

	<u>Title</u>	<u>Page</u>
CHAPTER 13	AIRPORT ZONING	210
Section 13.01	Airport Zoning	210
13.02-13.98	Reserved	
13.99	Violation a Misdemeanor	215

CHAPTER 13

AIRPORT ZONING

SEC. 13.01. AIRPORT ZONING.

Subd. 1. Authority and Purpose. The City finds it necessary for the purpose of promoting public health, safety, order, convenience and general welfare by protecting the lives and property of users of the St. James Municipal Airport, and of owners and occupants of land in its vicinity to adopt airport zoning regulations as authorized by Minnesota Laws, 1945, Chapter 303, and accordingly have submitted the provisions of this Section to the Commissioner of Aeronautics and duly obtained his approval, and held a public hearing on September 21, 1953 pursuant to notice as required.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. The term "airport" means the St. James Municipal Airport.

B. The term "airport hazard" means any structure or tree or use of land which obstructs the air-space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

C. The term "non-conforming use" means any structure, tree, or use of land which does not conform to a regulation prescribed in this Section or an amendment thereto, as of the effective date of such regulation.

D. The term "structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

E. The term "tree" means any object of natural growth.

Subd. 3. Zones.

A. Approach Zones for Instrument Runways. An airport approach zone is established at each end of every airport runway designated for use for instrument landings or take-offs. Such zone shall comprise all the land embraced within the following lines:

1. A line 1,000 feet long running at right angles to the center line of such runway 500 feet on either side of the center line at the end of the (paved portion of the) runway:

2. A line 4,000 feet long running at right angles to the projected center line of such runway 2,000 feet on either side thereof at a distance 2 miles from the first line:

3. Two lines making the shortest connections between the ends of the above-described lines.

B. Other Approach Zones. An airport approach zone is established at each end of every runway not designated for use for instrument lands or take-offs. Such zone shall be 500 feet wide at the end of the runway and 2,500 feet wide at a distance of 2 miles from the end of the runway. Otherwise the limits of the zone shall be measured as in the zone described in Subparagraph A above.

C. Turning Zones. An airport turning zone is hereby established embracing the area between each two airport approach zones. The outer boundary of such zones shall be a series of intersecting arcs completely around the airport, one being swung on a two mile radius from the midway point of the inner boundary of each airport approach zone. All zones established by this Subdivision shall be as indicated on the map attached hereto and made a part hereof.

Subd. 4. Height Zones. Except as otherwise provided in this Section, no structure shall be constructed, altered, or maintained, and no tree shall be allowed to grow to a height above the level of the airport in excess of the height limit in any airport approach or turning zone. The following height limits are hereby established.

A. Airport approach zones to instrument runways: one foot in height for each 40 feet in distance from the nearest point on the shortest boundary of such zone.

B. Airport approach zones to non-instrument runways: one foot in height for each 30 feet in distance from the nearest point on the shortest boundary of such zone.

C. Airport Turning Zones. 75 feet in height in the area within a distance of one-half mile of the nearest point on the boundary of the airport; in the area outside such half-mile distance, 75 feet plus an additional one foot in height for 30 feet in distance beyond a half mile

from the nearest point on the boundary of the airport.

Subd. 5. Use Restrictions. Notwithstanding the provisions of Subdivision 4 of this Section, no use may be made of land in an airport approach or turning zone in such a manner so as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

Subd. 6. Non-Conforming Uses. The regulations prescribed in Subdivisions 4 and 5 of this Section shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided in Subdivision 8, Subparagraph B of this Section.

Subd. 7. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use his property not in accord with the regulations prescribed in this Section may apply to the Airport Zoning Board of Adjustment for a variance from the regulation in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations; provided, any variance may be allowed subject to any reasonable condition that the Board of Adjustment may deem necessary to effectuate the purposes of this Section.

Subd. 8. Permits.

A. Future Uses. No material change shall be made in the use of land, no structure shall be erected, altered or moved, and no tree shall be planted, in any zone created in Subdivision 3 herein without a permit therefor. Application for such a permit shall be made to the City Engineer and shall indicate the use for which the permit is desired, with sufficient particularity to permit it to be determined whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the City Engineer shall issue the permit applied for.

B. Non-Conforming Uses. Before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit shall

(10-1-76)

be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the City Engineer determines that a non-conforming structure or tree has been abandoned or more than eighty per cent (80%) torn down, physically deteriorated, or decayed, (1) 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, and (2) whether application is made for a permit under this Subparagraph or not, the City Engineer may by appropriate action compel the owner of the non-conforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations or, if the owner of the non-conforming structure or tree shall neglect or refuse to comply with such an order after ten (10) days' notice thereof, the Engineer may proceed to have the object so lowered, removed, reconstructed, or equipped, and assess the cost and expense thereof upon the object or the land whereon it is or was located. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of such object or land, the sum shall bear interest at the rate of eight per cent (8%) per annum until paid, and shall be collected in the same manner as are general taxes. Except as indicated herein, all applications for permits for replacement, change, or repair of non-conforming uses shall be granted.

Subd. 9. Hazards Marking and Lighting. Any permit or variance granted under Subdivisions 7 and 8 hereof may, if such action is deemed advisable to effectuate the purposes of this Section and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

Subd. 10. Administration. It shall be the duty of the City Engineer to enforce this Section through appropriate legal channels. All applications for permits and variances shall be made to the City Engineer. Those applications which are by this Section to be decided by the City Engineer shall be promptly considered and granted or denied by him; applications for action by the Board of Adjustment shall be forthwith transmitted by the City Engineer to the Board for hearing and decision.

Subd. 11. Appeals and Review. Any person aggrieved or taxpayer affected by any decision of the City Engineer made in his administration of this Section, or

the Council, when it is of the opinion that a decision of the City Engineer is an improper application of airport zoning regulations of concern to the Council, may appeal to the Board of Adjustment in accordance with Laws 1945, Chapter 303, Section 31. Any person aggrieved or taxpayer affected by any decision of the Board of Adjustment, or the Council, when it is of the opinion that a decision of the Board of Adjustment is illegal, may secure judicial review of such decision in the manner provided by Laws 1945, Chapter 303, Section 34.

Source: Ordinance No. 119

Effective Date: 9-21-53

(Sections 13.02 through 13.98, inclusive, reserved for future expansion.)

(10-1-76)

SEC. 13.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 119
Effective Date: 9-21-53