 is constructed and Runway 15-33 is decommissioned, the airport

94 elevation shall be 1,050’ above mean sea level.

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

96 or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of

97 land which is hazardous to persons or property because of its proximity to the airport.

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

99 “*CONFORMING USE*” means any structure, tree, or object of natural growth, or use of land that

100 complies with all the applicable provisions of this Ordinance or any amendment to this ordinance.

101 “*DWELLING*” means any building or portion thereof designed or used as a residence or sleeping place of

102 one or more persons.

103 “*ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA*” (ERN - BUUA)

104 means an area which, if it existed on or before January 1, 1978 shall be considered a conforming use that

105 shall not be prohibited.

106 “*HEIGHT*,” for the purpose of determining the height limits in all zones set forth in this Ordinance and

107 shown on the exhibits, the datum shall be mean sea level elevation unless otherwise specified.

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

109 “*LOW DENSITY RESIDENTIAL STRUCTURE*” means a single-family or two-family home.

110 “*LOW DENSITY RESIDENTIAL LOT*” means a single lot located in an area which is zoned for single-

111 family or two-family residences and in which the predominant land use is such type of residences.

112 “*NONCONFORMING USE*” means any pre-existing structure, tree, natural growth, or land use which is

113 inconsistent with the provisions of this Ordinance or an amendment hereto.

114 “*NONPRECISION INSTRUMENT RUNWAY*” means a runway having an existing or planned straight-in

115 instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for

116 which no precision approach facilities are planned or indicated on an approved planning document.



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

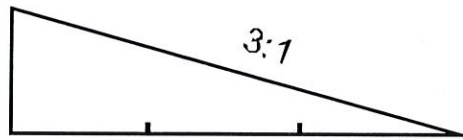
120 “PERSON” means an individual, firm, partnership, corporation, company, association, joint stock  
121 association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian,  
122 or other representative.

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

126 “PRECISION INSTRUMENT RUNWAY” means a runway having an existing instrument approach  
127 procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a  
128 Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system  
129 capable of operating to the same level of precision guidance provided by the other included systems.  
130 Also, a runway for which a precision instrument approach system is planned and is so indicated on an  
131 approved planning document.

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

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



136  
137 Slope = 3:1 = 3 feet horizontal to 1 foot vertical

138 “STRUCTURE” means an object constructed or installed by man, including, but without limitations,  
139 buildings, towers, smokestacks, earth formations, and overhead transmission lines.

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

145 “TREE” means any object of natural growth.

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

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

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

153

154 **SECTION IV: AIR SPACE OBSTRUCTION ZONING**

155 A. AIR SPACE ZONES: In order to carry out the purpose of this Ordinance, as set forth above, the  
156 following air space zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone,  
157 Approach Zone, Precision Instrument Approach Zone, and Transitional Zone. The locations and  
158 dimensions of these air space zones are as follows and as displayed in Exhibits B1, B2, and B3,  
159 except as provided for in Section XVII-C, at which time Exhibits C1, C2, and C3 shall illustrate the  
160 locations and dimensions of air space:

161 1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface  
162 longitudinally centered on a runway and:

163 a. Extending 200 feet beyond each end of Runway 15-33 until the runway is  
164 decommissioned. At that point, there shall be no primary zone for Runway 15-33.

165 b. Extending 200 feet beyond each end of Runway 16-34.

166 c. Coinciding with each end of Runway 8-26.

167 The elevation of any point on the primary surface is the same as the elevation of the nearest  
168 point on the runway centerline.

169 The width of the primary surface is:

170 d. 1,000 feet for Runway 16-34.

171 e. 500 feet for Runway 15-33 until the runway is decommissioned. At that point, there  
172 shall be no primary zone for Runway 15-33.

173 f. 250 feet for Runway 8-26.

174 2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal  
175 surface 150 feet above the established airport elevation or a height of 1,197 feet above mean  
176 sea level, the perimeter of the Horizontal Zone is constructed by swinging arcs of 10,000 feet  
177 from the center of each end of the primary surface of Runway 16-34 and Runway 15-33 and  
178 connecting the adjacent arcs by lines tangent to those arcs. At a point when Runway 15-33 is  
179 decommissioned, there shall be no 10,000 foot arc associated with Runway 15-33 and the  
180 height of the horizontal zone associated with Runway 16-34 shall be 1,200 feet above mean  
181 sea level.



- 182 3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface  
183 extending upward and outward from the periphery of the horizontal surface at a slope of 20:1  
184 for a horizontal distance of 4,000 feet as measured outward from the periphery of the  
185 horizontal surface.
- 186 4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface  
187 longitudinally centered on the extended centerline at each end of a runway. The inner edge of  
188 the approach surface is at the same width and elevation as, and coincides with, the end of the  
189 primary surface. The approach surface inclines upward and outward at a slope of:
- 190 a. 34:1 for Runway 15-33 until the runway is decommissioned. At that point, there shall  
191 be no approach zone for Runway 15-33.
- 192 b. 20:1 for Runway 8-26.
- 193 The approach surface expands uniformly to a width of:
- 194 c. 3,500 feet for Runway 15-33 at a distance of 10,000 feet, then continues at the same  
195 rate of divergence to the periphery of the conical surface until the runway is  
196 decommissioned. At that point, there shall be no approach surface for Runway 15-33.
- 197 d. 1,250 feet for Runway 8-26 at a distance of 5,000 feet, then continues at the same rate  
198 of divergence to the periphery of the conical surface.
- 199 5. PRECISION INSTRUMENT APPROACH ZONE: All that land which lies directly under an  
200 imaginary precision instrument approach surface longitudinally centered on the extended  
201 centerline at each end of Runway 16-34, a precision instrument runway. The inner edge of the  
202 precision instrument approach surface is at the same width and elevation as, and coincides  
203 with, the end of the primary surface. The precision instrument approach surface inclines  
204 upward and outward at a slope of 50:1 for a horizontal distance of 10,000 feet expanding  
205 uniformly to a width of 4,000 feet, then continues upward and outward for an additional  
206 horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate  
207 width of 16,000 feet.
- 208 6. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface  
209 extending upward and outward at right angles to the runway centerline and centerline  
210 extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the  
211 approach surfaces until they intersect the horizontal surface or the conical surface.
- 212 Transitional surfaces for those portions of the precision instrument approach surface which  
213 project through and beyond the limits of the conical surface, extend a distance of 5,000 feet  
214 measured horizontally from the edge of the precision instrument approach surface and at right  
215 angles to the extended precision instrument runway centerline.
- 216



- 217 B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as  
218 necessary and incidental to airport operations, no structure or tree shall be constructed, altered,  
219 maintained, or allowed to grow in any air space zone created in SECTION IV A so as to project  
220 above any of the imaginary air space surfaces described in said SECTION IV A hereof. Where an  
221 area is covered by more than one height limitation, the more restrictive limitation shall prevail.  
222
- 223 C. BOUNDARY LIMITATIONS: The air space obstruction height zoning restrictions set forth in this  
224 section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the  
225 airport boundary and in that portion of an airport hazard area under the approach zone for a distance  
226 not exceeding two miles from the airport boundary.  
227

228 **SECTION V: LAND USE SAFETY ZONING**

- 229 A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth  
230 above, to restrict those uses which may be hazardous to the operational safety of aircraft operating  
231 to and from the Granite Falls Municipal Airport, and, furthermore, to limit population and building  
232 density in the runway approach areas, thereby creating sufficient open space to protect life and  
233 property in case of an accident, as illustrated in Exhibit D1, except as provided for in Section XVII-  
234 C at which time Exhibit D2 shall illustrate the land use safety zones, there are hereby created and  
235 established the following land use safety zones:  
236
- 237 1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in  
238 SECTION IV A hereof, which extends outward from the end of the primary surface a  
239 distance equal to two-thirds of the planned length of the runway, which distance shall be:
    - 240 a. 2,900 feet for Runway 15-33 until the runway is decommissioned. At that point, there  
241 shall be no Safety Zone A for Runway 15-33.
    - 242 b. 3,667 feet for Runway 16-34.
    - 243 c. 1,667 feet for Runway 8-26.
  - 244
  - 245 2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in  
246 SECTION IV A hereof, which extends outward from Safety Zone A  
247 a distance equal to one-third of the planned length of the runway,  
248 which distance shall be:
    - 249 a. 1,450 feet for Runway 15-33 until the runway is decommissioned. At that point there  
250 shall be no Safety Zone B for Runway 15-33.
    - 251 b. 1,833 feet for Runway 16-34.
    - 252 c. 833 feet for Runway 8-26.

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3. 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.

4. 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, temporary 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.



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- 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

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- 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.

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- 4. 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.

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- 5. 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.

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- 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.

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- 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 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 Zoning Administrator may require a survey that



315 shows the elevation of a proposed structure will conform to the air space requirements of this  
316 ordinance.

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318 **SECTION VI: AIRPORT MAPS**

319 The several zones herein established are shown in Exhibits B1 Airspace (Runways 15-33, 16-34 & 8-26),  
320 B2 Airspace (Runways 15-33, 16-34 & 8-26) South Approach, B3 - Airspace (Runways 15-33, 16-34 &  
321 8-26) North Approach, C1 Airspace (Runways 16-34 & 8-26), C2 Airspace (Runways 16-34 & 8-26) –  
322 South Approach, C3 (Runways 16-34 & 8-26) North Approach, D1 Land Use Safety Zones (Runways 15-  
323 33, 16-34 & 8-26), and D2 Land Use Safety Zones (Runways 16-34 & 8-26) consisting of 8 sheets, and  
324 have been prepared by Bolton and Menk, Inc., and dated 4/26/11, attached hereto and made a part hereof,  
325 which together with such amendments thereto as may from time to time be made, and all notations,  
326 references, elevations, data, zone boundaries, and other information thereon, shall be and the same is  
327 hereby adopted as part of this Ordinance. Refer to the local land use authority for underlying land use and  
328 zoning designations, as well as Section XVI for guidance on conflicts between regulations.

329

330 **SECTION VII: NONCONFORMING USES**

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

337

338 **SECTION VIII: PERMITS**

339 A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material  
340 change shall be made in the use of land and no structure shall be erected, altered, or otherwise  
341 established in any zone hereby created unless a permit therefore shall have been applied for and  
342 granted by the zoning administrator, hereinafter, provided for. Each application for a permit shall  
343 indicate the purpose for which the permit is desired, with sufficient particularity to permit it to  
344 conform to the regulations herein prescribed. If such determination is in the affirmative, the permit  
345 shall be granted.

346 1. However, a permit for a tree or structure of less than 75 feet of vertical height above the  
347 ground shall not be required in the horizontal and conical zones or in any approach and  
348 transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway

349           except when such tree or structure, because of terrain, land contour, or topographic features,  
350           would extend the height or land use limit prescribed for the respective zone.

351        2.    Nothing contained in this foregoing exception shall be construed as permitting or intending to  
352           permit any construction, alteration, or growth of any structure or tree in excess of any of the  
353           height limitations established by this ordinance as set forth in SECTION IV and the land use  
354           limitations set forth in SECTION V.

355

356    B.    EXISTING USES: Before any existing use or structure may be replaced, substantially altered or  
357           repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such  
358           replacement, change, or repair. No permit shall be granted that would allow the establishment or  
359           creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater  
360           hazard to air navigation than it was on the effective date of this Ordinance or any amendments  
361           thereto, or than it is when the application for a permit is made. Except as indicated, all applications  
362           for such a permit shall be granted.

363

364    C.    NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the zoning  
365           administrator determines that a nonconforming structure or tree has been abandoned or more than  
366           80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure  
367           or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.  
368           Whether application is made for a permit under this paragraph or not, the zoning administrator may  
369           order the owner of the abandoned or partially destroyed nonconforming structure, at his own  
370           expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to  
371           the provisions of this Ordinance. In the event the owner of the nonconforming structure shall  
372           neglect or refuse to comply with such order for ten days after receipt of written notice of such order,  
373           the zoning administrator may, by appropriate legal action, proceed to have the abandoned or  
374           partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and  
375           assess the cost and expense thereof against the land on which the structure is or was located.  
376           Unless such an assessment is paid within ninety days from the service of notice thereof on the  
377           owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date  
378           the cost and expense is incurred until paid, and shall be collected in the same manner as are general  
379           taxes.

380

381    **SECTION IX: VARIANCES**



382 Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use  
383 his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board  
384 of Adjustment, hereinafter provided for, for a variance from such regulations. If the Board of Adjustment  
385 fails to grant or deny the variance within the timeframe established within Minnesota State Statutes 15.99,  
386 the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the  
387 failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the  
388 Commissioner, by certified mail, that the variance has been granted. The applicant shall include a copy of  
389 the original application for the variance with this notice to the Commissioner. The variance shall be  
390 effective sixty days after this notice is received by the Commissioner subject to any action taken by the  
391 Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be  
392 allowed where it is duly found that a literal application or enforcement of the regulations would result in  
393 practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest  
394 but do substantial justice and be in accordance with the spirit of this Ordinance provided any variance so  
395 allowed may be subject to any reasonable conditions that the Board or Commissioner may deem  
396 necessary to effectuate the purpose of this Ordinance.

397  
398 The Zoning Administrator shall forward the request to the Minnesota Department of Transportation  
399 Office of Aeronautics for review and comment prior to consideration of the request by the Board of  
400 Adjustment.

401  
402 **SECTION X: HAZARD MARKING AND LIGHTING**

403 A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required  
404 to permit the installation, operation, and maintenance thereon of such markers and lights as shall be  
405 deemed necessary by the zoning administrator, to indicate to the operators of aircraft in the vicinity  
406 of the airport the presence of such airport hazards. Such markers and lights shall be installed,  
407 operated, and maintained at the expense of the City of Granite Falls.

408  
409 B. PERMITS AND VARIANCES: Any permit or variance deemed advisable to effectuate the  
410 purpose of this Ordinance and be reasonable in the circumstances, and granted by the zoning  
411 administrator or Board, shall require the owner of the structure or tree in question, at his own  
412 expense, to install, operate, and maintain thereon such markers and lights as may be necessary to  
413 indicate to pilots the presence of an airport hazard.

414



415 **SECTION XI: AIRPORT ZONING ADMINISTRATOR**

416 It shall be the duty of the City of Granite Falls Zoning Administrator to administer and enforce the  
417 regulations prescribed herein. Applications for permits and variances shall be made to the Granite Falls  
418 Zoning Administrator upon a form furnished by them. Permit applications shall be promptly considered  
419 and granted or denied by them in accordance with the regulations prescribed herein or as provided for  
420 within Minnesota State Statutes 15.99. Variance applications shall be forthwith transmitted by the  
421 Granite Falls Zoning Administrator to the Board of Adjustment for action as hereinafter provided for.

422

423 **SECTION XII: BOARD OF ADJUSTMENT**

424 A. ESTABLISHMENT: The Granite Falls Board of Adjustment, which is also the Granite Falls  
425 Planning Commission, shall serve as the Board of Adjustment for the Granite Falls Municipal  
426 Airport Zoning Ordinance.

427

428 B. POWERS: The Board of Adjustment shall have and exercise the following powers:

429 1. Hear and decide appeals from any order, requirement, decision, or determination made by the  
430 administrator in the enforcement of this Ordinance.

431 2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of  
432 Adjustment under such regulations may be required to pass.

433 3. Hear and decide specific variances.

434

435 C. PROCEDURES:

436 1. A request for a variance or an appeal to the Zoning Administrator's ruling shall be filed with  
437 the Zoning Administrator. The Zoning Administrator shall forward the request to the  
438 Minnesota Department of Transportation Office of Aeronautics for review and comment prior  
439 to consideration of the request by the Board of Adjustment.

440 2. Rules governing the Board of Adjustment shall be consistent with those established by the  
441 body serving as the Board of Adjustment and the provisions of this Ordinance. Meetings of  
442 the Board of Adjustment shall be held at the call of the Zoning Administrator or chairperson  
443 and at such other times as the Board of Adjustment may determine. The chairperson, or in  
444 his absence the acting chairperson, may administer oaths and compel the attendance of  
445 witnesses. All hearings of the Board of Adjustment shall be public. The Board of  
446 Adjustment shall keep minutes of its proceedings showing the vote of each member upon  
447 each question or, if absent or failing to vote, indicating such fact, and shall keep records of its

- 448 examinations and other official actions, all of which shall immediately be filed in the office  
449 of the Zoning Administrator, and County Recorder's Office and shall be a public record.
- 450 3. The Board of Adjustment shall make written findings of facts and conclusions of law giving  
451 the facts upon which it acted and its legal conclusions from such facts in reversing, affirming,  
452 or modifying any order, requirement, decision, or determination which comes before it under  
453 the provisions of this ordinance.
- 454 4. The concurring vote of a majority of the members of the Board of Adjustment shall be  
455 sufficient to reverse any order, requirement, decision, or determination of the zoning  
456 administrator or to decide in favor of the applicant on any matter upon which it is required to  
457 pass under this Ordinance, or to effect any variation in this Ordinance.

458  
459 **SECTION XIII: APPEALS**

- 460 A. Any person aggrieved, or any taxpayer affected by any decision of the zoning administrator made  
461 in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may  
462 also be made by any governing body of a municipality, county, or airport zoning board, which is of  
463 the opinion that a decision of the zoning administrator is an improper application of this Ordinance  
464 as it concerns such governing body or board.
- 465
- 466 B. All appeals hereunder must be commenced within 30 days of the zoning administrator's decision,  
467 by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The  
468 Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers  
469 constituting the record upon which the action appealed from was taken. In addition, any person  
470 aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his  
471 administration of this Ordinance who desires to appeal such decision shall submit an application for  
472 a variance, by certified mail, to the Zoning Administrator in the manner set forth in Minnesota  
473 Statutes Section 360.068, Subdivision 2.
- 474
- 475 C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning  
476 administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it,  
477 that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril  
478 to life or property. In such case, proceedings shall not be stayed except by order of the Board of  
479 Adjustment on notice to the zoning administrator and on due cause shown.



481 D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due  
482 notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing,  
483 any party may appear in person, by agent, or by attorney.  
484

485 E. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or  
486 affirm, in whole or in part, or modify the order, requirement, decision or determination appealed  
487 from and may make such order, requirement, decision or determination, as may be appropriate  
488 under the circumstances, and to that end shall have all the powers of the zoning administrator.  
489

490 **SECTION XIV: JUDICIAL REVIEW**

491 Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any  
492 governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision  
493 of the Board of Adjustment is illegal may present to the District Court of Yellow Medicine or Chippewa  
494 County a verified petition setting forth that the decision or action is illegal, in whole or in part, and  
495 specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after  
496 the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies  
497 provided in this Ordinance before availing himself of the right to petition a court as provided by this  
498 section.  
499

500 **SECTION XV: PENALTIES**

501 Every person who shall construct, establish, substantially change, alter or repair any existing structure or  
502 use, or permit the growth of any tree without having complied with the provision of this Ordinance or  
503 who, having been granted a permit or variance under the provisions of this Ordinance, shall construct,  
504 establish, substantially change or substantially alter or repair any existing growth or structure or permit  
505 the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor  
506 and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by  
507 both. Each day a violation continues to exist shall constitute a separate offense. The airport zoning  
508 administrator may enforce all provisions of this Ordinance through such proceedings for injustice relief  
509 and other relief as may be proper under the laws of Minnesota Statutes Section 360.073 and other  
510 applicable law.  
511

512 **SECTION XVI: CONFLICTS**

513 Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance  
514 and any other regulations applicable to the same area, whether the conflict is with respect to the height of



515 structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall  
516 govern and prevail.

517

518 **SECTION XVII: SEVERABILITY**

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

526

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

530

531 C. At a point when Runway 16-34 is commissioned and Runway 15-33 is decommissioned, the City of  
532 Granite Falls, as the airport sponsor, shall pass a resolution officially recognizing that Runway 15-  
533 33 has been decommissioned. The resolution shall articulate that the regulations associated with  
534 said runway shall no longer be in effect. A copy of the approved resolution shall be filed with the  
535 Commissioner through the Office of Aeronautics, State of Minnesota, and the County Recorder's  
536 Office, Yellow Medicine and Chippewa Counties, Minnesota.

537

538 **SECTION XVIII: EFFECTIVE DATE**

539 This ordinance shall take effect on the 22<sup>nd</sup> day of January, 2012.

540 Copies thereof shall be filed with the Commissioner through the Office of Aeronautics,

541 State of Minnesota, and County Recorder's Office, Yellow Medicine and Chippewa Counties, Minnesota.

542

543 Passed and adopted after public hearing by the Granite Falls Municipal Joint Airport Zoning Board this  
544 4th day of January, 2012.

545

546

547

FORM NO. 9  
(ZONING BOARD ADOPTS ORDINANCE)

**RESOLUTION OF THE  
GRANITE FALLS JOINT AIRPORT ZONING BOARD  
AS TO FINAL ADOPTION OF A ZONING ORDINANCE**

At a meeting of the above Board held on January 4<sup>th</sup>, 2012, Member Larry Stoks,  
seconded by Member Robin Spaude, introduced the following Resolution and  
moved its adoption.

WHEREAS, A public hearing has been held on a proposed zoning ordinance pursuant to  
Minnesota Statutes Section 360.065; and

WHEREAS, No changes in said proposed ordinance are necessary;

NOW, THEREFORE, It is hereby resolved as follows:

1. That the Zoning Ordinance and Map attached thereto are hereby adopted.


ROLL CALL

Member	Voted Aye	Voted Nay	Absent from Voting
Chair Paul Michaelson	X		
Robin Spaude	X		
Rob Ator	X		
Randy Jacobson	X		
Larry Stoks	X		
Dwayne Erickson	X		
David Velde	X		

Resolution declared passed; Paul Michaelson  
Paul Michaelson, Chairperson

Attest: [Signature]  
Secretary

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution.

SEAL OF  
NOTARY S  **JOAN M. TAYLOR**  
Notary Public-Minnesota  
My Commission Expires Jan 31, 2015

Joan M. Taylor  
Title City Clerk  
Date 1/4/2012

**EXHIBIT A**  
**GRANITE FALLS 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: Section IV of Ordinance; B1 - Airspace (Runways 15-33, 16-34 & 8-26), Exhibit B2 – Airspace (Runways 15-33, 16-34 & 8-26) – South Approach, B3 (Runways 15-33, 16-34 & 8-26) – North Approach, C1 Airspace (Runways 16-34 & 8-26), C2 – Airspace (Runways 16-34 & 8-26) – South Approach, and C3 (Runways 16-34 & 8-26) – North Approach	LAND USE SAFETY ZONING: Section V of Ordinance; Exhibit 2 – Land Use Safety Zones
Rosewood Township T117 N R 40 W	Sections: 36	Sections:
Haveclock Township T117 N R 39 W	Sections: 31, 32, 33	Sections:
Sparta Township T116 N R 40 W	Sections: 1, 12, 13, 24, 25	Sections:
Leenthrop Township T116 N R 39 W	Sections: 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 31, 31, 32, 33, 34	Sections:
Granite Falls Township 115 N R 39 W	Sections 4, 9, 16, 21, 22, 26, 27, 33, 34	
Hazel Run Township T115 N R 40 W	Sections: 12, 13, 24	Sections:
Minnesota Falls Township T115 N R 39 W	Sections: 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	Sections: 7, 8, 9, 10, 114, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33, 34, 35
Wood Lake Township T114 N R 39 W	Sections: 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36	Sections: 4
Posen Township T113 N R 39 W	Sections: 1, 2, 3, 4, 9, 10, 11, 12	Sections:



