

**8800.2400 AIRPORT ZONING STANDARDS.**

Subpart 1. **Standards.** The zoning of public airports as to airspace, land use safety, and noise sensitivity must meet the minimum standards in this part.

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 in this part 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 land that lies directly under an imaginary primary surface, as defined in part 8800.1200, subpart 5, item A.

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

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

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

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

F. Transitional zone: all land that 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, structures and trees must not be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces under subpart 3.

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

A. Safety zone A:

(1) In the approach zone of a runway, safety zone A extends outward from the end of the primary zone a distance equal to two-thirds of the runway length.

(2) In the instance of a planned extension or shortening of an existing runway, the length of safety zone A must be determined by the length of the planned or existing runway, whichever is longer.

(3) The length of safety zone A must not be required to exceed 4,000 feet.

B. Safety zone B:

(1) In the approach zone of a runway, safety zone B extends outward from the end of safety zone A a distance equal to one-third of the runway length.

(2) In the instance of a planned extension or shortening of an existing runway, the length of safety zone B must be determined by the length of the planned or existing runway, whichever is longer.

(3) The length of safety zone B must not be required to exceed 2,000 feet.

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

Subp. 6. **Use restrictions.** To restrict uses that may be hazardous to the operational safety of aircraft operating to and from an airport and to limit population and building density in the runway approach areas to create sufficient open space so as to protect life and property in case of an accident, the following use restrictions apply to the land use safety zones.

A. Safety zone A must not contain buildings or exposed transmission lines and must be restricted to uses that will not create, attract, or bring together an assembly of persons. Permitted uses may include but are not limited to such uses as agriculture (seasonal crops), horticulture, raising of livestock, light outdoor recreation (nonspectator), cemeteries, fencing, roadways, railways, trails, and auto parking.

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

A building plot must be a single, uniform, and noncontrived area, whose shape is uncomplicated and whose area must 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 safety zone B: institutions of religious assembly, hospitals and clinics, nursing homes, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of similar use.

C. Safety zone C is subject only to the general restrictions contained in item D.

D. The use of any land in any of the safety zones is prohibited if the use:

- (1) 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;
- (2) makes it difficult for pilots to distinguish between airport lights and other lights;
- (3) results in glare in the eyes of pilots using the airport;
- (4) impairs visibility in the vicinity of the airport; or
- (5) otherwise endangers the landing, taking off, or maneuvering of aircraft.

E. Existing land uses are subject to the use restrictions contained in this item.

(1) For purposes of this item, "existing land use" means the land use present when the area is first encumbered by an airport zoning ordinance.

(2) Each governmental authority having airport zoning powers must determine which areas located in safety zones A and B of each airport within its jurisdiction are designated as existing land uses. Existing land uses located in whole or part in safety zones A or B must be specifically located on the airport zoning map and must be legally described in the airport zoning ordinance.

(3) Areas designated as existing land uses are not subject to the land use restrictions of safety zones A or B in an airport zoning ordinance except as required in subitem (4).

(4) The following existing land uses in safety zones A or B 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 that has more than half of its footprint located within safety zone A and within 1,000 feet of the end of the primary zone;

(b) any structure that has more than half of its footprint located within safety zone A or B and that penetrates an imaginary approach surface as defined by part 8800.1200, subpart 5, item D; and

(c) any other land use that 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 must consider the following factors:

- i. the 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. the 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. the tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;
  - iv. the 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.

(5) In the case of any land use prohibited by subitem (4) and that is located in an area designated as an existing land use in an airport zoning ordinance, 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 that 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.

(6) The prohibited uses enumerated in subitem (4) are only those that present the most severe safety hazards to the air traveling public or persons on the ground. 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 in the public interest in these safety zones.

(7) 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, the local zoning authority must notify the airport owner who must then notify the commissioner in writing. Within 90 days of receipt of the notification, the commissioner must evaluate whether the social and economic costs of acquisition, alteration, or removal of a land use outweigh the impacts that altering the airport would have on the utility of the airport, the state aviation system, and the state airports fund and provide a recommendation in writing to the airport owner.

Subp. 7. [Repealed, 49 SR 1348]

**Statutory Authority:** *MS s 360.015*

**History:** *49 SR 1348*

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