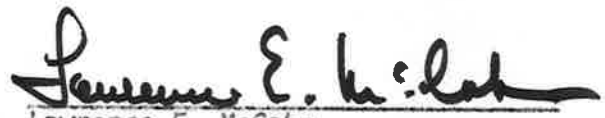


STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
AERONAUTICS DIVISION

ORDER APPROVING PROPOSED ORDINANCE  
OF THE  
CITY OF CROOKSTON-POLK COUNTY JOINT AIRPORT ZONING BOARD

Pursuant to the provisions of Minnesota Statutes 1974, Sections 360.061 to 360.076, as amended, known as the "Airport Zoning Act," the City of Crookston-Polk County Joint Airport Zoning Board, through Mr. Howard C. Smith, P.E., Consultant, on March 17, 1978, submitted to the Assistant Commissioner of Transportation, Aeronautics Division, for his approval an ordinance amendment proposal establishing zoning regulations for the Crookston Municipal Airport.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Assistant Commissioner that the zoning regulations as submitted by and proposed to be adopted by the City of Crookston-Polk County Joint Airport Zoning Board for the Crookston Municipal Airport comply with Minnesota Statutes and Division of Aeronautics Rules and Regulations relating to zoning of public airports and the proposed zoning regulations are hereby approved.



Lawrence E. McCabe  
Assistant Commissioner  
Department of Transportation  
Aeronautics Division

March 20, 1978

Crookston, Minnesota  
Municipal Airport Zoning Ordinance

Amendments to Ordinance

Public Hearing on Ordinance Held: June 25, 1975  
Ordinance Adopted: June 25, 1975

Public Hearing on Revised Ordinance: December 20, 1978  
Amendments: Adopted December 20, 1978

\*\*\*\*\*

Section III: DEFINITIONS

ADD:

"NON-PRECISION INSTRUMENT RUNWAY" means a runway having an existing or planned straight-in 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.

TRAVERSE WAYS for the purpose of determining height limits as set forth in this Ordinance shall be increased in height by seventeen (17) feet for interstate highways; fifteen (15) feet for all other public roadways; ten (10) feet or the height of the highest mobile object that would normally traverse the road whichever is greater, for private roads; twenty-three (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.

UTILITY RUNWAY means a runway that is constructed for and intended to be used by propeller-driven aircraft at 12,500 pounds maximum gross weight and less.

\*\*\*\*\*

Section IV: AIRSPACE OBSTRUCTION ZONING

ADD IN SECTION IV A:

6. BOUNDARY LIMITATIONS. Notwithstanding anything set forth in this ordinance to the contrary the municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the approach zone, for a distance not exceeding two (2) miles from the airport boundary and by height restriction zoning for a distance not to exceed one and one-half miles from the airport boundary.

\*\*\*\*\*

Section V: LAND USE SAFETY ZONING

ADD IN SECTION V:

C. BOUNDARY LIMITATIONS. Notwithstanding anything set forth in this ordinance to the contrary the municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the

ADOPTED AMENDMENTS (DEC 20-78) TO ORDINANCE ADOPTED JUN 25, 1975

Crookston, Minnesota  
Municipal Airport Zoning Ordinance

approach zone for a distance not exceeding two miles from the airport boundary and by height restriction zoning for a distance not to exceed one and one-half miles from the airport boundary.

\*\*\*\*\*

Section IX: VARIANCES.

This section is deleted in its entirety and the following shall be added in lieu of:

Section IX: VARIANCES. Any person desiring to erect or increase the height of any structure, or 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 of Transportation 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 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Section 360.063, Subdivision 6. 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 of Adjustment or Commissioner may deem necessary to effectuate the purpose of this ordinance.

\*\*\*\*\*

SECTION XIII: APPEALS.

In Section XIII B the following shall be added as the last sentence.

In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Officer made in the administration of this ordinance who desires to appeal such decision shall submit an application for a variance by certified mail to the members of the Board of Adjustment in the matter set forth in Minnesota Statute 360.067, Subdivision 2.

\*\*\*\*\*

Section XV: PENALTIES.

Add as a final sentence to this section, the following:

Crookston, Minnesota  
Municipal Airport Zoning Ordinance

The Airport Zoning officer may enforce all provisions of this ordinance through such proceedings for injunctive relief and other relief as may be proper under the applicable law.

\*\*\*\*\*

Section XVII: SEVERABILITY.

The paragraph in this section shall be identified as A. This will now read:

A. In any case . . . . . severable.

The following shall be added to this section:

B. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the ordinance as a whole or any part thereof other than the part(s) so delclared to be unconstitutional or invalid.

\*\*\*\*\*

EFFECTIVE DATE

These amendments shall take effect upon adoption by the Joint City of Crookston - Polk County Airport Zoning Board, Polk County, Minnesota. Copies thereof shall be filed with the Assistant Commissioner of Aeronautics, and the County Recorder, Polk County, Minnesota.

These amendments passed and adopted after public hearing by the Joint City of Crookston - Polk County Airport Zoning Board this 20th day of December, 1978.

Doc. No. **433750**  
**POLK COUNTY RECORDER**  
POLK COUNTY, MINNESOTA

Mervin Wagner  
Chairman Mervin Wagner

I hereby certify that within instrument was filed in this office for record on the 3rd day of Jan. A.D. 1979 at 9 o'clock A.M. and was duly recorded as document No. 433750

Members Alfon Hanson

George Taylor

La Verne Sorlie, County Recorder

Henry Gredvig

By Alfon Hanson Deputy  
Microfilmed X

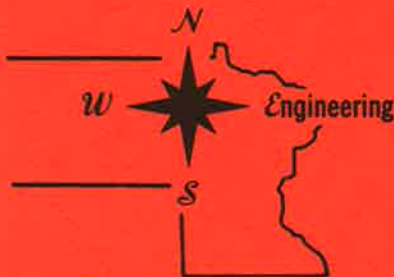
B. L. Blokzyl

CERTIFICATION OF FILING WITH CO. RECORDER

3-17-78 AMENDMENTS  
COM'S ORDER ISSUED

- 1. SEC. III. DEFINITIONS ADD  
NON-PREC. INST. TRAYERS  
WAYS, UTILITY ADJ.
- 2. SEC. IV A 6. BOUNDARY LIMIT  
LANGUAGE ADDED
- 3. SEC V C. BOUNDARY LIMIT  
LANGUAGE ADDED
- 4. SEC IX VARIANCES: LANGUAGE  
ADDITION
- 5. SEC XIII APPEALS: LANGUAGE  
ADDED
- 6. SEC XV PENALTIES LANGUAGE  
ADDED
- 7. SEC XVII SEVERABILITY:  
LANG. ADDED

CROOKSTON, MINNESOTA  
MUNICIPAL AIRPORT ZONING ORDINANCE



**WIDSETH SMITH NOLTING & ASSOCIATES, INC.**  
CONSULTING ENGINEERS

216 South Main Street P.O. Box 458 Crookston, Minnesota 56716  
Phone: 218-281-6522

Copy

411880

OFFICE OF REGISTER OF DEEDS  
POLK COUNTY, MINNESOTA

I hereby certify that within instrument was  
filed in this office for record on the 22<sup>nd</sup>  
day of July  
A.D. 1975 at 9 o'clock A M  
and was duly recorded as document

No. 411880

La Verne Sorlie, Register of Deeds  
By La Verne Sorlie Deputy

MICROFILMED

CROOKSTON, MINNESOTA  
MUNICIPAL AIRPORT ZONING ORDINANCE

Adopted by the City of Crookston - Polk County  
Airport Zoning Board of Polk County, Minnesota  
this 25th day of June, 1975.

Mervin Wagner  
Chairman

Prepared By  
WIDSETH SMITH NOLTING & ASSOCIATES, INC.  
Consulting Engineers  
Crookston, Minnesota

I hereby certify that this plan, specification  
or report was prepared by me or under my direct  
supervision and that I am a duly Registered Pro-  
fessional Engineer under the laws of the State  
of Minnesota.

Date March 31, 1975 Reg.No. 5814

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CROOKSTON MUNICIPAL AIRPORT  
ZONING ORDINANCE

Created by the  
CITY OF CROOKSTON - POLK COUNTY 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 CROOKSTON 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 CROOKSTON AIRPORT ZONING MAP WHICH IS 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 CITY OF CROOKSTON - POLK COUNTY JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES 360.61 - 360.74, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

The City of Crookston - Polk County Joint Airport Zoning Board, created and established by joint action of the City Council of the City of Crookston and the Board of County Commissioners of Polk County pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Crookston 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 the Crookston Municipal Airport and the public investment therein.

- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Crookston 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.

SECTION II: SHORT TITLE

This ordinance shall be known as "Crookston 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 Crookston Municipal Airport located in Section One, Township One Hundred Fifty North (T 150 N), Range Forty-seven West (R 47 W) of the Fifth Principal Meridian, Polk County, Minnesota.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 895 feet above mean sea level.

"AIRPORT HAZARD" means any structure or 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.

"DWELLING" means any building or portion thereof designed or used as a residence or sleeping place for one or more persons.

"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.

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

"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 Department of Aeronautics and the City of Crookston, Minnesota.

"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.

"STRUCTURE" means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

"TREE" means any object of natural growth.

"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.

SECTION IV: AIRSPACE OBSTRUCTION ZONING

A. AIRSPACE ZONES: In order to carry out the purposes of this Ordinance, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, 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 extending:
  - a. 200 feet beyond each end of Runway 13-31 (NW-SE).
  - b. 200 feet beyond each end of Runway 17-35 (N-S).
  - c. 100 feet beyond each end of Runway 07-25 (NE-SW).

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:

- d. 1,000 feet for Runway 13-31 (NW-SE).
  - e. 500 feet for Runway 17-35 (N-S).
  - f. 250 feet for Runway 07-25 (NE-SW).
2. Horizontal Zone: All that land which lies directly under an imaginary horizontal surface 100 feet above the established airport elevation, or a height of 995 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 each arc is 10,000 feet for Runways 13-31 and 17-35.

3. Conical Zone: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.
4. Approach Surface: 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 13-31 (NW-SE)
  - b. 40:1 for Runway 17-35 (N-S)
  - c. 20:1 for Runway 07-35 (NE-SW).The approach surface expands uniformly to a width of:
  - d. 4,000 feet for Runway 13-31 (NW-SE)
  - e. 2,500 feet for Runway 17-35 (N-S)at a distance of 10,000 feet and continues at the same rate of divergence to the periphery of the conical surface. The approach surface expands uniformly to a width of:
  - f. 1,250 feet for Runway 07-25 (NE-SW)for a distance of 5,000 feet.
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 the runway centerline at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until it intersects the horizontal surface or the conical surface.

B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree

shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Subsection IV, A so as to project above any of the imaginary air-space surfaces described in said Subsection IV, A, hereof. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

SECTION V: LAND USE SAFETY ZONING

A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, there are hereby created and established the following land use safety zone boundaries:

1. Safety Zone A: All land in that portion of the approach zones of a runway, as defined in Subsection IV, A, hereof, which extends outward from the end of the primary surface a distance equal to two thirds of the planned length of the runway. This distance shall be:
  - a. 3733' for Runway 13-31 (NW-SE)
  - b. 2533' for Runway 17-35 (N-S)
  - c. 2000' for Runway 07-25 (NE-SW).
2. Safety Zone B: All land in that portion of the approach zones of a runway, as defined in Subsection IV, A, hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway. This distance shall be:
  - a. 1867' for Runway 13-31 (NW-SE)
  - b. 1267' for Runway 17-35 (N-S)
  - c. 1000' for Runway 07-25 (NE-SW).
3. Safety Zone C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subsection IV, A, hereof, and which is not included in Zone A or Zone B.

B. HEIGHT RESTRICTIONS:

1. General: Subject at all times to the height restrictions set forth in Subsection IV, B, no use shall be made of any land in any of the safety zones defined in Subsection V, A, which creates or causes interference with the 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 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 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 (non-spectator), cemeteries and auto 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 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.

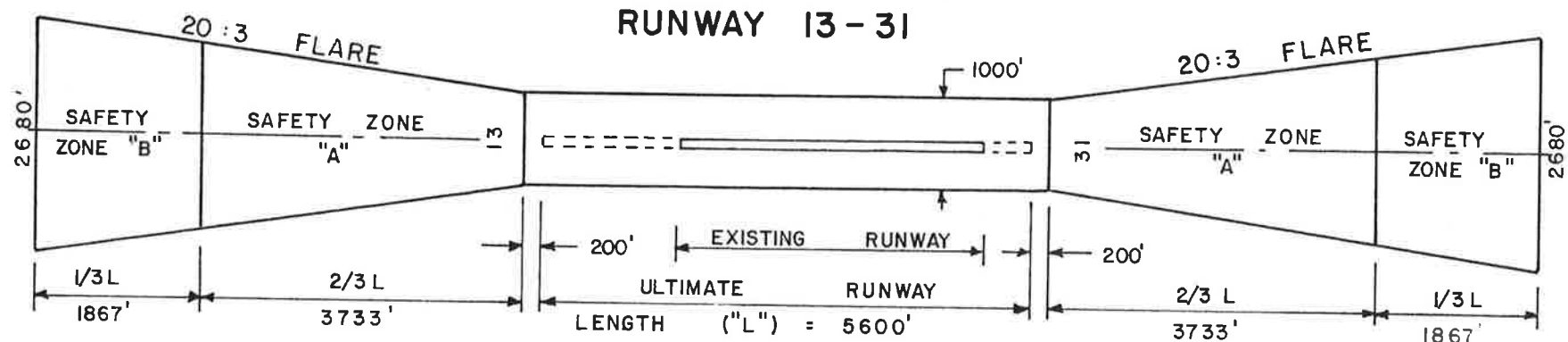
- b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.
- d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

| SITE AREA<br>AT LEAST<br>(Acres) | BUT LESS THAN<br>(Acres) | RATIO OF<br>SITE AREA TO<br>BUILDING PLOT AREA | BUILDING<br>PLOT AREA<br>(Sq.Ft.) | MAX. SITE<br>POPULATION<br>(15 persons/A) |
|----------------------------------|--------------------------|--|-----------------------------------|---|
| 3                                |                          | 12:1   | 10,900                            | 45  |
|                                  | 4                        | 12:1   |                                   |   |
| 4                                |                          | 10:1   | 17,400                            | 60  |
|                                  | 6                        | 10:1   |                                   |   |
| 6                                |                          | 8:1  | 32,600                            | 90  |
|                                  | 10                       | 8:1  |                                   |   |
| 10                               |                          | 6:1  | 72,500                            | 150                                       |
|                                  | 20                       | 6:1  |                                   |   |
| 20                               | and up                   | 4:1  | 218,000                           | 300                                       |

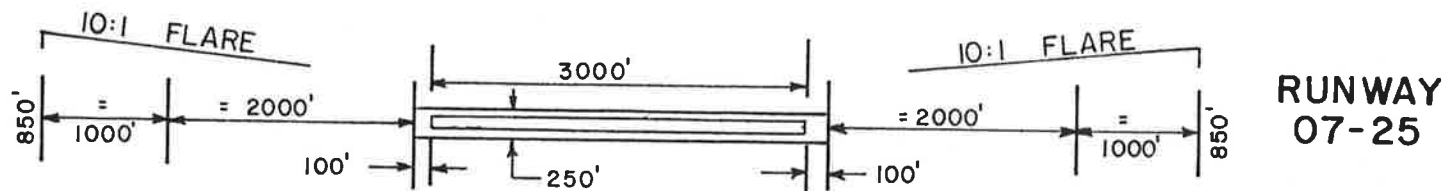
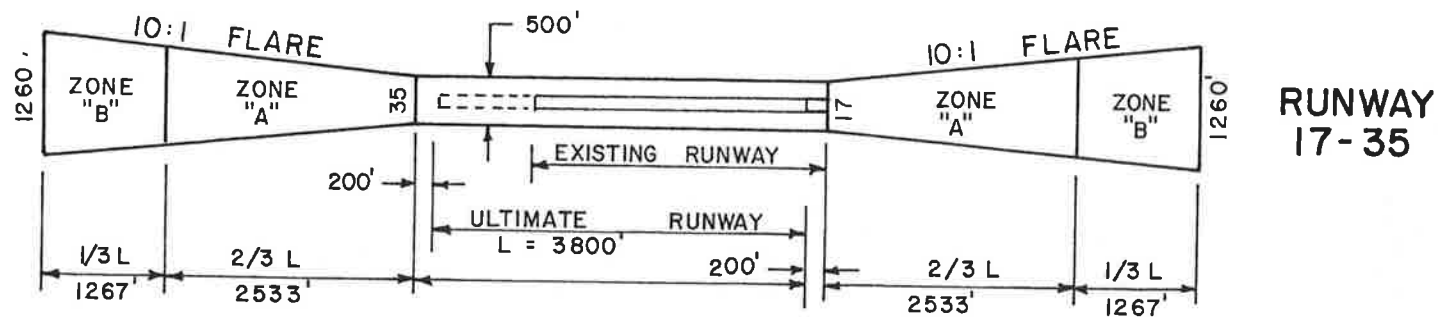
- e. The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theaters, stadiums, hotels, and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.
4. Zone C: Zone C is subject only to the height restrictions set forth in Subsection IV, B, and to the general restrictions contained in Subsection V, B-1.



# DIMENSIONS OF LAND USE SAFETY ZONES



6



**CROOKSTON, MINNESOTA  
MUNICIPAL AIRPORT ZONING ORDINANCE**

(RUNWAY 07-25 TYPICAL TO RUNWAY 17-35) NO SCALE

SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Crookston Municipal Airport Zoning Map consisting of two (2) sheets, prepared by Widseth Smith Nolting & Associates, Inc., Crookston, MN, and dated March 31, 1975, attached hereto and made a part hereof, which map, 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.

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 (2) 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 or tree shall be erected, altered, planted, 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 above the height 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.
- B. EXISTING USES: Before any existing uses or structures 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 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, physically 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 (10) 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 (90) days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight per cent (8%) 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, or 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. 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 of Adjustment may deem necessary to effectuate the purposes of this ordinance.

SECTION X: HAZARD MARKING AND LIGHTING:

- A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the 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 Crookston, Minnesota.
- B. PERMITS AND VARIANCES: Any permit or variance granted by the Zoning Administrator or Board of Adjustment as the case may be, may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the Owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XI: AIRPORT ZONING OFFICER

It shall be the duty of the Zoning Officer\* to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form furnished by him. Permit applications shall be promptly considered and granted or denied by him. Variance applications shall be forthwith transmitted by the Zoning Officer for action by the Board of Adjustment hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. ESTABLISHMENT: The Board of Zoning Adjustment established by the provisions of Exhibit C attached.

\* The Zoning Officer shall be that individual authorized by Ordinance No. 386 of the City of Crookston, Minnesota, and duly appointed by City Council action.

shall be the Airport Board of Zoning Adjustment.

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 Zoning Officer in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
3. To hear and decide specific variances.

C. PROCEDURES:

1. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.
2. The Board of Adjustment 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, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.

3. 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 officer 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 Officer is an improper application of this Ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment 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 Zoning Officer 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, proceeding shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Officer 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 or 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 Officer.

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 for Polk 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 provisions 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



Crookston Municipal Airport  
Zoning Ordinance

be guilty of a misdemeanor and shall be punished by a fine of not more than \$300.00 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense.

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

In any case in which the provisions of this Ordinance, although generally reasonable, are 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.

SECTION XVIII: EFFECTIVE DATE

This Ordinance shall be published on July 11, 1975 in the Crookston Daily Times, an official newspaper in Crookston, Minnesota and shall take effect on the 11th day of July, 1975. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota, and the Register of Deeds, Polk County, Minnesota.

Passed and adopted after public hearing by the City of Crookston - Polk County Joint Airport Zoning Board this 25th day of June, 1975.

Alfon Hanson  
Alfon Hanson  
Lynn Thoen  
Lynn Thoen

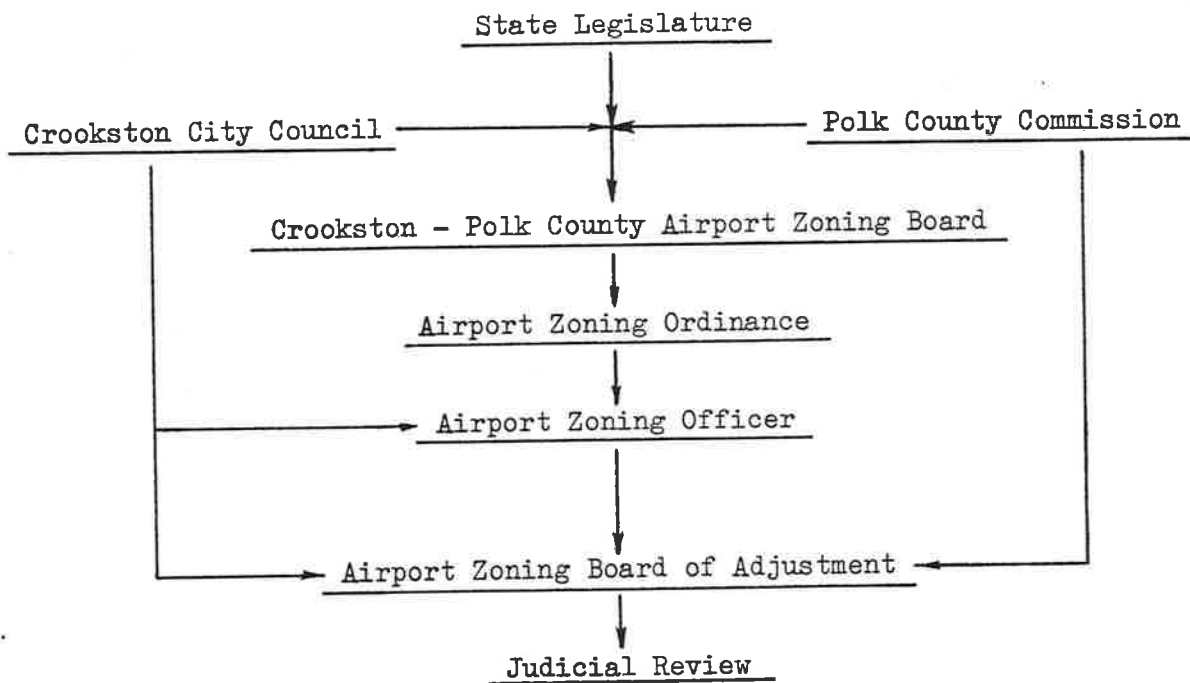
Mervin Wagner  
Mervin Wagner, Chairman  
Henry Gredvig  
Henry Gredvig  
B. L. Blokzyl  
B. L. Blokzyl

EXHIBIT A  
CROOKSTON MUNICIPAL AIRPORT  
ZONING ORDINANCE

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

| NAME AND NUMBER<br>OF TOWNSHIP          | TYPE OF AIRPORT ZONING   |  |
|---|--|--|
|   | AIRSPACE OBSTRUCTION ZONING<br>Section IV of Ordinance<br>Page 1/2 of Zoning Map | LAND USE SAFETY ZONING<br>Section V of Ordinance<br>Page 1/2 of Zoning Map |
| Fanny Township<br>T 151 N<br>R 47 W     | Sections 22, 23, 24, 25, 26<br>27, 28, 33, 34, 35, & 36                          | Sections 25, 26, 27,<br>34, 35, & 36                                       |
| Parnell Township<br>T 151 N<br>R 46 W   | Sections 19, 20, 29, 30, 31<br>32, & 33  | Sections 29, 30, 31,<br>& 32   |
| Crookston Township<br>T 150 N<br>R 46 W | Sections 4, 5, 6, 7, 8, 9,<br>16, 17, 18, 19, & 20                               | Sections 5, 6, 7, 8,<br>17, & 18   |
| Lowell Township<br>T 150 N<br>R 47 W    | Sections 1, 2, 3, 4, 9, 10,<br>11, 12, 13, 14, 15, 22, 23,<br>& 24               | Sections 1, 2, 3, 10,<br>11, 12, 13, & 14                                  |

EXHIBIT B  
ORGANIZATIONAL CHART  
CROOKSTON MUNICIPAL AIRPORT  
ZONING ORDINANCE





## RESOLUTION NO. \_\_\_\_\_

At a regular meeting of the Board of Commissioners of the County of Polk, held the 7th day of April, 1975, Commissioner Moen offered the following resolution which was seconded by Commissioner Driscoll.

WHEREAS, Subdivision 8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Aeronautics of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport; and

WHEREAS, Polk County, Minnesota has four such municipal owned airports, to wit, Crookston, Erskine, Fertile and Fosston; and

WHEREAS, the Polk County Board of Commissioners becomes involved in airport zoning by appointing county citizens in accordance with State law to serve on each individual airport zoning board; and

WHEREAS, each individual airport zoning ordinance must establish an Airport Zoning Board of Adjustment; and

WHEREAS, it would be of benefit to Polk County and the individual municipalities to have a single Board of Adjustment to provide consistent and experienced exercise of the powers granted to said Board of Adjustments; and

WHEREAS, the County Board of Commissioners can provide a means of coordination and cooperation in establishing a county wide Airport Zoning Board of Adjustment,

NOW THEREFORE, BE IT RESOLVED by the Polk County Board of Commissioners, subject to the approval of the governing bodies of the named communities, the Board of Adjustment for airport zoning in Polk County shall consist of five citizen members appointed as follows:

Four members of said Board to be appointed by each of the effected communities appointing one person, and

One member of said Board to be appointed by the Polk County Board of Commissioners.

The member named by the Polk County Board of Commissioners shall serve as temporary chairman to act and place the call for formal organization of the said Board of Adjustment.

The Board of Adjustment upon organization shall establish its own by-laws consistent with its purpose, shall establish the term of its members, shall establish its functional procedures and shall accomplish its purpose within the framework of the powers granted by the State, and judicial precedents.

Each community represented by a member on the Board of Adjustment shall be financially responsible for the costs incurred by the Board of Adjustment when the Board is acting on a particular problem, question, appeal, variance or decision on the specific community's specific airport. Costs involved shall be limited to travel expense for the members of the Board of Adjustment at \$0.15 per mile from the member's home to the meeting place and return to home; publication costs for public notices initiated by the Board; legal fees incurred if judicial review of the Board's decisions are forthcoming and legal counsel is needed; and any other direct costs which may be experienced by the Board (but in this instance only upon prior mutual consent with the governing body of the community involved).

The Board of Commissioners encourages each community to place its Board of Adjustment member on a \$25.00 per diem basis when engaged on Board of Adjustment business at the call of the chairman. Each community sponsor shall, if it chooses to pay diem, be responsible for payment to its representative regardless of the airport under consideration at the chairman's call. A claim for per diem with a simple statement of the purpose of per diem draw over the member's signature and the signature of the Chairman of the Board of Adjustment's shall be evidence of a justifiable claim.

The Board of Adjustment shall be a functioning Board upon the appointment of one member by Polk County and by appointment of a member by two of the effected airport operating communities.

Upon the call of ayes and nays the vote stood as follows:

Commissioners voting in the affirmative: Moen, Hanson, Reitmeier, Driscoll

Commissioners voting in the negative: none

Upon this vote the resolution was declared passed by the Chairman of the Polk County Board of Commissioners.

Passed this 7th day of April, 19 75.

Approved this 7th day of April, 19 75.

Lloyd E. Wold  
Chairman Chairman of the Board

ATTEST:

William J. ...  
County Auditor

Accepted by the Governing Bodies of:

Crookston, Minnesota: (1) By Motion  
Resolution Number 1-1481 Dated 2-11-75  
By Harold Thompson Mayor  
Attest: W. H. Anderson City Clerk

Erskine, Minnesota: (1) By Motion  
Resolution Number \_\_\_\_\_ Dated \_\_\_\_\_  
By \_\_\_\_\_ Mayor  
Attest: \_\_\_\_\_ City Clerk

Fertile, Minnesota: (1) By Motion  
Resolution Number 783 Dated Feb 3, 1975  
By Alvin Anderson Mayor  
Attest: Tom Englund City Clerk

Fosston, Minnesota: (1) By Motion  
Resolution Number --- Dated Feb 3, 1975  
By Bill Calvertson Mayor  
Attest: Tom Anderson City Clerk

(1) Cross out the one which does not apply to your community.