

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER TWELVE

AIRPORT ZONING REGULATIONS

SECTION 1. PURPOSE AND AUTHORITY

An airport hazard endangers the lives and property of users of airports located in and adjacent to Renville County. An airport hazard also endangers the occupants of land in its vicinity and may reduce the size of the area available for the landing, taking off, and maneuvering of aircraft, thereby impairing the utility of an airport and the public investment therein.

The social and financial costs of disrupting existing land uses around an airport in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.

The creation or establishment of an airport hazard is a public nuisance. It is, therefore, necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation. The elimination or removal of existing land uses, particularly in established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. 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 and acquire land or property interests therein.

SECTION 2. SHORT TITLE

This Ordinance shall be known as the “Renville County Airport Zoning Regulations.” Those sections of land affected by this Ordinance are indicated on the Airport Zoning Maps adopted as part of this Ordinance. Renville County reserves the right to, from time to time, amend these regulations to conform to new or amended state or federal regulations or other statutory or regulatory changes.

SECTION 3. DEFINITIONS

Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases stated below shall have the following meaning:

Airport – The Redwood Falls Municipal Airport located in a portion of Section 32, Township 113 North, Range 35 West of the Fifth Principal Meridian, Redwood County, Minnesota; or the Hector Municipal Airport located in parts of Sections 29, 32, and 33 of Township 115 North of Range 32 West, Renville County, Minnesota; or the Olivia Airport located in Sections 10, 11, 14, and 15, Troy Township, Renville County, Minnesota.

Airport Elevation – The established elevation of the highest point on the usable landing area which elevation is established in feet above mean sea level. The following airport elevations are established:

1. Redwood Falls Municipal Airport – 1,023 feet.
2. Hector Municipal Airport – 1,077 feet.
3. Olivia Municipal Airport – 1,088 feet.

Airport Hazard – 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.

Board of Adjustment – The Renville County Board of Adjustment and Appeals.

Dwelling – Any building or place used or intended to be used by human occupants as a single-family or multifamily residence with no more than nine bedrooms and producing sewage. Dwelling does not include a single-family or multifamily residence that serves as both a domicile and a place of business if the business increases the volume of sewage above what is normal for a dwelling or if liquid waste generated no longer qualifies as sewage.

Height – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the airport zoning maps, the datum shall be mean sea level elevation unless otherwise specified.

Instrument Runway – A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

Land Area – The area of the airport used for landing, taking off, or taxiing of aircraft.

Landing Strip – Any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this Ordinance as does the term “Runway.”

Nonconforming Use – Any legal structure or legal use existing upon the effective date of the adoption of this chapter and which does not conform to the provisions of this chapter.

Non-Instrument Runway – A runway other than an instrument runway.

Person – 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.

Runway – Any surface of the airport that is specifically designated and used for the landing and/or takeoff of aircraft.

Slope – The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Structure – Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Tree – Any object of natural growth.

Water Surfaces – For the purpose of this Ordinance, shall have the same meaning as land for the establishment of protected zones.

SECTION 4. AIRPORT OBSTRUCTION ZONING

1. **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:
 - A. **Primary Zone.** All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 300 feet beyond each end of a runway. 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 500 feet for all runways.
 - B. **Horizontal Zone.** All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation (Redwood Falls, 1,173 feet above sea level; or Olivia, 1,238 feet above sea

level; or Hector, 1,227.3 feet above 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 all runways.

- C. 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.
 - D. Approach Zone. All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface. The approach surface inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.
 - E. Transitional Zone. All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the side of the primary surfaces and from the sides of the primary surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.
2. Height Restrictions. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 4.1 of this Ordinance so as to project into any of the imaginary airspace surfaces described in said Section 4.1 hereof. Where an area is covered by more than one height limitation, the more restricted limitations shall prevail.

SECTION 5. LAND USE SAFETY ZONING

- 1. Safety Zone Boundaries. In order to carry out the purpose of this Ordinance, there are hereby created and established the following safety zone boundaries:
 - A. Safety Zone A. All that land in the approach zones of the runway that is located within a horizontal distance equal to two-thirds the length in feet of a runway from each end of the primary zone.

- B. Safety Zone B. All that land in the approach zones of a runway which is located within a horizontal distance equal to the length in feet of the runway from each end of the primary zone and is not included in Zone A.
 - C. Safety Zone C. All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.
2. Use Restrictions.
- A. General. Subject at all times to the height restrictions set forth in Section 4.2 herein, no use shall be made of any land in any of the safety zones defined in Section 5.1 herein 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.
 - B. Zone A. Subject at all times to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein, 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 agricultural, feedlots, outdoor recreation (non-spectator), wildlife habitat, cemeteries, and auto parking.
 - C. Zone B. Subject at all times to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein, areas designated as Zone B shall be used for the following purposes only:
 - i. For agricultural and residential purposes, provided there shall not be more than one single family dwelling per five-acre tract of land.
 - ii. Any commercial or industrial use which meets the following minimum standards:
 - a. Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
 - b. Each single commercial or industrial site shall be of a size not less than five acres.

- c. Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per five-acre tract of land.
- d. The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

At Least (Acres)	But Less Than (Acres)	Ratio of Site Area to First Floor Building Area	First Floor Building Area (Square Feet)	Maximum Site Populations (15 Persons Per Acre)
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	And Up	4:1	218,000	300

- iii. The following 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.

- D. Zone C. Zone C is subject only to the height restrictions set forth in Section 4.2 herein and to the general restrictions contained in Section 5.2.A herein.

SECTION 6. RENVILLE COUNTY AIRPORT ZONING MAPS

The following maps are designated as the Renville County Official Airport Zoning Maps. These maps are on file in the office of the Division of Environment and Community Development.

1. Redwood Falls Municipal Airport Zoning Map consisting of 11 sheets, prepared by The HNTB Companies and dated August 1974.
2. Olivia Airport Zoning Map consisting of 13 sheets, prepared by Short Elliot Hendrickson Inc. and dated June 24, 1999.
3. Hector Municipal Airport Zoning Map consisting of three sheets, prepared by D. L. Noyes and dated August 1974, revised March 1975, September 1977, November 1980, and September 1982.

These maps, together with any future amendments made, and all notations, references, elevations, data, zone boundaries, and other information thereon, are made a part of this Ordinance.

SECTION 7. NONCONFORMING USES

The regulations contained in this Ordinance are not retroactive from the date of enactment of this Ordinance. The regulations prescribed by this Ordinance shall not be construed as 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 land or structure, the use or 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 8. PERMITS

1. Future Uses. Except as specifically provided in Section 8.1.A herein, 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 therefor 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.
 - A. 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 prospective zone.
 - B. 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 4.2.
2. Existing Uses. Before any existing nonconforming tree or structure may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any zone established herein, a permit must be secured from the zoning administrator provided for herein. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when on the effective date of this Ordinance or any applicable amendment thereto or than it is when the application for a permit is made.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the zoning administrator provided for herein determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 50 percent torn down, deteriorated, or decayed (1) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations provided for herein, and (2) whether application is made for a permit under this section or not, the zoning administrator may by appropriate action compel the owner of the nonconforming structure or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the provisions of this Ordinance. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order for 10 business days after receipt of written notice of the order, the zoning administrator may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object of the land where it is or was located. Unless such assessment is paid within 90 days from the service of notice thereof on the agent or owner of the object or land, the sum will 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 9. VARIANCE

Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use the person's property in violation of this Ordinance may apply to the Board of Adjustment, hereinafter provided for, for a variance from the zoning regulations in question. Applications for a variance shall be made to Board of Adjustment through the office of the zoning administrator.

Applications for variances shall be allowed where it is duly found that a literal application or enforcement of this Ordinance 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 this Ordinance. In addition, any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Ordinance.

SECTION 10. HAZARD MARKING AND LIGHTING

1. Nonconforming Uses. The owner of any nonconforming structure or tree which existed prior to the effective date of this Ordinance is hereby required to permit the installation, operation, and maintenance thereof 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 if such hazard marking and lighting is advisable to effectuate the purposes of this Ordinance and is reasonable in the circumstances. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner, unless otherwise provided by law.

2. Permits and Variances. In granting any permit or variance under this Ordinance, the zoning administrator or Board of Adjustment may, if it deems such action advisable to bring about the purposes of this Ordinance, and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the airport owner, at its 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 11. AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the Renville County zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Renville County zoning administrator upon a form furnished by the zoning administrator or his/her designee. Permit applications shall be promptly considered and granted or denied by the zoning administrator or his/her designee. Variance applications shall be forthwith transmitted by the Renville County zoning administrator for action by the Board of Adjustment hereinafter provided for.

SECTION 12. BOARD OF ADJUSTMENT

1. Establishment. The Board of Adjustment for those areas of Renville County not located within a city shall be the existing Renville County Board of Adjustment and Appeals.
2. Powers. The Board of Adjustment shall have and exercise the following powers:
 - A. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance.
 - B. To hear and decide any special exceptions to the terms of this Ordinance upon which the Board of Adjustment may be required to pass under this Ordinance.
 - C. To hear and decide specific variances.
 - D. To impose conditions in granting a request for a variance.
3. Procedures. All rules and procedures of the Board of Adjustment shall be consistent with Section 6.2 of Chapter One of the Renville County Land Use Ordinance.

SECTION 13. APPEALS

All appeals, including administrative, variances, and those involving the Official Map, shall be consistent with Sections 6.3, 6.4, and 6.5 of Chapter One of the Renville County Land Use Ordinance.

SECTION 14. JUDICIAL REVIEW

Any person aggrieved, or taxpayer affected, by any decision of a Board of Adjustment, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a Board of Adjustment is illegal may appeal in accordance with Minn. Stat. Ch. 14 as amended.

SECTION 15. VIOLATIONS, PENALTIES, AND REMEDIES

Every person who shall construct, establish, substantially change, or substantially alter or repair any structure, use, or 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, or who shall violate this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000, imprisonment for 90 days, or both. Each day a violation continues to exist shall constitute a separate offense. In addition, the County may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Ordinance or of any order or ruling made in connection with the administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff any such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Ordinance and of the regulations adopted and orders and rulings made pursuant thereto.

SECTION 16. 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 is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulations shall govern and prevail.

SECTION 17. SEPARABILITY

In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court of competent jurisdiction 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, as to constitute a taking or deprivation of that property in violation of the Constitution of the State of Minnesota 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 18. EFFECTIVE DATE

The regulations contained in this chapter shall become effective from and after their publication according to law.