

THE JOINT AIRPORT ZONING BOARD CREATED ON THE SECOND DAY OF FEBRUARY, 1970, OF THE CITY OF MORRIS AND COUNTY OF STEVENS PURSUANT TO THE PROVISIONS OF MINNESOTA STATUTES ANNOTATED, SECTION 360.063, DOES HEREBY ADOPT AIRPORT ZONING REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF MINNESOTA STATUTES ANNOTATED, SECTION 360.011 to 360.075.

CERTIFIED TO BE A TRUE COPY


RONALD L. KLAPHAKE, CITY MANAGER

(seal)

AIRPORT ZONING ORDINANCE

AN ORDINANCE ADOPTING ZONING MAP AND REGULATING THE USE OF LAND AND THE HEIGHT OF STRUCTURES AND TREES WITHIN THE AIRPORT HAZARD AREA OF THE MORRIS MUNICIPAL AIRPORT

Section 1. Authority and Findings. The Stevens County Board of County Commissioners and the City of Morris, acting on the recommendation of the Joint Airport Zoning Board, finds and declares that airport hazards endanger the lives and property of users of the Morris Municipal Airport and of the occupants of land in their vicinity, and also, if of the obstructive type, in effect would reduce the size of the areas available for landing, taking off, and manuevering the aircraft, thus tending to destroy or impair the utility of the Morris Municipal Airport and the public investment therein.

Section 2. Short Title. The Ordinance shall be known and may be cited as the "Morris Airport Zoning Ordinance".

Section 3. Definitions. As used in this resolution and map, the following terms shall have the following meanings, unless the context otherwise requires:

A. "Airport" means the Morris Municipal Airport located in Darnen Township, Stevens County, Minnesota.

B. "Airport Boundary" The airport boundary is described as the Northwest Quarter ($NW\frac{1}{4}$) of Section Eight (8), Township One Twenty-four (124) Range Forty-two (42), also that portion of the Southwest Quarter ($SW\frac{1}{4}$) of Section Eight (8), Township 124 North, Range 42 West of the Fifth Principal Meridian described by metes and bounds as follows: Beginning at the northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section 8, thence West along the north line of said $SW\frac{1}{4}$ of Section 8, a distance of 792 feet; thence Southeasterly by an interior angle of 54 degrees 14 minutes a distance of 1355.0 feet to a point on the East line of the Southwest Quarter of said Section 8; which is 1100.0 feet South of the Northeast corner of said Section 8; thence North along the East line of the $SW\frac{1}{4}$ of Section 8, a distance of 1100.0 feet to the point of beginning, containing 10.0 acres, according to Government survey thereof except highway easements for roads and except public utilities. Also included in the airport boundary shall be any additional land acquired for use in extending any runway, or for use for airport purposes.

C. "Airport Hazard" means any structure or use of land which obstructs the airport reference surfaces described in Section 5; or exceeds the height limitations prescribed in Section 6, or which is otherwise hazardous under Section 7A to the landing or taking off of aircraft.

D. "Airport Zoning Map" means the Airport Zoning Map consisting of four sheets dated May, 1974, together with such amendments thereto as may be made from time to time.

E. "Approach Area" shall comprise all land directly or vertically under the approach surfaces defined in Section 5.

F. "Datum Plane" is a horizontal plane or surface which includes the elevation of the highest point on the usable landing area (which elevation is established to be at 1136.5 feet above mean sea level) and extends outward without limitation.

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

H. "Runway" means any designated area or areas used for the landing and/or take-off of aircraft.

I. "Non-conforming Use" means any existing structure or use of land which does not conform to the provisions of this resolution or any amendment hereto, on the effective date of this resolution or any amendment.

J. "Person" means any individual, firm, partnership, corporation, company, association, joint stock, association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

K. "Structure" means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

L. "Transition Area" comprises all lands directly or vertically under the transition surfaces as defined in Section 5.

M. "Horizontal Surface" A horizontal plane 75 feet above the established airport elevation, 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:

- (1) 6,000 feet designated as utility or visual;
- (2) 10,000 feet for the NW-SE instrument runway. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the 6,000 foot runway. The 6,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs.

N. "Conical Surface" A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

O. "Primary Surface" A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runways. The elevation of any point on the primary surface is the same as the election of the nearest point on the runway centerline. The width of the primary surface is:

- (1) 1,000 feet for the NW-SE instrument runway;
- (2) 500 feet for all other runways.

P. "Approach Surface" A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway.

- (1) The inner edge of the approach surface of the instrument runway is 1,000 feet and widens out uniformly to 16,000 feet at the distance of 50,000 feet, and the slope of the surface shall be 50 to 1 (50 horizontally and 1 vertically);
- (2) The inner edge of the approach surface of all other runways is 500 feet and widens out uniformly to 2,500 feet at the distance of 10,000 feet, and the slope of the surface shall be 40 to 1 (40 horizontally and 1 vertically).

Q. "Transitional surface" These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces until they intersect the horizontal surface or conical surface. Transitional surfaces for those portions of the NW-SE instrument runway 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 approach surface and at right angles to the runway centerline.

Section 4. Zones and Airport Zoning Map. In order to carry out the purposes of this Ordinance, the following zones are established:

A. Zone A. All that land in the approach areas of the runway which is located within a horizontal distance of one (1) mile from each end of the primary zone.

B. Zone B. All that land in the approach areas of the NW-SE runway which is located within a horizontal distance of two (2) miles from each end of the primary zone and in the approach areas of the N-S and NE-SW runways which is located within a horizontal distance of ten thousand (10,000) feet from each end of the primary zone and which is not included in Zone A.

C. Zone C. All that land which is within a horizontal distance of two (2) miles from the airport boundary as now existing or hereafter changed, and is not included in Zones A or B.

D. Airport Zoning Map. The several zones above established are shown on the airport zoning map attached hereto and made a part hereof, which map, together with all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted by this resolution.

Section 5. Airport Reference Surfaces. In order to carry out the purposes of this resolution, the following airport reference surfaces are hereby established: Approach Surfaces, Transitional Surfaces, Primary Surfaces, Conical and Horizontal Surfaces as defined in this resolution in Section 3.

Section 6. Height Limitations. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure shall be constructed, altered, or maintained so as to project above any of the airport reference surfaces described in Section 3.

Section 7. Land Use Restrictions.

A. In General. Subject at all times to the height restrictions set forth in Section 6, no use shall be made of any land in any of the zones defined in Section 4 which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport 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, take off, or maneuvering of aircraft.

B. Zone A. Subject at all times to the height restrictions set forth in Section 6, and to the general restrictions contained in Subsection 7A, Zone A shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (nonspectator), cemeteries and auto parking.

C. Zone B. Subject at all times to the height restrictions set forth in Section 6, and to the general restrictions contained in Subsection 7A, land included in Zone B shall be used for the following purposes only:

(1) For agricultural and residential purposes provided there shall not be more than one single family dwelling and accessory buildings (accessory farm buildings may include one single family tenant dwelling) per five (5) acre tract of land;

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

- (a) Each single commercial or industrial site shall contain no dwellings;
- (b) The use shall not permit, require, cause or attract an assembly or concentration, public or private, at any one time, regardless of duration, of

more than fifty (50) persons per commercial or industrial site, or more than ten (10) persons in any one acre of such site.

The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theatres, stadia, and other places of public or semi-public assembly, and hotels, motels, trailer courts, campgrounds and multi-unit dwellings.

D. Zone C. Subject at all times to the height restrictions set forth in Section 6, and to the general restrictions contained in Subsection 7A, land included in Zone C may be used for any agricultural, residential, commercial or industrial purpose, subject to the limitation that dwellings are restricted to single family dwellings constructed on not less than one (1) acre lots.

Section 8. Non-conforming Uses. Except as provided in Section 10, the provisions of Section 6 and 7 of this Ordinance shall not be construed to require the discontinuance, removal, lowering or other change or alteration of any use or structure not conforming to the provisions of this Ordinance as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use or structure. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two (2) years thereof.

Section 9. Variances Any person desiring to erect, alter, or increase the height of any structure or otherwise use his property not in accordance with the provisions of this Ordinance may apply to the Board of Adjustment for a variance therefrom. Such variance shall only be allowed when a literal application or enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this Ordinance. In granting a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary to effectuate the purposes of this Ordinance.

Section 10. Permits.

A. Future Uses. No material change shall be made in the use of the land, no use shall be made of land which has been previously unused, and no structure shall be erected, altered, moved or otherwise established in any of the zones provided in Section 4, unless a permit therefore shall have been first applied for and granted. Each application shall indicate the purpose for which the permit is desired with sufficient particularity to allow a determination of whether the resulting use or structure would conform to the provisions of this Ordinance. If such determination is in the affirmative, the permit applied for shall be issued.

B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired or rebuilt within any zone established in Section 4, a permit must be secured authorizing such replacement, change or repair. No permit shall be issued which would allow the establishment or creation of an airport hazard or permit a non-conforming use or structure to be made higher, enlarged, intensified, or become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for a permit is made.

Section 11. Hazards, Marking and Lighting. Any permit issued, or variance granted, under Sections 9 and 10, may, if such action is deemed advisable to effectuate the purposes of this Ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the land or structure in question to permit the City of Morris, Minnesota, at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of airport hazard.

Section 12. Airport Zoning Administrator. The Zoning Administrator for the City of Morris, State of Minnesota, is hereby designated Airport Zoning Administrator and is charged with the duty of administering and enforcing the provisions of this Ordinance. The duties of the Airport Zoning Administrator shall include that of receiving applications for permits and the granting or denying of such permits as provided in Section 10, but the Airport Zoning Administrator shall not have or exercise any of the powers or duties herein delegated to the Board of Adjustment.

Section 13. Board of Adjustment.

A. Establishment. There is hereby established and created a Board of Adjustment which shall consist of five members, each to be appointed by the Joint Airport Zoning Board for a term of three years, and each to be removable by the said Joint Airport Zoning Board for cause, upon written charges and after written charges and after public hearing. In the first instance, one member shall be appointed for a term of three years, two members for a term of two years, and two members for a term of one year; and the term of each of the first members so appointed shall be extended until the day of the next succeeding annual meeting. Thereafter each member appointed shall serve for a term of three years. Terms shall commence and expire at noon on the day of the annual meeting but each member shall serve until his successor is duly appointed and qualified. Each member shall qualify by taking and subscribing an oath to faithfully and justly perform the duties of his office. The Joint Airport Zoning Board shall fill any vacancy which occurs by an appointment for the unexpired portion of the term.

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

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

(2) To hear and decide variances under Section 9.

C. Procedure. The Board shall adopt rules of procedure in harmony with the provisions of this Ordinance and state law. The Board shall hold an annual meeting on the first Monday of February at which meeting the Board shall elect from its members a chairman and a secretary who shall serve at the pleasure of the Board or until the next annual meeting. Meetings of the Board shall also be held at the call of the chairman and at such other times as the Board may determine. The Board 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 Board.

Section 14. Appeals.

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

B. All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the Board, by filing with the Airport Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Airport Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the Board on notice to the Airport Zoning Administrator and on due cause shown.

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

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

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

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

Section 15. Judicial Review. The Common Council of the City of Morris or the Joint Zoning Board, if of the opinion that a decision of the Board of Adjustment is illegal, and any person aggrieved or taxpayer affected by any decision of the Board of Adjustment, may secure a judicial review of such decision in the manner provided by Minnesota Statutes Section 360.072.

Section 16. Conflicts. In the event of a conflict between the regulations of this Ordinance and any other regulations applicable to the same area whether adopted by Federal, State or local authorities, the more stringent limitation or regulation shall govern and prevail.

Section 17. Penalties. Every person who violates the provisions of this Ordinance, or the provisions of any permit or variance granted under the provisions of this Ordinance, or who violates any ruling or order made thereunder, shall be guilty of a misdemeanor as provided in Minnesota Statutes, Section 360.073, shall be punished by a fine of not more than \$100 or imprisonment for not more than 90 days or by both such fine and imprisonment, and each day violation continues to exist shall constitute a separate offense.

Section 18. Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this Ordinance are declared to be severable.

Section 19. Date Effective. This Ordinance shall be published on September 3, 1974 in the Morris Sun, a legal newspaper in Morris, Minnesota, distributed in Stevens County, and shall take effect after public hearing and in accordance with the law.

Passed and adopted by the Joint Airport Zoning Board on this 28th day of August, 1974.

JOINT AIRPORT ZONING BOARD

By s/ James H. Martin Chairman

By s/ Carl C. Johnson

By s/ Kenton Brown

By s/ Tony Gausman

By s/ Richard Sommer