Airport Safety Zoning Ordinance for Blue Earth Municipal Airport

Adoption Date – March 10th, 2011

Approved by the Joint Airport Zoning Board

This ordinance amends and replaces Blue Earth Municipal Airport Zoning Ordinance adopted July 1977.
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TITLE AND INTRODUCTION

BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE

BLUE EARTH MUNICIPAL JOINT AIRPORT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND
OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY,
IN THE VICINITY OF THE BLUE EARTH 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 BLUE EARTH MUNICIPAL AIRPORT
ZONING EXHIBITS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS
ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF
ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE BLUE EARTH MUNICIPAL AIRPORT JOINT AIRPORT
ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES
SECTION 360.061 THROUGH 360.074, AS FOLLOWS:
SECTION I: PURPOSE AND AUTHORITY

The Blue Earth Municipal Airport Joint Airport Zoning Board, created and established by joint action of the City Council of the City of Blue Earth, the Board of Commissioners of Faribault County, and the Town Board of Blue Earth Township pursuant to the provisions and authority of Minnesota Statutes Section 360.063, hereby finds and declares that:

A. An airport hazard endangers the lives and property of users of the Blue Earth Municipal Airport, and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of said Airport and the public investment therein.

B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Blue Earth Municipal Airport.

C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

E. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.

F. The Blue Earth Municipal Airport is an essential public facility that serves an important public transportation role and provides a public good.

J. This Ordinance amends and replaces the Blue Earth Municipal Airport Zoning Ordinance adopted July 1977.

SECTION II: SHORT TITLE

This Ordinance shall be known as the “Blue Earth 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 Blue Earth Municipal Airport located in Sections 32, Township 102 North, Range 27 West.

“AIRPORT ELEVATION” means the established elevation of the highest point on the usable landing area which elevation is established to be 1,108 feet above mean sea level.

“AIRPORT HAZARD” means any structure, 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.

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

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

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

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

“HEIGHT,” for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on 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.

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

“LOW DENSITY RESIDENTIAL LOT” means a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

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

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

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

“PERSON” means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
“PLANNED,” as used in this Ordinance, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics and the City of Blue Earth.

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

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

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

“STRUCTURE” means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations, 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 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

“TREE” means any object of natural growth.

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

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

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

SECTION IV: AIRSPACE OBSTRUCTION ZONING

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

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:
a. Extending 200 feet beyond each end of Bituminous Runway 16-34 at 4,600’.

b. Coinciding with the end of Turf Runway 3-21 at 2,790’

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:

a. 500 feet for Runway 16-34.

b. 250 feet for Runway 3-21.

2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,258 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of the horizontal surface arc is 10,000 feet for Runway 16-34 which encompasses the arc of the crosswind runway.

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

4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of

a. 40:1 for Runway 16-34 at the 4,600 foot alignment expanding uniformly to a width of 3,500 feet at a distance of 10,000 feet, then continuing at the same rate of divergence to the periphery of the conical surface.

b. 20:1 for Turf Runway 3-21 at the 2,790 foot alignment expanding uniformly to a width of 1,250 feet at a distance of 5,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.

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

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

SECTION V: LAND USE SAFETY ZONING

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

1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the existing or planned length of the runway, which distance shall be:
   a. 2,267 feet for the 3,400 foot alignment of Runway 16-34.
   b. 3,067 feet for the 4,600 foot alignment of Runway 16-34.
   c. 1,527 feet for the 2,290 foot alignment of turf Runway 3-21.
   d. 1,860 feet for the 2,790 foot alignment of turf Runway 3-21.

2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:
   a. 1,133 feet for the 3,400 foot alignment of Runway 16-34.
   b. 1,533 feet for the 4,600 foot alignment of Runway 16-34.
   c. 763 feet for the 2,290 foot alignment of Runway 3-21.
d. 930 feet for the 2,790 foot alignment of Runway 3-21.

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.
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:

<table>
<thead>
<tr>
<th>Site Area</th>
<th>Ratio of Building Site Area to Bldg. Plot Area</th>
<th>Max. Site Plot Area (sq. ft.)</th>
<th>Population (15 persons/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least (acres)</td>
<td>But Less Than (acres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>12:1</td>
<td>10,900</td>
</tr>
<tr>
<td>4</td>
<td>6</td>
<td>10:1</td>
<td>17,400</td>
</tr>
<tr>
<td>6</td>
<td>10</td>
<td>8:1</td>
<td>32,600</td>
</tr>
<tr>
<td>10</td>
<td>20</td>
<td>6:1</td>
<td>72,500</td>
</tr>
<tr>
<td>20 and up</td>
<td>and up</td>
<td>4:1</td>
<td>218,000</td>
</tr>
</tbody>
</table>

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

4. ZONE 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.

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.

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

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

SECTION VI: AIRPORT MAP
The several zones herein established are shown in Exhibit 1 – Land Use Safety Zones Map and Exhibit 2 – Airspace Map Full View & 2.1 – Airspace Map Close View and have been prepared by Bolton & Menk, Inc., and dated January 7th, 2011, said exhibits are attached hereto and made a part hereof, which, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance. Refer to the local land use authority for underlying land use and zoning designations, as well as Section XVI for guidance on conflicts between regulations.

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

SECTION VIII: PERMITS
A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
   1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
   2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the
height limitations established by this ordinance as set forth in SECTION IV and the land use
limitations set forth in SECTION V.

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, 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 partially destroyed nonconforming structure, at his own
expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to
the provisions of this Ordinance. In the event the owner of the nonconforming structure shall
neglect or refuse to comply with such order for ten days after receipt of written notice of such order,
the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or
partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and
assess the cost and expense thereof against the land on which the structure is or was located.
Unless such an assessment is paid within ninety days from the service of notice thereof on the
owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date
the cost and expense is incurred until paid, and shall be collected in the same manner as are general
taxes.

SECTION IX: VARIANCES
Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use
his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board
of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an
application for a variance by certified mail to the members of the Board and the Board fails to grant or
deny the variance within four months after the last member receives the application, the variance shall be
deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to
act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by certified mail, that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective sixty days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Ordinance.

The respective Zoning Administrator shall forward the request to the Minnesota Department of Transportation Office of Aeronautics for review and comment prior to consideration of the request by the Board of Adjustment. If the request is located within Faribault County’s jurisdiction, the request shall also be sent to the City of Blue Earth’s Zoning Administrator.

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 Zoning Administrator, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Blue Earth.

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

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the City of Blue Earth and Faribault County Zoning Administrators to administer and enforce the regulations prescribed herein, based on the area they have land use authority. Applications for permits and variances shall be made to the appropriate jurisdiction’s Zoning Administrator upon a form furnished by them. Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein. Variance applications
shall be forthwith transmitted by the appropriate jurisdiction’s Zoning Administrator to the Board of
Adjustment for action as hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

A. ESTABLISHMENT: The Board of Adjustment for the Blue Earth Municipal Zoning Ordinance
shall exclude elected officials and be defined as follows:

1. City of Blue Earth Planning Commission for requests in the corporate City limits or within the
boundary of an orderly annexation agreement area.

2. Faribault County Board of Adjustments for requests in the unincorporated area.

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

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

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

3. Hear and decide specific variances.

C. PROCEDURES:

1. A request for a variance or an appeal to the Zoning Administrator’s ruling shall be filed with
the Zoning Administrator. The Zoning Administrator shall forward the request to the
Minnesota Department of Transportation Office of Aeronautics for review and comment prior
to consideration of the request by the Board of Adjustment. The Faribault County Zoning
Administrator shall also forward the request to the Blue Earth Zoning Administrator for review
and comment prior to consideration of the request by the Board of Adjustment.

2. Rules governing the Board of Adjustment shall be consistent with those established by the body
serving as the Board of Adjustment and the provisions of this Ordinance. Meetings of the
Board of Adjustment shall be held at the call of the Zoning Administrator or chairperson and at
such other times as the Board of Adjustment may determine as necessary. The chairperson, or
in his absence the acting chairperson, may administer oaths and compel the attendance of
witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment
shall keep minutes of its proceedings showing the vote of each member upon each question or,
if absent or failing to vote, indicating such fact, and shall keep records of its examinations and
other official actions, all of which shall immediately be filed in the office of the respective
Zoning Administrator, City Zoning Administrator (if variance or appeal is within the
unincorporated area), and County Recorder’s Office and shall be a public record.
3. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

4. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION XIII: APPEALS

A. Any person aggrieved, or any taxpayer affected by any decision of the 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 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 an application for a variance, by certified mail, to the Zoning Administrator in the manner set forth in Minnesota Statutes Section 360.068, Subdivision 2.

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

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

SECTION XIV: JUDICIAL REVIEW

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

SECTION XV: PENALTIES

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

SECTION XVI: CONFLICTS

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

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

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

SECTION XVIII: EFFECTIVE DATE

This ordinance shall take effect on the 5th day of May, 2011. Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds, Faribault County, Minnesota.

Passed and adopted after public hearing by the Blue Earth Municipal Joint Airport Zoning Board this 10th day of March, 2011.
RESOLUTION OF THE
BLUE EARTH JOINT AIRPORT ZONING BOARD
AS TO FINAL ADOPTION OF A ZONING ORDINANCE

At the second public meeting for airport zoning held by the above Board held on March 10, 2011, Member David Classon, seconded by Member Ross Kempf, 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

<table>
<thead>
<tr>
<th>Member</th>
<th>Voted Aye</th>
<th>Voted Nay</th>
<th>Absent from Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair Ellwood Bentley</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catherine Fletcher</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Dave Classon</td>
<td>X</td>
<td></td>
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<tr>
<td>Ross Kempf</td>
<td>X</td>
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<tr>
<td>Loren Lein</td>
<td>X</td>
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<td>Rodney Anderson</td>
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<td>Don Krieger</td>
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</tbody>
</table>

Resolution declared passed: ____________________________
Ellwood Bentley, Chair

Attest: ____________________________
Secretary

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

Kathy Bailey, City Clerk

SEAL OR NOTARY STAMP

Date 3/10/11
EXHIBIT A

BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE

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

<table>
<thead>
<tr>
<th>NAME AND NUMBER</th>
<th>AIRSPACE OBSTRUCTION ZONING: Section IV of Ordinance; Exhibit 2 - Airspace Map</th>
<th>LAND USE SAFETY ZONING: Section V of Ordinance; Exhibit 1 - Land Use Safety Zones Map.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Earth Township T102N R27W</td>
<td>Sections: 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35</td>
<td>Sections: 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35</td>
</tr>
<tr>
<td>Elmore Township T101N R27W</td>
<td>Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18</td>
<td>Sections: 3, 4, 5, 6, 7, 8, 9, 10</td>
</tr>
<tr>
<td>Jo Davies Township T____102N R____28W</td>
<td>Sections: 24, 25, 26, 35, 36</td>
<td>Sections: 24, 25, 36</td>
</tr>
<tr>
<td>Pilot Grove Township T____101N R____28W</td>
<td>Sections: 1, 12</td>
<td>Section: 1</td>
</tr>
</tbody>
</table>