

**PROCEDURAL STEPS TOWARD AIRPORT ZONING ENACTMENT**  
**OF PUBLICLY-OWNED AIRPORTS**

The airport owner, (except for the MAC)\*, has two options as to how zoning shall be adopted:

- A. Request creation of a joint zoning board. (See [FORM NO. 1](#)).
- B. Request county or other municipality\*\* to individually adopt and enforce airport zoning regulations for the area in question, that conform to minimum standards prescribed by the Commissioner. (See [FORM NO. 1](#)).

- NOTE:**
1. The request shall be made by CERTIFIED MAIL to the governing body of each county and municipality\*\* which is affected by the area to be zoned.
  2. If, WITHIN 60 DAYS, a county board, town board or city council FAILS to pass a resolution indicating zoning participation, then the airport owner will zone and enforce the ordinance for the area in question.

The airport owner, alone, adopts and enforces the ordinance when:

1. The area to be zoned is entirely within territorial limits of the municipality, or
2. All political bodies requested to zone decline participation.

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\* The Metropolitan Airports Commission (MAC) has one option. It shall request creation of one joint airport zoning board for each airport operated under its authority.

\*\* MUNICIPALITY, for airport zoning purposes may be defined as:

1. Cities, big and small, which are incorporated,
2. Towns, meaning township,
3. Does not include a county unless the county owns or controls an airport (in which case the county may exercise all the powers granted to other municipalities),
4. Metropolitan Airports Commission
5. State of Minnesota, when it owns an airport.

## **JOINT ZONING BOARD PROCEDURES FOR ORDINANCE ADOPTION**

(Submit FORMS 1-9 and EXHIBITS A-E, relating to the following steps as soon as they are drafted)

1. Airport owner requests county and municipality in writing by CERTIFIED MAIL to join in creating a joint airport zoning board. (See [FORM NO. 1](#)).
2. Municipality, county and owner each pass a resolution creating the joint zoning board and each appoint a maximum of two members to said board to serve until their appointing authority replaces them. (See [FORM NO. 2](#), [FORM NO. 3](#), and [FORM NO. 4](#)).

NOTE: Cities of the first class (population greater than 100,000) that own or control an airport, shall appoint four members (instead of two) to the joint zoning board.

3. The appointed members elect an additional person who is to serve as chairman.
4. The zoning board, working with an attorney, an engineer, and the Minnesota Department of Transportation (Mn/DOT), Office of Aeronautics, draft an Airport Zoning Ordinance and Map. (Mn/DOT Aeronautics will furnish a model ordinance and map to be used as guidance).
5. Mn/DOT will review and advise the zoning board on the draft ordinance proposal before public hearing.
6. Zoning board passes a resolution declaring this ordinance to be their proposed ordinance, setting a date and place for public hearing. (See [FORM NO. 5](#)).

NOTE: If an Established Residential Neighborhood (ERN) in a Built Up Urban Area (BUUA) exists, the zoning board must note the requirement that certain prohibited land uses must be acquired, altered or removed at public expense.

In the event that a prohibited land use exists in an Established Residential Neighborhood, the zoning board shall so notify the airport owner at least 60 days prior to the first hearing on adoption of the ordinance.

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.

7. The zoning board shall give mailed notice of the hearing as follows:
  - a. At least 15 days before the hearing to any persons in municipalities who own land proposed to be included in safety zones A and B, (See [EXHIBIT A](#), [EXHIBIT B](#), [EXHIBIT C](#), and [EXHIBIT D](#)) and
  - b. To the governing body of each political subdivision whose territory is affected by the area to be zoned, (See [EXHIBIT E](#)), and
  - c. At least 15 days before the hearing to persons or municipalities that have previously requested such notice from the authority. (See [FORM NO. 6](#))

For the purpose of giving mailed notice, the zoning authority may use appropriate records to determine the names and addresses of owners. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to in an affidavit by the responsible person and shall be made a part of the records of the proceedings. (See [FORM NO. 7](#)).

8. Advertise hearing. The notice of hearing shall be published at least three times during the period between 15 days and 5 days before the hearing in: (See [FORM NO. 6](#)).
  - a. An official newspaper, and
  - b. A second newspaper designated by the zoning authority which has a wide general circulation in the area affected by the proposed regulations.

The notice shall not be published in the legal section of a newspaper.

9. Hold the first hearing. After the hearing, the board will pass one of the following resolutions:
  - a. If no changes are necessary, a resolution is passed stating that a public hearing was held, that no changes are necessary and that this proposed ordinance will be submitted to the Mn/DOT, Office of Aeronautics for approval. (See [FORM NO. 8](#)).

- b. If changes are desired, the proposed ordinance is amended and a resolution is passed declaring the amended ordinance to be the newly proposed ordinance and that this proposed ordinance will be submitted to the Mn/DOT, Office of Aeronautics for approval.  
(See [FORM NO. 8](#)).

10. Submit proposal to the Mn/DOT, Office of Aeronautics for approval.

Upon review for approval, the Commissioner will determine whether the proposal conforms to the minimum standards. If no objections are made, the proposed ordinance is issued a COMMISSIONER'S ORDER OF APPROVAL.

If the Commissioner objects on the grounds that such regulations do not conform to the minimum standards, the zoning board shall make such amendments as are necessary to meet such objections.

11. Repeat steps 6, 7, and 8.
12. Hold second hearing.
13. Resubmit ordinance proposal to the Mn/DOT, Office of Aeronautics if at the public hearing it was decided to amend the proposed ordinance. Repeat steps 9b and 10 above.

If the changes were not substantial, a new Commissioner's Order need not be issued.

IF SUBSTANTIAL CHANGES HAVE BEEN MADE, THEN FINAL ADOPTION SHALL NOT TAKE PLACE UNTIL AFTER FINAL APPROVAL BY THE COMMISSIONER.

14. Adopt ordinance if ordinance was not amended. (See [FORM NO. 9](#)).
15. The adopted ordinance must be filed with the County Recorder in each county in which such zoned area is located.
16. Submit documents to the Minnesota Department of Transportation, Office of Aeronautics.

## **LIST OF DOCUMENTS TO BE SUBMITTED**

(Submit the following documents to the Mn/DOT, Office of Aeronautics as soon as they are drafted):  
Kathy Vesely, Airport Zoning Administrator, 222 East Plato Blvd., St. Paul, MN 55107-1618

1. Letter from the airport owner to the county(s), township(s), and/or city(s) requesting the establishment of a joint airport zoning board. ([FORM NO. 1](#)).
2. Certified resolutions of the airport owner, the county(s), township(s), and/or city(s) establishing the joint airport zoning board. ([FORM NO. 2](#), [FORM NO. 3](#), and [FORM NO. 4](#)).
3. A draft of the proposed ordinance and map prior to presentation at public hearing.  
NOTE: TWO (2) HEARINGS MUST BE HELD.
4. Certified resolution of the zoning board for each hearing held, declaring a proposed ordinance and arranging a time and place for a public hearing. ([FORM NO. 5](#)).
5. Affidavit of publication from two (2) newspapers of the notice of public hearing for each hearing held. ([FORM NO. 6](#)).
6. Affidavit that mailed notice was given for each hearing held; ([FORM NO. 7](#)); and additional "mailed notice" documents. ([EXHIBIT A](#), [EXHIBIT B](#), [EXHIBIT C](#), [EXHIBIT D](#), and [EXHIBIT E](#)).
7. Certified minutes of each public hearing.
8. Certified zoning board resolution as to a proposed zoning ordinance to be submitted for Commissioner's Order of Approval. ([FORM NO. 8](#)).
9. Certified zoning board resolution adopting the proposed ordinance. ([FORM NO. 9](#)).
10. Two (2) certified copies of the adopted ordinance with accompanying map sets.
11. Certification as to the filing of the ordinance with the county register of deeds and the filing numbers.

NOTE: Proper certification consists of:

- (1) Seal and signature of city clerk, or
- (2) Stamp and signature of a notary public, or
- (3) Stamp and signature of county auditor.