

**AIRPORT SAFETY ZONING
ORDINANCE**

FOR

BIGFORK MUNICIPAL AIRPORT

June 9, 2009

THIS ORDINANCE AMENDS AND REPLACES

Minnesota Airport Zoning Ordinance

For

Bigfork Municipal Airport

May 4, 1994

STATE OF MINNESOTA } SS
COUNTY OF ITASCA

I hereby certify that the foregoing is a true and correct
photocopy of the original document recorded in this office.

LINDA NIELSEN, Recorder / Registrar
By: Charlene Nielsen
Deputy

12-15-09

11/19/2009 08:00:00AM

OFFICE OF THE COUNTY RECORDER
ITASCA COUNTY, MINNESOTA

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LINDA NIELSEN
ITASCA COUNTY RECORDER

BY SVR Dep

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TITLE AND INTRODUCTION

BIGFORK MUNICIPAL AIRPORT ZONING ORDINANCE

BIGFORK 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 BIGFORK 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 BIGFORK MUNICIPAL 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 BIGFORK JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES SECTION 360.061 THROUGH 360.074, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

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

- A. An airport hazard endangers the lives and property of users of the Bigfork Municipal Airport, and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of said Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Bigfork Municipal Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
- D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.
- F. The Bigfork Municipal Airport is an essential public facility that serves an important public transportation role and provides a public need.

SECTION II: SHORT TITLE

This Ordinance shall be known as the “Bigfork 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:

"ABOVE MEAN SEA LEVEL" means the elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

"ACCESSORY STRUCTURE" means a structure on the same parcel or set of contiguous parcels with and of a nature customarily incidental and subordinate to the principal use of the structure.

"AIRPORT" means the Bigfork Municipal Airport located in Sections 10 and 15, Township 61, Range 26, Itasca County, Minnesota.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1350.4 feet above mean sea level.

"AIRPORT HAZARD" means any structure, tree, or use of land which obstructs the air space 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.

"APPROACH SURFACE" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

"BOARD OF ADJUSTMENT" means the Itasca County Planning Commission/Board of Adjustments appointed by the Itasca County Board of Commissioners.

"COMMISSIONER" means the Commissioner of the Minnesota Department of Transportation.

"CONDITIONAL USE" means a use that would not be appropriate generally or without restrictions throughout the zoning district but which if controlled as to number, area, location within the neighborhood, and other pertinent considerations would not be injurious to the public health, safety, welfare, morals, order, appearance, prosperity, or general welfare thereof. Such uses may be granted by issuance of Conditional Use Permits by the Planning Commission/Board of Adjustments.

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

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

"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.

"LOT" means one parcel within a block of an official Plat. A lot, parcel, or tract shall be considered to be an individual building site that shall be occupied by no more than one Single-Family Dwelling Unit. Such lot shall have frontage or access on public or private street, road, or body of water.

"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 uses are such type of residences.

"NONCONFORMING USE" means any legal use already in existence before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date the use was established.

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

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

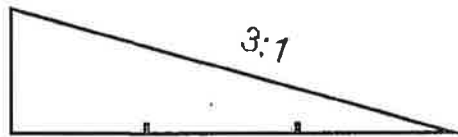
"PERSON" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"PLANNED," as used in this Ordinance, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics, and the City of Bigfork.

"PLANNING COMMISSION" means The Planning Commission/Board of Adjustments.

“*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 humans, including, but without limitation, buildings, towers, smokestacks, earth formations, overhead transmission lines, radio and television aerials, and antennas.

“*TEMPORARY STRUCTURE*” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure erected has ceased but not to exceed 150 days.

“*TRAVERSE WAYS,*” for the purpose of determining height limits as set forth in this Ordinance, shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

“*TREE*” means any object of natural growth.

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

“*VARIANCE*” means any modification or variation of the provisions of this Ordinance when it is determined that by reason of exceptional circumstances, the strict enforcement of any of the provisions of this Ordinance would cause unnecessary hardship or that the strict conformity with the provisions of this Ordinance would be unreasonable, impractical or not feasible under the circumstances.

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

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

"ZONING ADMINISTRATOR" means the Itasca County Zoning Official or his authorized representative, who is charged with the administration and enforcement of this Ordinance. The "Zoning Official" is also known as the "Environmental Services Administrator."

"ZONING PERMITS" A permit issued under the Ordinance by the Zoning Administrator authorizing and permitting certain work to be done by the applicants as specified elsewhere in the Ordinance.

SECTION IV: AIR SPACE OBSTRUCTION ZONING

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

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:
 - a. Extending 200 feet beyond each end of Runway 15/33.
 - b. 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:

- c. 500 feet for Runway 15/33.
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 1501 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 5000 feet for Runway 15/33.
3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal surface.
4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 20:1 for Runway 15/33.
The approach surface expands uniformly to a width of 2,000 feet for Runway 15/33 at a distance of 5,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.
5. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 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. 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.

- 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 air space zone created in SECTION IV A so as to project above any of the imaginary air space surfaces described in said SECTION IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.
- C. BOUNDARY LIMITATIONS: The air space 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 Bigfork Municipal Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:
 - 1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be 2667 feet for Runway 15/33.
 - 2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from Safety Zone A

a distance equal to one-third of the planned length of the runway, which distance shall be 1333 feet for Runway 15/33.

3. SAFETY ZONE C: All land which is enclosed within the perimeter of the horizontal zone, as defined in SUBSECTION IV A hereof, and which is not included in Safety Zone A or Safety Zone B.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in SECTION IV B, no use shall be made of any land in any of the safety zones defined in SECTION V A which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. ZONE A: Subject at all times to the height restrictions set forth in Subsection IV B and to the general restrictions contained in Subsection V B 1, areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and automobile parking.
3. ZONE B: Subject at all times to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B 1, areas designated as Zone B shall be restricted in use as follows:
 - a. Each use shall be on a site whose area shall not be less than three acres.
 - b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage
 - c. Each site shall have no more than one building plot upon which any number of structures may be erected.

- d. A building plot shall be a single, uniform, and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

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/Acre)
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, motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

4. ZONE C: Zone C is subject only to height restrictions set forth in SECTION IV B, and to the general restrictions contained in SECTION V B 1.

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 MAP

The several zones herein established are shown on the Bigfork Airport Zoning Maps consisting of 5 sheets, prepared by SEH Inc., and dated June 9, 2009, 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 or tree shall be erected, altered, planed, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning official, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this ordinance as set forth in SECTION IV and the land use limitations set forth in SECTION V.
 3. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- 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 official 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 official 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 official 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 not in accordance with the regulations prescribed in this Ordinance, may apply to the Itasca County Environmental Services Department on a proper form provided for that purpose. An appeal for a variance shall be filed in a timely manner in advance of the scheduled hearing date as the Planning Commission/Board of Adjustments provides in its Bylaws and Rules of Procedures. Said public hearing and written notice shall be conducted in accordance with Article 18 of the Itasca County Zoning Ordinance.

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

The Board of Adjustment may request review of a variance application by the Mn/DOT Airport Zoning Director prior to making a decision.

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 official, 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 Bigfork.

- 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 official 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 Itasca County Zoning Official to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Itasca County

Zoning Official 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 Itasca County Zoning Official for action by the Board hereinafter provided for.

SECTION XII: ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT

- A. **ESTABLISHMENT:** The Itasca County Planning Commission and Board of Adjustments shall serve as the Board of Adjustment for the Bigfork Municipal Airport Zoning Ordinance.
- B. **AUTHORITY:** The County Board of Commissioners hereby creates the Planning Commission and Board of Adjustment pursuant to Minn. Stats. 394.21 – 394.37 and all acts amendatory thereof.
- C. **AUTHORITY AND DUTIES OF THE BOARD OF ADJUSTMENT:** Whenever a question arises concerning the interpretation of any section of the Ordinance, it shall be the duty of the Itasca County Planning Commission and Board of Adjustment to ascertain all the facts concerning said question.
- The Board of Adjustment shall have the exclusive authority to order the issuance of a Variance from the terms of any official control, including restrictions placed on nonconformities, and shall have the authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.

SECTION XIII: APPEALS

- A. The Board of Adjustment shall have the exclusive authority to hear and decide appeals from and review any order, requirements, decision, or determination made by any administrative official charged with enforcing any ordinance or official control adopted pursuant to Minn. Stats. 1574 and 394.21 – 394.37 as amended.
- B. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

C. Appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Zoning Official of any order, requirement, decision, or determination made.

D. Public Hearings: The Itasca County Planning Commission and Board of Adjustment shall conduct public hearings on all applications and other appeals brought before it, giving due notice as set forth in Article 17, of the Itasca County Zoning Ordinance. Such hearings shall be conducted according to applicable Minnesota Statutes, Article 17, and their Bylaws and Rules of Procedure. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative. Decisions by the Itasca County Planning Commission and Board of Adjustment shall be rendered on all appeals within 35 days from the date the public hearing is closed.

E. The reasons/findings of fact for the decision of the Itasca County Planning Commission and Board of Adjustment shall be stated in writing.

SECTION XIV: JUDICIAL REVIEW

The Planning Commission's determination on Conditional Use Permits and decisions revoking Conditional Use Permits that are listed as a Conditional Use Permit in the Shoreland Overlay Zoning District and Zoning Districts shall be final. The County Boards determination on Conditional Use Permits that are not listed and are in a Rural Residential or Farm Residential Zoning District shall be final. Any aggrieved person may obtain judicial review by obtaining a writ of certiorari from the Court of Appeals within 60 days after the aggrieved party shall have received due notice of the proceeding and decision sought to be reviewed and by serving said writ appeal upon the Itasca County Auditor and any other adverse party within such period of 60 days.

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, or decision shall be final except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction, or of the State shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the District Court in the County in which the land is located, on questions of law and fact.

SECTION XV: PENALTIES AND ENFORCEMENT

It is declared unlawful for any person, firm, corporation, or contractors of such to violate any of the terms and provisions as set forth by State regulation or the provisions of any ordinance, regulations, or other official control by the Board.

Any person, firm, or corporation or agent, employees, or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or resist enforcement of any of the provisions (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) of this Ordinance or the Itasca County Zoning Ordinance, shall be guilty of a misdemeanor upon conviction. Each day that a violation continues to exist shall constitute a separate offense. All fines of violation shall be paid to the County; Violations of the Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

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 9th day of June, 2009.

Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds, Itasca County, Minnesota.

Passed and adopted after public hearing by the Bigfork Joint Airport Zoning Board this 9th day of June, 2009.

Angela V. Starke

Chairperson

Mustaf Buluch

Member

Gene Madsen

Member

C.M. Pierre Champagne

Member

Richard J. Salmi

Member

Amey L. Forsberg

Member

Member

EXHIBIT A

BIGFORK AIRPORT ZONING ORDINANCE

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

NAME AND NUMBER OF TOWNSHIP	AIR SPACE OBSTRUCTION ZONING: Section IV of Ordinance; Page 2 of Zoning Maps	LAND USE SAFETY ZONING: Section V of Ordinance; Page 3 of Zoning Maps
Bigfork Township T61N R26W	Sections: 2,3,4,5, 8, 9,10,11, 12, 13, 14,15,16, 17, 21,22,23, and 24	Sections: 2,3,4,9,10,11, 14,15,16, 22,23
UNORGANIZED TOWNSHIP T62N R26W	Sections: 33,34,35	Sections:

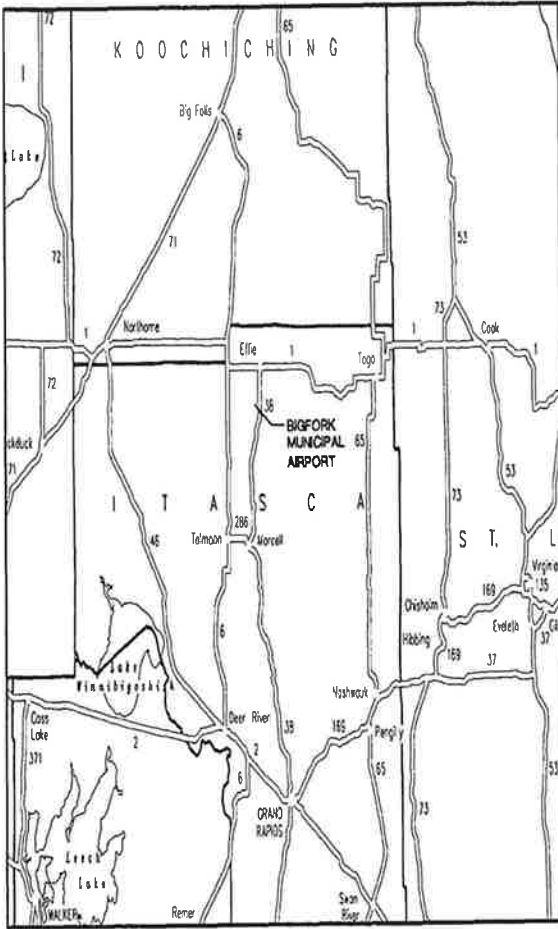
AIRPORT ZONING PLAN

BIGFORK MUNICIPAL AIRPORT

BIGFORK, MINNESOTA

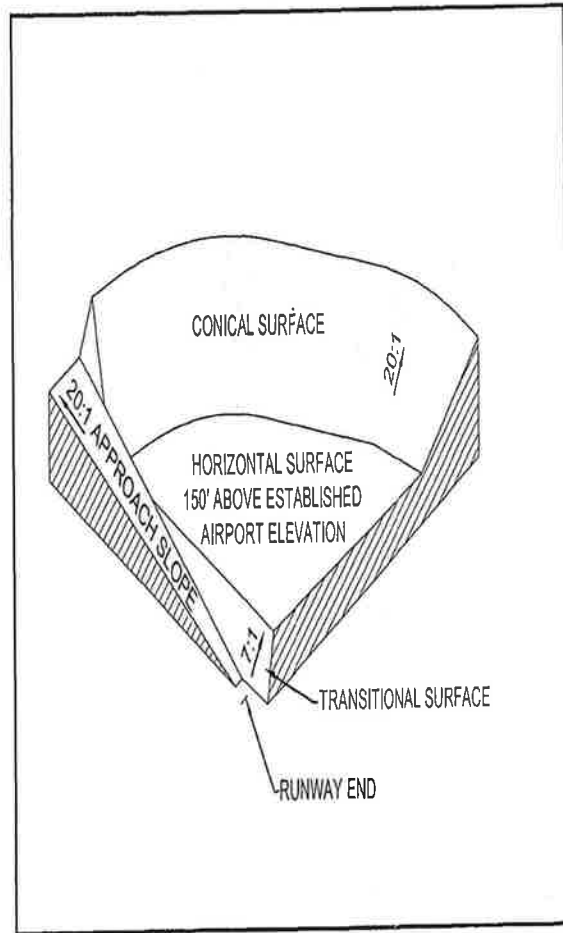


SUB FILE NO. BIGFO 103234
 ISSUE DATE JUNE 9, 2009
 DESIGNED BY MRU
 DRAWN BY MRU
 CHECKED BY MRU
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LOCATION MAP

NO SCALE



PERSPECTIVE VIEW SHOWING IMAGINARY SURFACES

NO SCALE

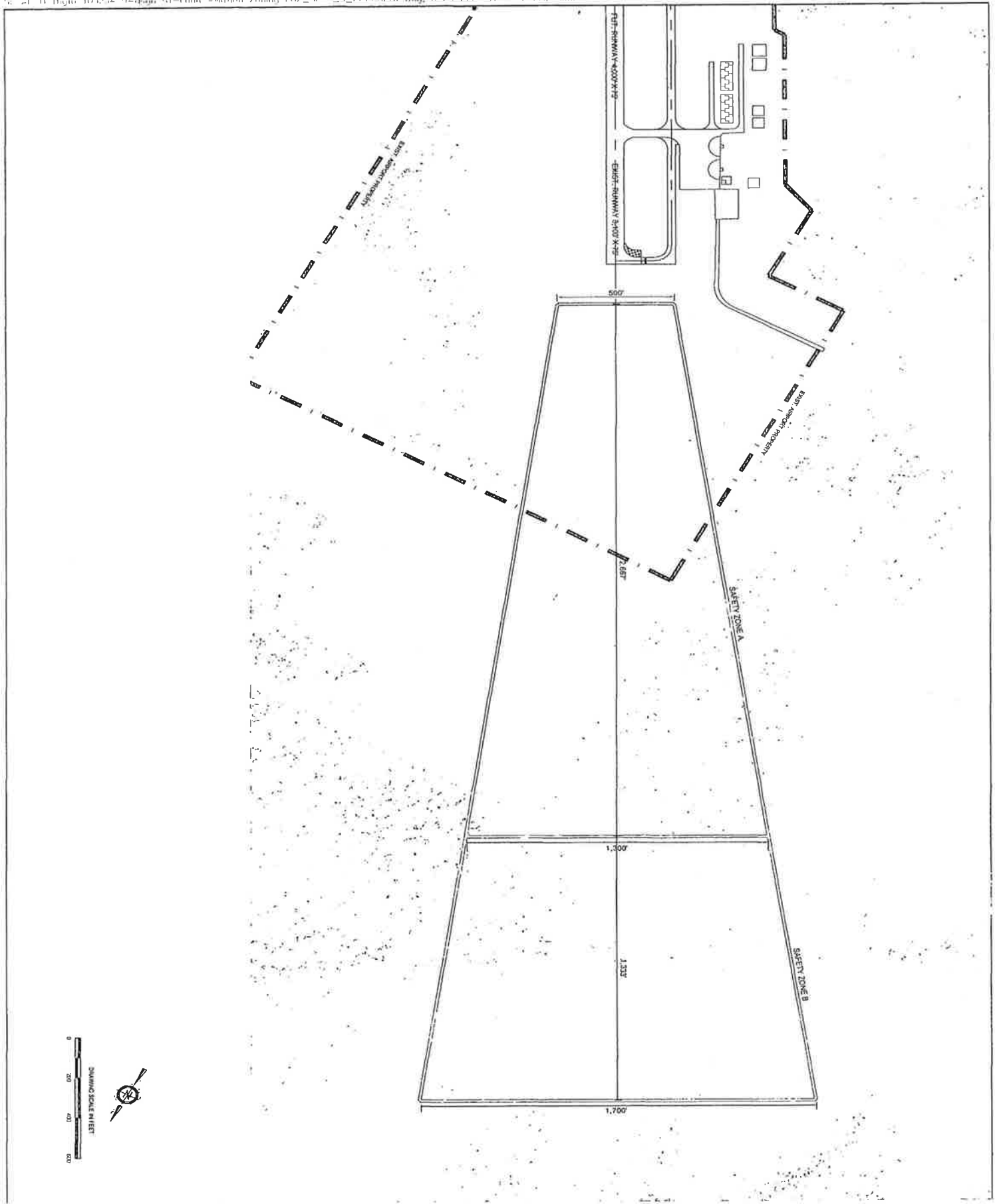
INDEX TO SHEETS

- 1... TITLE SHEET
- 2... AIRPORT AIRSPACE ZONING PLAN
- 3... AIRPORT LAND USE ZONING PLAN
- 4... EXIST. RUNWAY 15 MNDOT SAFETY ZONES
- 5... EXIST. RUNWAY 33 MNDOT SAFETY ZONES

AERIAL DATE: APRIL 2005
 AERIAL SOURCE: MNDOT OFFICE OF AERONAUTICS

BIGFORK MUNICIPAL AIRPORT

TITLE SHEET



5

EXIST. RUNWAY 33
MN/DOT SAFETY
ZONES

BIGFORK MUNICIPAL AIRPORT

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