

TITLE AND SUMMARY OF ORDINANCE NO. 20-819

The following Ordinance is hereby published by title and summary:

1. Title of Ordinance: Airport Zoning

An Ordinance to Create and Enact Title 15, Chapter 151 of the Hutchinson City Code of Ordinances,

2. Summary of Ordinance:

This ordinance sets forth rules and regulations for Zoning for the Hutchinson Municipal Airport and land within the designated airport zoning area.


This Ordinance shall take effect upon publication in accordance with Hutchinson City Charter.

3. Availability of Ordinance

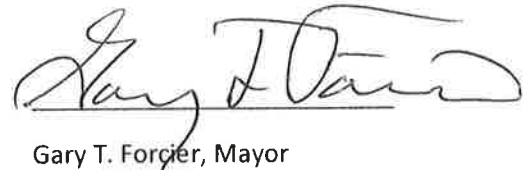
A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk,

This ordinance was passed by the City Council of the City of Hutchinson on the 11th day of August, 2020.

ATTEST:



Matthew Jaunich, City Administrator



Gary T. Forcier, Mayor

Date of Publication: 9-2-2020



# CHAPTER 151: AIRPORT ZONING

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## GENERAL PROVISIONS

### § 151.01 PURPOSE AND AUTHORITY.

The City of Hutchinson and McLeod County acting as the authority for the Townships of Lynn and Hassan Valley, under authority granted by MN Statute 360.063 hereby establishes an airport zoning ordinance pursuant to the provisions and authority of M.S. § 360.063, as it may be amended from time to time, hereby finds and declares that:

(A) An airport hazard endangers the lives and property of users of the Hutchinson 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 the Hutchinson Municipal 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 Hutchinson 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; and

(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 Hutchinson Municipal Airport is an essential public facility that serves an important public transportation role and provides a public good.

(2004 Code, § 151.01) (Ord. passed 1-12-1984)

### § 151.02 JURISDICTION.

The sections of land affected by this chapter are indicated in App. A to this chapter.

(2004 Code, § 151.02) (Ord. passed 1-12-1984)

### § 151.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIRPORT.** The Hutchinson Municipal Airport located in the City of Hutchinson and all or part of Sections 12 and 13 of Lynn Township.

**AIRPORT ELEVATION.** The established elevation of the highest point on the usable landing area which elevation is established to be 1,062 feet above the mean sea level.

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

**COMMISSIONER.** The Commissioner of the Minnesota Department of Transportation.

**CONFORMING USE.** 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.** Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

**EXISTING LAND USE IN A BUILT UP URBAN AREA.** An area which, if it existed on or before January 1, 1978, shall be considered a conforming use that shall not be prohibited except as provided below in Section 151.30 D, EXEMPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS.

**HEIGHT.** For the purpose of determining the **HEIGHT** limits in all zones set forth in this chapter and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

**LANDING AREA.** The area of the airport used for the landing, taking off or taxiing of aircraft.

**NON-CONFORMING USE.** Any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this chapter or an amendment hereto.

**NON-PRECISION INSTRUMENT RUNWAY.** A runway having an existing or planned straight-in 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.

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

**PLANNED.** Refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Transportation, Office of Aeronautics, and the City of Hutchinson.

**RUNWAY.** 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 or taking off of aircraft.

**SLOPE.** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., **SLOPE** = 3:1 = three feet horizontal to one foot vertical).

**STRUCTURE.** An object constructed or installed by humans, including, but without limitations, buildings, towers, smokestacks and overhead transmission lines.

**TRAVERSE WAYS.** For the purpose of determining height limits as set forth in this chapter, the limit shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; ten 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.** Any object of natural growth.

**UTILITY RUNWAY.** 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

**VISUAL RUNWAY.** 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.** The same meaning as **LAND** for the establishment of protected zones in this chapter.

(2004 Code, § 151.03) (Ord. passed 1-12-1984)

#### § 151.04 AIRPORT ZONING MAP.

The several zones herein established are shown on the Hutchinson Municipal Airport Zoning Map consisting of seven sheets, prepared by Bolton & Menk, Inc., and dated September 23, 2019, attached hereto and made a part hereof, which map, together with 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 chapter.

(2004 Code, § 151.04) (Ord. passed 1-12-1984)

### AIRSPACE OBSTRUCTION ZONING

#### § 151.15 AIRSPACE ZONES.

(A) In order to carry out the purpose of this chapter, as set forth above, the following airspace zones are hereby established: primary zone, horizontal zone, conical zone, approach zone, precision instrument approach zone and transitional zone.

(B) The locations and dimensions of these zones are as follows:

(1) *Primary zone.* All that land which lies directly under an imaginary primary surface longitudinally centered on the runway and extending 200 feet beyond each end of Runway 15-33 and coinciding with each end of Runway 8-26. The elevation of any point on the primary surface is the same as the elevation of the nearest points on the runway centerline. The width of the primary surface is 500 feet for Runway 15-33 and 250 feet for Runway 8-26;

(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 1,212 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 the runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for Runway 15-33 and Runway 8-26;

(3) *Conical zone.* All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface;

(4) *Approach zone.* All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach 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 and 8-26. The approach surface expands uniformly to a width of 2,000 feet for Runway 15-33 at a distance of 5,000 feet to the periphery of the conical surface. The approach surface expands uniformly to a width of 1,250 feet for Runway 8-26 at a distance of 5,000 feet to the periphery of the conical surface; and

(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.

(2004 Code, § 151.15) (Ord. passed 1-12-1984)

#### § 151.16 HEIGHT RESTRICTIONS.

(A) Except as otherwise provided in this chapter, 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 § 151.15 of this chapter, so as to project above any of the imaginary airspace surfaces described in § 151.15 of this chapter.

(B) Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

(2004 Code, § 151.16) (Ord. passed 1-12-1984)

### LAND USE SAFETY ZONING

#### § 151.30 SAFETY ZONE BOUNDARIES.

In order to carry out the purpose of this chapter, as set forth above, and also in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Hutchinson Municipal Airport and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

(A) *Safety zone A*. All land in that portion of the approach zones of a runway, as defined in § 151.15 of this chapter, 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 2,667 feet for Runway 15-33 and 1,667 feet for Runway 8-26;

(B) *Safety zone B*. All land in that portion of the approach zones of a runway, as defined in § 151.15 of this chapter, which extends outward from safety zone A for a distance equal to one-third of the planned length of the runway, which distance shall be 1,333 feet for Runway 15-33 and 833 feet for Runway 8-26; and

(C) *Safety zone C*. All that land which is enclosed within the perimeter of the horizontal zone, as defined in § 151.15 of this chapter, and which is not included in zone A or zone B above.

(2004 Code, § 151.30) (Ord. passed 1-12-1984)

(D) *Exceptions – Established Residential Neighborhoods*. The following described lands are designated as Established Residential Neighborhoods in Built-Up Urban Areas. Land uses which were in existence in these areas on January 1, 1978, are exempt from the USE RESTRICTIONS of Sections 151.31 B and C below and are submit to the provisions of Section 151.31 E below.

Runway 26			
Parcel ID	Street Address	Acres	Year Built
60180100	16936 Highway 15 S Hutchinson MN 55350	1.71	1962
60550010	16902 Highway 15 S Hutchinson MN 55350	0.53	1967
60550020	16864 Highway 15 S Hutchinson MN 55350	0.53	1968
60550030	16826 Highway 15 S Hutchinson MN 55350	0.54	1968
60181000	20 Airport Road Hutchinson MN 55350	0.50	1968
60180200	40 Airport Road Hutchinson MN 55350	1.18	1962
60180500	60 Airport Road Hutchinson MN 55350	1.18	1963
60560010	80 Airport Road Hutchinson MN 55350	0.60	1976

#### § 151.31 USE RESTRICTIONS.

(A) *General.* Subject at all times to the height restrictions set forth in § 151.16 of this chapter, no use shall be made of any land in any of the safety zones defined in § 151.30 of this chapter, which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.

(B) *Zone A.*

(1) Subject at all times to the height restrictions set forth in § 151.16 of this chapter, and to the general restrictions contained in division (A) above, 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.

(2) Permitted uses may include, but are not limited to, such uses as agricultural (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries and auto parking.

(C) *Zone B.* Subject at all times to the height restrictions set forth in § 151.16 of this chapter, and to the general restrictions contained in division (A) above, areas designated as zone B shall be restricted in use as follows.

(1) Each use shall be on a site whose area shall not be less than three acres.

(2) Each use shall not create, attract or bring together a site population that would exceed 15 times that of the site acreage.

(3) Each site shall have no more than one building plot upon which any number of structures may be erected.



(4) 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:

<i>Site Area</i>		<i>Ratio of Site Area to Building Plot Area</i>	<i>Building Plot Area (Square Feet)</i>	<i>Maximum Site Population (15 Persons per Acre)</i>
<i>At Least (Acres)</i>	<i>But Less Than (Acres)</i>			
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	And up	4:1	218,000	300

(5) The following uses are specifically prohibited in zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds and other places of frequent public or semi-public assembly.

(D) *Zone C.* Zone C is subject only to height restrictions set forth in § 151.16 of this chapter, and to the general restrictions contained in division (A) above.

(E) *Exemptions – Existing Land Use*

a. Land uses which existed as of January 1, 1978, in the Existing Land Use set for in Section 151.31 D above, and as shown on the zoning map, are subject to the height restrictions of Section 151.15 and the general restrictions of Section 151.31 A. Land uses which come into existence after January 1, 1978, are treated as though they were not in a designated Existing Land Use and are subject to the zone A and zone B restrictions as the case may be.

b. Land uses in the Existing Land Use which violate any of the following restrictions are prohibited as safety hazards and must be acquired, altered or removed at public expense. These conditions are as follows:

(1) The following land uses if they exist in Safety Zones A or B and in an Existing Land Use in a Built Up Urban Area are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances;

(a) Any structure which a person or persons customarily use as a principal residence and which is located entirely inside safety zone A within 1,000 feet of the end of the primary zone;

(b) Any structure which a person or persons customarily use as a principal residence and which is located entirely within safety zone A or B and which penetrates an imaginary approach surface as defined by Section 151.15 B 4;

(c) Any land use in Safety Zone A or B which violates any of the following standards:

(i) the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communication between the airport and aircraft;

(ii) the land use must not make it difficult for pilots to distinguish between airport lights and other lights;

(iii) the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

(d) Any isolated residential building lot zoned for single-family or two-family residences on which any structure, if built, would be prohibited by subparagraphs b.(1)(a), (b) or (c) above. An "isolated" residential building lot is one located in an area in which the predominant land use is single-family or two-family residential structures; and

(e) Any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off, or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

(i) possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

(ii) possibility that the land use may, in case of an aircraft accident, cause an explosion, fire, or the release of harmful or noxious fumes, gases, or substances;

(iii) tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

(iv) effect of the land use on availability of clear areas for emergency landings;

(v) flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(2004 Code, § 151.31) (Ord. passed 1-12-1984)

## § 151.32 BOUNDARY LIMITATIONS.

For the purpose of promoting health, safety, order, convenience, prosperity, general welfare and for conserving property values and encouraging the most appropriate use of land, the City of Hutchinson may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area not to exceed one mile from the airport boundary.

(2004 Code, § 151.32) (Ord. passed 1-12-1984)

## NON-CONFORMING USES; VARIANCES

### § 151.45 EXISTING NON-CONFORMING USES; GRANDFATHER CLAUSE.

The regulations prescribed by this chapter 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 chapter, or otherwise interfere with the continuance of any non-conforming 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 chapter, and is diligently prosecuted and completed within two years thereof.

(2004 Code, § 151.45) (Ord. passed 1-12-1984)

**§ 151.46 CONSTRUCTION; PERMIT REQUIRED.**

(A) *Future uses.* Except as specifically provided in this division (A), no material change shall be made in the use of land and no structure shall be erected, altered or otherwise established in any zone hereby created unless a permit therefor shall have been issued by the Airport Zoning Compliance Administrator. 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 that determination is in the affirmative, a certificate of compliance shall be issued.

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 chapter as set forth in § [151.16](#) of this chapter and the land use limitations set forth in § [151.31](#) of this chapter.

(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 that replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto, or than it was when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(2004 Code, § 151.46) (Ord. passed 1-12-1984)

**§ 151.47 NON-CONFORMING USES; ABANDONMENT OR DESTRUCTION.**

(A) Whenever the Airport Zoning Compliance Administrator determines that a non-conforming structure or tree has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow that 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 section or not, the Airport Zoning Compliance Administrator may order the owner of the abandoned or partially deteriorated non-conforming structure, at his or her own expense, to lower, remove, reconstruct or equip the same in the manner necessary to conform to the provisions of this chapter.

(B) In the event the owner of the non-conforming structure shall neglect or refuse to comply with this order for ten days after receipt of written notice of the order, the Airport Zoning Compliance Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed non-conforming 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 this assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% 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.

(C) All permit applications for the replacement of a destroyed non-conforming structure or tree shall be granted; provided that, the replacement structure or tree is of no greater hazard to air navigation, nor occupies a greater area than it did on the effective date of this chapter.

(2004 Code, § 151.47) (Ord. passed 1-12-1984)

#### § 151.48 VARIANCES.

(A) Any person desiring to erect or increase the height of any structure, or permit the growth of any trees or use his or her property not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment for a variance from these regulations.

(B) If a person submits an application for a variance by certified mail to the members of the Board and the Board fails to grant or deny the variance within four months ~~after~~ the last member receives the application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner of Transportation 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 60 days after this notice is received by the Commissioner, subject to any action taken by the Commissioner pursuant to M.S. § 360.063(6), as it may be amended from time to time.

(C) This type of variance 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 chapter; provided, any variance so allowed may be subject to any reasonable conditions that the Board of Adjustment or Commissioner may deem necessary to effectuate the purpose of this chapter.

(D) The Board may request review of a variance application by the MnDOT Airport Zoning Director prior to making a decision.

(2004 Code, § 151.48) (Ord. passed 1-12-1984)

#### § 151.49 HAZARD MARKING AND LIGHTING.

(A) *Non-conforming uses.* The owner of any non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of markers and lights as shall be deemed necessary by the Airport Zoning Compliance Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of these airport hazards. These markers and lights shall be installed, operated and maintained at the expense of the City of Hutchinson.

(B) *Permits and variances.* Any permit or variance granted by the Airport Zoning Compliance Administrator or Board of Adjustment, as the case may be, may, if that action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, so condition the permit or variance as to require the owner of the structure or tree in question at his or her own expense, to install, operate and maintain thereon markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(2004 Code, § 151.49) (Ord. passed 1-12-1984)



## **ADMINISTRATION AND ENFORCEMENT**

### **§ 151.60 AIRPORT ZONING COMPLIANCE ADMINISTRATOR.**

It shall be the duty of the City of Hutchinson Director of Planning/Building/Zoning, as designated by the Hutchinson City Council, to serve as the Airport Zoning Compliance Administrator and enforce the regulations prescribed herein for airport zoning within City limits. It shall be the duty of the McLeod County Environmental Services Director, as designated by the McLeod County Board of Commissioners, to serve as the Airport Zoning Compliance Administrator and enforce the regulations prescribed herein for airport zoning within the Townships of Lynn and Hassan Valley. Applications for permits shall be made to the governmental entity having permitting jurisdiction over the property, utilizing the procedures currently in effect for the subject governmental entity. Permitting requirements set forth in § 151.46 of this chapter shall be referred to the Airport Zoning Compliance Administrator and shall be promptly considered and permit issued or denied by this official in accordance with the regulations prescribed herein. Airport zoning variance applications (relative to the regulations described herein) shall be submitted directly to the Airport Zoning Compliance Administrator and transmitted by him or her for action by the Board of Adjustment.

(2004 Code, § 151.60) (Ord. passed 1-12-1984)

### **§ 151.61 BOARD OF ADJUSTMENT.**

(A) *Establishment.* The Board of Adjustment shall consist of five members appointed by the City of Hutchinson and McLeod County. Each member shall be at least a two-year resident of the four governmental areas pertaining to and affected by this chapter and each shall serve for a term of three years and until his or her successor is duly appointed and qualified. Upon their appointments, the members shall be removable by the City of Hutchinson and McLeod County for cause, upon written charges, after a public hearing.

(B) *Powers.* The Board of Adjustment shall have and exercise the following powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the Airport Compliance Zoning Administrator in the enforcement of this chapter;

(2) To hear and decide special exceptions to the terms of this chapter upon which the Board of Adjustment under these regulations may be required to pass; and

(3) To hear and decide specific variances.

(C) *Procedures.*

(1) The Board of Adjustment shall adopt rules for its governance and procedures in harmony with the provisions of this chapter. Meetings of the Board of Adjustment shall be held at the call of the Chair and at other times as the Board of Adjustment may determine. The Chair, or in his or her absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Airport Zoning Compliance Administrator and shall be a public record.

(2) The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from those facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

(3) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Airport Zoning Compliance Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation from this chapter.

(2004 Code, § 151.61) (Ord. passed 1-12-1984)

#### **§ 151.62 APPEALS.**

(A) Any person aggrieved or any taxpayer affected by any decision of the Zoning Administrator made in the administration of this chapter may appeal to the Board of Adjustment. These appeals may also be made by the Hutchinson City Council and the McLeod County Board, which is of the opinion that a decision of the Airport Zoning Compliance Administrator is an improper application of this chapter as it concerns that governing body or board.

(B) All appeals hereunder must be commenced within 30 days of the Airport Zoning Compliance Administrator's decision, by filing with the Airport Zoning Compliance Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Compliance Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved or any taxpayer affected by any decision of the Airport Zoning Compliance Administrator made in the administration of this chapter who desires to appeal that decision shall submit an application for a variance by certified mail to the members of the Board of Adjustment in the manner set forth in M.S. § 360.067(2), as it may be amended from time to time.

(C) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Airport Zoning Compliance Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed, except by order of the Board of Adjustment on notice to the Airport Zoning Compliance Administrator and on due cause shown.

(D) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(E) The Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make an order, requirement, decision or determination, as may be appropriate under the circumstances and, to that end, shall have all the powers of the Airport Zoning Compliance Administrator.

(2004 Code, § 151.62) (Ord. passed 1-12-1984)

#### **§ 151.63 JUDICIAL REVIEW.**

Any person aggrieved or any taxpayer affected by any decision of the Board of Adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, which believes that a decision of board of adjustment of the commissioner is illegal may appeal in accordance with Minnesota Statutes Chapter 14.

(2004 Code, § 151.63) (Ord. passed 1-12-1984)

#### **§ 151.64 VIOLATIONS; REMEDIES.**

It is unlawful for any person to construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree, without having complied with the provisions of this chapter, or for any person, having been granted a permit or variance under the provisions of this chapter, to construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by that permit or variance. Each day a violation continues to exist shall constitute a separate offense. The Airport Zoning Compliance Administrator may enforce all provisions of this chapter through proceedings for injunctive relief and other relief as may be proper under the laws of M.S. § 360.073, as it may be amended from time to time, and other applicable law.

(2004 Code, § 151.64) (Ord. passed 1-12-1984) Penalty, see § [10.99](#)

### **151.65 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.

### **151.66 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.

### **§ 151.67 AMENDMENT PROCEDURE.**

The City of Hutchinson and McLeod County have the right and authority to amend this chapter. No part of this chapter shall be amended or changed, except by action of the City of Hutchinson and McLeod County as provided for in M.S. § 360.063(3) and (7), as they may be amended from time to time, or by the Commissioner of Transportation as provided in M.S. § 360.063(6) and (8), as they may be amended from time to time, after public hearings, at which parties in interest and citizens shall have an opportunity to be heard. A public hearing shall be held on the proposed regulations before they are submitted for approval to the Commissioner, and a second public hearing after that approval if required, but before final adoption, by the City of Hutchinson and McLeod County.

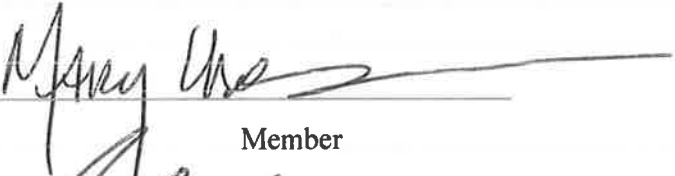
(2004 Code, § 151.65) (Ord. passed 1-12-1984)


### **151.68 EFFECTIVE DATE**

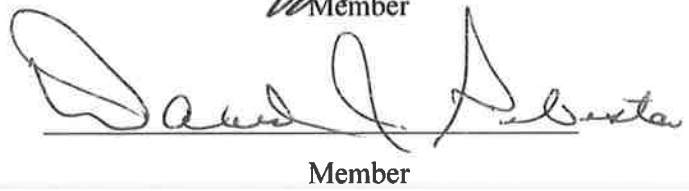
This ordinance shall take effect on the 10<sup>th</sup> day of August, 2020. Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds, and McLeod County, Minnesota.

Passed and adopted after public hearing by the Hutchinson Planning Commission this 18<sup>th</sup> day of February, 2020.

  
Mayor

  
Member

  
Member

  
Member

  
Member



## **APPENDIX A: HUTCHINSON MUNICIPAL AIRPORT ZONING; AFFECTED LAND**

(A) This chapter affects all or a portion of the following quarter-sections of land within Hassan Valley Township, T116N, R29W.

Section	Airspace Obstruction Zoning (151.15 - 151.17)				Land Use Safety Zoning (151.30 - 151.32)			
	NE Quarter	SE Quarter	SW Quarter	NW Quarter	NE Quarter	SE Quarter	SW Quarter	NW Quarter
5			X					
6		X	X	X				
7	X	X	X	X		X	X	X
8			X	X				
17	X	X	X	X				
18	X	X	X	X	X	X	X	X
19	X	X	X	X	X		X	X
20	X		X	X				
30	X			X				

(B) This chapter affects all or a portion of the following quarter-sections of land within Lynn Township, T116N, R30W.

Section	Airspace Obstruction Zoning (151.15 - 151.17)				Land Use Safety Zoning (151.30 - 151.32)			
	NE Quarter	SE Quarter	SW Quarter	NW Quarter	NE Quarter	SE Quarter	SW Quarter	NW Quarter
1	X	X	X	X		X	X	
2	X	X	X	X				
3		X						
10	X	X						
11	X	X	X	X	X	X	X	
12	X	X	X	X	X	X	X	X
13	X	X	X	X	X	X	X	X
14	X	X	X	X	X	X	X	X
15	X	X						
23	X	X	X	X	X			
24	X	X	X	X	X	X		X
25	X			X				

(2004 Code, Ch. 151, App.)



**Hutchinson Municipal Airport (HCD)**  
Hutchinson, MN

**Airspace**  
September 23, 2019





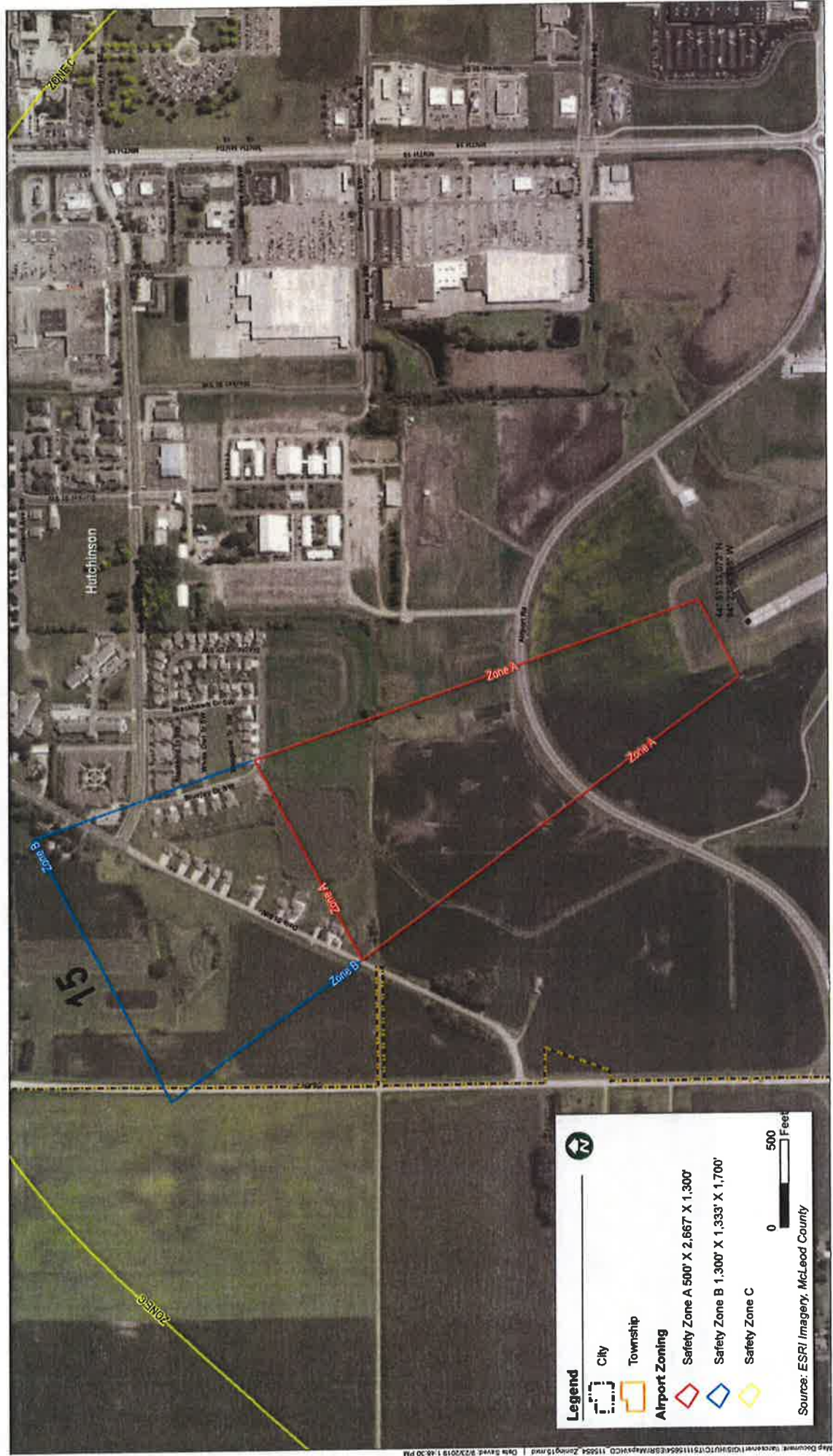


Hutchinson Municipal Airport (HCD)  
Hutchinson, MN



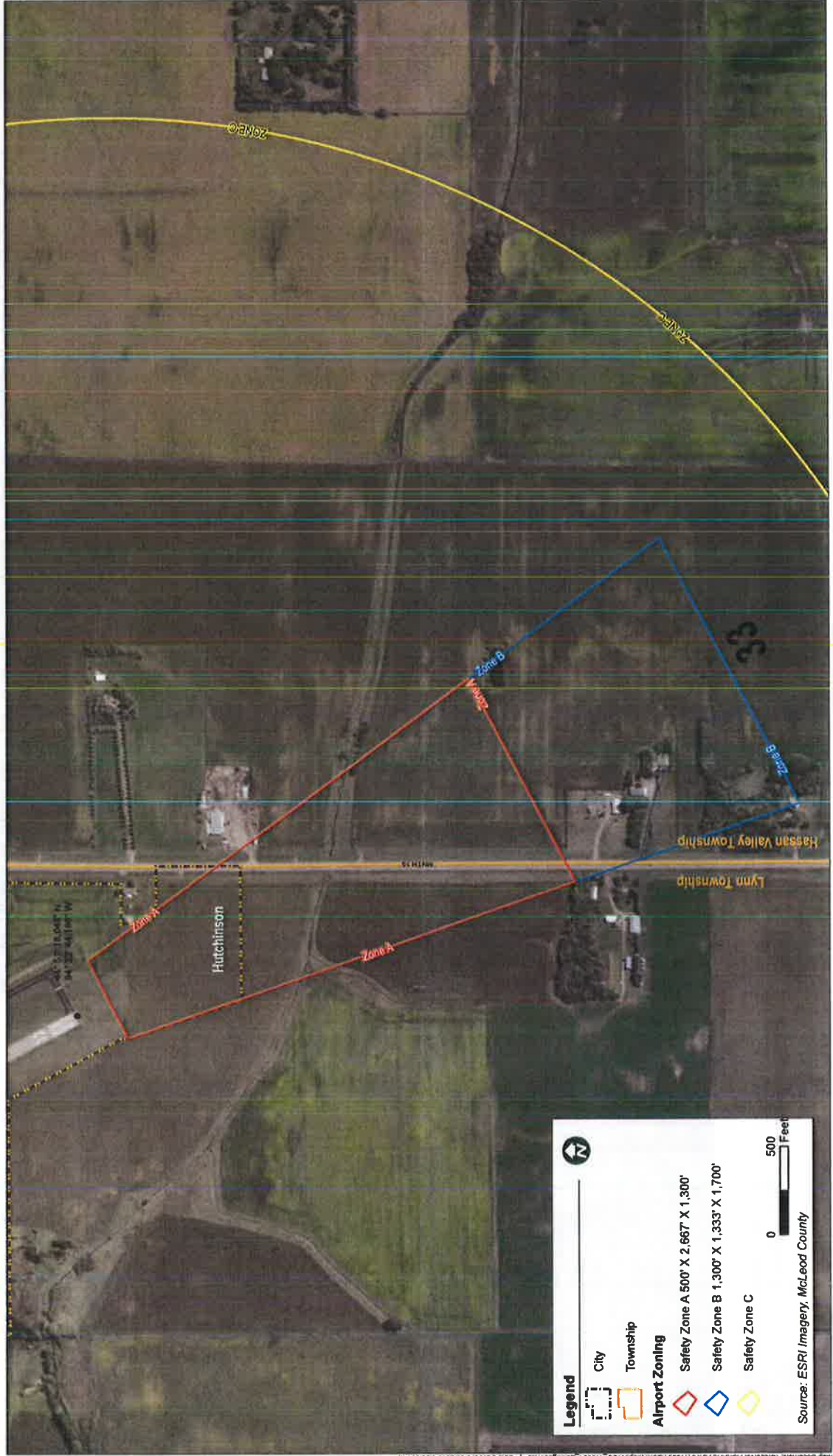
Airport Zoning  
September 23, 2019

Real People. Real Solutions.





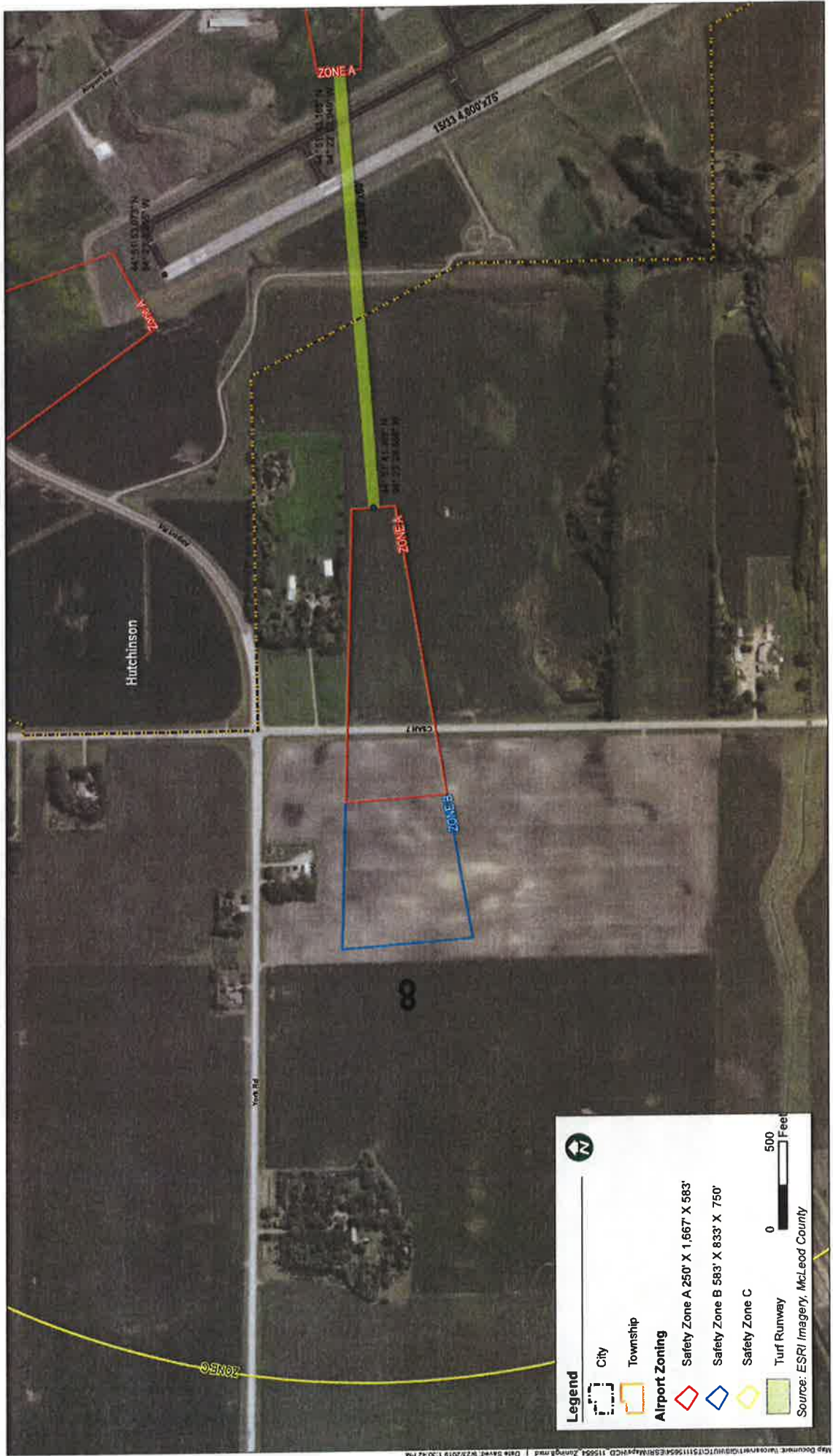
**Hutchinson Municipal Airport (HCD)**  
Hutchinson, MN







Hutchinson Municipal Airport (HCD)  
Hutchinson, MN



**Legend**

- City
- Township
- Airport Zoning**
- Safety Zone A 250' X 1,667' X 583'
- Safety Zone B 583' X 833' X 750'
- Safety Zone C
- Turf Runway

0 500 Feet

Source: ESRI Imagery, McLeod County



Hutchinson Municipal Airport (HCD)  
Hutchinson, MN



Airport Zoning  
September 23, 2019

Real People. Real Solutions.



**Legend**

- City
- Township
- Airport Zoning**
- Safety Zone A 250' X 1,667' X 583'
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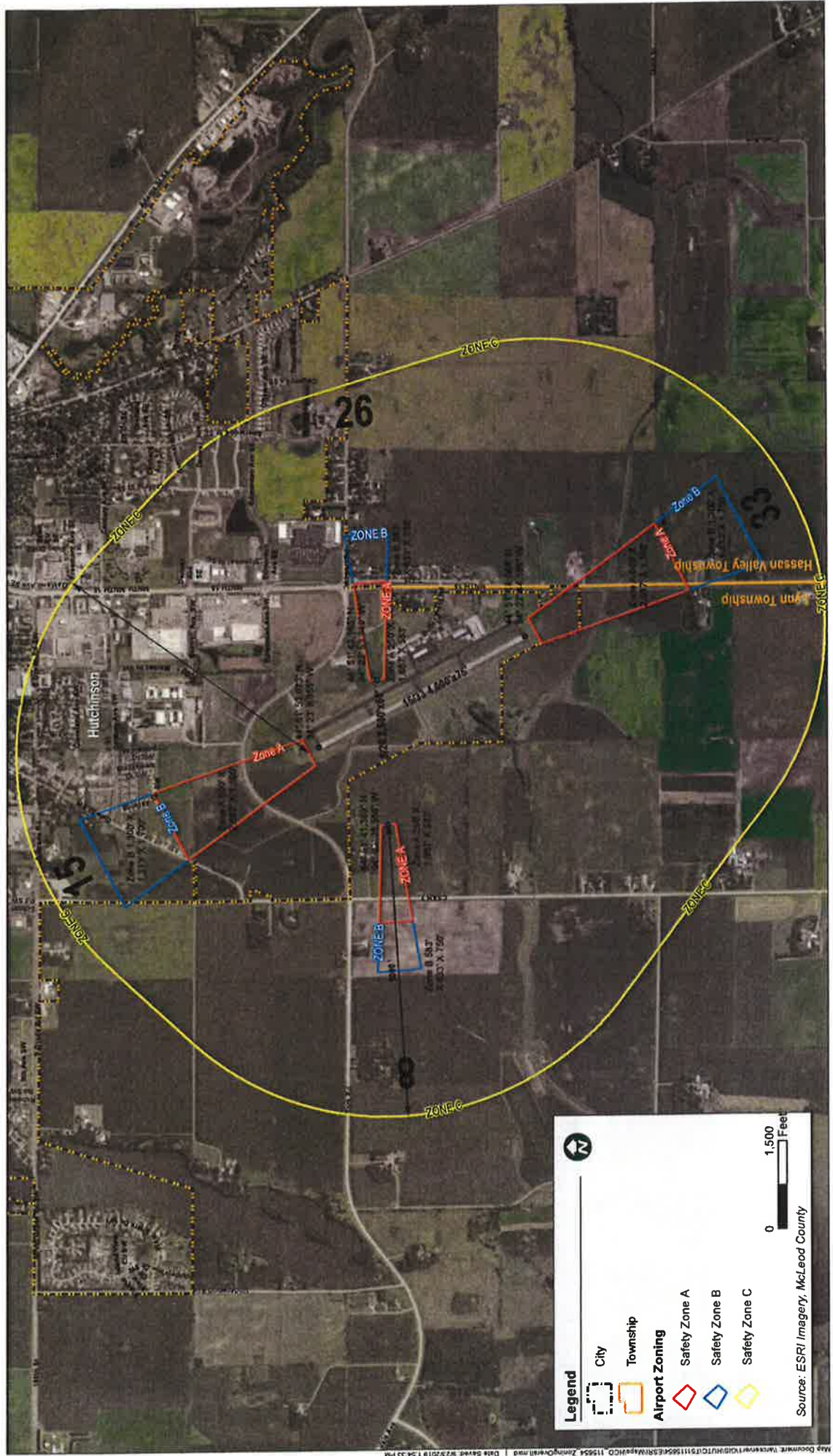
Scale: 0 500 Feet

Sources: ESRI Imagery, McLeod County





**Hutchinson Municipal Airport (HCD)**  
Hutchinson, MN

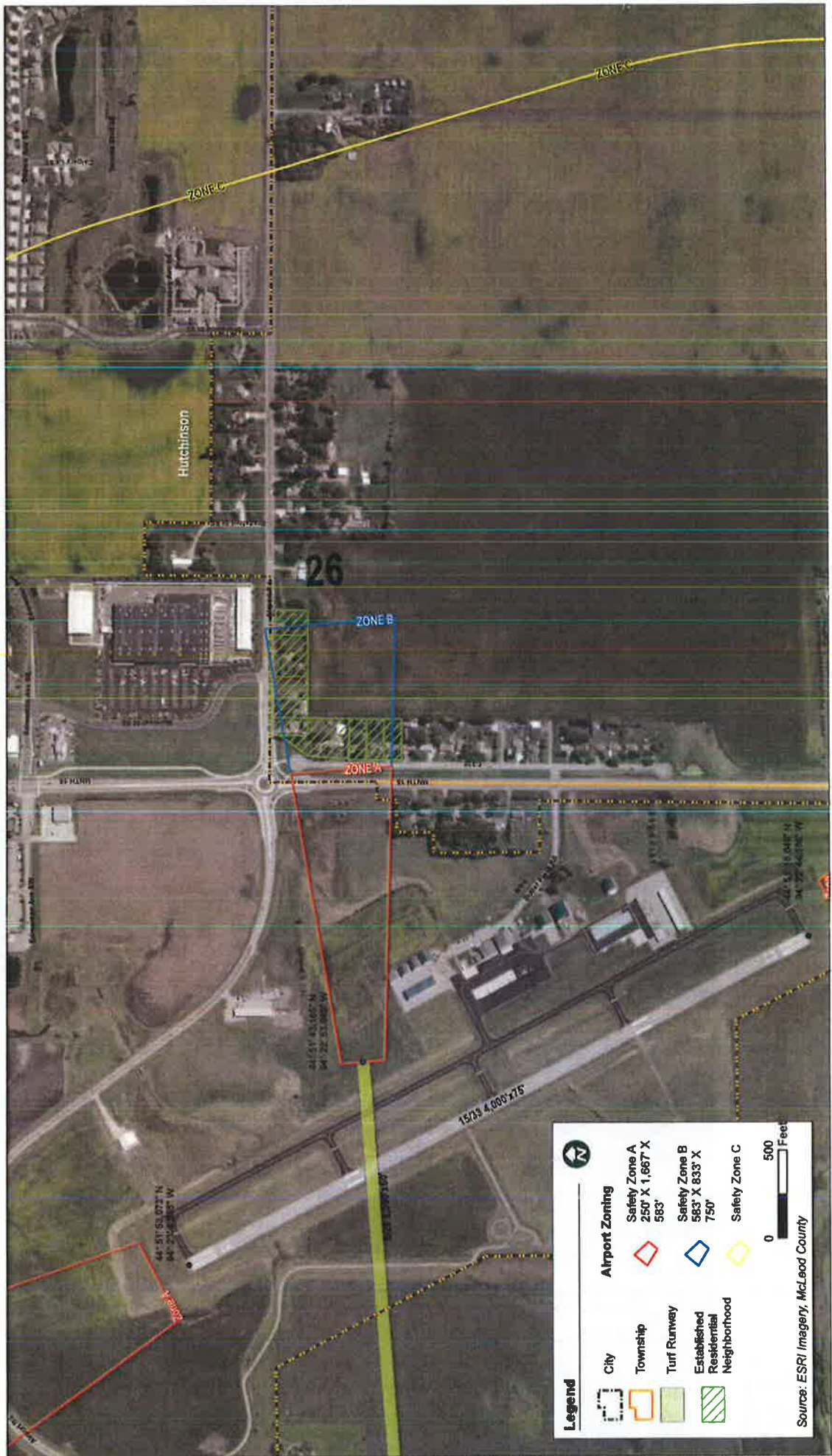






**Hutchinson Municipal Airport (HCD)**  
Hutchinson, MN

**Established Residential Neighborhoods**  
September 23, 2019





**RESOLUTION OF THE**  
**HUTCHINSON MUNICIPAL AIRPORT CITY OF**  
**HUTCHINSON CITY COUNCIL AS TO FINAL**  
**ADOPTION OF A ZONING ORDINANCE**

At a meeting of the above Board held on August 11, 2020,  
Member Czmowski, seconded by Member Forcier,  
introduced the following Resolution and moved its adoption.

WHEREAS, A public hearing has been held on a proposed zoning ordinance pursuant to  
Minnesota Statutes Section 360.065; and

WHEREAS, No changes in said proposed ordinance are necessary;

NOW, THEREFORE, It is hereby resolved as follows:

1. That the Zoning Ordinance and Map attached thereto are hereby adopted.

**ROLL CALL**

Members voting aye: all

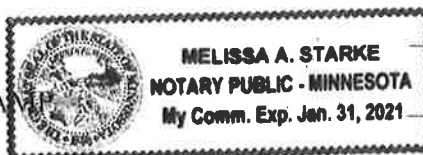
Members voting nay: none

Resolution declared passed:   
Gary T. Forcier, Mayor

Attest:   
Matthew Jaunich, City Administrator

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

SEAL OR  
NOTARY STAMP



Notary Public  
Title  
8-26-2020  
Date

[illegible]