

ORDINANCE NO. 2004-_____

AN ORDINANCE ESTABLISHING AIRPORT RUNWAY OVERLAY DISTRICTS INCLUDING THE ADDITION OF SUPPLEMENTAL DEFINITIONS, USE PROVISIONS AND HEIGHT REGULATONS AND MODIFYING PERFORMANCE STANDARDS FOR HEIGHT, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE.

The City Council of the City of Bloomington ordains:

Section 1. That Chapter 19 of the City Code is hereby amended to read as follows:

CHAPTER 19

ZONING

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ARTICLE III. DISTRICT USES

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SEC. 19.24. ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS

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(b) Overlay Districts. For the purposes of this Code, the City is hereby organized into the following overlay zoning districts:

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- (6) Airport Runway (AR-17) Overlay District
- (7) Airport Runway (AR-22) Overlay District

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SEC. 19.38. OVERLAY ZONING DISTRICTS

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(b) Establishment of Districts - The following overlay districts are hereby established:

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- (6) Airport Runway (AR-17) Overlay District
- (7) Airport Runway (AR-22) Overlay District

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(d) **Supplemental Definitions** - The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

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2004 MSP Zoning Ordinance – The restated and amended Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance adopted by the Wold-Chamberlain Field Joint Airport Zoning Board on _____, 2004 which became effective on the Effective Date.

Above-ground Fuel Tank – A container, vessel, or other enclosure designed to contain or dispense fuel that is located above the ground surface, that is not contained within a building or structure, and that is not part of or connected to a boat, motor vehicle or rail car.

Airport Hazard – Any structure, tree, or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the Airport; and any use of land that is hazardous to persons or property because of its proximity to the Airport.

Airspace Surfaces – The surfaces established in Section IV.A of the 2004 MSP Zoning Ordinance.

Airspace Zones – The land use zones established in Section IV.A of the 2004 MSP Zoning Ordinance.

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Board of Adjustment – The body established in Section XII.A of the 2004 MSP Zoning Ordinance.

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Established Residential Neighborhood – The areas identified in the 2004 MSP Zoning Ordinance as Established Residential Neighborhoods in Built-up Urban Areas and listed on Exhibit B-Legal Descriptions of Established Residential Neighborhoods and shown on Exhibit C – Map of Established Residential Neighborhoods in Built-up Urban Areas and pursuant to the criteria noted in the 2004 MSP Zoning Ordinance.

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Fuel – Any petroleum product, including natural gas, used to produce heat or power by burning.

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Runway 4-22 – The 11,006-foot Precision Instrument Runway at the Airport, with a planned extension to 12,006 feet, whose 4-End is the end closest to the cities of Bloomington and Richfield and whose 22-End is the end closest to the cities of Minneapolis and St. Paul.

Runway 17-35 – The 8,000-foot Precision Instrument Runway at the Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) whose 17-End is the end closest to the City of Minneapolis and whose 35-End is the end closest to the City of Bloomington.

Runway Protection Zone – A zone mandated by FAA regulations that is longitudinally centered on the extended centerline of each end of Runways 4-22 and 17-35, whose inner edge is at the same width and elevation as, and coincides with, the end of the Primary Surface, and that extends outward a horizontal distance of 2,500 feet expanding uniformly to a width of 1,750 feet.

Safety Zones – The land use zones established in Section V.A of the 2004 MSP Zoning Ordinance.

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SEC. 19.38.03. [RESERVED] AIRPORT RUNWAY OVERLAY DISTRICTS

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(a) Purpose and Intent.

The Airport Runway Overlay Districts are established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance (hereinafter 2004 MSP Zoning Ordinance). The 2004 MSP Zoning Ordinance, pursuant to the provisions and authority of Minnesota Statutes Section 360.063, takes precedent within areas of the City of Bloomington regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Minneapolis-St. Paul International Airport. The 2004 MSP Zoning Ordinance creates zones and establishes boundaries that extend into the City of Bloomington.

It is the purpose of the Airport Runway Overlay Districts to protect the public health, safety, order, convenience, prosperity and general welfare and to promote the most appropriate use of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP Zoning Ordinance and Minnesota Statutes.

(b) Creation of Districts and Applicability.

The Airport Runway Overlay Districts shall apply to all land within the City of Bloomington designated as Safety Zone A and Safety Zone B in the 2004 MSP Zoning Ordinance. The following overlay districts are hereby established as follows:

Airport Runway (AR-17) Overlay District. Includes all land in Bloomington within Safety Zone A and Safety Zone B to the south of MSP Runway 17-35 as described in the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plate SZ-21 and Plate SZ-27 and shown on the Zoning District Map of the City of Bloomington.

Airport Runway (AR-22) Overlay District. Includes all land in Bloomington within Safety Zone B to the southwest of MSP Runway 4-22 as described in the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plate SZ-20 and Plate SZ-21 and shown on the Zoning District Map of the City of Bloomington.

(c) Uses. All permitted principal, provisional, conditional, interim and accessory uses allowed in the primary zoning district are allowed in the Airport Runway Overlay Districts with the exception of the following prohibited uses:

(1) Airport Runway (AR-17) Overlay District:

(A) Within the portion of the Airport Runway (AR-17) Overlay District designated as Safety Zone A in the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plate SZ-21 there shall be no structures or trees, except structures related to Airport operations or air navigation as allowed in a Runway Protection Zone by Federal laws and regulations or by FAA advisory circulars.

(B) Within the portion of the Airport Runway (AR-17) Overlay District designated as Safety Zone B as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plate SZ-21 and Plate SZ-27, the following uses are prohibited unless a variance permitting the use is granted by the Board of Adjustment established by the 2004 MSP Zoning Ordinance:

(I) Amphitheaters

(II) Campgrounds

(III) Churches

(IV) Fuel storage tank farms

(V) Above-ground fuel tanks

(VI) Gasoline station

(VII) Hospital

(VIII) Nursing homes

(IX) Residential uses (including low, medium and high density residential uses)

(X) Schools

(XI) Stadiums

(XII) Theaters

(XIII) Trailer courts

(XIV) Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas; provided, however, the prohibition on ponds or other uses that might attract waterfowl or other birds shall not apply to acres below an elevation of eight hundred (800) feet above mean sea level along the Bluff of the Minnesota River.

(2) Airport Runway (AR-22) Overlay District:

(A) Within the portion of the Airport Runway (AR-22) Overlay District designated as Safety Zone B as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plate SZ-20, the following uses are prohibited unless a variance permitting the use is granted by the Board of Adjustment established by the 2004 MSP Zoning Ordinance:

- (I) Amphitheaters
- (II) Campgrounds
- (III) Churches
- (IV) Fuel storage tank farms
- (V) Above-ground fuel tanks
- (VI) Gasoline station
- (VII) Hospital
- (VIII) Nursing homes
- (IX) Residential uses (including low, medium and high density residential uses) except in a Established Residential Neighborhood In A Built-up Urban Area
- (X) Schools
- (XI) Stadiums
- (XII) Theaters
- (XIII) Trailer courts
- (XIV) Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated setting ponds, and dredge spoil containment areas.

(d) Height. In addition to the restrictions of Section 19.47 of this Code, all structures in the Airport Runway Overlay District A17 and Airport Runway (AR-22) Overlay District shall be subject to the height restrictions imposed by the 2004 MSP Zoning Ordinance.

(1) Airport Runway (AR-17) Overlay District. Within the Safety Zone B of Airport Runway (AR-17) Overlay District, except as necessary and incidental to Airport operations, no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in any Airspace Zone so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plate A-21 and Plate A-27.

(2) Airport Runway (AR-22) Overlay District. Within the Safety Zone B of the Airport Runway (AR-22) Overlay District, except as necessary and incidental to Airport operations, no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in any Airspace Zone so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plate A-20 and Plate A-21.

(e) 2004 MSP Zoning Ordinance Use Variances. Within the Airport Runway Overlay Districts, variances to allow uses listed as prohibited in the Airport Runway Overlay Districts that are

granted by the Board of Adjustment as contained in the 2004 MSP Zoning Ordinance may only be established in the City of Bloomington to the extent that they comply with all other provisions of this Code. A use not allowed in the primary zoning district shall not be established under any circumstances.

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ARTICLE V. PERFORMANCE STANDARDS

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SEC. 19.47. HEIGHT.

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(c) Height Limitations –

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(3) In addition to the height limitations noted in 19.47(c)(1) and (2), no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in anyway so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plate A-19, A-20, A-21, A-22, A-25, A26, A-27 and A-28 of the 2004 MSP Zoning Ordinance.

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Passed and adopted this _____ day of _____, 2004.

Mayor

Attest:

Approved:

Secretary to the Council

City Attorney