

Summary of Draft Airport Zoning Statutory Revisions

04/30/15

Chapter 360 (Aeronautics)

360.017

- Removed vague language regarding comprehensive plan compatibility with the “state aviation plan” and funding.
- Consolidated and clarified language regarding zoning as a requirement for state funding.
 - Prohibits funding an airport where the governing body:
 - Has not established a zoning authority or
 - Has not completed or made a good-faith effort to complete a zoning ordinance or
 - Adopts a comprehensive plan incompatible with an adopted airport zoning ordinance or approved ALP
 - Creates an exception where funding safety projects is always allowed

360.021

- Language here regarding zoning as a requirement for state funding was consolidated, clarified, and moved to section 360.017
- The exception for Pine Creek was removed

360.065

- Subd. 1 Notice of proposed zoning regulations, hearing.
 - Notice and hearing requirements have been adjusted to match the processes in Chapters 394 and 462. This will allow local zoning officials to use a process more familiar to them.
 - We explored moving this section completely to sections 394 and 462 but found the concept became problematic in that it required too many exceptions and cross references.
- Subd. 2 Regulations submitted to the commissioner.
 - We propose to add to subd. 2 a 90-day review window for the commissioner. This will require MnDOT to be accountable to a schedule, but allow enough time to thoroughly consider complex issues.
 - Social and economic cost arguments have been eliminated; Subd. 2a. Custom Design takes its place.
 - Custom Design requires notification to the commissioner to begin and:
 - Commissioner’s zoning standards do not apply
 - Must provide for safety
 - Must include height restrictions

360.066

- The Established Residential Neighborhood (ERN) eligibility cut-off date of January 1, 1978 is eliminated and replaced with the date when a property is first affected by an airport zoning ordinance.
- Remove subd. 1b regarding amendment of standards because the amendment it calls for has been accomplished. The proposal does not include a replacement statute initiating rulemaking because:
 - MnDOT already has broad authority to conduct rulemaking
 - MnDOT does not want to constrain rulemaking in any way.
 - The statute would be without meaning after the rulemaking is completed.

360.305

- Subd. 6 regarding zoning as a requirement for state funding is duplicative and is moved to 360.017.



Chapter 394 (County Planning, Development, Zoning)

394.22

- Added a new definition in Subd. 13. The term “airport safety zone” provides a shorthand reference used later in Chapter 394.

394.23

- Require that comprehensive plans consider the location and dimensions of airport safety zones in any part of the county as well as improvements identified in an approved ALP.

394.231

- Encourage uses in airport safety zones which are compatible with the airport. This section deals with “goals and objectives” and, for that reason, requirements in this section might be considered “soft” requirements. However, fostering compatible land uses near airports is a goal that is consistent with, and is similar in tone with, the other goals listed.

394.25

- Require airport safety zones to be included on maps depicting official controls. This does not require immediate update of these maps, but instead during the next update.

Chapter 462 (Municipal Planning)

462.352

- Added a new definition in Subd. 13. The term “airport safety zone” provides a shorthand reference used later in Chapter 462.

462.355

- Require that comprehensive plans consider the location and dimensions of airport safety zones in any portion of the municipality as well as improvements identified in an approved ALP. This language is similar to what is proposed for Chapter 394, and the tone is in line with other requirements in this subdivision.

462.357

- Add subd. 1i. that requires airport safety zones to be included on maps depicting official controls. This does not require immediate update of these maps, but instead during the next update.
- Subd 9. Encourage uses in airport safety zones which are compatible with the airport. Similar to section 394.231. This section deals with “goals and objectives” and, for that reason, requirements in this section might be considered “soft” requirements. However, fostering compatible land uses near airports is a goal that is consistent with, and is similar in tone with, the other goals listed.

For More Information

Visit: <http://www.dot.state.mn.us/aero/planning/zoning-advisory-committee.html>

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