

LAKE COUNTY ORDINANCE NUMBER 2  
providing for the zoning of the  
TWO HARBORS MUNICIPAL AIRPORT HAZARD AREA

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LAKE COUNTY ORDINANCE NUMBER 2

SECTION 1. PURPOSE AND AUTHORITY

AN ORDINANCE BY LAKE COUNTY, MINNESOTA, REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE TWO HARBORS MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE TWO HARBORS 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.

This Ordinance is adopted pursuant to the authority conferred by Statute 360.063 of the Public Laws of the State of Minnesota. It is hereby found that an airport hazard endangers the lives and property of users of the Two Harbors Municipal Airport, and property or occupants of land in its vicinity, and also if the obstruction 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 Two Harbors Municipal Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Two Harbors Municipal Airport.
- (2) that it is necessary in the interest of the public health, public safety, and general welfare, that the creation or establishment of airport hazards be prevented; and
- (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both 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 subdivision may raise and expend public funds and acquire land or interest in land.

IT IS HEREBY ORDAINED BY THE LAKE COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION II: SHORT TITLE

This ordinance shall be known and may be cited as the Two Harbors Municipal Airport Hazard Zoning Ordinance.

SECTION III: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

"AIRPORT" means the Two Harbors Municipal Airport located 4 miles northwest of the City of Two Harbors, Minnesota, Section 28 & 29, Township 53N, Range 11W.

"AIRPORT ELEVATION" means the established elevation of the highest point on the useable landing area which elevation is established to be 1073 feet above mean sea level.

"AIRPORT HAZARD" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport, and any use of land which is hazardous to persons or property because of its proximity to the airport.

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

"LANDING STRIP" means any grass or turf covered area of the airport specifically designated and used for the landing and/or take-off of aircraft. This term shall have the same meaning throughout this Ordinance as does the term "runway."

"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.

"RUNWAY" means any paved surface of the airport which is specifically designated and used for the landing and/or take-off of aircraft.

"SLOPE" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

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

"TREE" means any object of natural growth.

"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 purposes of this Ordinance, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 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 shall be 500 feet.
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 1173 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 shall be 6,000 feet.
3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of the existing Two Harbors Municipal Airport grass runway. 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 2,500 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.
5. 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 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 Sub Section IV A so as to project above any of the imaginary airspace surfaces described in said Sub Section IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION V: LAND USE SAFETY ZONING

A. SAFETY ZONES: In order to carry out the purpose of this Ordinance, there are hereby created and established the following safety zones:

1. ZONE A: All that land in the approach zones of a runway which is located within a horizontal distance of 3,000 feet from each end of the primary zone.
2. ZONE B: All that land in the approach zones of a runway which is located within a horizontal distance of 2,000 feet from each end of Zone A.
3. 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.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in Sub Section IV B, no use shall be made of any land in any of the safety zones defined in Sub 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, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. ZONE A: Subject at all times to the height restrictions set forth in Sub Section IV B, and to the general restrictions contained in Sub Section B B-1. Areas designated as Zone A shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (Non-spectator), and auto parking. There shall be no buildings in the first 2,000 feet from the Primary zone. Single family dwellings shall be permitted in the last 1,000 feet of Zone A per 10 acre tracts of land.
3. ZONE B: Subject at all times to the height restrictions set forth in Sub Section IV B, and to the general restrictions contained in Sub Section B B-1, areas designated as Zone B shall be used for the following purposes only:
  - a. For agricultural and residential purposes, provided there shall be no more than one single family dwelling per 5 acre tract of land.
  - b. Any commercial or industrial use which meets the following minimum standards:
    - (1) 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.
    - (2) Each single commercial or industrial site shall be of a size not less than five acres.
    - (3) Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per five acre tract of land.

- (4) 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	1st Floor Bldg. Area (Sq. Ft.)	Max. Site Population (15 persons/A)
5		10:1	25,400	75
	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

- c. The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theatres, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semi-public assembly.

4. ZONE C: The only restriction on the use of Zone C is that residence may not be built except single-family dwellings on one-acre lots.

Heavy smoke or bright lights which are hazardous to the landing or taking off of aircraft are not permitted in Zones A, B, or C.

#### SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Two Harbors Municipal Airport Zoning Map consisting of two sheets, prepared by John Bjorum, a registered professional engineer in the State of Minnesota, and dated August 3, 1973, 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

- A. 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 a nonconforming use. Nothing contained herein 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.
- B. MARKING AND LIGHTING: Notwithstanding the preceding provision of this Section, the owner of any existing 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 Two Harbors Airport Commission 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 Two Harbors.

#### SECTION VII: PERMITS

- A. FUTURE USES: No material change shall be made in the use of land and 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.

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 3,000 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
  2. 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: 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 Lake County Planning and Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. VARIANCES: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Ordinance.
- E. HAZARD MARKING AND LIGHTING: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Two Harbors, 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 IX: ENFORCEMENT

It shall be the duty of the Lake County Planning and Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Lake County Planning and Zoning Officer upon a form furnished by him. Applications required by this Ordinance to be submitted to the Lake County Planning and Zoning Officer shall be promptly considered and granted or denied by him. Application for action by the Board of Adjustment shall be forthwith transmitted by the Lake County Planning and Zoning Officer.

SECTION X: BOARD OF ADJUSTMENT

1. There is hereby created a Board of Adjustment to have and exercise the following powers:
  - a. to hear and decide appeals from any order, requirement, decision, or determination made by the Lake County Planning and Zoning Officer in the enforcement of this Ordinance;
  - b. 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; and
  - c. to hear and decide specific variances.
2. The Lake County Board of Adjustment shall be appointed to serve also as the Board of Adjustment for the purpose of this Ordinance.
3. The Lake County Board of Adjustment shall for the purposes of this Ordinance adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Lake County Board of Adjustment shall be public. The Board 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 Lake County Planning and Zoning Officer and on due cause shown.
4. The concurring vote of a majority of the members of the Lake County Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Lake County Planning and Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation in this Ordinance.

SECTION XI: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the Lake County Planning and Zoning Officer made in his administration of this Ordinance, may appeal to the Lake County Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Lake County Board of Adjustment, by filing with the Lake County Planning and Zoning Officer a notice of appeal specifying the grounds thereof. The Lake County Planning and Zoning Officer shall forthwith transmit to the Lake County Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Lake County Planning and Zoning Officer certifies to the Lake County 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 Lake County Board of Adjustment on notice to the Lake County Planning and Zoning Officer and on due cause shown.



4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Lake County Board of Adjustment may, in conformity with the provision 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.

SECTION XII: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Lake County Board of Adjustment, may appeal to the District Court of Lake County as provided in Statute 360.072 of the Public Laws of State of Minnesota.

SECTION XIII: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than 300 dollars or imprisonment for not more than 90 days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION XIV: CONFLICTING REGULATIONS

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 requirement shall govern and prevail.

SECTION XV: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XVI: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Lake County Board of Commissioners and publication and posting as required by law.

RECOMMENDED BY THE LAKE COUNTY PLANNING ADVISORY COMMISSION:

DATE OCT. 10 1973

PUBLICATION OF PUBLIC NOTICE:

DATE November 29, 1973

PUBLIC HEARING HELD:

DATE December 10, 1973

ADOPTED BY THE LAKE COUNTY BOARD OF COMMISSIONERS:

DATE December 10, 1973

EFFECTIVE:

DATE December 10, 1973



ATTEST: McCoy Roy Peterson  
Lake County Auditor

McLennan R. Wilson  
Chairman,  
Lake County Board of Commissioners

DOC. NO. 94475

Office of Registrar of Deeds

State of Minnesota } ss  
County of Lake }

I hereby certify that the within instrument was filed in this office for record on the 18th day of Dec. A.D., 19 73, at 11:30 o'clock A.M., and was duly recorded in Book 2 of misc. records page 408

Robert D. Miller  
Registrar of Deeds

By \_\_\_\_\_ Deputy

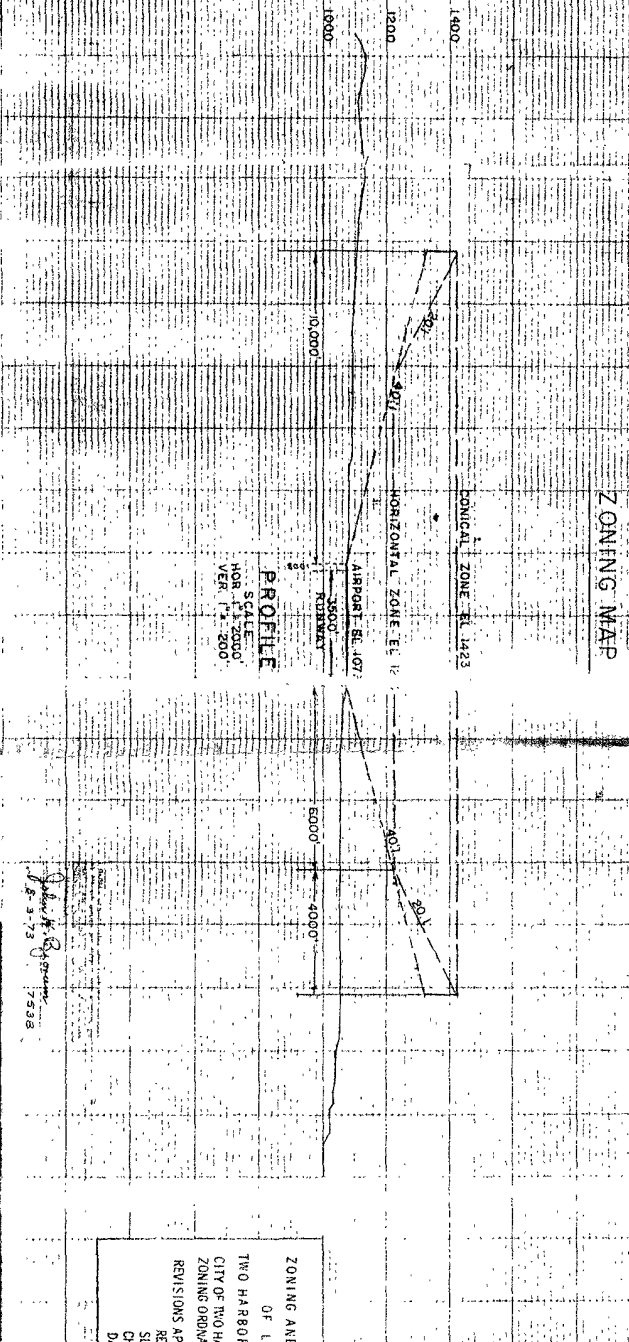
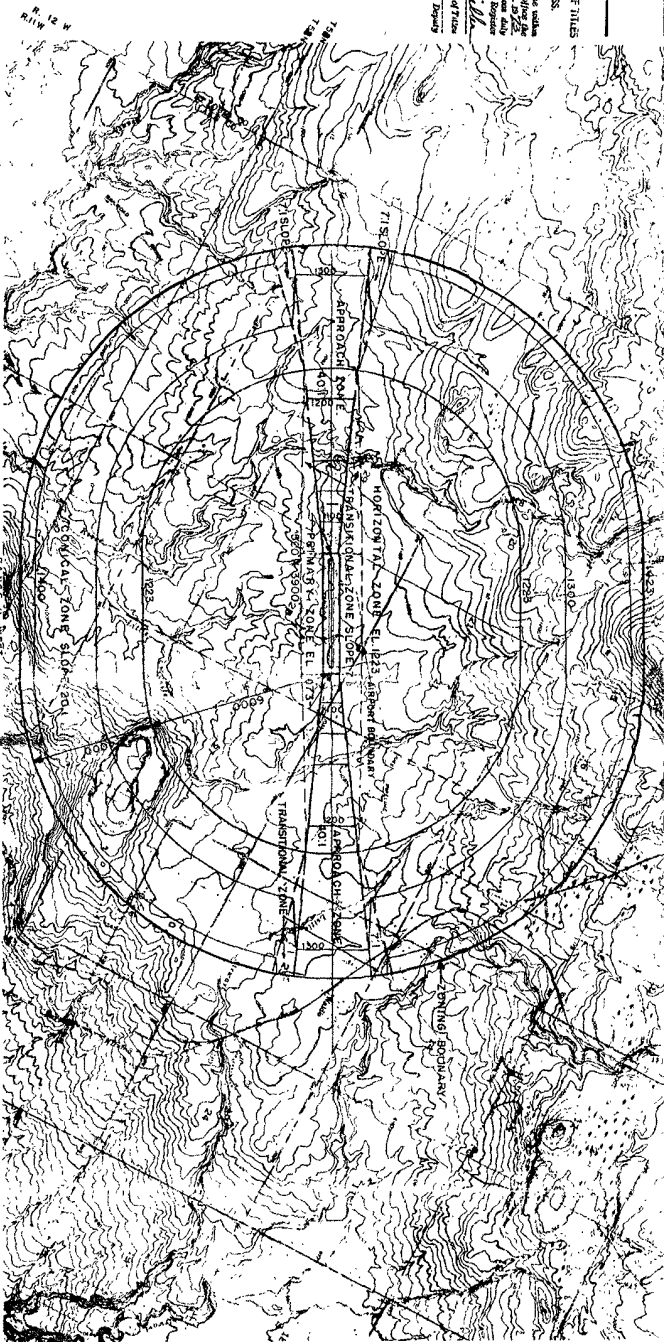
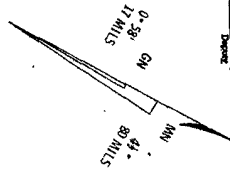
DOC. NO. 11,835

OFFICE OF REGISTRAR OF TITLES  
STATE OF MINNESOTA, } ss.  
County of Lake }

I hereby certify that the within instrument was filed in this office the 18th day of December 19 73 at 11:30 A.M. and was duly registered in Book \_\_\_\_\_ of Registrar of Titles page \_\_\_\_\_

Robert D. Miller  
Registrar of Titles  
By \_\_\_\_\_ Deputy

DOC NO. 34475  
 Office of Boundary of Public  
 County of Lake  
 State of Minnesota  
 I hereby certify that the within  
 map was prepared in accordance with  
 the provisions of the Act of August  
 11, 1913, and was duly  
 recorded in Book 2  
 of Register  
 at the City of Duluth, Minn., on the  
 17th day of Dec., A.D. 1923  
 My Commission Expires  
 1925  
 By \_\_\_\_\_  
 Register of Deeds

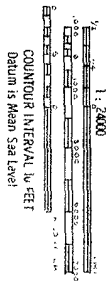


**PROFILE**  
 SCALE  
 HOR. 1" = 5000'  
 VER. 1" = 200'

Fed. Proj. No.

ULTIMATE RAILWAY  
 AIRPORT ROUNDBARS  
 TOPOGRAPHIC CONTOURS  
 AERIAL CONTOURS  
 HEAVY - DUTY ROAD  
 MEDIUM - DUTY ROAD  
 LIGHT - DUTY ROAD  
 UNIMPROVED DIRT ROAD

**LEGEND**



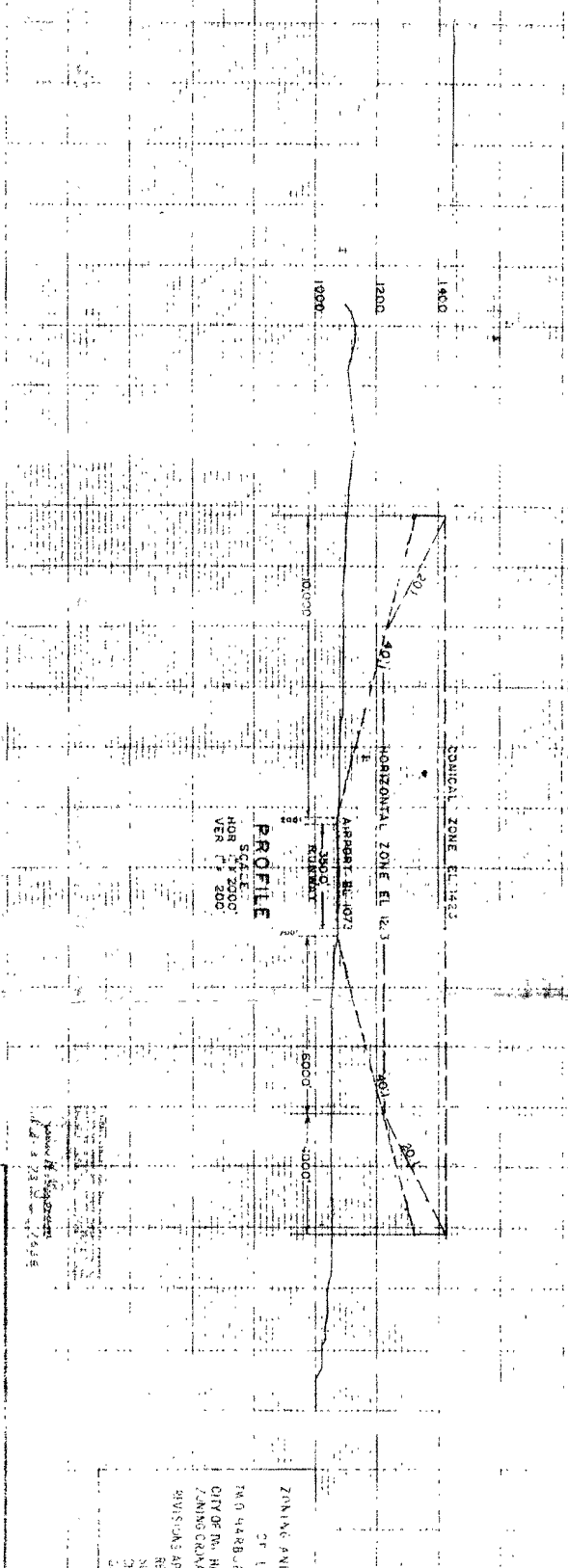
1. The Aerial Contours illustrate the Height Limitations Within each Zone.
2. A Slope Such As 40% Expresses The Horizontal Distance Of 40 Feet to the Vertical Distance of 1 Foot.
3. Existing Topographic Symbols Are Those Used By The U.S. Geological Survey.

ZONING AND PLANNING COMMISSION  
 OF LAKE COUNTY  
 TWO HARBORS MUNICIPAL AIRPORT  
 CITY OF TWO HARBORS - COUNTY OF LAKE  
 ZONING ORDINANCE ADOPTED  
 REVISIONS APPROVED  
 REVIEWED  
 SUBMITTED  
 CHECKED  
 DATE

*John H. Robinson*  
 1923



**ZONING MAP**



**PROFILE**

SCALE  
 HOR. 1" = 200'  
 VER. 1" = 200'

1. The scale of contour lines is indicated by the number of feet between adjacent contour lines.  
 2. Shaded areas indicate depressions. The horizontal distance of 100 feet is the vertical distance of 1 foot.  
 3. Existing topographic symbols are those used by the U.S. Geological Survey.  
 4. The scale of the map is 1" = 200'.  
 5. The scale of the profile is 1" = 200' horizontally and 1" = 200' vertically.  
 6. The profile is a cross-section of the terrain along the line shown on the map.  
 7. The profile is not to be used for any other purpose.  
 8. The profile is not to be used for any other purpose.  
 9. The profile is not to be used for any other purpose.  
 10. The profile is not to be used for any other purpose.

ZONING AND PLANNING COMMISSION  
 OF LAKE COUNTY  
 IN O 4488-05 M.J.W.D. 1.1.1. 1.1.1.  
 CITY OF THE BARBORS-COUNTY OF LAKE  
 ZONING ORDINANCE ADOPTE  
 RESOLUTIONS APPROVED  
 REVIEWED  
 APPROVED  
 (Signature)