

*Joint Airport Zoning Board
Orr Regional Airport
City of Orr - Leiding Township - St. Louis County*

Airport Zoning Ordinance
for the
Orr Regional Airport

February 13, 1991

ORR REGIONAL AIRPORT ZONING ORDINANCE

CREATED BY THE
CITY OF ORR/ST. LOUIS COUNTY/LEIDING TOWNSHIP
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 ORR REGIONAL 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 ORR REGIONAL 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 ORR/ST. LOUIS COUNTY/LEIDING TOWNSHIP JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES 360.061 THROUGH 260.074, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

The City of Orr/St. Louis County/Leiding Township Joint Airport Zoning Board, created and established by joint action of the Common Council of the City of Orr, the Board of County Commissioners of St. Louis County and the Town Board of Leiding Township pursuant to the provisions and authority of Minnesota Statute 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Orr Regional 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 Orr Regional 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 Orr Regional 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 "Orr Regional 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 Orr Regional Airport located in Section 23 and Section 24, Township 64 North, Range 20 West.

"Airport Elevation" means the established elevation of the highest point on the usable landing area which elevation is established to be 1311.0 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.

"Dwelling" means any building or portion thereof designed or used as a residence or sleeping place of 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. Heights shall be determined based on U.S.G.S. topographic maps. A site survey shall not be required.

"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 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 Federal Aviation Administration, Mn/DOT, Office of Aeronautics, and the City of Orr.

"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, 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.

"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 the runway and extending 200 feet beyond each end of runway 13-31.

The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for runway 13-31.

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 1461.0 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 6,000 feet for runway 13-31.
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 radially 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 40:1 for runway 13-31.

The approach surface expands uniformly to a width of 3,500 feet for runway 13-31 at a distance of 10,000 feet 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 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect 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 airspace 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.
- 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 Orr Regional 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 Subsection IV A hereof, which extends outward from the end of primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be 2,667 feet for runway 13-31.

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, which distance shall be 1,333 feet for runway 13-31.
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 Safety Zone A or Safety Zone B.
4. Exceptions - Existing Residential Sites Within Zone A: North one half (N 1/2) of Government Lot five (5) and the south one half (S 1/2) of Government Lot four (4), Section fourteen (14), Township Sixty Four (64), Range Twenty (20), St. Louis County, Minnesota are existing residential sites partially within Zone A.

As of the date of adoption of this ordinance, the N 1/2 of Government Lot 5 includes two existing residential structures, and the S 1/2 of Government Lot 4 contains one residential structure. The residential use of the above parcels in existence as of the date of adoption of this ordinance may continue subject to the provisions of Section V.B.4. Specifically, any structure on the parcels may be remodeled, repaired, expanded, or replaced provided the use is not changed from single family residential.

Residential structures (new or existing) on these parcels may not exceed a density of one residential structure per three acres.

New structures erected on the above parcels after adoption of this ordinance must comply with the height

restrictions in Section IV B. Any new residential structures must be in Safety Zone B, except residential structures may be erected within 300 feet of the lake shore regardless of which safety area they fall in. Structures related to permitted uses in Zone A (Section VB 2) may be erected anywhere on the above parcels.

B. Use 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, 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, wildlife habitat, light outdoor recreation (nonspectator), 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, ad 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 at least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,700	90
	10	8:1		
10		6:1	72,600	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, 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 Subsection IV B, and to the general restrictions contained in Subsection V B 1.

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.

SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Orr Regional Airport Zoning Map consisting of 2 sheets, prepared by Short-Elliott-Hendrickson, Inc., and dated August, 1990, 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 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 4,000 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 Statute 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 of Commissioner may deem necessary to effectuate the purpose 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 Orr.

- 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 Orr Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City of Orr 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 City of Orr Zoning Administrator for action by the Board, hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. Establishment: The Joint Airport Board, Orr, Leiding & St. Louis Co. shall serve as the Board of Adjustment for the Orr Regional Airport Zoning Ordinance.
- 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 Administrator 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 provision 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 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 zoning administrator and shall be a public record.
2. 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.
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 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 members of the Board of Adjustment in the manner set forth in Minnesota Statute 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 St. Louis 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 of 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 provision of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500 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 injusutice relief and other relief as may be proper under the laws of Minnesota Statute 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 13TH day of FEBRUARY, 19 91. Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds, St. Louis County, Minnesota.

Passed and adopted after public hearing by the City of Orr/St. Louis County/Leiding Township Joint Airport Zoning Board this 13TH day of FEBRUARY, 1991.


Chairperson


Member


Member


Member

Member

EXHIBIT A
OF THE
ORR REGIONAL AIRPORT
ZONING ORDER

This order will affect all or a portion of the following sections of land:

TYPE OF AIRPORT ZONING

NUMBER OF
TOWNSHIP

Airspace Obstruction
Zoning, Section IV of
Order, Pages 1 and 2 of
Zoning Map

Land Use Safety
Zoning, Section V
of Order, Page 3
of Zoning Map

T 64N
R 20W

10,11,12,13,14,15
16,21,22,23,24,25
26,27,28,34,35,36

11,13,14,15,22,23
24,25,26,27

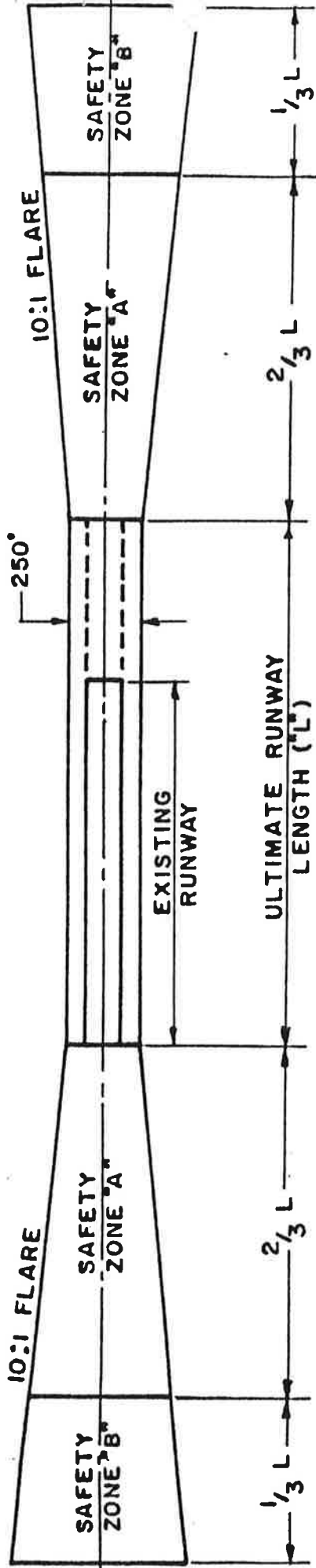
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R 19W

7,18,19,30,31

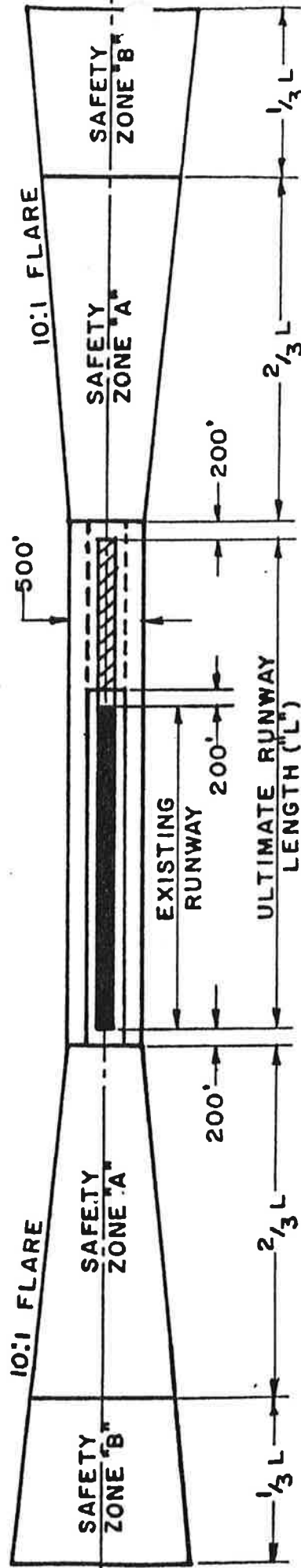
19 and 30

DIMENSIONS OF LAND USE SAFETY ZONES

VISUAL UTILITY RUNWAY



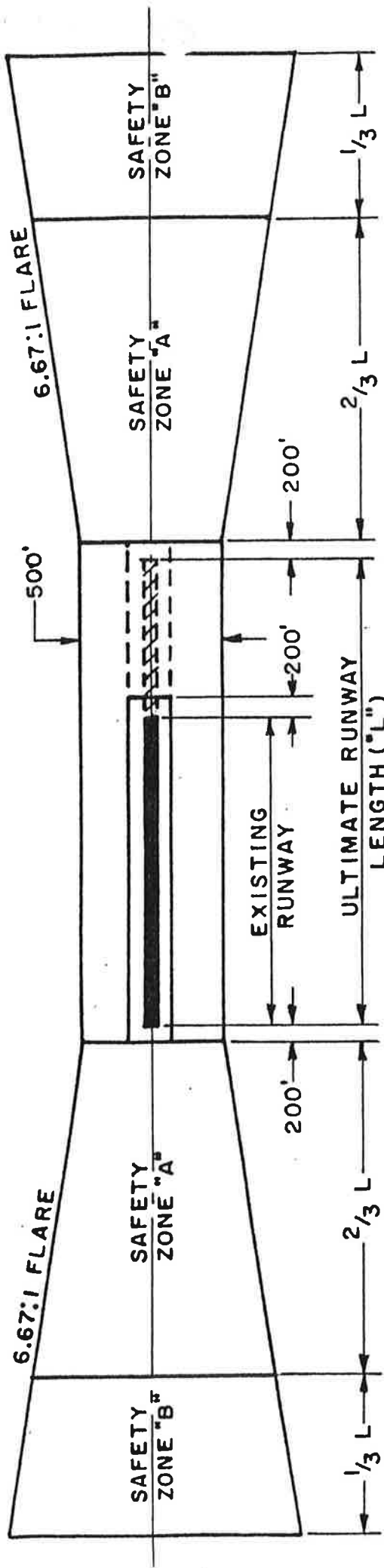
VISUAL RUNWAY OTHER THAN UTILITY



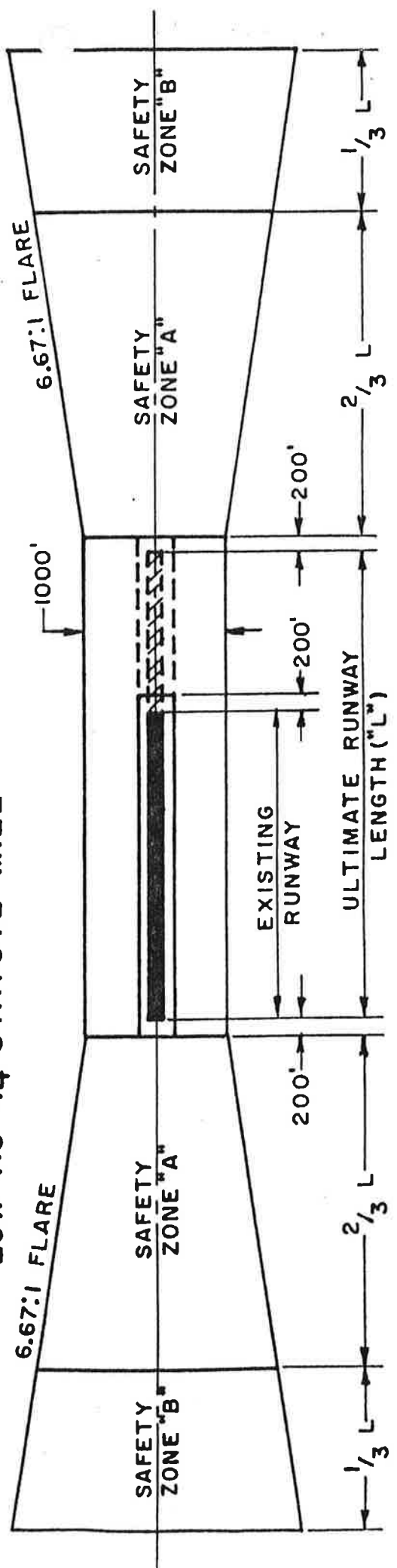
NO SCALE

DIMENSIONS OF LAND USE SAFETY ZONES

NON PRECISION INSTRUMENT RUNWAY WITH VISIBILITY MINIMUMS GREATER THAN 3/4 STATUTE MILE



PRECISION INSTRUMENT RUNWAY AND NON PRECISION INSTRUMENT RUNWAY WITH VISIBILITY MINIMUMS AS LOW AS 3/4 STATUTE MILE



NO SCALE

Joint Airport Zoning Board
Orr Regional Airport
City of Orr - Leiding Township - St. Louis County

The second Public Hearing for the purpose of adopting an Ordinance for the Orr Regional Airport was held on February 13, 1991 at 6:15 P.M. at Orr City Hall.

Members present were:

John Jubala-St. Louis County Zoning Board Member
Graham Grilley-Leiding Township Board Member
David Glowaski, Robin Nelson-City of Orr Zoning Board Members
Rosemary Hoffer-Secretary

The meeting was called to order by Chairman Jubala. David Dill explained that the proposed Ordinance had been sent to the Aeronautics Division, Mn/DOT in St. Paul and they had approved the Ordinance sent them with the changes that had been made. No additional changes were made in St. Paul, and the Ordinance is now ready for adoption by the Joint Zoning Board.

In regard to Doug Garland's question, building permits will now be issued by the City of Orr Zoning Administrator and St. Louis County Zoning must also be contacted. Building permits will be issued on the basis of whichever entity is most restrictive. The Joint Zoning Board will act as the official Variance Board.

The minutes of the previous hearing were then read by Secretary Hoffer.

Ruth Schley stated that the landowners were not satisfied and that the adoption of the Ordinance should be held off. It was explained to her that with the Ordinance in place, the landowners would then have a basis for damages.

Mr. Saranpaa inquired and was told about the allowing of residential structures to be built within 300 ft. of the lakeshore in Zone A. This is to be determined by the highwater mark of Pelican Lake as set by the DNR.

Pam Iverson asked about the FAA request for tree removal and it will be necessary for the City, the FAA and the Iverson's to negotiate on this.

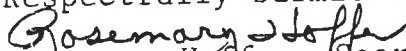
Motion by Nelson, second by Glowaski to pass Resolution "A", which is for the final adoption of the Ordinance for the Orr Regional Airport. Motion carried.

Motion by Nelson, second by Glowaski to send a copy of the minutes, a copy of the newly adopted Resolution and the final Ordinance to the Aeronautics Division of Mn/DOT. Carried.

A copy of a Clear Zone Easement was presented to Mr. Edward Staudohar for his study and approval or disapproval. If he agrees to sign the easement, it would give the City the airspace above his property. Motion by Glowaski, second by Nelson to give Mr. Staudohar approval to construct a building on his property based on his signing the easement. This easement would run concurrent with the date that he has on the building permit issued to him by St. Louis County Planning & Zoning. Motion carried. (Copy of easement is attached)

Chairman Jubala moved to adjourn at 7:55 P.M.

Respectfully submitted,


Rosemary Hoffer, Secretary

CLEAR ZONE EASEMENT

WHEREAS, Edward P. Staudohar, unmarried (hereinafter called the Grantor), is the owner of that certain tract or parcel of land situated in the County of St. Louis, State of Minnesota, described in paragraph 1 below; and

WHEREAS, City of Orr, (hereinafter called the Grantee), is the owner and operator of the Orr Regional Airport, situated in the said County of St. Louis, State of Minnesota, in close proximity to the said tract or parcel of land of the Grantor; and

WHEREAS, for the protection of aircraft landing and taking off at the Orr Regional Airport, it is deemed necessary that the land in the immediate approaches (within approximately one-half mile) to the runways of the said airport be and remain cleared of any buildings, structures, objects, growths, or assemblies of persons, other than air navigation facilities;

NOW, THEREFORE,

1. In consideration of the City of Orr and the Orr Regional Airport Zoning Board granting a building permit in conformity with that land Use Permit issued by St. Louis County Planning and Zoning, a copy of which is attached hereto as Exhibit "A", in consideration of the sum of One Dollar, and other valuable consideration in hand paid the Grantor by the Grantee, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, successors and assigns, do hereby give and grant to the Grantee for the use and benefit of the public, a perpetual aviation easement and right-of-way for the unobstructed and unrestricted flight of aircraft in, through, and across the airspace above one thousand three hundred fifty one and five tenths feet (1351.5) above mean sea level and over the following described land.

All that part of:

Lots 1 and 2, AUDITOR'S PLAT #44, Government Lot 5, Section 14, Township 64 North, Range 20 West, of the Fourth Principal Meridian, Saint Louis County, lying easterly of the following described line:

Commencing at the northeast corner of the said AUDITOR'S PLAT #44, and assuming the east line thereof to have a bearing of South 00 degrees 20 minutes 17 seconds East, thence South 88 degrees 51 minutes 44 seconds West along the north line thereof, a distance of 147.47 feet to the point of beginning; thence South 47 degrees 57 minutes 12 seconds West, a distance of 110.74 feet; thence South 50 degrees 34 minutes 39 seconds East a distance of 134.03 feet to the south line of said Lot 2, and said line there terminating.

2. The Grantor, for himself, his heirs, successors and assigns do hereby covenant and agree that they will not erect, maintain or allow any buildings, structures, or objects to remain or be placed on the real estate described in paragraph 1 herein in the easement area; provided, however, that the Grantor reserve unto himself, his heirs, successors and assigns, the right of use of said land to a height not to exceed 1351.5 feet above mean sea level. The Grantor do further reserve unto himself, his heirs, successors and assigns, the right to retain and use, and the right to perform

normal maintenance and repair in their present form and location, and have other such usage including the right to construct a home below 1351.5 mean sea level. Grantor acknowledge that they must otherwise be in conformity with all airport zoning requirements.

3. And further, that the use of the land shall not create or cause interference with the operation of radio or electrical facilities on the airport or with radio or electronic communications between the airport and the aircraft, or in a manner which makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport and impairs visibility in the vicinity of the airport.

4. The Grantor, for himself, his heirs, successors and assigns, do hereby further covenant and agree that they will not use or suffer the said land to be used by any assembly of persons or in such a manner as might attract or bring together an assembly of persons thereon.

5. The Grantor, for himself, his heirs, successors and assigns, do hereby further give and grant to the Grantee a continuing right of entry upon the aforesaid land for the purpose of removing and preventing the construction or erection of any buildings, structures, or facilities and the growth of any trees or other objects upon the land, other than those herein expressly excepted.

6. It is understood and agreed that these covenants and agreements shall be binding upon the heirs, administrators, executors and assigns of the parties, that these covenants and agreements shall run with the land.

IN WITNESS WHEREOF, the Grantor have hereunto set their hands and seals this _____ day of _____, 1991.

GRANTOR:

EDWARD P. STAUDOHAR

GRANTEE:

CITY OF ORR

BY: _____
Its: _____

BY: _____
Its: _____

Joint Airport Zoning Board
Orr Regional Airport
City of Orr - Leiding Township - St. Louis County

"A"

Resolution

Joint Airport Zoning Board
Orr Regional Airport
City of Orr, Leiding Township, St. Louis County

At the 2nd public hearing for airport zoning for the Orr Regional Airport held by the above Board on February 13, 1991 at Orr City Hall at 6:00pm pursuant to Minnesota Statute 360.065. Member Robin Nelson, and seconded by Member David Glowaski, introduced the following Resolution and moved its adoption.

It hereby resolved as follows:

1. The the board give final approval to the alternate language regarding the Zoning Administrator and the Board of Adjustment. This language was adopted at the 1st public hearing and held as alternate language until the board received comment from St. Louis County on their participation as Zoning Administrator and Board of Adjustment. St. Louis County declined the Boards request.
2. That no significant changes were necessary in the proposed ordinance.
3. That the zoning ordinance and map attached here is the final and complete zoning ordinance of this board for the Orr Regional Airport.
4. That no significant changes were necessary in the proposed ordinance.
5. That the date of the ordinance be changed from November 14, 1990, To February 13, 1991 to coincide with final passage of the ordinance.

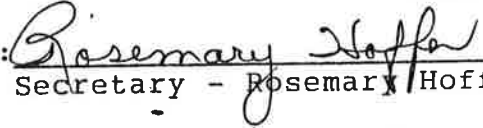
Roll Call

Members voting aye: Nelson, Glowaski, John Jubala, Graham Grilley

Members voting nay: none

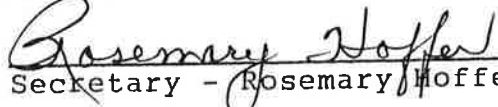
Resolution declared passed: 

Chairman - John Jubala

Attest: 

Secretary - Rosemary Hoffer

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


Secretary - Rosemary Hoffer

Seal and Stamp