

OFFICE OF REGISTRAR OF TITLES
FREEBORN COUNTY, MINNESOTA

Document T- 112622

Certified, Filed, and/or Registered on:

April 16, 2013 3:00 PM

KELLY CALLAHAN

FEE: \$1,226.00

FREEBORN COUNTY REGISTRAR OF TITLES

By: NH



OFFICE OF COUNTY RECORDER
FREEBORN COUNTY, MINNESOTA

Document A- 505829

Certified, Filed, and/or Recorded on:

April 16, 2013 10:00 AM

KELLY CALLAHAN

FEE: \$46.00

FREEBORN COUNTY RECORDER

By: NH



COPY

ORDINANCE 159, 4d

TORRENS

Introduced by Anderson

CITY OF ALBERT LEA, MINNESOTA

ALBERT LEA MUNICIPAL AIRPORT ZONING ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 157,4d ADOPTED
DECEMBER 20, 2012 AMENDING CHAPTER 11 OF THE CITY CODE,
NOW CODIFIED AS CHAPTER 74, ALBERT LEA CITY CODE, ZONING
AND LAND USE; BY REPLACING CHAPTER 74, ARTICLE III,
DIVISION 16, APPROACH ZONE AIRSPACE AND AIRPORT SAFETY
ZONE, FOR THE ALBERT LEA MUNICIPAL AIRPORT

STATE OF MINNESOTA }
COUNTY OF FREEBORN } ss
CITY OF ALBERT LEA

I hereby certify that I have compared the
within instrument with the original now on file
in my office and that it is a true and correct
copy of the same and of the whole thereof.

Dated: 4-10-13

City Clerk: *Shirley Albert Schutte*

By authorized deputy _____

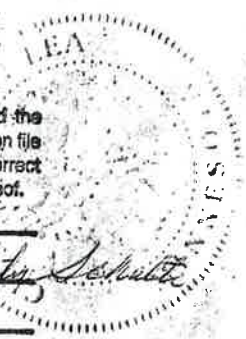


Table of Contents

TITLE AND INTRODUCTION.....	2
SECTION I: PURPOSE AND AUTHORITY.....	2
SECTION II: SHORT TITLE.....	3
SECTION III: DEFINITIONS.....	3
SECTION IV: AIR SPACE OBSTRUCTION ZONING.....	7
SECTION V: LAND USE SAFETY ZONING.....	9
SECTION VI: AIRPORT MAP.....	21
SECTION VII: NONCONFORMING USES.....	21
SECTION VIII: PERMITS.....	22
SECTION IX: VARIANCES.....	23
SECTION X: HAZARD MARKING AND LIGHTING.....	24
SECTION XI: AIRPORT ZONING ADMINISTRATOR.....	24
SECTION XII: BOARD OF ADJUSTMENT.....	24
SECTION XIII: APPEALS.....	25
SECTION XIV: JUDICIAL REVIEW.....	26
SECTION XV: PENALTIES.....	26
SECTION XVI: CONFLICTS.....	27
SECTION XVII: SEVERABILITY.....	27
SECTION XVIII: EFFECTIVE DATE.....	27
EXHIBIT A.....	29

TITLE AND INTRODUCTION

CITY OF ALBERT LEA, MINNESOTA

ALBERT LEA MUNICIPAL AIRPORT ZONING ORDINANCE

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 ALBERT LEA MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE ALBERT LEA MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE CITY OF ALBERT LEA:

SECTION I: PURPOSE AND AUTHORITY

The City of Albert Lea hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Albert Lea Municipal Airport, and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of said Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Albert Lea Municipal Airport.

- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
- D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.
- F. The Albert Lea Municipal Airport is an essential public facility that serves an important public transportation role and provides a public good.

SECTION II: SHORT TITLE

This Ordinance shall be known as the "Albert Lea Municipal Airport Zoning Ordinance." Those sections of land affected by this Ordinance are indicated in Exhibit "A", which is attached to this Ordinance.

This ordinance amends the City of Albert Lea Zoning Ordinance, Chapter 74 of the Municipal Code, by amending Article III, Division 16 by replacing with this ordinance, and amending Article 1, Section 74-2 by removing definitions for airport zoning from Section 74-2 and replacing such definitions by including them in Article III, Division 16 as found in Section III of this ordinance.

SECTION III: DEFINITIONS

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

"*AIRPORT*" means the Albert Lea Municipal Airport located in the City of Albert Lea, Minnesota.

"*AIRPORT ELEVATION*" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,261 feet above mean sea level.

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

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

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

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

"ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA" (ERN - BUUA) means an area which, if it existed on or before January 1, 1978, (for low density structures and lots) and an area which, if it existed on or before January 1, 1978, (all other land uses) shall be considered a conforming use that shall not be prohibited except as provided below in SECTION V B 5, EXEMPTIONS - ESTABLISHED RESIDENTIAL NEIGHBORHOODS.

The following criteria shall be applied and considered in determining what constitutes an ERN-BUUA:

- (1) Location of the Airport
- (2) Nature of the terrain within Safety Zones A and B.
- (3) Existing land uses and character of the neighborhood around the airport.
- (4) Population of the community.
- (5) That the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre.
- (6) Population density near the airport compared with population density in other areas of the community.
- (7) The age and the economic, political, and social stability of the neighborhood and the community as a whole.
- (8) The proximity of supporting school, commercial, religious, transportation and other facilities, and their degree of integration with residential land uses.
- (9) Presence or absence of public utilities including, but not limited to, public sanitary sewer system, electric service and gas mains.
- (10) Whether or not the factors listed in subparagraphs (8) and (9) above tend to make the community surrounding the airport a self-sufficient unit.
- (11) Whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character.

(12) Other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban and built-up.

"*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.

"*LOW DENSITY RESIDENTIAL STRUCTURE*" means a single-family or two-family home.

"*LOW DENSITY RESIDENTIAL LOT*" means a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

"*NONCONFORMING USE*" means any pre-existing structure, tree, natural growth, or land use which is inconsistent with the provisions of this Ordinance or an amendment hereto.

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

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

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

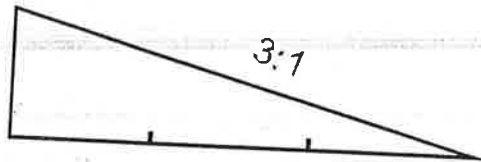
"*PLANNED*," as used in this Ordinance, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, Minnesota Department of Transportation Office of Aeronautics, and the City of Albert Lea.

"*PRECISION INSTRUMENT RUNWAY*" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by

the other included systems.. Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

RUNWAY" means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

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



Slope = 3:1 = 3 feet horizontal to 1 foot vertical

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

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

"TREE" means any object of natural growth.

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

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

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

SECTION IV: AIR SPACE OBSTRUCTION ZONING

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

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and:

a. Extending 200 feet beyond each end of Runway 17/35 and runway 5/23.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

The width of the primary surface is:

b. 1000 feet for Runway 17/35.

c. 500 feet for Runway 5/23.

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 1,411 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. 10,000 feet for Runway 17/35.

b. 5000 feet for Runway 5/23.

When a 5000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

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

4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides

with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

- a. 40:1 for Runway 5/23.

The approach surface expands uniformly to a width of:

- a. 3,600 feet for Runway 5/23 at a distance of 10,000 feet, then continues at the same rate of divergence to the periphery of the conical surface.

5. **PRECISION INSTRUMENT APPROACH ZONE:** All that land which lies directly under an imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Runway 17/35, a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of 10,000 feet expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

6. **TRANSITIONAL ZONE:** All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.

B. **HEIGHT RESTRICTIONS:** Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any air space zone created in SECTION IV A so as to project above any of the imaginary air space surfaces described in said SECTION IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

- C. **BOUNDARY LIMITATIONS:** The air space obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

SECTION V: LAND USE SAFETY ZONING

- A. **SAFETY ZONE BOUNDARIES:** In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the City of Albert Lea Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

1. **SAFETY ZONE A:** All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:
 - a. 3,333 feet for Runway 17/35.
 - b. 2,400 feet for Runway 5/23.

2. **SAFETY ZONE B:** All land in that portion of the approach zones of a runway, as defined in SECTION IV A hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:
 - a. 1,667 feet for Runway 17/35.
 - b. 1,200 feet for Runway 5/23.

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

4. **EXCEPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS:**
The following described lands are designated as Established Residential

Neighborhoods in Built-Up Urban Areas, based upon the state of development of the areas on January 1, 1978. Land uses which were in existence in these areas on January 1, 1978, are exempt from the USE RESTRICTIONS of SECTIONS V B 2 and V B 3 below, and are subject to the provisions of SECTION V B 5 below.

<i>Parcel</i>	<i>House Address</i>	<i>City</i>	<i>Lot</i>	<i>Block</i>	<i>Subdivision Name</i>	<i>Date Recorded</i>
342350610	1701 Hale Dr.	Albert Lea	9	5	Summer Dale Add.	7/23/1959
342350620	1705 Hale Dr.	Albert Lea	8	5	Summer Dale Add.	7/23/1959
342350619	1707 Hale Dr.	Albert Lea	7&8	5	Summer Dale Add.	7/23/1959
342350618	1711 Hale Dr.	Albert Lea	6	5	Summer Dale Add.	7/23/1959
342350617	1709 Hale Dr.	Albert Lea	6	5	Summer Dale Add.	7/23/1959
342350612	1713 Hale Dr.	Albert Lea	5&6	5	Summer Dale Add.	7/23/1959
342350611	1715 Hale Dr.	Albert Lea	5	5	Summer Dale Add.	7/23/1959
342350614	1717 Hale Dr.	Albert Lea	4	5	Summer Dale Add.	7/23/1959
342350615	1719 Hale Dr.	Albert Lea	3 & 4	5	Summer Dale Add.	7/23/1959
343720011	1723 Hale Dr.	Albert Lea	3	5	Summer Dale 2 nd Add.	7/23/1959
342350616	1725 Hale Dr.	Albert Lea	1	1	Summer Dale Add.	7/27/1959
343720010	1727 Hale Dr.	Albert Lea	1	1	Summer Dale 2 nd Add.	7/23/1959
343720012	1729 Hale Dr.	Albert Lea	2	1	Summer Dale 2 nd Add.	7/23/1959
343720022	1805 Hale Dr.	Albert Lea	2&3	1	Summer Dale 2 nd Add.	7/23/1959
343720021	1809 Hale Dr.	Albert Lea	3	1	Summer Dale 2 nd Add.	7/23/1959
343720040	1815 Hale Dr.	Albert Lea	4	1	Summer Dale 2 nd Add.	7/23/1959
343720050	1812 Hale Dr.	Albert Lea	5	1	Summer Dale 2 nd Add.	7/23/1959
343720060	1810 Hale Dr.	Albert Lea	6	1	Summer Dale 2 nd Add.	7/23/1959
344380010	1808 Hale Dr.	Albert Lea	1	1	Summer Dale Town Homes 2 nd Add.	7/23/1959
343720020	1808 Crystal Dr.	Albert Lea	3	1	Summer Dale 2 nd Add.	7/23/1959
344380030	1804 Crystal Dr.	Albert Lea	3	1	Summer Dale Town Homes 2 nd Add.	7/23/1959
344380040	1802 Crystal Dr.	Albert Lea	1	4	Summer Dale Town Homes 2 nd Add.	7/23/1959

344380050	1726 Crystal Dr.	Albert Lea	1	2	Summer Dale Town Homes 2 nd Add.	7/23/1959
344380060	1722 Crystal Dr.	Albert Lea	2	2	Summer Dale Town Homes 2 nd Add.	7/23/1959
343720120	1809 Silver La.	Albert Lea	3	2	Summer Dale 2 nd Add.	7/23/1959
343720130	1813 Silver La.	Albert Lea	4	2	Summer Dale 2 nd Add.	7/23/1959
344470010	1704 Crystal Drive	Albert Lea	1	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470020	1706 Crystal Drive	Albert Lea	2	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470030	1708 Crystal Drive	Albert Lea	3	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470040	1710 Crystal Drive	Albert Lea	4	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470050	1714 Crystal Drive	Albert Lea	5	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470060	1716 Crystal Drive	Albert Lea	6	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470080	1718 Crystal Dr.	Albert Lea	7	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
344470080	1720 Crystal Dr.	Albert Lea	8	1	Summer Dale Town Homes 3 rd Add.	7/23/1959
342350010	1634 Crystal Dr.	Albert Lea	1	1	Summer Dale Add.	7/23/1959
342350210	1633 Crystal Dr.	Albert Lea	1	2	Summer Dale Add.	7/23/1959
342350370	1630 Keystone	Albert Lea	17	2	Summer Dale Add.	7/23/1959
342350410	1625 Hale Dr.	Albert Lea	1	4	Summer Dale Add.	7/23/195
342350814	1701 Crystal Dr.	Albert Lea	5	7	Summer Dale Add.	7/23/1959
342350813	1705 Crystal Dr.	Albert Lea	4	7	Summer Dale Add.	7/23/1959
342359812	1709 Crystal Dr.	Albert Lea	3	7	Summer Dale Add.	7/23/1959
342350811	1713 Crystal Dr.	Albert Lea	2	7	Summer Dale Add.	7/23/1959
342350810	1717 Crystal Dr.	Albert Lea	1	7	Summer Dale Add.	7/23/1959
342350821	1726 Keystone Ave.	Albert Lea	12	7	Summer Dale Add.	7/23/1959
342350820	1722 Keystone Ave.	Albert Lea	11	7	Summer Dale Add.	7/23/1959
342350819	1718 Keystone Ave.	Albert Lea	10	7	Summer Dale Add.	7/23/1959
342350818	1714 Keystone Ave.	Albert Lea	9	7	Summer Dale Add.	7/23/1959
342350817	1710 Keystone Ave.	Albert Lea	8	7	Summer Dale Add.	7/23/1959
342350816	1706 Keystone Ave.	Albert Lea	6	7	Summer Dale Add.	7/23/1959
342350910	Crystal Dr.	Albert Lea	3,4,5,6	8	Summer Dale Add.	7/23/1959

344120100	1728 Hale Dr.	Albert Lea	10	1	Summerdale Town Homes 1 st Add.	7/23/1959C
342350710	Keystone Dr.	Albert Lea	2,7,8,9	6	Summerdale Add.	7/23/1959
342350711	Keystone Dr.	Albert Lea	3&4	6	Summerdale Add.	7/23/1959
342350712	Keystone Dr.	Albert Lea	5&6	6	Summerdale Add.	7/23/1959
344120010	1704 Hale Dr.	Albert Lea	1	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120020	1706 Hale Dr.	Albert Lea	2	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120030	1708 Hale Dr.	Albert Lea	3	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120040	1710 Hale Dr.	Albert Lea	4	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120050	1712 Hale Dr.	Albert Lea	5	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120060	1714 Hale Dr.	Albert Lea	6	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120070	1718 Hale Dr.	Albert Lea	7	1	Summerdale Town Homes 1 st Add.	7/23/1959
344120080	1720 Hale Dr.	Albert Lea	8	1	Summer Dale Town Homes 1 st Add.	7/23/1959
344120090	1726 Hale Dr.	Albert Lea	9	1	Summer Dale Town Homes 1 st Add.	7/23/1959
344120100	1728 Hale Dr.	Albert Lea	1	6	Summer Dale Town Homes 1 st Add.	7/23/1959
342670010	510 Quisley St.	Albert Lea	1	1	Green Lea Terrace	8/5/1974
342670020	508 Quisley St.	Albert Lea	2	1	Green Lea Terrace	8/5/1974
342670030	506 Quisley St.	Albert Lea	3	1	Green Lea Terrace	8/5/1974
342670040	504 Quisley St.	Albert Lea	4	1	Green Lea Terrace	8/5/1974
342670050	502 Quisley St.	Albert Lea	5	1	Green Lea Terrace	8/5/1974
342670060	500 Quisley St.	Albert Lea	6	1	Green Lea Terrace	8/5/1974

A & B Zone 35	House Address	City	Lot	Block	Subdivision Name	Date Recorded
342350020	1630 Crystal Dr.	Albert Lea	2	1	Summer Dale Add.	7/23/1959
342350220	1629 Crystal Dr.	Albert Lea	2	2	Summer Dale Add.	7/23/1959
342350230	1625 Crystal Dr.	Albert Lea	3	2	Summer Dale Add.	7/23/1959
342350360	1626 Keystone Dr.	Albert Lea	16	2	Summer Dale Add.	7/23/1959
342350420	1621 Hale Dr.	Albert Lea	2	4	Summer Dale Add.	7/23/1959

B Zone 35	House Address	City	Lot	Block	Subdivision Name	Date Recorded
341940060	204 Fairview Dr	Albert Lea	6	1	Kathleen Add.	12/9/1954
341940070	208 Fairview Dr	Albert Lea	7	1	Kathleen Add.	12/9/1954
341940080	210 Fairview Dr	Albert Lea	8	1	Kathleen Add.	12/9/1954
341940090	304 Fairview Dr	Albert Lea	9	1	Kathleen Add.	12/9/1954

341940100	308 Fairview Dr	Albert Lea	10	1	Kathleen Add.	12/9/1954
341960070	205 Fairview Dr	Albert Lea	7	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960080	209 Fairview Dr	Albert Lea	8	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960090	211 Fairview Dr	Albert Lea	9	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960100	307 Fairview Dr	Albert Lea	10	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960110	311 Fairview Dr	Albert Lea	11	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960120	313 Fairview Dr	Albert Lea	12	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960130	317 Fairview Dr	Albert Lea	13	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960140	319 Fairview Dr.	Albert Lea	14	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960150	321 Fairview Dr	Albert Lea	15	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341940110	312 Fairview Dr.	Albert Lea	11	1	Kathleen Add.	12/9/1954
341940120	316 Fairview Dr.	Albert Lea	12	1	Kathleen Add.	12/9/1954
341940130	320 Fairview Dr.	Albert Lea	13	1	Kathleen Add.	12/9/1954
341940210	309 Burr Oak Dr.	Albert Lea	20	1	Kathleen Add.	12/9/1954
341940200	313 Burr Oak Dr.	Albert Lea	19	1	Kathleen Add.	12/9/1954
341940180	321 Burr Oak Dr.	Albert Lea	17	1	Kathleen Add.	12/9/1954
341940170	325 Burr Oak Dr.	Albert Lea	16	1	Kathleen Add.	12/9/1954
341940190	317 Burr Oak Dr.	Albert Lea	18	1	Kathleen Add.	12/9/1954
341940220	305 Burr Oak Dr.	Albert Lea	21	1	Kathleen Add.	12/9/1954
341940230	213 Burr Oak Dr.	Albert Lea	22	1	Kathleen Add.	12/9/1954
341940240	209 Burr Oak Dr.	Albert Lea	23	1	Kathleen Add.	12/9/1954
34194060	115 Burr Oak Dr.	Albert Lea	25	1	Kathleen Add.	12/9/1954
341940250	205 Burr Oak Dr.	Albert Lea	24	1	Kathleen Add.	12/9/1954
341940140	324 Fairview Dr.	Albert Lea	14	1	Kathleen Add.	12/9/1954
341960160	325 Fairview Dr	Albert Lea	16	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341940150	1209 Marie Ave.	Albert Lea	15	1	Kathleen Add.	12/9/1954
341960520	1304 Marie Ave.	Albert Lea	2	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960530	1306 Marie Ave.	Albert Lea	3	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960510	1302 Marie Ave.	Albert Lea	1	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960170	326 Glenn Rd	Albert Lea	17	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955

341960180	322 Glenn Rd	Albert Lea	18	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960190	318 Glenn Rd	Albert Lea	19	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960200	314 Glenn Rd	Albert Lea	20	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960210	312 Glenn Rd	Albert Lea	21	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960220	310 Glenn Rd	Albert Lea	22	1 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341970250	306 Glenn Rd	Albert Lea	5	4 ✓	Lakewood 2 nd Sub.	4/9/1955
341970240	302 Glenn Rd	Albert Lea	4	4 ✓	Lakewood 2 nd Sub.	4/9/1955
341970230	212 Glenn Rd	Albert Lea	3	4 ✓	Lakewood 2 nd Sub.	4/9/1955
341970220	206 Glenn Rd	Albert Lea	2	4 ✓	Lakewood 2 nd Sub.	4/9/1955
341970140	203 Glenn Rd	Albert Lea	4	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970150	207 Glenn Rd	Albert Lea	5	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970160	211 Glenn Rd	Albert Lea	6	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970170	301 Glenn Rd	Albert Lea	7	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970180	307 Glenn Rd	Albert Lea	8	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341960310	313 Glenn Rd	Albert Lea	6	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960320	315 Glenn Rd	Albert Lea	7	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960330	317 Glenn Rd	Albert Lea	8	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960340	319 Glenn Rd	Albert Lea	9	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960350	321 Glenn Rd	Albert Lea	10	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960360	325 Glenn Rd	Albert Lea	11	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960540	1308 Marie Ave	Albert Lea	4	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960550	1402 Marie Ave	Albert Lea	5	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960560	1404 Marie Ave	Albert Lea	6	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960570	1408 Marie Ave	Albert Lea	7	3 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960370	1405 Marie Ave	Albert Lea	12	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960380	322 Lloyd Pl	Albert Lea	13	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960390	318 Lloyd Pl	Albert Lea	14	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955

341960400	314 Lloyd Pl	Albert Lea	15	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960410	312 Lloyd Pl	Albert Lea	16	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960420	310 Lloyd Pl	Albert Lea	17	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960430	308 Lloyd Pl	Albert Lea	18	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960440	306 Lloyd Pl	Albert Lea	19	2 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341970130	304 Lloyd Pl	Albert Lea	3	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970120	302 Lloyd Pl	Albert Lea	2	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970110	1406 Cheryl Ave	Albert Lea	1	3 ✓	Lakewood 2 nd Sub.	4/9/1955
341970070	201 Lloyd Pl	Albert Lea	1	2 ✓	Lakewood 2 nd Sub.	4/9/1955
341970080	305 Lloyd Pl	Albert Lea	2	2 ✓	Lakewood 2 nd Sub.	4/9/1955
341960690	307 Lloyd Pl	Albert Lea	9	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960680	309 Lloyd Pl	Albert Lea	8	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960670	311 Lloyd Pl	Albert Lea	7	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960660	313 Lloyd Pl	Albert Lea	6	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960650	317 Lloyd Pl	Albert Lea	5	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960640	319 Lloyd Pl	Albert Lea	4	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960630	321 Lloyd Pl	Albert Lea	3	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960620	325 Lloyd Pl	Albert Lea	2	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
341960610	327 Lloyd Pl	Albert Lea	1	4 ✓	Lakewood Add. Replat blocks 1-4	4/9/1955
342350470	1605 Hale Dr	Albert Lea	7	4	Summer Dale Add.	7/23/1959
342350460	509 Richway Dr.	Albert Lea	6	4	Summer Dale Add.	7/23/1959
342350480	511 Richway Dr.	Albert Lea	8	4	Summer Dale Add.	7/23/1959
342350500	1601 Keystone Dr	Albert Lea	9	4	Summer Dale Add.	7/23/1959
342350240	1621 Crystal Dr	Albert Lea	4	2	Summer Dale Add.	7/23/1959
342350250	1617 Crystal Dr	Albert Lea	5	2	Summer Dale Add.	7/23/1959
342350260	1613 Crystal Dr	Albert Lea	6	2	Summer Dale Add.	7/23/1959
342350270	1609 Crystal Dr	Albert Lea	7	2	Summer Dale Add.	7/23/1959
342350280	1605 Crystal Dr	Albert Lea	8	2	Summer Dale Add.	7/23/1959
342350290	1601 Crystal Dr	Albert Lea	9	2	Summer Dale Add.	7/23/1959
342350300	1602 Keystone Dr	Albert Lea	10	2	Summer Dale Add.	7/23/1959

342350310	1606 Keystone Dr	Albert Lea	11	2	Summer Dale Add.	7/23/1959
342350320	1610 Keystone Dr	Albert Lea	12	2	Summer Dale Add.	7/23/1959
342350330	1614 Keystone Dr	Albert Lea	13	2	Summer Dale Add.	7/23/1959
342350340	1618 Keystone Dr	Albert Lea	14	2	Summer Dale Add.	7/23/1959
342350350	1622 Keystone Dr	Albert Lea	15	2	Summer Dale Add.	7/23/1959
342350450	1609 Hale Dr	Albert Lea	5	4	Summer Dale Add.	7/23/1959
342350440	1613 Hale Dr	Albert Lea	4	4	Summer Dale Add.	7/23/1959
342350430	1617 Hale Dr	Albert Lea	3	4	Summer Dale Add.	7/23/1959
342350410	1625 Hale Dr	Albert Lea	1	4	Summer Dale Add.	7/23/1959
342670010	510 Quisley St	Albert Lea	1	1	Green Lea Terrace	8/5/1974
342670020	508 Quisley St	Albert Lea	2	1	Green Lea Terrace	8/5/1974
342670030	506 Quisley St	Albert Lea	3	1	Green Lea Terrace	8/5/1974
342670040	504 Quisley St	Albert Lea	4	1	Green Lea Terrace	8/5/1974
342670050	502 Quisley St	Albert Lea	5	1	Green Lea Terrace	8/5/1974
342670060	500 Quisley St	Albert Lea	6	1	Green Lea Terrace	8/5/1974
342670070	1615 Keystone Dr	Albert Lea	7	1	Green Lea Terrace	8/5/1974
342670080	1611 Keystone Dr	Albert Lea	8	1	Green Lea Terrace	8/5/1974
342670090	1609 Keystone Dr	Albert Lea	9	1	Green Lea Terrace	8/5/1974
342670100	1607 Keystone Dr	Albert Lea	10	1	Green Lea Terrace	8/5/1974
342670110	1605 Keystone Dr	Albert Lea	11	1	Green Lea Terrace	8/5/1974
342670120	1603 Keystone Dr	Albert Lea	12	1	Green Lea Terrace	8/5/1974
342670130	1612 Hale Dr	Albert Lea	13	1	Green Lea Terrace	8/5/1974
342670140	1610 Hale Dr	Albert Lea	14	1	Green Lea Terrace	8/5/1974
342670150	1608 Hale Dr	Albert Lea	15	1	Green Lea Terrace	8/5/1974
342670160	1606 Hale Dr	Albert Lea	16	1	Green Lea Terrace	8/5/1974
342670170	1604 Hale Dr	Albert Lea	17	1	Green Lea Terrace	8/5/1974
342670180	1602 Hale Dr	Albert Lea	18	1	Green Lea Terrace	8/5/1974
342350010	1634 Crystal Dr	Albert Lea	1	1	Summer Dale Add.	7/23/1959
342350030	1626 Crystal Dr	Albert Lea	3	1	Summer Dale Add.	7/23/1959
342350040	1622 Crystal Dr	Albert Lea	4	1	Summer Dale Add.	7/23/1959
342350050	1618 Crystal Dr	Albert Lea	5	1	Summer Dale Add.	7/23/1959
342350060	1614 Crystal Dr	Albert Lea	6	1	Summer Dale Add.	7/23/1959
342350070	1610 Crystal Dr	Albert Lea	7	1	Summer Dale Add.	7/23/1959
342350080	1606 Crystal Dr	Albert Lea	8	1	Summer Dale Add.	7/23/1959
342350090	701 Richway Dr	Albert Lea	9	1	Summer Dale Add.	7/23/1959
342350100	705 Richway Dr E	Albert Lea	10	1	Summer Dale Add.	7/23/1959
342050220	201 Richway Dr. E.	Albert Lea	2	3	Wayne's Sub.	2/7/1956
342050230	203 Richway Dr. E.	Albert Lea	3	3	Wayne's Sub.	2/7/1956
342050240	207 Richway Dr. E	Albert Lea	4	3	Wayne's Sub.	2/7/1956
342050250	211 Richway Dr. E.	Albert Lea	5	3	Wayne's Sub.	2/7/1956

342050260	215 Richway Dr. E.	Albert Lea	6	3	Wayne's Sub.	2/7/1956
342050270	219 Richway Dr. E.	Albert Lea	7	3	Wayne's Sub.	2/7/1956
342050280	303 Richway Dr. E.	Albert Lea	8	3	Wayne's Sub.	2/7/1956
342050300	311 Richway Dr. E.	Albert Lea	10	3	Wayne's Sub.	2/7/1956
340050290	307 Richway Dr. E.	Albert Lea	9	3	Wayne's Sub.	2/7/1956
342050310	315 Richway Dr. E.	Albert Lea	10	3	Wayne's Sub.	2/7/1956
342050320	319 Richway Dr. E.	Albert Lea	12	3	Wayne's Sub.	2/7/1956
342050330	401 Richway Dr. E.	Albert Lea	13	3	Wayne's Sub.	2/7/1956
342050340	407 Richway Dr. E.	Albert Lea	14	3	Wayne's Sub.	2/7/1956
342050110	1616 Cheryl Ave.	Albert Lea	1	2	Wayne's Sub.	2/7/1956
342050120	1608 Cheryl Ave.	Albert Lea	2	2	Wayne's Sub.	2/7/1956
342060010	1608 Morley Rd.	Albert Lea	1&2	1	Wayne's 2 nd Sub.	2/7/1956
342060020	304 Richway Dr. E.	Albert Lea	2	1	Wayne's 2 nd Sub.	2/7/1956
342060040	303 Fredrick	Albert Lea	3	1	Wayne's 2 nd Sub.	2/7/1956
342050130	208 Richway Dr. E.	Albert Lea	3	2	Wayne's Sub.	2/7/1956
342050140	212 Richway Dr. E.	Albert Lea	4	2	Wayne's Sub.	2/7/1956
342050150	216 Richway Dr. E.	Albert Lea	5	2	Wayne's Sub.	2/7/1956
342050160	220 Richway Dr. E.	Albert Lea	6	2	Wayne's Sub.	2/7/1956
342460130	1109 Foothills Cir	Albert Lea	13	1	Fairview Heights	9/30/1963
342460120	1113 Foothills Cir	Albert Lea	12	1	Fairview Heights	9/30/1963
342460100	1121 Foothills Cir.	Albert Lea	10	1	Fairview Heights	9/30/1963
342460140	1105 Foothills Cir	Albert Lea	14&15	1	Fairview Heights	9/30/1963
342160070	906 Spicer Rd.	Albert Lea	7	1	Fairview Heights 2 nd Sub.	9/30/1963
342040010	1604 Cheryl	Albert Lea	1	1	Oak Grove Sub.	1/5/1956
342040020	1600 Cheryl	Albert Lea	2	1	Oak Grove Sub.	1/5/1956
342040030	205 Fredrick Dr.	Albert Lea	3	1	Oak Grove Sub.	1/5/1956
342040040	209 Fredrick Dr.	Albert Lea	4	1	Oak Grove Sub.	1/5/1956
342040050	213 Fredrick Dr.	Albert Lea	5	1	Oak Grove Sub.	1/5/1956
342040060	1603 Morley Rd.	Albert Lea	6	1	Oak Grove Sub.	1/5/1956
342040070	215 Fredrick Dr.	Albert Lea	7	1	Oak Grove Sub.	1/5/1956
342040110	202 Fredrick Dr.	Albert Lea	1	2	Oak Grove Sub.	1/5/1956
342040120	204 Fredrick Dr.	Albert Lea	2	2	Oak Grove Sub.	1/5/1956
342040130	208 Fredrick Dr.	Albert Lea	3	2	Oak Grove Sub.	1/5/1956
342040140	212 Fredrick Dr.	Albert Lea	4	2	Oak Grove Sub.	1/5/1956
342040150	216 Fredrick Dr.	Albert Lea	5	2	Oak Grove Sub.	1/5/1956
342040160	220 Fredrick Dr.	Albert Lea	6	2	Oak Grove Sub.	1/5/1956
342060050	302 Fredrick Dr.	Albert Lea	5 & 6	1	Wayne's 2 nd Sub.	2/7/1956

B. USE RESTRICTIONS:

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

Site Area at least (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 persons/Acre)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B:

Churches, hospitals, schools, theaters, stadiums, hotels, motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

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

5. EXEMPTIONS -- ESTABLISHED RESIDENTIAL NEIGHBORHOODS

a. Land uses which existed as of January 1, 1978, in the Established Residential Neighborhoods set forth in SECTION V A 4 above, and as shown on the zoning map, are subject to the height restrictions of SECTION IV B and the general restrictions of SECTION V B 1. Land uses which come into existence after January 1, 1978, are treated as though they were not in a designated Established Residential Neighborhood and are subject to the Zone A or Zone B restrictions as the case may be.

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

(1) The following land uses if they exist in Safety Zones A or B and in an ERN-BUUA 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 1000 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 IV A;
- (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.

C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

SECTION VI: AIRPORT MAP

The several zones herein established are shown on the City of Albert Lea Airport Zoning Map consisting of six sheets, prepared by the City of Albert Lea Department of Public Works and titled (1) Airspace Zoning, (2) Land Use Zoning, (3) Runway 17 Land Use Zoning Detail, (4) Runway 5/23 Land Use Zoning Detail, (5) Runway 35 Land Use Zoning Detail, and (6) Runway 35 Land Use Zoning Detail and Established Residential Neighborhood; dated September 2012, attached hereto and made a part hereof, which maps, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SECTION VII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

SECTION VIII: PERMITS

- A. **FUTURE USES:** Except as specifically provided in Paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this ordinance as set forth in SECTION IV and the land use limitations set forth in SECTION V.
- B. **EXISTING USES:** Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. **NONCONFORMING USES ABANDONED OR DESTROYED:** Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no permit shall be granted that would

allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the zoning administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the zoning administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION IX: VARIANCES.

Any person desiring to erect or increase the height of any structure, 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 Zoning Appeals, hereinafter provided for, for a variance from such regulations. 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, by certified mail, that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective sixty days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Ordinance.

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

SECTION X: HAZARD MARKING AND LIGHTING

- A. **NONCONFORMING USES:** The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the zoning administrator, 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 Albert Lea.
- B. **PERMITS AND VARIANCES:** Any permit or variance deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, and granted by the zoning administrator or Board, shall require the owner of the structure or tree in question, at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the City Zoning Official to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by them. Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein. Variance applications shall be forthwith transmitted by the Board of Zoning Appeals for action by the Board, hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. **ESTABLISHMENT:** The Board of Zoning Appeals shall serve as the Board of Adjustment for the City of Albert Lea Airport Zoning Ordinance.
- B. **POWERS:** The Board of Adjustment shall have and exercise the following powers:
1. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of Zoning Appeals under such regulations may be required to pass.
 3. Hear and decide specific variances.

- C. **PROCEDURES:**

1. The Board of Zoning Appeals shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. The chairperson, or in his / her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Zoning Appeals shall be public. The Board of Zoning Appeals 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 Zoning Administrator and shall be a public record.
2. The Board of Zoning Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.
3. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in his administration of this Ordinance may appeal to the Board of Zoning Appeals. Such appeals may also be made by any governing body of a municipality or county, which is of the opinion that a decision of the Zoning Administrator is an improper application of this Ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the zoning administrator made in his administration of this Ordinance who desires to appeal such decision shall submit an application for a variance, by certified mail, to the members of the

Board of Zoning Appeals in the manner set forth in Minnesota Statutes Section 360.068, Subdivision 2.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals 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 Board of Zoning Appeals on notice to the Zoning Administrator and on due cause shown.

- D. The Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Zoning Appeals, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Zoning Appeals is illegal may present to the District Court of Freeborn County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Zoning Appeals. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure of use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a permit or variance under the provisions of this

Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The Zoning Administrator may enforce all provisions of this Ordinance through such proceedings for injustice relief and other relief as may be proper under the laws of Minnesota Statutes Section 360.073 and other applicable law.

SECTION XVI: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION XVII: SEVERABILITY

- A. In any case in which the provision of this Ordinance, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.
- B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVIII: EFFECTIVE DATE

This ordinance shall take effect on thirty (30) days following its final passage and adoption.

That the motion for the adoption of the foregoing Ordinance was duly seconded by Councilor Marin and upon a vote being taken thereon, the following voted in favor thereof: Councilors Schulte V, Baker, Marin Olson, Anderson, Brooks and Mayor Rasmussen Jr.

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

Introduced and read the first time on March 25, 2013

Introduced and read the second time on April 8, 2013

Passed and adopted after public hearing by the City Council of the City of Albert Lea, MN this April 8, 2013.



Mayor Vern Rasmussen Jr.

Filed and attested this 9th day of April, 2013



Secretary of the Council

EXHIBIT A

THE CITY OF ALBERT LEA ZONING ORDINANCE

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

NAME AND NUMBER OF TOWNSHIP	AIR SPACE OBSTRUCTION ZONING: Section IV of Ordinance; Page(s) 1 - 6 of September 2012 Zoning Map.	LAND USE SAFETY ZONING: Section V of Ordinance; Page(s) 1 - 6 of September 2012 Zoning Map.
Bancroft Township T 103 N R 21 W	Sections: 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.	Sections: 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34.
Albert Lea Township T 102 N R 21 W	Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36.	Sections: 3, 4, 5, 6, 7, 8, 9, 10
Shell Rock Township T 101 N. R 20 W.	Sections: 7, 18.	Sections: 7, 18
Manchester Township T 103 N R 22 W	Sections: 1, 2, 12, 13, 24, 25, 36.	
Hartland Township T 104 N R 22 W	Sections: 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, 36	

<p>Bath Township T 104 N R 21 W</p>	<p>Sections: 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33</p>	
<p>Freeman Township T 101 N R 21 W</p>	<p>Sections: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24</p>	<p>Sections:</p>

- Registration
 - Document Information
 - Fee Collection
 - Endorsement

- Indexing
 - Grantor/ee Indexing
 - Tract Indexing

- Verification
 - Grantor/ee Verification
 - Tract Verification

- Tax Liens

- Fees

- Maintenance

Modify Non-Fee Document Information

Torrens B-226282

Type: Torrens Rec Date: 04/16/2013 Rec Time: 03:00 PM

Inst: 099

Fee Amt: Deed Tax:

MTG AMOUNT: MRT: Total:

On Behalf Of: AIRPORT ZONING ORDINANCE

Remarks: NUMEROUS FILES

Historical Document

Fee Breakdown:

Certificate #:	Book/Vol:	Page:		
✓ 1) 8752	26	132	<input type="checkbox"/>	X
✓ 2) 5619	16	189	<input type="checkbox"/>	X
✓ 3) 5945	17	195	<input type="checkbox"/>	X
✓ 4) 6105	18	35	<input type="checkbox"/>	X
✓ 5) 7136	21	106	<input type="checkbox"/>	X
✓ 6) 7710	23	40	<input type="checkbox"/>	X
✓ 7) 7788	23	118	<input type="checkbox"/>	X
✓ 8) 7850	23	180	<input type="checkbox"/>	X
✓ 9) 7918	23	248	<input type="checkbox"/>	X
✓ 10) 7997	24	7	<input type="checkbox"/>	X
✓ 11) 8618	25	318	<input type="checkbox"/>	X
✓ 12) 8619	25	319	<input type="checkbox"/>	X
✓ 13) 8829	26	209	<input type="checkbox"/>	X
✓ 14) 5175	15	64	<input type="checkbox"/>	X
✓ 15) 5265	15	154	<input type="checkbox"/>	X
✓ 16) 5340	15	229	<input type="checkbox"/>	X
✓ 17) 6074	18	4	<input type="checkbox"/>	X
✓ 18) 6235	18	165	<input type="checkbox"/>	X
✓ 19) 8903	26	283	<input type="checkbox"/>	X
✓ 20) 6376	18	306	<input type="checkbox"/>	X
✓ 21) 6720	20	10	<input type="checkbox"/>	X
✓ 22) 6729	20	19	<input type="checkbox"/>	X
✓ 23) 6733	20	23	<input type="checkbox"/>	X
✓ 24) 8879	26	259	<input type="checkbox"/>	X
✓ 25) 7372	22	22	<input type="checkbox"/>	X
✓ 26) 7613	22	263	<input type="checkbox"/>	X

✓ 27) 7711	23	41		X
✓ 28) 7739	23	69		X
✓ 29) 7798	23	128		X
✓ 30) 7809	23	139		X
✓ 31) 7820	23	150		X
✓ 32) 4683	13	213		X
✓ 33) 3969	11	140		X
✓ 34) 5944	12	18		X
✓ 35) 7981	23	311		X
✓ 36) 7999	24	9		X
✓ 37) 8006	24	16		X
✓ 38) 8407	25	107		X
✓ 39) 8559	25	259		X
✓ 40) 8589	25	289		X
✓ 41) 8594	25	294		X
✓ 42) 8793	26	173		X
✓ 43) 8804	26	184		X
✓ 44) 8810	26	190		X
✓ 45) 8694	26	74		X
✓ 46) 2677	7	128		X
✓ 47) 2850	7	301		X
✓ 48) 2154	5	241		X
✓ 49) 4354	12	205		X
✓ 50) 4045	11	216		X
✓ 51) 2098	5	185		X
✓ 52) 4077	11	248		X
✓ 53) 4287	12	138		X
✓ 54) 2773	7	223		X
✓ 55) 2744	7	194		X
✓ 56) 4411	12	262		X
✓ 57) 2080	5	167		X
✓ 58) 3526	10	17		X
✓ 59) 3855	11	26		X
✓ 60) 2739	7	189		X