

8800.2400 AIRPORT ZONING STANDARDS.

Subpart 1. **Standards.** Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

Subp. 2. **Airport zoning powers.** Any person or governmental body having airport zoning powers under Minnesota Statutes, sections 360.061 to 360.074 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

Subp. 3. **Airspace zones.** The following airspace zones are established with relation to an airport and each runway:

A. Primary zone: all that land which lies directly under an imaginary primary surface as defined in part 8800.1200, subpart 5, item A.

B. Horizontal zone: all that land which lies directly under an imaginary horizontal surface as defined in part 8800.1200, subpart 5, item B.

C. Conical zone: all that land which lies directly under an imaginary conical surface as defined in part 8800.1200, subpart 5, item C.

D. Approach zone: all that land which lies directly under an imaginary approach surface as defined in part 8800.1200, subpart 5, item D.

E. Precision instrument approach zone: all that land which lies directly under an imaginary precision instrument approach surface as defined in part 8800.1200, subpart 5, item E.

F. Transitional zone: all that land which lies directly under an imaginary transitional surface as defined in part 8800.1200, subpart 5, item F.

Subp. 4. **Height restrictions.** Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in subpart 3.

Subp. 5. **Land use safety zones.** The following land use safety zones are established with relation to an airport and each runway:

Safety zone A: in the approach zones of a runway, safety zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

Safety zone B: in the approach zones of a runway, safety zone B extends outward from safety zone A a distance equal to one-third the runway length or the planned runway length.

Safety zone C: all that land which is enclosed within the perimeter of the horizontal zone defined in subpart 3, item B and which is not included in zone A or zone B.

Subp. 6. **Use restrictions.** In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an 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 accident, the following use restrictions are applied to the land use safety zones.

A. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

B. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar 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, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, and auto parking.

C. Zone B shall be restricted in use as follows. Each use shall be on a site whose area shall not be less than three acres. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage. Each site shall have no more than one building plot upon which any number of structures may be erected.

A building plot shall be single, uniform, and noncontrived 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 Building Plot Area	Building Plot Area square feet	Maximum Site Population (15 Persons/A)
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

The following uses are specifically prohibited in zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

D. Zone C is subject only to the general restrictions contained in item A.

E. The provisions of items B and C shall not apply to land uses, in "established residential neighborhoods in built up urban areas." Such "established residential neighborhoods in built up areas" shall be subject to the use restrictions contained in this paragraph.

(1) Airport safety zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft, and the public interest in maintaining existing land uses. The legislature has mandated special protection for existing land uses in "established residential neighborhoods in built up urban areas." The provisions of items A to D strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

(2) Each governmental authority having airport zoning powers shall determine which areas located in safety zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built up urban areas." In making such determination, the factors enumerated in subitem (4) shall be considered. Such neighborhoods located in whole or part in safety zones A or B shall be specifically located on the airport zoning map and shall be legally described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the commissioner of transportation for review and approval prior to holding a public hearing or taking other action thereon.

(3) No land use in safety zones A or B and in an area designated as having been an "established residential neighborhood in a built up urban area" shall be prohibited by an airport zoning ordinance except as provided in subitem (5). In addition, any isolated low density residential building lot or low density residential structure which existed on January 1, 1978, in an "established residential neighborhood in a built up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered, or removed as provided in subitem (6). For this purpose, a low density residential structure shall mean a single family or two family home and an isolated low density residential building lot shall mean 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.

(4) In determining what constitutes an "established residential neighborhood in a built up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on June 30, 1979:

- (a) location of the airport;
- (b) nature of the terrain within safety zones A and B;
- (c) existing land uses and character of the neighborhood around the airport;
- (d) population of the community;
- (e) 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;
- (f) population density near the airport compared with population density in other areas of the community;
- (g) the age and the economic, political, and social stability of the neighborhood and the community as a whole;
- (h) the proximity of supporting school, commercial, religious, transportation, and other facilities and their degree of integration with residential land uses;
- (i) presence or absence of public utilities including, but not limited to public central sanitary sewer system electric service and gas mains;
- (j) whether or not the factors listed in units (h) and (i) tend to make the community surrounding the airport a self sufficient unit;
- (k) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and
- (l) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban, and built up.

(5) Safety hazards: The following land uses if they exist in safety zones A or B and in an "established residential neighborhood 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 within safety zone A and 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 part 8800.1200, subpart 5, item D;

(c) any land use in safety zone A or B which violates any of the following standards: 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 communications between the airport and aircraft; the land use must not make it difficult for pilots to distinguish between airport lights and other lights; and 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 unit (a), (b), or (c). 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; and

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.

(6) In the case of any land use prohibited by subpart 6, item E, subitem (5) and which is located in an "established residential neighborhood in a built up urban area" as defined by the local government unit and reviewed and approved by the commissioner, the prohibited land use must be acquired, altered, or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements, or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

(7) The prohibited uses enumerated in subpart 6, item E, subitem (5) are only those which present the most severe safety hazards to the air traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in safety zones A and B as being unsafe to the public. The use restrictions contained in items A to D provide guidance as to what uses the commissioner deems not to be public interest in these safety zones. See also subitem (5), units (c) and (e). The local governmental unit must note the requirement of Minnesota Statutes 1978, section 360.066, subdivision 1a, paragraphs (a) and (d) that certain prohibited land uses must be acquired, altered, or removed at public expense.

(8) In the event that the provisions of this item, as reflected in a proposed local zoning ordinance, would require the acquisition, alteration, or removal of any land use, then, in such event, at least 60 days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions.

(9) These rules shall be effective June 30, 1979, except as provided above as to isolated, low density residential building lots and low density residential structures.

Subp. 7. **Noise sensitivity zones.** Land use noise sensitivity zones shall be established when requested by the commissioner or by the governmental unit having airport zoning powers. The governmental unit having zoning powers, when required by the commissioner, shall secure a study as to the boundaries of the area to be zoned for this purpose and the uses permitted therein.

Statutory Authority: *MS s 360.015*

Published Electronically: *October 2, 2007*