

Crystal Airport Zoning Ordinance

Adopted xx, xx, 20xx

Adopted by the
Crystal Airport Joint Airport Zoning Board

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**CRYSTAL AIRPORT
ZONING ORDINANCE
ADOPTED BY THE
CRYSTAL AIRPORT 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 CRYSTAL 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; REFERRING TO THE CRYSTAL AIRPORT ZONING MAP; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; IMPOSING PENALTIES; AND SUPERSEDING ALL PRIOR CRYSTAL AIRPORT ZONING ORDINANCES.

THEREFORE, IT IS HEREBY ORDAINED BY THE CRYSTAL AIRPORT JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES §§ 360.061 – 360.074, THAT THE CRYSTAL AIRPORT ZONING ORDINANCE BE EFFECTIVE AS FOLLOWS:

SECTION I. PURPOSE AND AUTHORITY

The CRYSTAL Airport Joint Airport Zoning Board, created and established by joint action of the Metropolitan Airports Commission and the Cities of Crystal, Brooklyn Park, Brooklyn Center, Minneapolis, New Hope, and Robbinsdale, pursuant to the provisions and authority of Minnesota Statutes § 360.063, hereby finds and declares that:

- A. An Airport Hazard endangers the lives and property of users of the 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 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 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.

- 58 D. The prevention of these Airport Hazards should be accomplished, to the extent legally
- 59 possible, by the exercise of police power without compensation.
- 60 E. The elimination or removal of existing land uses or their designation as nonconforming
- 61 uses is not in the public interest and should be avoided whenever possible, consistent
- 62 with reasonable standards of safety.
- 63 F. In addition, the social and economic costs of disrupting land uses around the Airport
- 64 often outweigh the benefits of a reduction in Airport Hazards, requiring a balance
- 65 between the social and economic costs to surrounding communities and the benefits
- 66 of regulation.
- 67 G. Preventing the creation or establishment of Airport Hazards and eliminating, removing,
- 68 altering, mitigating, or marking and lighting of existing Airport Hazards are public
- 69 purposes for which political subdivisions may raise and expend public funds, levy
- 70 assessments against land, and acquire land and property interests therein.

71 **SECTION II. TITLE AND SHORT TITLE**

72 This ordinance shall be known as the "Crystal Airport Zoning Ordinance."

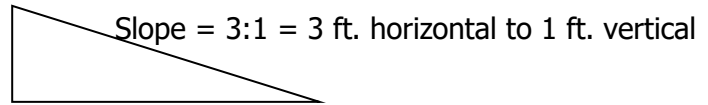
73 **SECTION III. DEFINITIONS AND RULES OF CONSTRUCTION**

- 74 A. **Definitions.** As used in this Crystal Airport Zoning Ordinance, unless otherwise
- 75 expressly stated, or unless the context clearly indicates a different meaning, the words
- 76 and phrases in the following list of definitions shall have the meanings indicated. All
- 77 words and phrases not defined shall have their common meaning.
- 78 1. ***Airport.*** "Airport" means Crystal Airport located in Hennepin County,
- 79 Minnesota.
- 80 2. ***Airport Boundary.*** "Airport Boundary" means the boundary shown on
- 81 Exhibit A – Airport Boundary, attached hereto and made a part hereof.
- 82 3. ***Airport Hazard.*** "Airport Hazard" means any Structure, Tree, or use of land
- 83 that obstructs the airspace required for, or is otherwise hazardous to, the flight
- 84 of aircraft in landing or taking off at the Airport; and, any use of land that is
- 85 hazardous to Persons or property because of its proximity to the Airport.
- 86 4. ***Airport Zoning Permit.*** "Airport Zoning Permit" means zoning permits as
- 87 required under Section VIII.

- 88 5. **Airspace Surfaces.** "Airspace Surfaces" means the surfaces established in
- 89 Section IV.A.
- 90 6. **Airspace Zones.** "Airspace Zones" means the land use zones established in
- 91 Section IV.A.
- 92 7. **Board of Adjustment.** "Board of Adjustment" means the body established
- 93 in Section XII.
- 94 8. **Commissioner.** "Commissioner" means the Commissioner of the Minnesota
- 95 Department of Transportation or, if either the position of Commissioner or the
- 96 Minnesota Department of Transportation shall no longer exist or serve its
- 97 present functions, such successor state official or officials or entity or entities
- 98 as shall either singularly or collectively perform or serve such functions.
- 99 9. **Crystal Airport Zoning Map.** "Crystal Airport Zoning Map" means the Crystal
- 100 Airport Zoning Map as defined in Section VI.C.
- 101 10. **Effective Date.** "Effective Date" means the effective date set forth in
- 102 Section XVIII.
- 103 11. **Existing.** "Existing" means the current layout of the airport environment,
- 104 including alignment, location, and length of each runway at Crystal Airport at
- 105 the time this Crystal Airport Zoning Ordinance on the Effective Date.
- 106 12. **FAA.** "FAA" means the Federal Aviation Administration or, if the Federal
- 107 Aviation Administration shall no longer exist or serve its present functions, such
- 108 successor federal entity or entities as shall either singularly or collectively
- 109 perform or serve such functions.
- 110 13. **FAA 7460 Obstruction Evaluation.** Established FAA process for conducting
- 111 aeronautical studies conducted under the provisions of Title 14 CFR, Part 77
- 112 (for proposed construction or alteration) or Federal Aviation Act of 1958 (for
- 113 existing structures), or any successor to this process.
- 114 14. **Lot.** "Lot" means a designated parcel, tract, or area of land established by
- 115 plat or subdivision, or otherwise permitted by law.
- 116 15. **Nonconforming Structure.** "Nonconforming Structure" means any Structure
- 117 in existence in any Airspace Zone or Safety Zone but not conforming to the
- 118 provisions of this Crystal Airport Zoning Ordinance on the Effective Date.

- 119 16. ***Nonconforming Use.*** "Nonconforming Use" means any use of land in
120 existence in any Airspace Zone or Safety Zone but not conforming to the
121 provisions of this Crystal Airport Zoning Ordinance on the Effective Date.
- 122 17. ***Person.*** "Person" means any individual, firm, partnership, corporation,
123 company, association, joint stock association, or body politic, and includes a
124 trustee, receiver, assignee, administrator, executor, guardian, or other
125 representative.
- 126 18. ***Runway.*** "Runway" means any existing paved surface of the Airport which is
127 specifically designated and used to be used for the landing and/or taking off
128 of aircraft. The individual Runways at the Airport are defined in this Crystal
129 Airport Zoning Ordinance based on the compass heading of landing and
130 departing aircraft.
- 131 19. ***Runway 14-32.*** "Runway 14-32" means the existing 3,750-foot non-
132 precision primary runway. The Runway 14 end is within the City of Brooklyn
133 Park, and the Runway 32 end is within the City of Crystal.
- 134 20. ***Runway 6L-24R.*** "Runway 6L-24L" means the existing 2,500-foot visual
135 crosswind runway. Both the Runway 6L and 24R ends are within the City of
136 Crystal.
- 137 21. ***Runway 6R-24L.*** "Runway 6R-24L" means the existing 1,669-foot visual
138 crosswind runway. Both the Runway 04 and 22 ends are within the City of
139 Crystal.
- 140 22. ***Runway Protection Zone.*** "Runway Protection Zone" means a zone
141 mandated by FAA regulations that is longitudinally centered on the extended
142 centerline at each end of Runways 14-32, 6L-24R and 6R-24L, whose inner
143 edge is at the same width and elevation as, and coincides with, the end of the
144 Primary Surfaces for Runway 14-32 (500 feet), Runway 6L-24R (250 feet), and
145 Runway 6R-24L (250 feet). The Runway 14-32 protection zone extends
146 outward a horizontal distance of 1,000 feet, expanding uniformly to a width of
147 700 feet. Runways 6L-24R and 6R-24L have protection zones extending
148 outward a horizontal distance of 1,000 feet, expanding uniformly to a width of
149 450 feet.
- 150 23. ***Safety Zones.*** "Safety Zones" means the land use zones established in
151 Section V.A.

- 152 24. **School.** "School" means any private or public educational institution for
153 people in kindergarten through grade 12 and any private or public day care or
154 pre-school facility that enrolls more than 50 children.
- 155 25. **Slope.** "Slope" means an incline from the horizontal expressed in an arithmetic
156 ratio of horizontal magnitude to vertical magnitude.



- 157 26. **Structure.** "Structure" means anything anchored, attached, built,
158 constructed, erected, gathered, located, placed, or piled on the ground or in
159 or over a water body, whether temporary or permanent, moveable or
160 immovable, including antennae, buildings, canopies, cranes, decks, derricks,
161 docks, edifices, equipment, fences, overhead transmission lines, patios, piers,
162 piles, ponds, posts, roadways, signs, smokestacks, towers, utility poles, wires,
163 and anything attached to any of the foregoing either temporarily or
164 permanently.
- 165 27. **Tree.** "Tree" means any object of natural growth.
- 166 28. **Zoning Administrator.** "Zoning Administrator" means the public official in
167 each affected municipality as set forth in Section XI.B.

168 B. **Rules Of Construction.** In the construction of this Crystal Airport Zoning Ordinance,
169 the following rules shall be observed and applied, except where the context clearly
170 indicates otherwise.

- 171 1. **Computing Time.** In computing the period of time within which an act may
172 or must be done, the first calendar day from which the designated period of
173 time begins to run shall not be included. The last day of the period shall be
174 included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the
175 period shall run until the end of the next day which is not a Saturday, Sunday,
176 or legal holiday.
- 177 2. **Conflicts Between Ordinance Provisions.** If a provision of this Crystal
178 Airport Zoning Ordinance conflicts with any other provision of this Crystal
179 Airport Zoning Ordinance, the more restrictive provision shall prevail.
- 180 3. **Height.** "Height" shall be expressed as elevation in feet above Mean Sea
181 Level, North American Vertical Datum, 1988 Adjustment, except in reference

- 182 to maximum construction height without an Airport Zoning Permit when it shall
- 183 be expressed as distance in feet above ground shown on the Maximum
- 184 Construction Heights Without Permit Plates in the Crystal Airport Zoning Map.
- 185 4. ***Including, Not Limited To.*** The word "including" means including but not
- 186 limited to.
- 187 5. ***Land To Include Water Surfaces And Bodies.*** The word "land" shall
- 188 include water bodies and surfaces for the purpose of establishing Airspace
- 189 Zones and Safety Zones.
- 190 6. ***May, Permissive.*** The word "may" is permissive.
- 191 7. ***Shall, Mandatory.*** The word "shall" is mandatory and not discretionary.
- 192 8. ***Singular And Plural.*** The singular shall include the plural, and the plural the
- 193 singular.
- 194 9. ***Tense.*** The present tense shall include the future.

SECTION IV. AIRSPACE OBSTRUCTION ZONING

A. **Airspace Surfaces And Zones.** In order to carry out the purpose of this Crystal Airport Zoning Ordinance as set forth in Section I., the following Airspace Surfaces and Airspace Zones are hereby established, subject to the airspace zoning limits in Section VI.A.

- 200 1. ***Primary Surface.*** An imaginary surface longitudinally centered on each
- 201 Runway extending 200 feet beyond each end of Runways 14-32, 6L-24R, and
- 202 6R-24L. Runway 14-32 has uniform width of 500 feet, while Runways 6L-24R
- 203 and 6R-24L have a uniform width of 250 feet. The elevation of any point on
- 204 the Primary Surface is the same as the elevation of the nearest point on the
- 205 Runway centerline.
- 206 2. ***Primary Zone.*** All that land which lies directly under a Primary Surface.
- 207 3. ***Horizontal Surface.*** An imaginary surface that is 1,019.3 feet above mean
- 208 sea level, the perimeter of which is constructed by swinging arcs of specified
- 209 radii from the center of each end of the Primary Surface of each Runway and
- 210 connecting the adjacent arcs by lines tangent to those arcs. The radius of each
- 211 arc is 5,000 feet for Runways 14-32, 6L-24R, and 6R-24L.
- 212 4. ***Horizontal Zone.*** All that land which lies directly under the Horizontal
- 213 Surface.

214 5. **Conical Surface.** An imaginary surface extending upward and outward from
215 the periphery of the Horizontal Surface at a Slope of 20 to 1 for a horizontal
216 distance of 4,000 feet as measured radially outward from the periphery of the
217 Horizontal Surface.

218 6. **Conical Zone.** All that land which lies directly under the Conical Surface.

219 7. **Approach Surface.** An imaginary surface longitudinally centered on the
220 extended centerline at each end of Runways 14-32, 6L-24R, and 6R-24L. The
221 inner edge of this surface is at the same width and elevation as, and coincides
222 with, the end of the Primary Surface. For Runways 14-32, 6L-24R, and 6R-
223 24L, this surface inclines upward and outward at a Slope of 20 to 1 for a
224 horizontal distance of 5,000. For Runway 14-32, the outer width of this surface
225 is 2,000 feet. For both Runways 6L-24R and 6R-24L, the outer width of this
226 surface is 1,250 feet.

227 8. **Approach Zone.** All that land which lies directly under an Approach Surface.

228 9. **Transitional Surface.** An imaginary surface extending upward and outward
229 at right angles to the centerline and extended centerline of Runways 14-32,
230 6L-24R, and 6R-24L at a Slope of 7 to 1 from both sides of each Primary Surface
231 and from both sides of each Approach Surface of Runway 14-32, 6L-24R, and
232 6R-24L until it intersects the Horizontal Surface or the Conical Surface.

233 10. **Transitional Zone.** All that land which lies directly under a Transitional
234 Surface.

235 B. **Height Restrictions.** Except as otherwise provided in this Crystal Airport Zoning
236 Ordinance, and except as necessary and incidental to Airport operations, the following
237 height restrictions shall apply. Where a Lot is beneath more than one Airspace Surface,
238 the height of the more restrictive (lower) Airspace Surface shall control.

239 1. **Structures.** No new Structure shall be constructed or established; and no
240 existing Structure shall be altered, changed, rebuilt, repaired, or replaced in
241 any Airspace Zone so as to project above any Airspace Surface. Nor shall any
242 equipment used to accomplish any of the foregoing activities be allowed to
243 project above any Airspace Surface.

244 2. **Trees.** No Tree shall be allowed to grow or be altered, repaired, replaced, or
245 replanted in any Airspace Zone so as to project above any Airspace Surface.

246 Nor shall any equipment used to accomplish any of the foregoing activities be
247 allowed to project above any Airspace Surface.

248 a. Public Nuisance; Order. If the whole or any part of any Tree shall be
249 determined to be an Airport Hazard by the FAA, or any successor
250 entity, after proper investigation, the Zoning Administrator may issue
251 an order in writing for the owner or owners, agent or occupant of the
252 property upon which such hazardous tree is located, to forthwith
253 cause such hazardous tree, or portion thereof if the removal of a
254 portion will remove the hazard, to be taken down and removed.

255 b. Notice. Said order is to be mailed to the last known address of the
256 owner, agent or occupant and shall be accompanied by a notice
257 setting forth the authority to remove such hazardous Tree at such
258 owner's, agent's or occupant's expense in the event such owner,
259 agent or occupant fails to comply with or file a notice of appeal from
260 said order within 10 days of mailing. The notice shall include
261 instructions for filing a notice of appeal from said order.

262 c. Removal. If within 10 days after said order has been mailed, as above
263 provided for, the owner or owners, agent or occupant of the property
264 upon which such hazardous Tree is located neglects or refuses to
265 comply with said order, or has failed to file a notice of appeal from
266 said order with the Zoning Administrator, then the Administrator or its
267 designee(s) may enter upon said premises and take down or remove
268 said tree or portion thereof declared to be hazardous, and to do any
269 and all things which in his opinion may be necessary for the protection
270 of life, limb or property.

271 d. Assessment of Expense. If, after the notice hereinbefore provided for
272 has been given, the owner, agent or occupant has failed to remove
273 such hazardous tree or portion thereof, and it becomes necessary for
274 the Zoning Administrator to remove same, the Zoning Administrator
275 or its designee shall mail a statement of the expense of such removal
276 to the owner, agent or occupant of the property from which such tree
277 or portion thereof has been removed, and if within 30 days therefrom
278 the owner, agent or occupant has not remitted to the Zoning

279 Administrator for the expense incurred by the Zoning Administrator
280 in said removal, the Zoning Administrator or its designee may
281 forthwith recover the amount of such expense from the owner or
282 owners of said property in any civil court of competent jurisdiction, in
283 the manner provided by law.

284 C. **FAA 7460 Obstruction Evaluation.** All construction of new Structures or alteration
285 of existing Structures in an Airspace Zone shall comply with the requirements for filing
286 notice to the FAA under the FAA 7460 Obstruction Evaluation process.

287 **SECTION V. LAND USE SAFETY ZONING**

288 A. **Safety Zones.** In order to carry out the purpose of this Crystal Airport Zoning
289 Ordinance, as set forth in Section I., the following Safety Zones are hereby established,
290 subject to the safety zoning limits in Section VI.B.

- 291 1. **Safety Zone 1.** Designated land, the extents of which are shown in Exhibit
292 B. Safety Zone 1 overlies the Runway Protection Zones.
- 293 2. **Safety Zone 2.** All land enclosed within the perimeter of the Horizontal Zone,
294 as shown in Exhibit C, except that land within Safety Zone 1.

295 B. **Land Use Restrictions.**

296 1. **General Restrictions.** Subject at all times to the height restrictions set forth
297 in Section IV.B., no use shall be made of any land in any of the Safety Zones
298 that creates or causes interference with the operations of radio or electronic
299 facilities at the Airport or with radio or electronic communications between
300 Airport and aircraft, makes it difficult for pilots to distinguish between Airport
301 lights and other lights, results in glare in the eyes of pilots using the Airport,
302 impairs visibility in the vicinity of the Airport, is deemed a "hazard" to air
303 navigation by FAA or MNDOT as part of an FAA 7460 Obstruction Evaluation,
304 or otherwise endangers the landing, taking off, or maneuvering of aircraft.

305 2. **Safety Zone 1 Restrictions.** Subject at all times to the height restrictions
306 set forth in Section IV.B. and to the general restrictions contained in
307 Section V.B.1., areas designated as Safety Zone 1 for each end of Runways 14-
308 32, 6L-24R, and 6R-24L shall contain no buildings, exposed high-voltage
309 transmission lines, or other similar land use structural hazards, and shall be
310 restricted to those uses which will not create, attract, or bring together an

311 assembly of persons thereon. Permitted uses may include, but are not limited
312 to, such uses as agriculture (seasonal crops), horticulture, animal husbandry,
313 wildlife habitat, light outdoor recreation (non-spectator, including trails),
314 cemeteries, roadways and vehicle parking, railroads, and other approved
315 aeronautical uses. Where Safety Zone 1 overlies the Runway Protection Zone,
316 land uses and Structures within the Runway Protection Zone will be governed
317 by Federal laws and regulations or by FAA advisory circulars, orders, or
318 guidance.

319 3. **Safety Zone 2 Restrictions.** No land use in Safety Zone 2 shall violate the
320 height restrictions set forth in Section IV.B. or the general restrictions
321 contained in Section V.B.1.

322 **SECTION VI. AIRPORT ZONING LIMITS AND CRYSTAL AIRPORT ZONING MAP**

- 323 A. **Airspace Zoning Limits.** Exhibit D – Airport Boundary and Airspace Zoning Limits
324 and Exhibit E – Airport Boundary and Airspace Contours, attached hereto and made a
325 part hereof, show these limits.
- 326 B. **Safety Zoning Limits.** Exhibit F – Airport Boundary and Safety Zoning Limits,
327 attached hereto and made a part hereof, shows these limits.
- 328 C. **Crystal Airport Zoning Map.** The locations and boundaries of the Airspace
329 Surfaces, Airspace Zones, Safety Zones, and the Maximum Construction Heights
330 without an Airport Zoning Permit established by this Crystal Airport Zoning Ordinance
331 are set forth on the Crystal Airport Zoning Map consisting of 102 plates – Airspace
332 Zones, Plates A-A2 to A-F6; Maximum Construction Heights Without Permit,
333 Plates MCH-A2 to MCH-F6; and Safety Zones, Plates SZ-A2 to SZ-F6 prepared by the
334 Metropolitan Airports Commission, attached hereto and made a part hereof. These
335 plates, together with such amendments thereto as may from time to time be made,
336 and all notations, references, elevations, heights, data, surface and zone boundaries,
337 and other information thereon, shall be and the same are hereby adopted as part of
338 this Crystal Airport Zoning Ordinance.

339 **SECTION VII. NONCONFORMING USES**

- 340 A. **Crystal Airport Zoning Ordinance.** The provisions of this Crystal Airport Zoning
341 Ordinance shall not be construed to require the removal, lowering, other change, or

342 alteration of any Nonconforming Structure or Tree, or otherwise interfere with the
343 continuance of any Nonconforming Use. Nonconforming Structures and
344 Nonconforming Uses are permitted under this Crystal Airport Zoning Ordinance,
345 subject to the provisions in Section VIII. (Airport Zoning Permits) and Section IX.
346 (Variances). Nothing herein contained shall require any change in the construction,
347 alteration, or intended use of any Structure, the construction or alteration of which
348 was begun prior to the Effective Date, and was diligently prosecuted and completed
349 within 2 years of the Effective Date.

350 **SECTION VIII. AIRPORT ZONING PERMITS**

351 A. **Permit Required.** The following activities shall not take place on a Lot in any
352 Airspace Zone or Safety Zone unless an Airport Zoning Permit shall have been granted
353 therefore by the Zoning Administrator for the jurisdiction in which the Lot is located.

- 354 1. **Existing Structures.** Except as specifically provided in Section VIII.B., no
355 existing Structure shall be altered, changed, rebuilt, repaired, or replaced.
- 356 2. **New Structures.** Except as specifically provided in Section VIII.B., no
357 Structure shall be newly constructed or otherwise established.
- 358 3. **Nonconforming Structures.** No Nonconforming Structure shall be replaced,
359 substantially altered or repaired, or rebuilt.

360 B. **Exception To Permit Requirement.**

361 1. **Maximum Construction Height Without A Permit.** No Airport Zoning
362 Permit shall be required for an existing Structure to be altered, changed,
363 rebuilt, repaired, or replaced on a Lot, or for a new Structure to be constructed
364 or otherwise established on a Lot, if the highest point on the Structure or on
365 any equipment used to accomplish any of the foregoing activities, whichever
366 is higher (measured in feet from curb level or from natural grade at a point 10
367 feet away from the front center of the Structure, whichever is lower) does not
368 exceed the "maximum construction height above ground without an Airport
369 Zoning Permit" shown for the Lot on the applicable Maximum Construction
370 Heights Without Permit Plate in the Crystal Airport Zoning Map.

371 2. **No Violation Of Height Or Land Use Restriction Permitted.** Nothing in
372 this Section VIII.B. shall be construed as permitting or intending to permit a

373 violation or a greater violation of any provision of this Crystal Airport Zoning
374 Ordinance.

375 C. **Permit Application.** An Airport Zoning Permit application for activities on a Lot shall
376 be made in the manner and on the form established by the Zoning Administrator of
377 the jurisdiction in which the Lot is located as designated in Section XI.B.

378 D. **Permit Standard.** An Airport Zoning Permit shall be granted unless the Zoning
379 Administrator determines that granting the permit (1) would allow a conforming
380 Structure or use to violate any provision of this Crystal Airport Zoning Ordinance or
381 (2) would permit a Nonconforming Structure or a Nonconforming Use to become a
382 greater violation of any provision of this Crystal Airport Zoning Ordinance. Any Airport
383 Zoning Permit may be granted subject to any reasonable conditions that the Zoning
384 Administrator may deem necessary to effectuate the purpose of this Crystal Airport
385 Zoning Ordinance. In making any determination, the Zoning Administrator need not
386 give public notice of, or hold a public hearing on, the Airport Zoning Permit application
387 or the determination.

388 E. **Abandoned Or Deteriorated Nonconforming Uses.** Whenever a Zoning
389 Administrator determines that a Nonconforming Structure, Nonconforming Use, or
390 Tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no
391 Airport Zoning Permit shall be granted that would allow such Nonconforming Structure,
392 Nonconforming Use, or Tree to exceed the height restrictions of Section IV.B. or
393 otherwise violate any provision of this Crystal Airport Zoning Ordinance. Whether
394 application is made for an Airport Zoning Permit or not, a Zoning Administrator may
395 order the owner of the abandoned, torn down, deteriorated, or decayed
396 Nonconforming Structure, Nonconforming Use, or Tree at the owner’s expense, to
397 lower, remove, reconstruct, or equip the same in the manner necessary to conform to
398 the provisions of this Crystal Airport Zoning Ordinance. In the event the owner shall
399 neglect or refuse to comply with such order for 10 days after receipt of written notice
400 of such order, the Zoning Administrator may, by appropriate legal action, proceed to
401 have the Nonconforming Structure, Nonconforming Use, or Tree lowered, removed,
402 reconstructed, or equipped and assess the cost and expense thereof against the land
403 on which the Nonconforming Structure, Nonconforming Use, or Tree is, or was,
404 located. Unless such an assessment is paid within 90 days from the service of notice
405 thereof on the owner of the land, the sum shall bear interest at the rate of 8% per

406 annuum from the date the cost and expense is incurred until paid, and shall be collected
407 in the same manner as are general taxes, all as authorized by Minnesota Statutes
408 § 360.067.

409 **SECTION IX. VARIANCES**

410 A. **Variance Application.** Any Person desiring to use his or her property in violation of
411 any provision of this Crystal Airport Zoning Ordinance, whether to construct or
412 establish a new Structure; to alter, change, rebuild, repair, or replace an existing
413 Structure; to allow a Tree to grow higher; to alter, repair, replace, or replant a Tree; or
414 to otherwise use his or her property in violation of any provision of this Crystal Airport
415 Zoning Ordinance, may apply to the Board of Adjustment for a variance from such
416 provision. A variance application shall be made by sending the application on the form
417 provided by the Board of Adjustment by certified United States Mail to (1) the
418 members of the Board of Adjustment and (2) the Board of Adjustment at the mailing
419 address specified in Section XII.C. The applicant shall also mail a copy of the
420 application by regular United States Mail to the Zoning Administrator of the jurisdiction
421 in which the Structure or property is located, as designated in Section XI.B. The Board
422 of Adjustment may charge a fee for processing the application.

423 B. **Failure Of Board To Act.** If the Board of Adjustment fails to grant or deny the
424 variance within 4 months after the last Board member receives the variance
425 application, the variance shall be deemed to be granted by the Board of Adjustment,
426 but not yet effective. When the variance is granted by reason of the failure of the
427 Board of Adjustment to act on the variance, the Person receiving the variance shall
428 send notice that the variance has been granted by certified United States Mail to
429 (1) the Board of Adjustment at the mailing address specified in Section XII.C. and
430 (2) the Commissioner. The applicant shall include a copy of the original application
431 for the variance with the notice to the Commissioner. The variance shall be effective
432 60 days after this notice is received by the Commissioner, subject to any action taken
433 by the Commissioner pursuant to Minnesota Statutes § 360.063, subd. 6.a.

434 C. **Variance Standard.** A variance shall be granted where it is found that a literal
435 application or enforcement of the provisions of this Crystal Airport Zoning Ordinance
436 would result in practical difficulty or unnecessary hardship and relief granted would
437 not be contrary to the public interest but do substantial justice and be in accordance

438 with the spirit of this Crystal Airport Zoning Ordinance and Minnesota Statutes
439 Chapter 360. Any variance granted may be granted subject to any reasonable
440 conditions that the Board of Adjustment, or the Commissioner acting under
441 Section IX.B., may deem necessary to effectuate the purpose of this Crystal Airport
442 Zoning Ordinance or Minnesota Statutes Chapter 360.

443 **SECTION X. HAZARD MARKING AND LIGHTING**

444 A. **Nonconforming Structure.** The Metropolitan Airports Commission may require the
445 owner of any Nonconforming Structure to permit the installation, operation, and
446 maintenance thereon of such markers and lights as shall be deemed necessary by the
447 Metropolitan Airports Commission to indicate the presence of the Structure to the
448 operators of aircraft in the vicinity of the Airport. Such markers and lights shall be
449 installed, operated, and maintained at the expense of the Metropolitan Airports
450 Commission.

451 B. **Permits And Variances.** Any Airport Zoning Permit or variance granted by a Zoning
452 Administrator or the Board of Adjustment may, if such action is deemed advisable to
453 effectuate the purpose of this Crystal Airport Zoning Ordinance and be reasonable in
454 the circumstances, be granted subject to a condition that the owner of the Structure
455 in question permit the Metropolitan Airports Commission, at its expense, to install,
456 operate, and maintain thereon such markers and lights as may be necessary to indicate
457 to pilots the presence of an Airport Hazard.

458 **SECTION XI. ZONING ADMINISTRATOR**

459 A. **Duties.** It shall be the duty of each Zoning Administrator to administer and enforce
460 the provisions of this Crystal Airport Zoning Ordinance. Applications for Airport Zoning
461 Permits shall be made to a Zoning Administrator as provided herein. A Zoning
462 Administrator may charge a fee for processing the application. Airport Zoning Permit
463 applications shall be considered and acted upon by the Zoning Administrator in
464 accordance with the provisions of this Crystal Airport Zoning Ordinance and within the
465 timelines established by Minnesota Statutes § 15.99, as it may be amended. The
466 Zoning Administrator shall remind each applicant that it is the responsibility of the
467 applicant to record any conditions of an Airport Zoning Permit, if required by law.

468 B. **Designated Zoning Administrators.** For the purpose of this Crystal Airport Zoning
 469 Ordinance, the Zoning Administrator shall be the official entitled as follows: the Crystal
 470 Zoning Administrator for lands located in the City of Crystal; the Brooklyn Park Zoning
 471 Administrator for lands located in the City of Brooklyn Park; the Brooklyn Center Zoning
 472 Administrator for lands located in Brooklyn Center; the Minneapolis Zoning
 473 Administrator for lands located in Minneapolis; the New Hope Zoning Administrator for
 474 lands located in New Hope; and the Robbinsdale Zoning Administrator for lands located
 475 in Robbinsdale. In the event that 1 or more of the above-described Zoning
 476 Administrators fails to administer or enforce this Crystal Airport Zoning Ordinance as
 477 provided by law, the Crystal Airport Joint Airport Zoning Board hereby appoints the
 478 Metropolitan Airports Commission to administer or enforce this Crystal Airport Zoning
 479 Ordinance in the municipality or municipalities. If any official position designated
 480 above as a Zoning Administrator ceases to exist or to perform or serve its present
 481 function, the successor position as designated by the applicable entity shall become
 482 the Zoning Administrator for that entity and shall perform or serve such functions.

483 **SECTION XII. BOARD OF ADJUSTMENT**

484 A. **Establishment Of Board And Selection Of Chair.** There is hereby established a
 485 Board of Adjustment that shall consist of 5 members appointed by the Metropolitan
 486 Airports Commission, and each shall serve for a term of 3 years and until a successor
 487 is duly appointed and qualified. Of the members first appointed, 1 shall be appointed
 488 for a term of 1) year, 2 for a term of 2 years, and 2 for a term of 3 years. Upon their
 489 appointment, the members shall select a chair to act at the pleasure of the Board of
 490 Adjustment. Members shall be removable by the Metropolitan Airports Commission
 491 for cause, upon written charges, after a public hearing.

492 B. **Board Powers.** The Board of Adjustment shall have the power to hear and decide
 493 appeals from any order, requirement, decision, or determination made by any Zoning
 494 Administrator or the Metropolitan Airports Commission in the enforcement of this
 495 Crystal Airport Zoning Ordinance and to hear and grant or deny variances.

496 C. **Board Procedures.**
 497 1. **Rules, Meetings, And Records.** The Board of Adjustment shall adopt rules
 498 for its governance and procedure in harmony with the provisions of this Crystal
 499 Airport Zoning Ordinance. Meetings of the Board of Adjustment shall be held

500 at the call of the chair and at such other times as the Board of Adjustment may
501 determine. The chair, or in his or her absence the acting chair, may administer
502 oaths and compel the attendance of witnesses. All hearings of the Board of
503 Adjustment shall be public. The Board of Adjustment shall keep minutes of its
504 proceedings showing the vote of each member upon each question or, if absent
505 or failing to vote, indicating such fact, and shall keep records of its
506 examinations and other official actions, all of which shall immediately be filed
507 in the offices of the Metropolitan Airports Commission and the Zoning
508 Administrator of the jurisdiction in which the affected Structure or Lot is
509 located, and shall be a public record.

510 2. **Written Findings And Conclusions.** The Board of Adjustment shall make
511 written findings of fact and conclusions of law giving the facts upon which it
512 acted and its legal conclusions from such facts in affirming, modifying, or
513 reversing an order, requirement, decision, or determination of a Zoning
514 Administrator or the Metropolitan Airports Commission and in granting or
515 denying a variance.

516 3. **Majority Vote Required.** The concurring vote of a majority of the members
517 of the Board of Adjustment shall be sufficient to affirm, modify, or reverse an
518 order, requirement, decision, or determination of a Zoning Administrator or the
519 Metropolitan Airports Commission, to decide to grant or deny a variance, or to
520 act on any other matter upon which the Board of Adjustment is required to
521 pass under this Crystal Airport Zoning Ordinance.

522 4. **Mailing Address.** The mailing address for the Board of Adjustment is:
523 Crystal Airport Zoning Ordinance Board of Adjustment
524 c/o Executive Director
525 Metropolitan Airports Commission
526 6040 28th Avenue South
527 Minneapolis, MN 55450

528 **SECTION XIII. APPEALS**

529 A. **Who May Appeal.** Any Person aggrieved, or any taxpayer affected by any order,
530 requirement, decision, or determination of a Zoning Administrator made in
531 administration of this Crystal Airport Zoning Ordinance may appeal to the Board of

532 Adjustment. Such appeals may also be made by any governing body of a municipality
533 or county, or any joint airport zoning board, which is of the opinion that an order,
534 requirement, decision, or determination of a Zoning Administrator is an improper
535 application of this Crystal Airport Zoning Ordinance as it concerns such governing body
536 or board.

537 **B. Commencement Of Appeals.** All appeals hereunder must be commenced within
538 30 days of a Zoning Administrator’s decision by filing with the Zoning Administrator a
539 notice of appeal specifying the grounds thereof. The Zoning Administrator shall
540 forthwith transmit to the Board of Adjustment the notice of appeal and all papers
541 constituting the record upon which the order, requirement, decision, or determination
542 appealed from was taken.

543 **C. Stay Of Proceedings.** An appeal shall stay all proceedings in furtherance of the
544 order, requirement, decision, or determination appealed from, unless the Zoning
545 Administrator certifies to the Board of Adjustment, after the notice of appeal has been
546 filed with it, that by reason of the facts stated in the certificate a stay would, in the
547 Zoning Administrator’s opinion, cause imminent peril to life or property. In such case,
548 proceedings shall not be stayed except by order of the Board of Adjustment on notice
549 to the Zoning Administrator and on due cause shown.

550 **D. Appeal Procedures.** The Board of Adjustment shall fix a reasonable time for hearing
551 an appeal, give public notice and due notice to the parties in interest, and decide the
552 same within a reasonable time. At the hearing, any party may appear in Person, by
553 agent, or by attorney.

554 **E. Decision.** The Board of Adjustment may, in conformity with the provisions of
555 Minnesota Statutes Chapter 360 and this Crystal Airport Zoning Ordinance, affirm or
556 reverse, in whole or in part, or modify the order, requirement, decision, or
557 determination appealed from and may make such order, requirement, decision, or
558 determination, as may be appropriate under the circumstances and, to that end, shall
559 have all the powers of a Zoning Administrator.

560 **SECTION XIV. JUDICIAL REVIEW**

561 Any Person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment or any
562 action of the Commissioner taken under Minnesota Statutes 360.063, subd. 6 or 6a, or any governing
563 body of a municipality or county, or any joint airport zoning board, which is of the opinion that an

564 order, requirement, decision, or determination of the Board of Adjustment or action of the
565 Commissioner is illegal, may seek judicial review as provided in Minnesota Statutes § 360.072. The
566 petitioner must exhaust the remedies provided in this Crystal Airport Zoning Ordinance before availing
567 himself or herself of the right to seek judicial review as provided by this Section XIV.

568 **SECTION XV. PENALTIES AND OTHER REMEDIES**

569 Every Person who violates any provision of this Crystal Airport Zoning Ordinance, any zoning approval
570 granted hereunder, any condition of any zoning approval granted hereunder, or any order,
571 requirement, decision, or determination of a Zoning Administrator or the Board of Adjustment shall
572 be guilty of a misdemeanor and shall be punished by a fine, imprisonment, or both of not more than
573 the fine and imprisonment established for misdemeanors by state law. Each day a violation continues
574 to exist shall constitute a separate offense for the purpose of the penalties and remedies specified in
575 this section. This Crystal Airport Zoning Ordinance may also be enforced through such proceedings
576 for injunctive relief and other relief as may be proper under Minnesota Statutes § 360.073, as it may
577 be amended, and other applicable law.

578 **SECTION XVI. RELATION TO OTHER LAWS, REGULATIONS, AND RULES**

- 579 A. **Compliance Required.** In addition to the requirements of this Crystal Airport Zoning
580 Ordinance, all Structures, Trees, and uses shall comply with all other applicable city,
581 local, regional, state, or federal laws, regulations, and rules, including Minnesota
582 Statutes §§ 360.81-360.91 – Regulation Of Structure Heights, Minnesota
583 Rules 8800.1100 – Regulation Of Structure Heights, and 14 Code of Federal
584 Regulations Part 77 – Objects Affecting Navigable Airspace.
- 585 B. **Conflicts With Other Regulations.** Where a conflict exists between any provision
586 of this Crystal Airport Zoning Ordinance and any city, local, regional, state, or federal
587 law, regulation, or rule applicable to the same area, whether the conflict be with
588 respect to the height of Structures or Trees, the use of land, or any other matter, the
589 more stringent law, regulation, or rule shall govern and prevail.
- 590 C. **Current Versions And Citations.** All references to city, local, regional, state, and
591 federal laws, regulations, and rules in this Crystal Airport Zoning Ordinance are
592 intended to refer to the most current version and citation. If such references are no
593 longer valid due to repeal or renumbering, the new laws, regulations, or rules intended
594 to replace those cited, regardless of the citation, shall govern.

595 **SECTION XVII. SEVERABILITY**

596 A. **Effect Of Taking.** In any case in which the provisions of this Crystal Airport Zoning
597 Ordinance, although generally reasonable, are held by a court to interfere with the
598 use or enjoyment of a particular Structure, Lot, or Tree to such an extent, or to be so
599 onerous in their application to such a Structure, Lot, or Tree, as to constitute a taking
600 or deprivation of that property in violation of the constitution of this state or the
601 constitution of the United States, such holding shall not affect the application of this
602 Crystal Airport Zoning Ordinance as to other Structures, Lots, and Trees, and, to this
603 end, the provisions of this Crystal Airport Zoning Ordinance are declared to be
604 severable.

605 B. **Validity Of Remaining Provisions.** Should any section or provision of this Crystal
606 Airport Zoning Ordinance be declared by the courts to be unconstitutional or invalid,
607 such decision shall not affect the validity of this Crystal Airport Zoning Ordinance as a
608 whole or any part thereof other than the parts so declared to be unconstitutional or
609 invalid.

610 **SECTION XVIII. EFFECTIVE DATE**

611 This Crystal Airport Zoning Ordinance shall take effect on the xx day of xx, 20xx. Copies thereof shall
612 be filed with the Commissioner and the Registers of Deeds for Hennepin County, Minnesota.

613 Passed and adopted after public hearings by the Crystal Airport Joint Airport Zoning Board this xx day
614 of xx, 20xx.

DRAFT

615 I hereby certify that this is a complete, true, and correct copy of the *Crystal Airport Zoning Ordinance*
616 as adopted by the Crystal Airport Joint Airport Zoning Board on xx xx, 20xx.

617 _____
618 Richard Weyrauch, Chair
619 Crystal Airport Joint Airport Zoning Board

620 Date: _____

621 _____
622 Kristin Berwald, Secretary
623 Crystal Airport Joint Airport Zoning Board

624 Date: _____

625 Subscribed and sworn to before me this ____ day of _____, 20__ by Richard Weyrauch and
626 Kristin Berwald, Chair and Secretary respectively, of the Crystal Airport Joint Airport Zoning Board.

627 _____
628 Notary Public

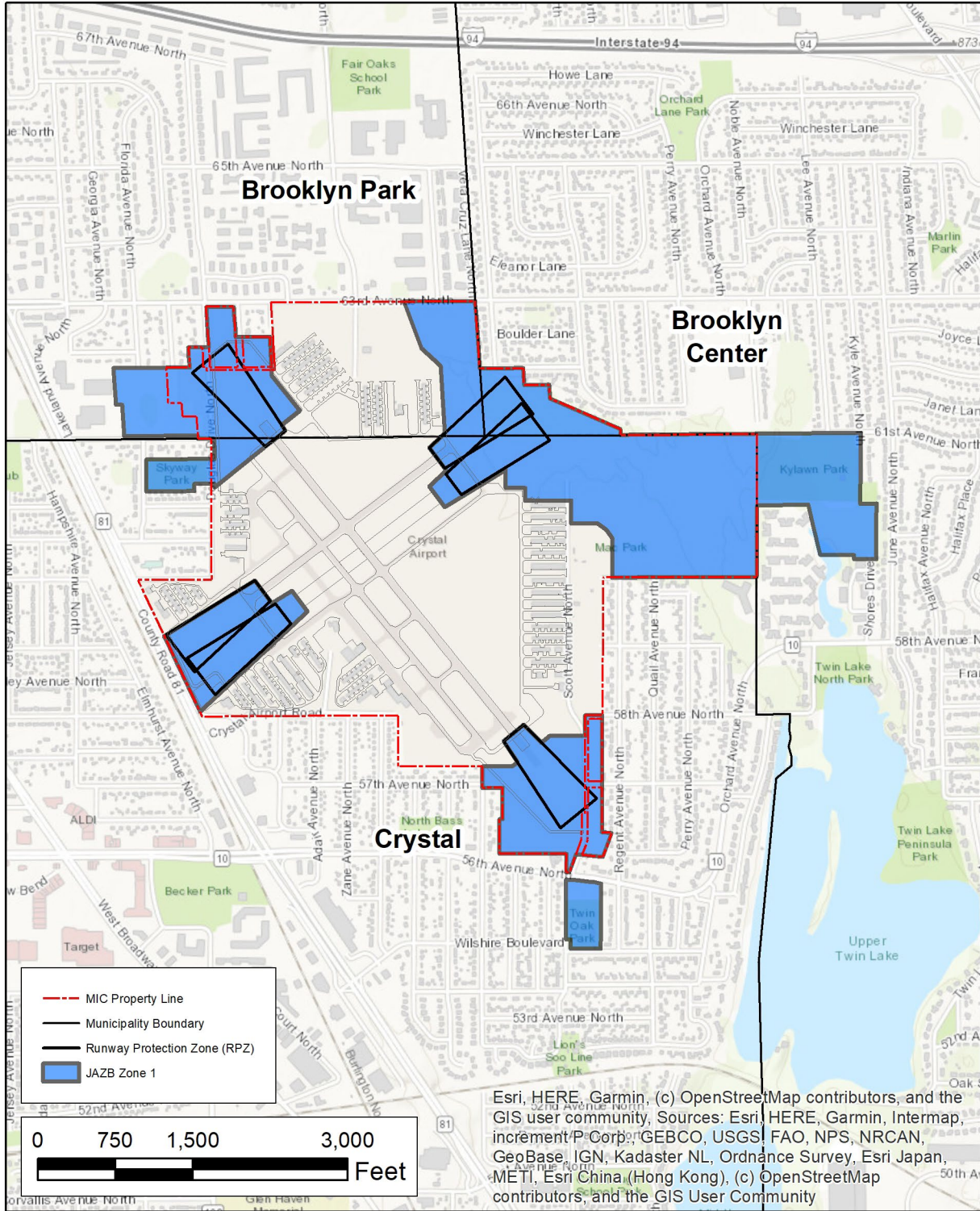
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630 EXHIBIT A – AIRPORT BOUNDARY



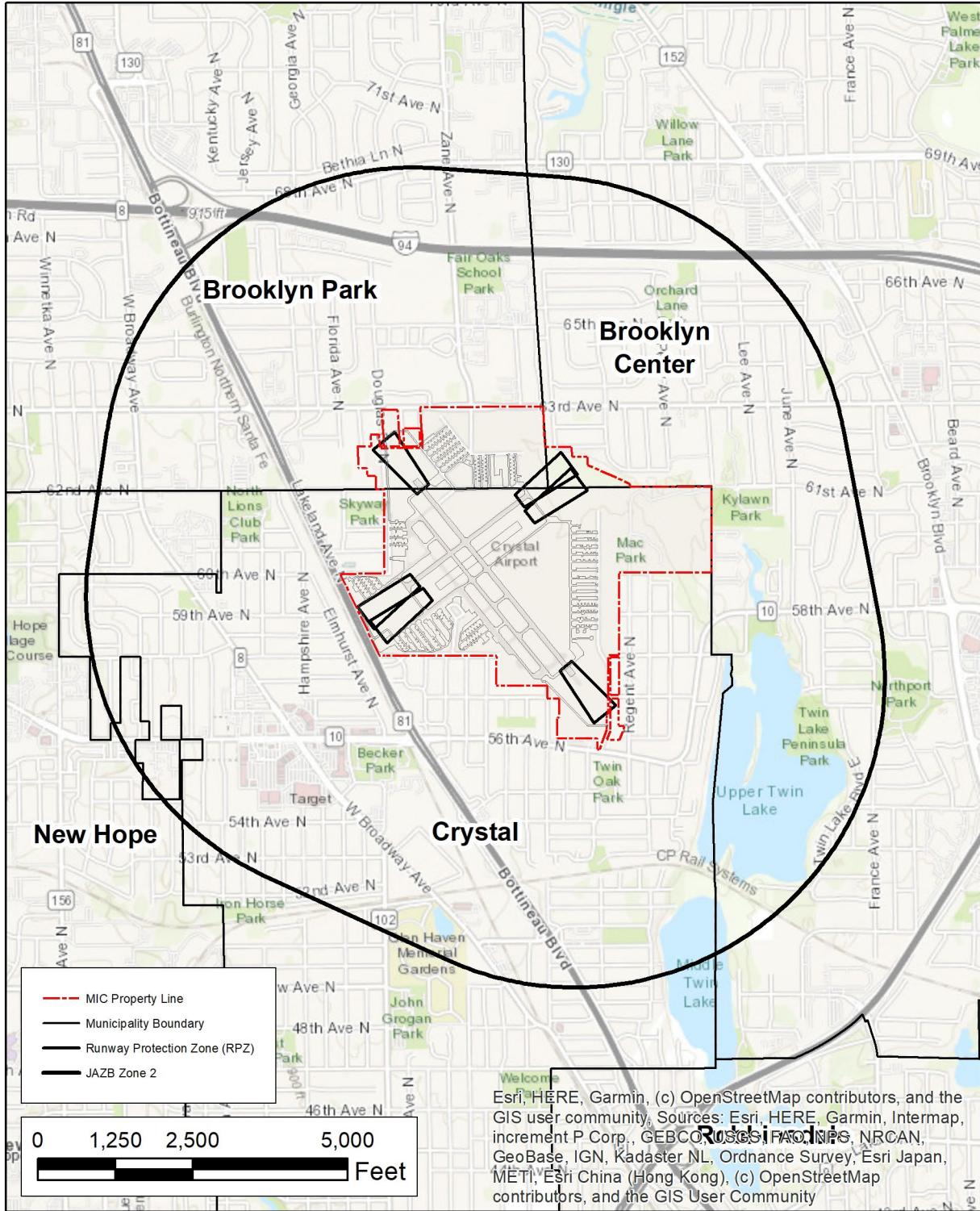
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633 EXHIBIT B – JAZB SAFETY ZONE 1



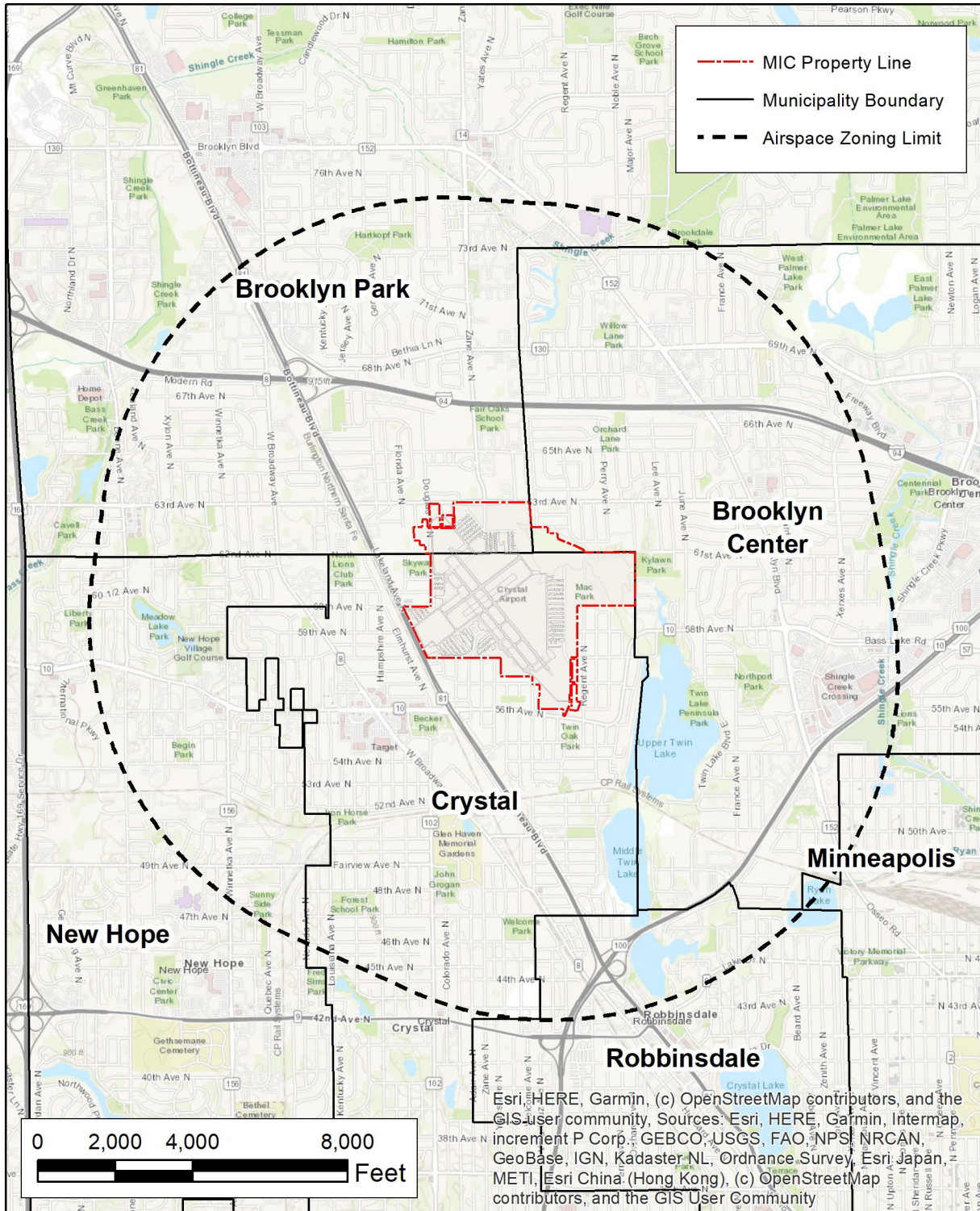
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636 EXHIBIT C – JAZB SAFETY ZONE 2



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639 EXHIBIT D – AIRPORT BOUNDARY AND AIRSPACE ZONING LIMITS



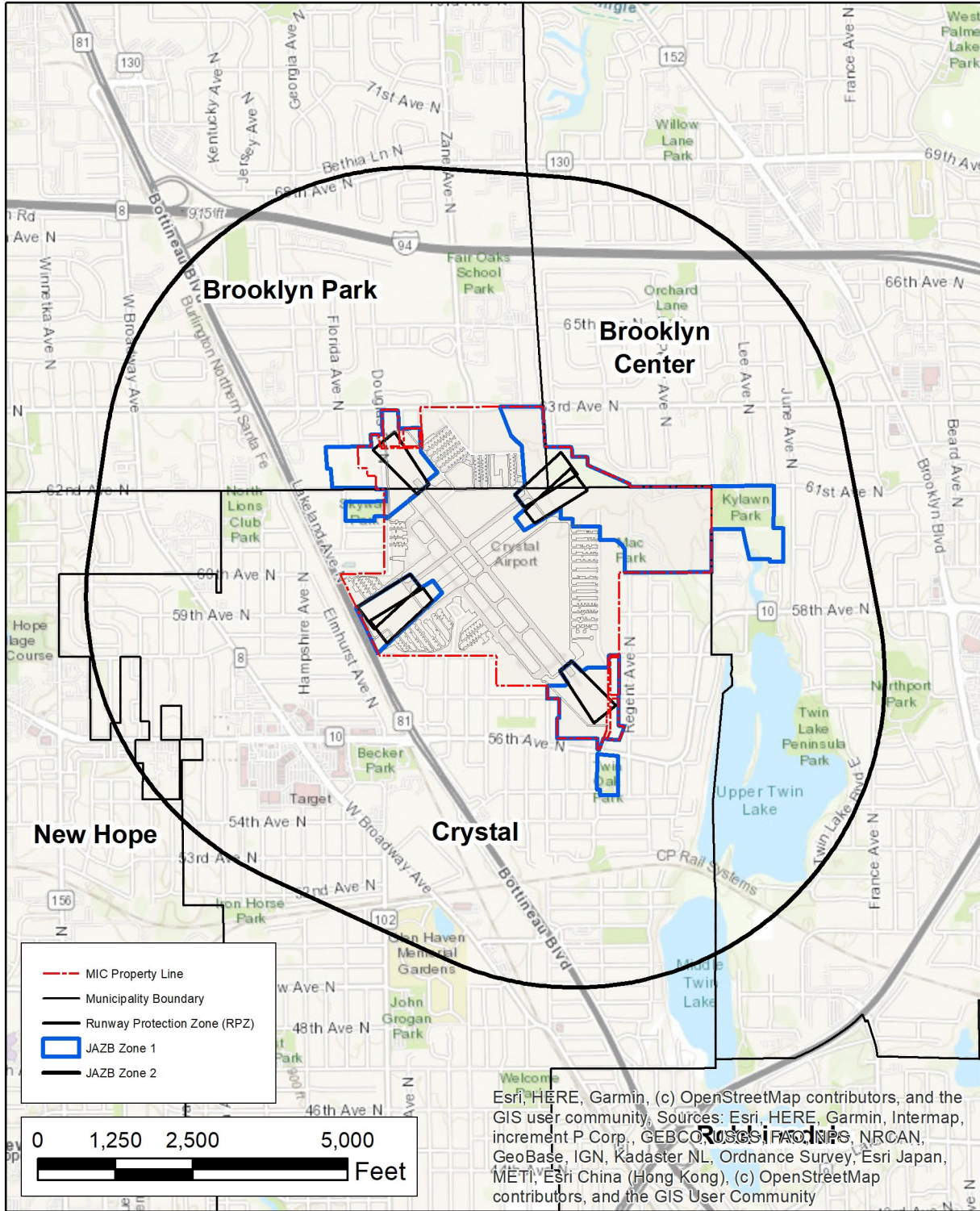
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642 EXHIBIT E – AIRPORT BOUNDARY AND AIRSPACE CONTOURS



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644 EXHIBIT F – AIRPORT BOUNDARY AND SAFETY ZONING LIMITS



645