

Summary of Proposed Changes

to Minnesota's Airport Safety Zoning Laws

Integration of airport zoning with local planning and zoning

Current Statute

No reference to airport safety zoning currently exists in municipal or county planning and zoning laws (MS 394 & 462), which has caused MN Supreme Court to view airport zoning different from other, more routine types of zoning

Proposal

Comprehensive plans required to consider the location and dimensions of airport safety zones

Encourages uses in airport safety zones that are compatible with the airport

Airport safety zones required on maps depicting official controls at next update

Flexibility to enact airport zoning

Current Statute

The Joint Airport Zoning Board (JAZB) adopts airport zoning regulations that conform to the standards prescribed by the commissioner

Funding must be withheld if zoning effort is not successful

Loosely defined social and economic cost arguments required in lieu of the Commissioner's Standard

Proposal

Expands authority of Joint Airport Zoning Board (JAZB) allowing for creation and adoption of a Custom standard

Safety critical projects eligible for funding regardless of zoning effort success

Certain criteria must be evaluated by the JAZB and resulting ordinance must provide a reasonable level of safety (applies to Custom zoning only)

Replace social and economic cost argument provision with criteria for Custom Airport Zoning Standards

Alignment with municipal and county process requirements

Current Statute

Requires a minimum of two public hearings

Notice of hearing published at least 3 times between 15 and 5 days in two newspapers

No timeline for MnDOT review

Proposal

One public hearing required unless changes are made after the initial public hearing.

Notice of hearing published once at least 10 days before in just one newspaper

90 day MnDOT review period established



Airport's role

Current Statute

The importance of airports to the general public is not explicitly stated

Proposal

The maintenance and operation of airports is deemed an essential public service

Clarification of "planning" project eligibility

Current Statute

Planning is not specifically identified as allowable for funding with State Airport Fund dollars

Proposal

Insertion of "planning" in two separate sections as eligible for funding (allowing for potential funding of Custom ordinances and related analysis)

Existing land uses

Current Statute

Established Residential Neighborhoods designation exempts existing neighborhoods built before January 1, 1978 from airport zoning restrictions

Proposal

The term "Existing Land Use" replaces Established Residential Neighborhood allowing for broader exemptions from Commissioner's Standard zoning restrictions

January 1, 1978 threshold eliminated

Future rulemaking envisioned to define "Existing Land Use"

Federal no hazard determination

Current Statute

Variance must be obtained for object to penetrate height restrictions

Proposal

Allows the flexibility to approve obstruction without variance, if FAA analyzes proposed construction, alteration, or growth and deems it non-hazardous

Boundary limitations

Current Statute

The municipality may regulate via land use zoning only up to two miles from the airport boundary under approach zones, and up to 1 and ½ miles elsewhere

Proposal

Conflicting boundary limitations on zoning removed and left to the JAZB to determine limitations, if any

Circumstances of updating zoning

Current Statute

Loosely defined statutory guidance on when a zoning update is required

Proposal

Clarification of when zoning must be updated provided, stating that changes to runway lengths or configurations are the trigger

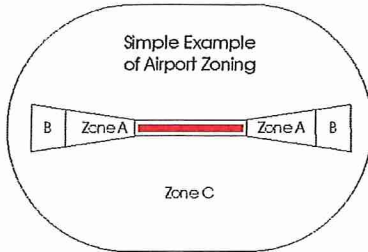




State of Minnesota Zoning Reform

HF1933/SF2314

The proposed legislation empowers a community to choose between:



The Model Ordinance follows the existing two thirds/one third approach to determine the size and shape of land compatibility zones. This is an option for communities who:

- The airport is in a rural environment
- Chooses not to commit resources to a comprehensive study of alternative zoning configurations

-OR-

The Custom Ordinance allows a community to customize airport zoning based on a variety of local conditions, considerations, and thorough study.

Sec. 10. [360.0656] CUSTOM AIRPORT ZONING STANDARDS.

Subdivision 1. Custom airport zoning standards; factors. (a) Notwithstanding section 360.0655, a municipality, county, or joint airport zoning board must provide notice to the commissioner when the municipality, county, or joint airport zoning board intends to establish and adopt custom airport zoning regulations under this section. (b) Airport zoning regulations submitted to the commissioner under this subdivision are not subject to the commissioner's zoning regulations under section 360.0655 or Minnesota Rules, part 8800.2400. (c) When developing and adopting custom airport zoning regulations under this section, the municipality, county, or joint airport zoning board must include in the record a detailed analysis evaluating the following factors to ensure a reasonable level of safety:

- (1) the location of the airport, the surrounding land uses, and the character of neighborhoods in the vicinity of the airport, including:
 - (i) the location of vulnerable populations, including schools, hospitals, and nursing homes, in the airport hazard area;
 - (ii) the location of land uses that attract large assemblies of people in the airport hazard area;
 - (iii) the availability of contiguous open spaces in the airport hazard area;
 - (iv) the location of wildlife attractants in the airport hazard area;
 - (v) airport ownership or control of the federal Runway Protection Zone and the department's Clear Zone;
 - (vi) land uses that create or cause interference with the operation of radio or electronic facilities used by the airport or aircraft;
 - (vii) land uses that make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport;
 - (viii) land uses that otherwise inhibit a pilot's ability to land, take-off, or maneuver the aircraft; and
 - (ix) airspace protection to prevent the creation of air navigation hazards in the airport hazard area;
- (2) the airport's type of operations and how the operations affect safety surrounding the airport;
- (3) the accident rate at the airport compared to a statistically significant sample, including an analysis of accident distribution based on the rate with a higher accident incidence;
- (4) the planned land uses within an airport hazard area, including any applicable platting, zoning, comprehensive plan, or transportation plan;
- (5) the social and economic costs of restricting land use compared to the investment in the airport; and
- (6) any other factor the municipality, county, or joint airport zoning board deems relevant to the safety level provided by the proposed regulations.