



PLANNING COMMISSION STAFF REPORT

Amend Official Zoning Map

FROM: Dan Olson, City Planner

TO: Planning Commission (for March 11 meeting)

DATE: March 5, 2024

RE: Public Hearing. Amend Official Zoning Map to add airport safety zones in the Crystal Airport Zoning Ordinance

A. BACKGROUND

The Crystal Airport Zoning Ordinance was recently adopted by the Joint Airport Zoning Board (JAZB) and went into effect on January 1, 2024. Although state law does not require the new ordinance to be included in the Unified Development Code (UDC), the city will be administering the ordinance and must amend the city's official zoning map to reflect the airport safety zones described in the ordinance.

Notice of the March 11 public hearing for the map amendment was published in the Sun Post on February 29 and posted to all neighborhoods on Nextdoor.

Attachments:

- A. Proposed Official Zoning Map
- B. Airport zoning requirements in state statutes
- C. Excerpt from FAA rules
- D. Adopted Crystal Airport Zoning Ordinance
- E. Grid map
- F. Powerpoint presentation

B. BACKGROUND OF ORDINANCE AND MAP AMENDMENT

The JAZB was formed in 2021 by the Metropolitan Airports Commission (MAC) to update the Crystal airport ordinance adopted in 1983. The JAZB consisted of MAC staff and representatives from the cities of Crystal, Brooklyn Park, Brooklyn Center, New Hope, Robbinsdale and Minneapolis.

MAC held a public hearing on the proposed ordinance on April 19, 2023. After approval by the Minnesota Department of Transportation (MnDOT), the ordinance was adopted by the JAZB in November, 2023 and went into effect on January 1, 2024.

State law does not mandate that the city incorporate the airport ordinance into the city code. To affirm the city's role in administering the ordinance, the City Council adopted a resolution on February 6, 2024 to attach the ordinance as an appendix to the city code. The inclusion of this ordinance as an appendix is allowed by city code section 110.09.

The airport safety zones that are to be added to the zoning map are:

- Zone 1: The zone has the same boundaries as the Airport district (AP) and regulates both land use and structure height.
- Zone 2: This zone primarily regulates structure height.
- Air space: This zone extends from the airport to the cities of Brooklyn Park, Brooklyn Center, New Hope, Robbinsdale, and Minneapolis and generally regulates interference with airport operations.

C. ADMINISTRATION OF ORDINANCE

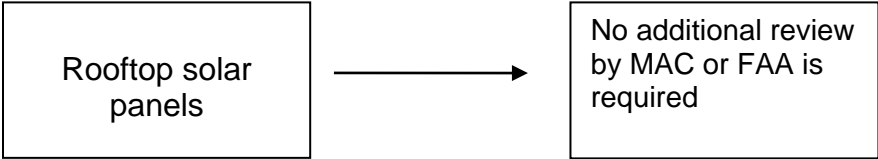
The six cities that comprised the JAZB are tasked with administering the new airport ordinance. Two issues that received the most discussion during the JAZB approval process related to removal of trees and requirements for new structures. These two issues are discussed below.

- **Tree removal.** The ordinance requires those trees that project into airspace to be trimmed or removed, and allows the city to order the removal. Since the ordinance language is permissive and doesn't require the city to order removal of trees on private property, the city would not enforce the tree provisions. MAC may do so as it has in the past without city involvement.
- **New structure requirements.** There was concern during the ordinance adoption process that new structures would have to undergo a burdensome review process. The city has two tools for determining the impact of new structures:
 - **Grid maps.** The ordinance provides grid maps (**attachment D**) that list the maximum height of a structure for each property within zone 2 (within approximately 1 mile of the airport) that in most cases can be constructed without additional review by MAC or the FAA as long as they do not exceed the height for that specific property.

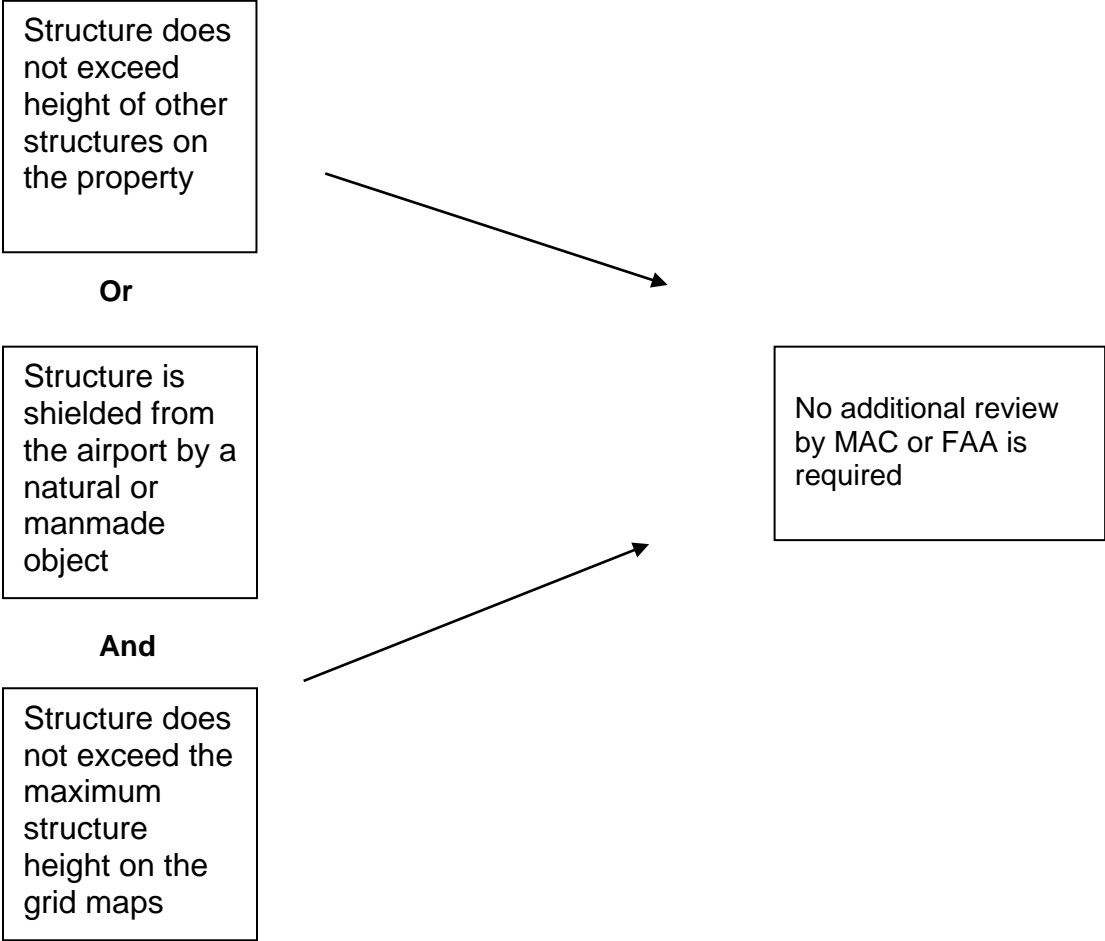
- **FAA online tool.** For a small number of projects, an online tool is available that will clarify if FAA review is needed. This tool reviews a larger area around the airport for conflicts with reflectivity and signal interference for an area up to 4 miles and at a greater slope than those used to calculate the maximum height in the grid maps.

Staff has determined that in nearly all cases involving properties in the R-1 zoning district and in zone 2, no additional review by MAC or the FAA would be required. The flowcharts on the following pages are provided to clarify the review process.

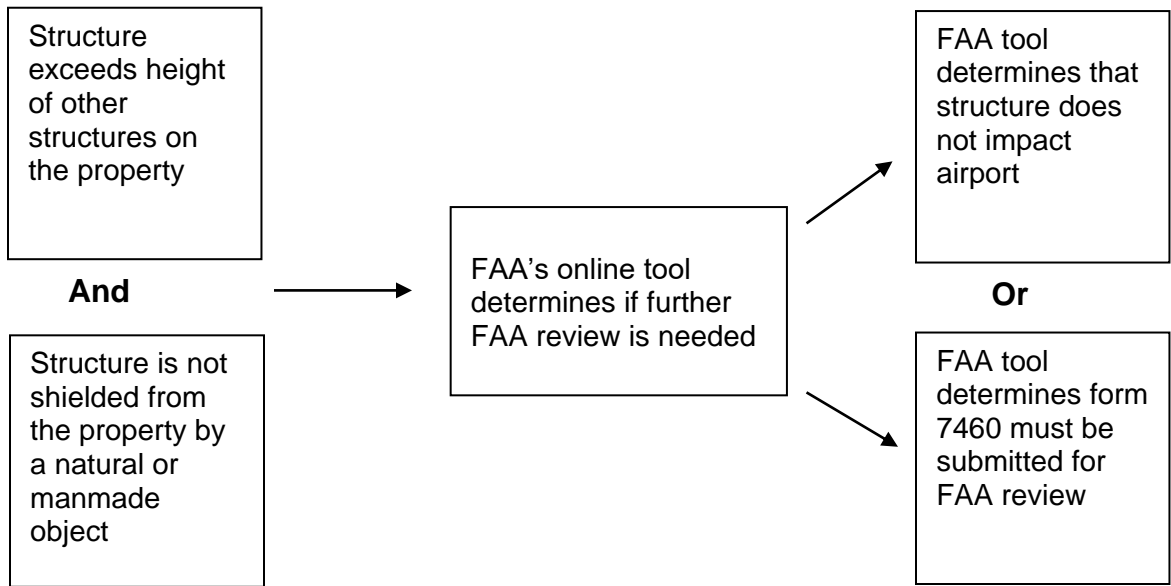
1. Rooftop solar panels.



2. Structures not needing additional review.



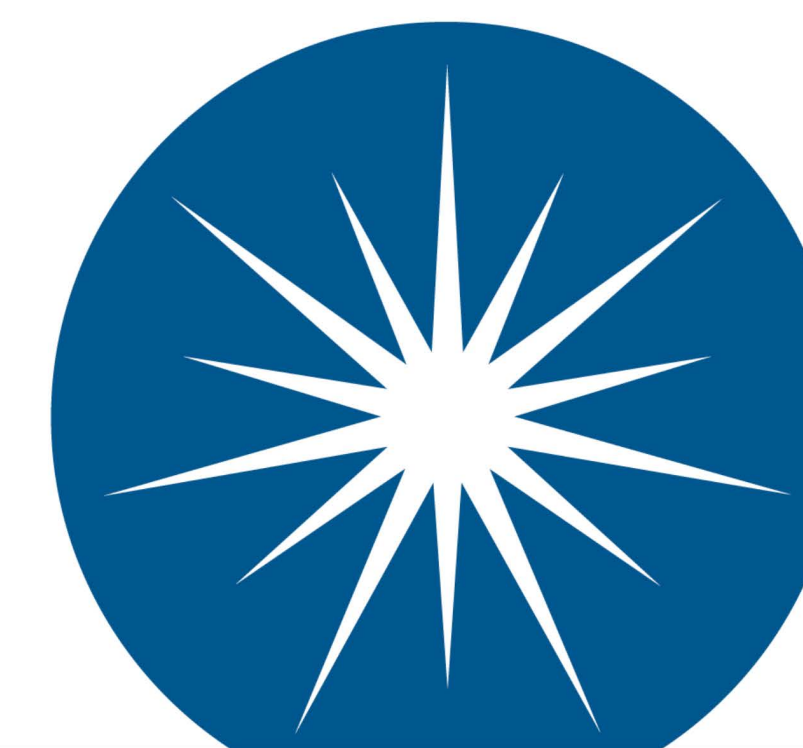
3. **Structures that may need further review.**



D. REQUESTED ACTION

The Planning Commission is asked to make a recommendation to the City Council to either deny or approve the amendment to the Official Zoning Map.

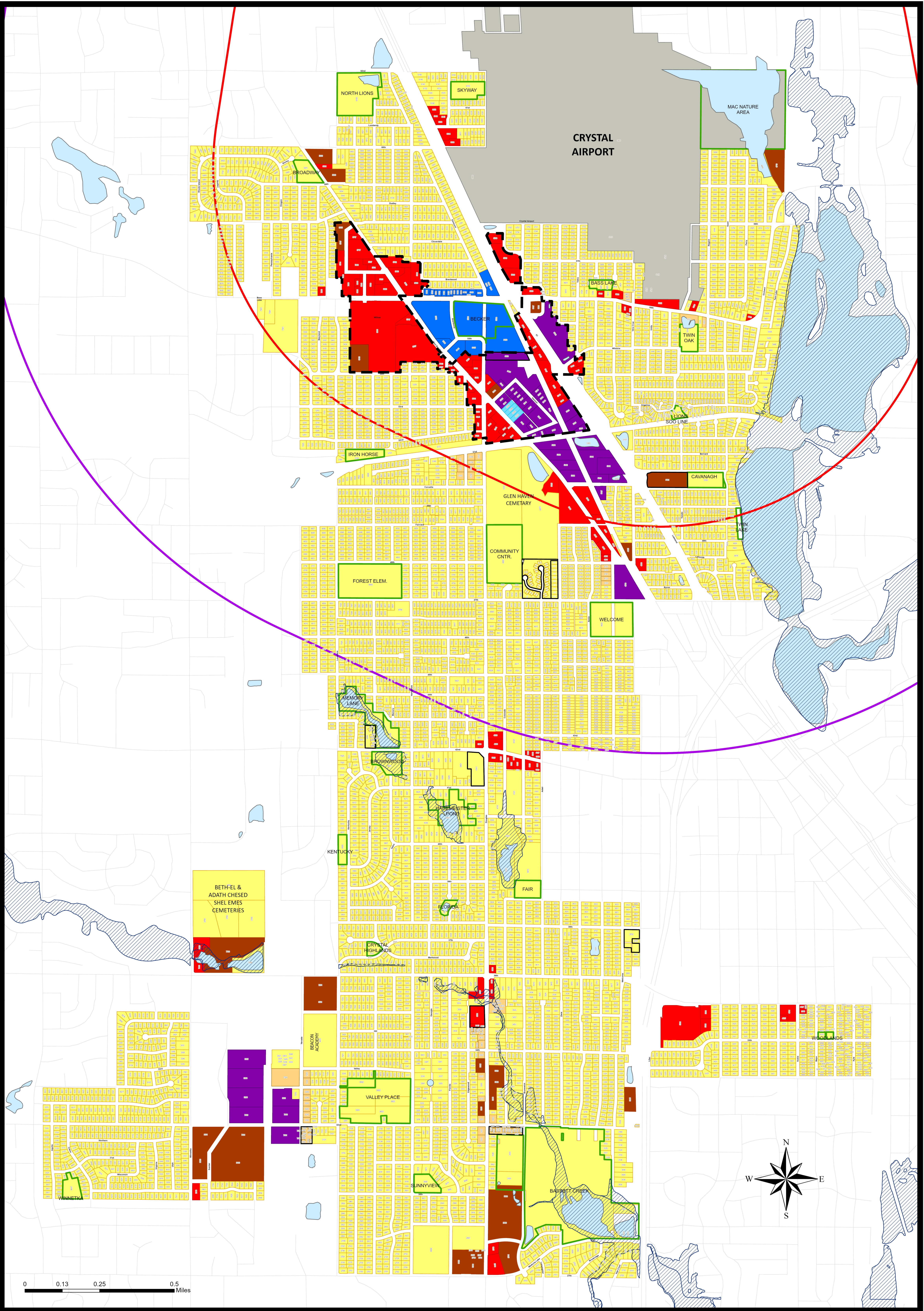
City Council action is anticipated on March 19, 2024.



CITY of CRYSTAL

Official Zoning Map

Attachment A



BASE ZONING DISTRICTS

- R1- LOW DENSITY RESIDENTIAL
- R2- MEDIUM DENSITY RESIDENTIAL
- R3- HIGH DENSITY RESIDENTIAL
- C- COMMERCIAL
- TC- TOWN CENTER
- I- INDUSTRIAL
- AP- AIRPORT DISTRICT

OVERLAY DISTRICTS

- PLANNED DEVELOPMENT DISTRICTS (PD)
- TOWN CENTER PLANNED DEVELOPMENT (TC-PD)
- PROPERTIES REZONED TO TC-PD
- CITY PARK LAND
- WATER BODIES
- FLOODPLAIN OVERLAY DISTRICTS

LAND USE ZONE I (SAME AS AIRPORT DISTRICT)

LAND USE ZONE II

AIRSPACE ZONING LIMITS

Approved Amendments: Official Zoning Map

Ordinance No.	Adopted by City Council	Comments
2019-01	April 2, 2019	Re-Zoned to PD (3733 Vera Cruz Ave N)
2019-04	September 3, 2019	Creation of TC and TC-PD Districts
2020-01	February 4, 2020	Re-Zoned to PD (3501 Douglas Dr N)
2020-05	November 17, 2020	Re-Zoned to PD (4141 Douglas Dr N)
2022-02	June 7, 2022	Re-Zoned to R1 (4824 56th Ave N)
2022-05	September 6, 2022	Re-Zoned to TC-PD (5240 West Broadway Ave)
2023-07	November 7, 2023	Re-Zoned to to R1 (3601 Douglas Dr N)

Disclaimer:

The Official Zoning Map is subject to change by action of the Crystal City Council. Any disagreement(s) or inconsistencies between this map and an ordinance adopted by the city council, the ordinance shall prevail.

Official Zoning District Map, Crystal, Minnesota
We the undersigned certify that this is the Official Zoning Map, adopted by Crystal City Council on January 2nd, 2018

01-02-18
Date

01-02-18
Date

Jim Adams
Jim Adams, Mayor

Chrissy Serres
Chrissy Serres, City Clerk

360.063 AIRPORT ZONING; AUTHORITY, PROCEDURE.

Subdivision 1. **Enforcement under police power.** (a) In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits may, unless a joint airport zoning board is permitted under subdivision 3, adopt, amend from time to time, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) In order to promote health, safety, order, convenience, prosperity, and general welfare and to conserve property values and encourage the most appropriate use of land, the municipality may regulate in airport hazard areas: (1) land use; (2) height restrictions; (3) the location, size, and use of buildings; and (4) the density of population.

(c) The powers granted by this subdivision may be exercised by metropolitan airports commissions in contiguous cities of the first class in and for which they have been created.

(d) In the case of airports owned or operated by the state of Minnesota such powers shall be exercised by the state airport zoning boards or by the commissioner of transportation as authorized herein.

Subd. 2. [Repealed, 1976 c 255 s 6]

Subd. 3. **Joint airport zoning board.** (a) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request a county or municipality in which an airport hazard area is located:

(1) to adopt and enforce airport zoning regulations for the area in question under sections 360.0655 and 360.0656; or

(2) to join in creating a joint airport zoning board pursuant to paragraph (b). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in paragraph (e) for the Metropolitan Airports Commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(b) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which the area is located. A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chair elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chair of the board shall be elected from the membership of the board.

(c) If a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to paragraph (a), fails to adopt, or thereafter fails to enforce, the zoning regulations

or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between the regulations and airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, section 360.064, subdivision 2, applies.

(d) "Owning or controlling municipality," as used in this subdivision, includes:

(1) a joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(2) a joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board; provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(3) the Metropolitan Airports Commission established and operated pursuant to chapter 473.

(e) The Metropolitan Airports Commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Subd. 4. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 5. [Repealed, 1976 c 255 s 6]

Subd. 6. **Procedure when zoning board fails to act.** If a municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the standard prescribed by the commissioner, the commissioner may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal the regulations for the municipality or county until airport zoning rules provided for in sections 360.011 to 360.076, are adopted by the municipality, county, or joint airport zoning board. The commissioner shall have the same powers with reference to the airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. An action of the commissioner taken under this subdivision is subject to review by the courts as provided in section 360.072.

Subd. 6a. **Review of variance when board of adjustment fails to act.** On receiving notice that an airport zoning variance has been granted by reason of the failure of a board of adjustment to act on the variance as provided in section 360.067, subdivision 2, the commissioner shall review the application and may amend or rescind the variance on finding that this action is required to protect the public safety. No action of the commissioner pursuant to this subdivision shall be effective unless the commissioner notifies the applicant of that action within 60 days after receiving notice that the variance was granted. Any action taken by the commissioner pursuant to this subdivision shall be subject to review by the courts as provided in section 360.072.

Subd. 7. **Airport zoning board for each airport.** (a) Where an airport is owned or operated by the state of Minnesota, a state airport zoning board shall be created for each airport, which board shall have the same power to adopt, administer, and enforce airport zoning rules applicable to the airport hazard area of such airport as that vested by subdivision 1 in the municipality. Each board shall consist of the commissioner of transportation, or a member of staff appointed by the commissioner, who shall be chair; one member appointed by the county board who may be a member of the county board, of each county in which an airport hazard area is located; and one member appointed by the governing body of each municipality located within the

area to be zoned. If the area to be zoned is located entirely within one county and no municipality is located within the area to be zoned, then the duly designated members shall select a third member who shall be a resident of the county. The members of such board shall serve for a period of three years beginning January 1 following their appointment and until their successors are appointed and qualified.

(b) The zoning rules shall be adopted by an order of the board signed by a majority of its members. Such order shall be published once in a legal newspaper in the county in which the airport is located and shall become effective ten days following the date of its publication. A copy of such order shall be filed in the office of the commissioner of transportation and with the county recorder in each county in which a zoned area is located.

(c) Any person appointed to serve on a state airport zoning board shall be entitled to reimbursement for travel and other necessary expenses incurred in performance of duties on such board which shall be paid from the appropriations made to the Department of Transportation.

Subd. 8. **Airport zoning board authority after failure to appoint member.** If any county board or municipality fails to appoint the member to be appointed by it in the creation of a state airport zoning board within 30 days after requested to do so by the commissioner of transportation, the state airport zoning board, consisting of the remaining members in case more than one county is involved, or the commissioner of transportation in case no board is created, shall have the same power to adopt, administer, and enforce airport zoning rules applicable to an airport hazard area in such county as that conferred upon the commissioner in subdivision 6.

History: 1945 c 303 s 26; 1951 c 116 s 2-4; 1957 c 610 s 1; 1976 c 166 s 7; 1976 c 181 s 2; 1976 c 255 s 1,2; 1977 c 236 s 1; 1978 c 674 s 58; 1979 c 302 s 2; 1983 c 326 s 4-6; 1985 c 248 s 70; 1986 c 444; 1Sp2019 c 3 art 3 s 94,95

360.064 AIRPORT ZONING; COMPREHENSIVE ORDINANCE, CONFLICT.

Subdivision 1. **Comprehensive regulations.** In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things the height of buildings, any airport zoning regulations applicable to the same area or portion thereof must be incorporated by reference or incorporated in and made a part of such comprehensive zoning regulations and be administered and enforced in connection therewith.

Subd. 2. **Effect when regulations conflict.** In the event of conflict between any airport zoning regulations adopted under sections 360.011 to 360.076, and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality, the more stringent limitation or requirement shall govern and prevail.

History: 1945 c 303 s 27; 1978 c 674 s 58; 1Sp2019 c 3 art 3 s 96

360.065 AIRPORT ZONING; ADOPTION AND APPROVAL OF PROPOSED REGULATIONS.

Subdivision 1. **Notice of proposed zoning regulations, hearing.** (a) No airport zoning regulations shall be adopted, amended, or changed under sections 360.011 to 360.076, except by action of the governing body of the municipality, county, or joint airport zoning board under section 360.0655 or 360.0656, or the boards provided for in section 360.063, subdivisions 3 and 7, or by the commissioner as provided in section 360.063, subdivisions 6 and 8.

(b) A public hearing must be held on the airport zoning regulations proposed by a municipality, county, or joint airport zoning board before they are submitted to the commissioner for approval. If any changes that alter the regulations placed on a parcel of land are made to the proposed airport zoning regulations after the initial public hearing, the municipality, county, or joint airport zoning board must hold a second public hearing before final adoption of the regulation. The commissioner may require a second hearing as determined necessary.

(c) Notice of a hearing must be published by the municipality, county, or joint airport zoning board at least three times during the period between 15 days and five days before the hearing in an official newspaper and in a second newspaper designated by that authority which has a wide general circulation in the area affected by the proposed regulations and posted on the municipality's, county's, or joint airport zoning board's website. If there is not a second newspaper of wide general circulation in the area that the municipality, county, or joint airport zoning board can designate for the notice, the municipality, county, or joint airport zoning board is only required to publish the notice once in the official newspaper of the jurisdiction. The notice shall not be published in the legal notice section of a newspaper. The notice must specify the time, location, and purpose of the hearing, and must identify any additional location and time the proposed regulations will be available for public inspection. A copy of the published notice must be added to the record of the proceedings.

(d) Notice of a hearing must be given by mail at least ten days before each hearing to persons and landowners where the location or size of a building, or the density of population, will be regulated. Mailed notice must also be provided at least ten days before each hearing to persons or municipalities that have previously requested such notice from the municipality, county, or joint airport zoning board. The notice must specify the time, location, and purpose of the hearing, and must identify any additional location and time the proposed regulations will be made available for public inspection. Mailed notice must also identify the property affected by the regulations. For the purpose of providing mailed notice, the municipality, county, or joint airport zoning board may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent must be added to the records of the proceedings. Failure to provide mailed notice to individual property owners or a defect in the notice does not invalidate the proceedings if a bona fide attempt to comply with this subdivision was made.

Subd. 2. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 3. [Repealed, 2007 c 64 s 3]

History: 1945 c 303 s 28; 1951 c 116 s 5; 1957 c 272 s 1,2; 1976 c 181 s 2; 1978 c 674 s 58; 1979 c 302 s 3; 1983 c 326 s 7; 1986 c 444; 2006 c 261 s 3; 1Sp2019 c 3 art 3 s 97; 2022 c 55 art 1 s 157

(e) You do not need to file notice for construction or alteration of:

Attachment C

- (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;
- (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
- (3) Any construction or alteration for which notice is required by any other FAA regulation.
- (4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

**Crystal Airport
Zoning Ordinance**

Adopted November 8, 2023

Adopted by the
Crystal Airport Joint Airport Zoning Board

Contact Person:
Crystal Joint Airport Zoning Board
c/o Rebecca Townsend, JAZB Secretary
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, Minnesota 55450

Table of Contents

1			
2	SECTION I.	PURPOSE AND AUTHORITY	1
3	SECTION II.	TITLE AND SHORT TITLE	2
4	SECTION III.	DEFINITIONS AND RULES OF CONSTRUCTION	2
5	SECTION IV.	AIRSPACE OBSTRUCTION ZONING.....	6
6	SECTION V.	LAND USE ZONING	9
7	SECTION VI.	AIRPORT ZONING LIMITS AND CRYSTAL AIRPORT ZONING MAP.....	10
8	SECTION VII.	NONCONFORMING USES.....	10
9	SECTION VIII.	AIRPORT ZONING PERMITS.....	11
10	SECTION IX.	VARIANCES	13
11	SECTION X.	HAZARD MARKING AND LIGHTING	14
12	SECTION XI.	ZONING ADMINISTRATOR.....	14
13	SECTION XII.	BOARD OF ADJUSTMENT	15
14	SECTION XIII.	APPEALS	16
15	SECTION XIV.	JUDICIAL REVIEW	17
16	SECTION XV.	PENALTIES AND OTHER REMEDIES.....	18
17	SECTION XVI.	RELATION TO OTHER LAWS, REGULATIONS, AND RULES.....	18
18	SECTION XVII.	SEVERABILITY.....	19
19	SECTION XVIII.	EFFECTIVE DATE	19
20	EXHIBIT A – AIRPORT BOUNDARY		21
21	EXHIBIT B – JAZB LAND USE ZONE 1.....		22
22	EXHIBIT C – JAZB LAND USE ZONE 2.....		23
23	EXHIBIT D – AIRPORT BOUNDARY AND AIRSPACE ZONING LIMITS		24
24	EXHIBIT E – AIRPORT BOUNDARY AND AIRSPACE CONTOURS		25
25	EXHIBIT F – AIRPORT BOUNDARY AND LAND USE ZONING LIMITS.....		26
26			
27	AIRSPACE ZONES, INDEX SHEET AND PLATES A - A2 TO A - F6		27
28	MAXIMUM CONSTRUCTION HEIGHTS WITHOUT PERMIT, INDEX SHEET AND PLATES MCH - A2		
29	TO MCH - F6		62
30	SAFETY ZONES, INDEX SHEET AND PLATES SZ - A2 TO SZ - F6		97

**CRYSTAL AIRPORT
ZONING ORDINANCE
ADOPTED BY THE
CRYSTAL AIRPORT JOINT AIRPORT ZONING BOARD**

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE CRYSTAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS; REFERRING TO THE CRYSTAL AIRPORT ZONING MAP; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; IMPOSING PENALTIES; AND SUPERSEDING ALL PRIOR CRYSTAL AIRPORT ZONING ORDINANCES.

THEREFORE, IT IS HEREBY ORDAINED BY THE CRYSTAL AIRPORT JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES §§ 360.061 – 360.074, THAT THE CRYSTAL AIRPORT ZONING ORDINANCE BE EFFECTIVE AS FOLLOWS:

SECTION I. PURPOSE AND AUTHORITY

The CRYSTAL Airport Joint Airport Zoning Board, created and established by joint action of the Metropolitan Airports Commission and the Cities of Crystal, Brooklyn Park, Brooklyn Center, Minneapolis, New Hope, and Robbinsdale, pursuant to the provisions and authority of Minnesota Statutes § 360.063, hereby finds and declares that:

- A. An Airport Hazard endangers the lives and property of users of the Airport and property or occupants of land in its vicinity, and also may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport and the public investment therein.
- B. The creation or establishment of an Airport Hazard is a public nuisance and an injury to the region served by the Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.

- D. The prevention of these Airport Hazards should be accomplished, to the extent legally possible, by the exercise of police power without compensation.
- E. The elimination or removal of existing land uses or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible, consistent with reasonable standards of safety.
- F. In addition, the social and economic costs of disrupting land uses around the Airport often outweigh the benefits of a reduction in Airport Hazards, requiring a balance between the social and economic costs to surrounding communities and the benefits of regulation.
- G. Preventing the creation or establishment of Airport Hazards and eliminating, removing, altering, mitigating, or marking and lighting of existing Airport Hazards are public purposes for which political subdivisions may raise and expend public funds, levy assessments against land, and acquire land and property interests therein.

SECTION II. TITLE AND SHORT TITLE

This ordinance shall be known as the "Crystal Airport Zoning Ordinance."

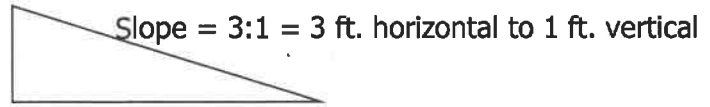
SECTION III. DEFINITIONS AND RULES OF CONSTRUCTION

- A. **Definitions.** As used in this Crystal Airport Zoning Ordinance, unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall have the meanings indicated. All words and phrases not defined shall have their common meaning.
 - 1. ***Airport.*** "Airport" means Crystal Airport located in Hennepin County, Minnesota.
 - 2. ***Airport Boundary.*** "Airport Boundary" means the boundary shown on Exhibit A – Airport Boundary, attached hereto and made a part hereof.
 - 3. ***Airport Hazard.*** "Airport Hazard" means 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.
 - 4. ***Airport Zoning Permit.*** "Airport Zoning Permit" means zoning permits as required under Section VIII.

5. ***Airspace Surfaces.*** "Airspace Surfaces" means the surfaces established in Section IV.A.
6. ***Airspace Zones.*** "Airspace Zones" means the land use zones established in Section IV.A.
7. ***Board of Adjustment.*** "Board of Adjustment" means the body established in Section XII,
8. ***Commissioner.*** "Commissioner" means the Commissioner of the Minnesota Department of Transportation or, if either the position of Commissioner or the Minnesota Department of Transportation shall no longer exist or serve its present functions, such successor state official or officials or entity or entities as shall either singularly or collectively perform or serve such functions.
9. ***Crystal Airport Zoning Map.*** "Crystal Airport Zoning Map" means the Crystal Airport Zoning Map as defined in Section VI.C.
10. ***Effective Date.*** "Effective Date" means the effective date set forth in Section XVIII.
11. ***Existing.*** "Existing" means the current layout of the airport environment, including alignment, location, and length of each runway at Crystal Airport at the time this Crystal Airport Zoning Ordinance on the Effective Date.
12. ***FAA.*** "FAA" means the Federal Aviation Administration or, if the Federal Aviation Administration shall no longer exist or serve its present functions, such successor federal entity or entities as shall either singularly or collectively perform or serve such functions.
13. ***FAA 7460 Obstruction Evaluation.*** Established FAA process for conducting aeronautical studies conducted under the provisions of Title 14 CFR, Part 77 (for proposed construction or alteration) or Federal Aviation Act of 1958 (for existing structures), or any successor to this process.
14. ***Lot.*** "Lot" means a designated parcel, tract, or area of land established by plat or subdivision, or otherwise permitted by law.
15. ***Nonconforming Structure.*** "Nonconforming Structure" means any Structure in existence in any Airspace Zone or Land Use Zone but not conforming to the provisions of this Crystal Airport Zoning Ordinance on the Effective Date.

16. ***Nonconforming Use.*** "Nonconforming Use" means any use of land in existence in any Airspace Zone or Land Use Zone but not conforming to the provisions of this Crystal Airport Zoning Ordinance on the Effective Date.
17. ***Person.*** "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
18. ***Runway.*** "Runway" means any existing surface of the Airport which is specifically designated and used to be used for the landing and/or taking off of aircraft. The individual Runways at the Airport are defined in this Crystal Airport Zoning Ordinance based on the compass heading of landing and departing aircraft.
19. ***Runway 14-32.*** "Runway 14-32" means the existing 3,750-foot non-precision primary runway. The Runway 14 end is within the City of Brooklyn Park, and the Runway 32 end is within the City of Crystal.
20. ***Runway 6L-24R.*** "Runway 6L-24L" means the existing 2,500-foot visual crosswind runway. Both the Runway 6L and 24R ends are within the City of Crystal.
21. ***Runway 6R-24L.*** "Runway 6R-24L" means the existing 1,669-foot visual crosswind runway. Both the Runway 6R and 24L ends are within the City of Crystal.
22. ***Runway Protection Zone.*** "Runway Protection Zone" means a zone mandated by FAA regulations that is longitudinally centered on the extended centerline at each end of Runways 14-32, 6L-24R and 6R-24L, whose inner edge is at the same width and elevation as, and coincides with, the end of the Primary Surfaces for Runway 14-32 (500 feet), Runway 6L-24R (250 feet), and Runway 6R-24L (250 feet). The Runway 14-32 protection zone extends outward a horizontal distance of 1,000 feet, expanding uniformly to a width of 700 feet. Runways 6L-24R and 6R-24L have protection zones extending outward a horizontal distance of 1,000 feet, expanding uniformly to a width of 450 feet.
23. ***Land Use Zones.*** "Land Use Zones" means the land use zones established in Section V.A.

24. **School.** "School" means any private or public educational institution for people in kindergarten through grade 12 and any private or public day care or pre-school facility that enrolls more than 50 children.
25. **Slope.** "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



26. **Structure.** "Structure" means anything anchored, attached, built, constructed, erected, gathered, located, placed, or piled on the ground or in or over a water body, whether temporary or permanent, moveable or immovable, including antennae, buildings, canopies, cranes, decks, derricks, docks, edifices, equipment, fences, overhead transmission lines, patios, piers, piles, ponds, posts, roadways, signs, smokestacks, towers, utility poles, wires, and anything attached to any of the foregoing either temporarily or permanently.
27. **Tree.** "Tree" means any object of natural growth.
28. **Zoning Administrator.** "Zoning Administrator" means the public official in each affected municipality as set forth in Section XI.B.

B. Rules Of Construction. In the construction of this Crystal Airport Zoning Ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise.

1. **Computing Time.** In computing the period of time within which an act may or must be done, the first calendar day from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
2. **Conflicts Between Ordinance Provisions.** If a provision of this Crystal Airport Zoning Ordinance conflicts with any other provision of this Crystal Airport Zoning Ordinance, the more restrictive provision shall prevail.
3. **Height.** "Height" shall be expressed as elevation in feet above Mean Sea Level, North American Vertical Datum, 1988 Adjustment, except in reference

to maximum construction height without an Airport Zoning Permit when it shall be expressed as distance in feet above ground shown on the Maximum Construction Heights Without Permit Plates in the Crystal Airport Zoning Map.

4. ***Including, Not Limited To.*** The word "including" means including but not limited to.
5. ***Land To Include Water Surfaces And Bodies.*** The word "land" shall include water bodies and surfaces for the purpose of establishing Airspace Zones and Land Use Zones.
6. ***May, Permissive.*** The word "may" is permissive.
7. ***Shall, Mandatory.*** The word "shall" is mandatory and not discretionary.
8. ***Singular And Plural.*** The singular shall include the plural, and the plural the singular.
9. ***Tense.*** The present tense shall include the future.

SECTION IV. AIRSPACE OBSTRUCTION ZONING

A. **Airspace Surfaces And Zones.** In order to carry out the purpose of this Crystal Airport Zoning Ordinance as set forth in Section I., the following Airspace Surfaces and Airspace Zones are hereby established, subject to the airspace zoning limits in Section VI.A.

1. ***Primary Surface.*** An imaginary surface longitudinally centered on each Runway extending 200 feet beyond each end of Runways 14-32, 6L-24R, and 6R-24L. Runway 14-32 has uniform width of 500 feet, while Runways 6L-24R and 6R-24L have a uniform width of 250 feet. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the Runway centerline.
2. ***Primary Zone.*** All that land which lies directly under a Primary Surface.
3. ***Horizontal Surface.*** An imaginary surface that is 1,019.3 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Surface of each Runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for Runways 14-32, 6L-24R, and 6R-24L.
4. ***Horizontal Zone.*** All that land which lies directly under the Horizontal Surface.

5. **Conical Surface.** An imaginary surface extending upward and outward from the periphery of the Horizontal Surface at a Slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the Horizontal Surface.
 6. **Conical Zone.** All that land which lies directly under the Conical Surface.
 7. **Approach Surface.** An imaginary surface longitudinally centered on the extended centerline at each end of Runways 14-32, 6L-24R, and 6R-24L. The inner edge of this surface is at the same width and elevation as, and coincides with, the end of the Primary Surface. For Runways 14-32, 6L-24R, and 6R-24L, this surface inclines upward and outward at a Slope of 20 to 1 for a horizontal distance of 5,000. For Runway 14-32, the outer width of this surface is 2,000 feet. For both Runways 6L-24R and 6R-24L, the outer width of this surface is 1,250 feet.
 8. **Approach Zone.** All that land which lies directly under an Approach Surface.
 9. **Transitional Surface.** An imaginary surface extending upward and outward at right angles to the centerline and extended centerline of Runways 14-32, 6L-24R, and 6R-24L at a Slope of 7 to 1 from both sides of each Primary Surface and from both sides of each Approach Surface of Runway 14-32, 6L-24R, and 6R-24L until it intersects the Horizontal Surface or the Conical Surface.
 10. **Transitional Zone.** All that land which lies directly under a Transitional Surface.
- B. **Height Restrictions.** Except as otherwise provided in this Crystal Airport Zoning Ordinance, and except as necessary and incidental to Airport operations, the following height restrictions shall apply. Where a Lot is beneath more than one Airspace Surface, the height of the more restrictive (lower) Airspace Surface shall control.
1. **Structures.** No new Structure shall be constructed or established; and no existing Structure shall be altered, changed, rebuilt, repaired, or replaced in any Airspace Zone so as to project above any Airspace Surface. Nor shall any equipment used to accomplish any of the foregoing activities be allowed to project above any Airspace Surface.
 2. **Trees.** No Tree shall be allowed to grow or be altered, repaired, replaced, or replanted in any Airspace Zone so as to project above any Airspace Surface.

Nor shall any equipment used to accomplish any of the foregoing activities be allowed to project above any Airspace Surface.

- a. Public Nuisance; Order. If the whole or any part of any Tree shall be determined to be an Airport Hazard by the FAA, or any successor entity, after proper investigation, the Zoning Administrator may issue an order in writing for the owner or owners, agent or occupant of the property upon which such hazardous tree is located, to forthwith cause such hazardous tree, or portion thereof if the removal of a portion will remove the hazard, to be taken down and removed.
- b. Notice. Said order is to be mailed to the last known address of the owner, agent or occupant and shall be accompanied by a notice setting forth the authority to remove such hazardous Tree at such owner's, agent's or occupant's expense in the event such owner, agent or occupant fails to comply with or file a notice of appeal from said order within 10 days of mailing. The notice shall include instructions for filing a notice of appeal from said order.
- c. Removal. If within 10 days after said order has been mailed, as above provided for, the owner or owners, agent or occupant of the property upon which such hazardous Tree is located neglects or refuses to comply with said order, or has failed to file a notice of appeal from said order with the Zoning Administrator, then the Administrator or its designee(s) may enter upon said premises and take down or remove said tree or portion thereof declared to be hazardous, and to do any and all things which in his opinion may be necessary for the protection of life, limb or property.
- d. Assessment of Expense. If, after the notice hereinbefore provided for has been given, the owner, agent or occupant has failed to remove such hazardous tree or portion thereof, and it becomes necessary for the Zoning Administrator to remove same, the Zoning Administrator or its designee shall mail a statement of the expense of such removal to the owner, agent or occupant of the property from which such tree or portion thereof has been removed, and if within 30 days therefrom the owner, agent or occupant has not remitted to the Zoning

Administrator for the expense incurred by the Zoning Administrator in said removal, the Zoning Administrator or its designee may forthwith recover the amount of such expense from the owner or owners of said property in any civil court of competent jurisdiction, in the manner provided by law.

- C. **FAA 7460 Obstruction Evaluation.** All construction of new Structures or alteration of existing Structures in an Airspace Zone shall comply with the requirements for filing notice to the FAA under the FAA 7460 Obstruction Evaluation process.

SECTION V. LAND USE ZONING

- A. **Land Use Zones.** In order to carry out the purpose of this Crystal Airport Zoning Ordinance, as set forth in Section I., the following Land Use Zones are hereby established, subject to the land use zoning limits in Section VI.B.
 - 1. **Land Use Zone 1.** Designated land, the extents of which are shown in Exhibit B. Land Use Zone 1 overlies the Runway Protection Zones.
 - 2. **Land Use Zone 2.** All land enclosed within the perimeter of the Horizontal Zone, as shown in Exhibit C, except that land within Land Use Zone 1.
- B. **Land Use Restrictions.**
 - 1. **General Restrictions.** Subject at all times to the height restrictions set forth in Section IV.B. and the FAA 7460 Obstruction Evaluation process, no use shall be made of any land in any of the Land Use Zones that creates or causes interference with the operations of radio or electronic facilities at the Airport or with radio or electronic communications between Airport and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using the Airport, impairs visibility in the vicinity of the Airport, is deemed a "hazard" to air navigation by FAA or MNDOT as part of an FAA 7460 Obstruction Evaluation, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
 - 2. **Land Use Zone 1 Restrictions.** Subject at all times to the height restrictions set forth in Section IV.B. and to the general restrictions contained in Section V.B.1., areas designated as Land Use Zone 1 for each end of Runways 14-32, 6L-24R, and 6R-24L shall contain no buildings, exposed high-voltage transmission lines, or other similar land use structural hazards, and

shall be restricted to those uses which will not create, attract, or bring together a dense, confined assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, wildlife habitat, light outdoor recreation, cemeteries, roadways and vehicle parking, railroads, and other approved aeronautical uses. Where Land Use Zone 1 overlies the Runway Protection Zone, land uses and Structures within the Runway Protection Zone will be governed by Federal laws and regulations or by FAA advisory circulars, orders, or guidance.

3. ***Land Use Zone 2 Restrictions.*** No land use in Land Use Zone 2 shall violate the height restrictions set forth in Section IV.B. or the general restrictions contained in Section V.B.1.

SECTION VI. AIRPORT ZONING LIMITS AND CRYSTAL AIRPORT ZONING MAP

- A. **Airspace Zoning Limits.** Exhibit D – Airport Boundary and Airspace Zoning Limits and Exhibit E – Airport Boundary and Airspace Contours, attached hereto and made a part hereof, show these limits.
- B. **Land Use Zoning Limits.** Exhibit F – Airport Boundary and Land Use Zoning Limits, attached hereto and made a part hereof, shows these limits.
- C. **Crystal Airport Zoning Map.** The locations and boundaries of the Airspace Surfaces, Airspace Zones, Land Use Zones, and the Maximum Construction Heights without an Airport Zoning Permit established by this Crystal Airport Zoning Ordinance are set forth on the Crystal Airport Zoning Map consisting of 102 plates – Airspace Zones, Plates A-A2 to A-F6; Maximum Construction Heights Without Permit, Plates MCH-A2 to MCH-F6; and Land Use Zones, Plates SZ-A2 to SZ-F6 prepared by the Metropolitan Airports Commission, attached hereto and made a part hereof. These plates, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, heights, data, surface and zone boundaries, and other information thereon, shall be and the same are hereby adopted as part of this Crystal Airport Zoning Ordinance.

SECTION VII. NONCONFORMING USES

- A. **Crystal Airport Zoning Ordinance.** The provisions of this Crystal Airport Zoning Ordinance shall not be construed to require the removal, lowering, other change, or

alteration of any Nonconforming Structure or Tree, or otherwise interfere with the continuance of any Nonconforming Use. Nonconforming Structures and Nonconforming Uses are permitted under this Crystal Airport Zoning Ordinance, subject to the provisions in Section VIII. (Airport Zoning Permits) and Section IX. (Variances). Nothing herein contained shall require any change in the construction, alteration, or intended use of any Structure, the construction or alteration of which was begun prior to the Effective Date, and was diligently prosecuted and completed within 2 years of the Effective Date.

SECTION VIII. AIRPORT ZONING PERMITS

A. **Permit Required.** The following activities shall not take place on a Lot in any Airspace Zone or Land Use Zone unless an Airport Zoning Permit shall have been granted therefore by the Zoning Administrator for the jurisdiction in which the Lot is located.

1. ***Existing Structures.*** Except as specifically provided in Section VIII.B., no existing Structure shall be altered, changed, rebuilt, repaired, or replaced.
2. ***New Structures.*** Except as specifically provided in Section VIII.B., no Structure shall be newly constructed or otherwise established.
3. ***Nonconforming Structures.*** No Nonconforming Structure shall be replaced, substantially altered or repaired, or rebuilt.

B. **Exception To Permit Requirement.**

1. ***Maximum Construction Height Without A Permit.*** No Airport Zoning Permit shall be required for an existing Structure to be altered, changed, rebuilt, repaired, or replaced on a Lot, or for a new Structure to be constructed or otherwise established on a Lot, if the highest point on the Structure or on any equipment used to accomplish any of the foregoing activities, whichever is higher (measured in feet from curb level or from natural grade at a point 10 feet away from the front center of the Structure, whichever is lower) does not exceed the "maximum construction height above ground without an Airport Zoning Permit" shown for the Lot on the applicable Maximum Construction Heights Without Permit Plate in the Crystal Airport Zoning Map.
2. ***No Violation Of Height Or Land Use Restriction Permitted.*** Nothing in this Section VIII.B. shall be construed as permitting or intending to permit a

violation or a greater violation of any provision of this Crystal Airport Zoning Ordinance.

- C. **Permit Application.** An Airport Zoning Permit application for activities on a Lot shall be made in the manner and on the form established by the Zoning Administrator of the jurisdiction in which the Lot is located as designated in Section XI.B.
- D. **Permit Standard.** An Airport Zoning Permit shall be granted unless the Zoning Administrator determines that granting the permit (1) would allow a conforming Structure or use to violate any provision of this Crystal Airport Zoning Ordinance or (2) would permit a Nonconforming Structure or a Nonconforming Use to become a greater violation of any provision of this Crystal Airport Zoning Ordinance. Any Airport Zoning Permit may be granted subject to any reasonable conditions that the Zoning Administrator may deem necessary to effectuate the purpose of this Crystal Airport Zoning Ordinance. In making any determination, the Zoning Administrator need not give public notice of, or hold a public hearing on, the Airport Zoning Permit application or the determination.
- E. **Abandoned Or Deteriorated Nonconforming Uses.** Whenever a Zoning Administrator determines that a Nonconforming Structure, Nonconforming Use, or Tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no Airport Zoning Permit shall be granted that would allow such Nonconforming Structure, Nonconforming Use, or Tree to exceed the height restrictions of Section IV.B. or otherwise violate any provision of this Crystal Airport Zoning Ordinance. Whether application is made for an Airport Zoning Permit or not, a Zoning Administrator may order the owner of the abandoned, torn down, deteriorated, or decayed Nonconforming Structure, Nonconforming Use, or Tree at the owner's expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Crystal Airport Zoning Ordinance. In the event the owner shall neglect or refuse to comply with such order for 10 days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the Nonconforming Structure, Nonconforming Use, or Tree lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the Nonconforming Structure, Nonconforming Use, or Tree is, or was, located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% per

annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes, all as authorized by Minnesota Statutes § 360.067.

SECTION IX. VARIANCES

- A. **Variance Application.** Any Person desiring to use his or her property in violation of any provision of this Crystal Airport Zoning Ordinance, whether to construct or establish a new Structure; to alter, change, rebuild, repair, or replace an existing Structure; to allow a Tree to grow higher; to alter, repair, replace, or replant a Tree; or to otherwise use his or her property in violation of any provision of this Crystal Airport Zoning Ordinance, may apply to the Board of Adjustment for a variance from such provision. A variance application shall be made by sending the application on the form provided by the Board of Adjustment by certified United States Mail to (1) the members of the Board of Adjustment and (2) the Board of Adjustment at the mailing address specified in Section XII.C. The applicant shall also mail a copy of the application by regular United States Mail to the Zoning Administrator of the jurisdiction in which the Structure or property is located, as designated in Section XI.B. The Board of Adjustment may charge a fee for processing the application.
- B. **Failure Of Board To Act.** If the Board of Adjustment fails to grant or deny the variance within 4 months after the last Board member receives the variance application, the variance shall be deemed to be granted by the Board of Adjustment, but not yet effective. When the variance is granted by reason of the failure of the Board of Adjustment to act on the variance, the Person receiving the variance shall send notice that the variance has been granted by certified United States Mail to (1) the Board of Adjustment at the mailing address specified in Section XII.C. and (2) the Commissioner. The applicant shall include a copy of the original application for the variance with the notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner, subject to any action taken by the Commissioner pursuant to Minnesota Statutes § 360.063, subd. 6.a.
- C. **Variance Standard.** A variance shall be granted where it is found that a literal application or enforcement of the provisions of this Crystal Airport Zoning Ordinance would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance

with the spirit of this Crystal Airport Zoning Ordinance and Minnesota Statutes Chapter 360. Any variance granted may be granted subject to any reasonable conditions that the Board of Adjustment, or the Commissioner acting under Section IX.B., may deem necessary to effectuate the purpose of this Crystal Airport Zoning Ordinance or Minnesota Statutes Chapter 360.

SECTION X. HAZARD MARKING AND LIGHTING

- A. **Nonconforming Structure.** The Metropolitan Airports Commission may require the owner of any Nonconforming Structure to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Metropolitan Airports Commission to indicate the presence of the Structure to the operators of aircraft in the vicinity of the Airport. Such markers and lights shall be installed, operated, and maintained at the expense of the Metropolitan Airports Commission.
- B. **Permits And Variances.** Any Airport Zoning Permit or variance granted by a Zoning Administrator or the Board of Adjustment may, if such action is deemed advisable to effectuate the purpose of this Crystal Airport Zoning Ordinance and be reasonable in the circumstances, be granted subject to a condition that the owner of the Structure in question permit the Metropolitan Airports Commission, at its expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an Airport Hazard.

SECTION XI. ZONING ADMINISTRATOR

- A. **Duties.** It shall be the duty of each Zoning Administrator to administer and enforce the provisions of this Crystal Airport Zoning Ordinance. Applications for Airport Zoning Permits shall be made to a Zoning Administrator as provided herein. A Zoning Administrator may charge a fee for processing the application. Airport Zoning Permit applications shall be considered and acted upon by the Zoning Administrator in accordance with the provisions of this Crystal Airport Zoning Ordinance and within the timelines established by Minnesota Statutes § 15.99, as it may be amended. The Zoning Administrator shall remind each applicant that it is the responsibility of the applicant to record any conditions of an Airport Zoning Permit, if required by law.

- B. **Designated Zoning Administrators.** For the purpose of this Crystal Airport Zoning Ordinance, the Zoning Administrator shall be the official entitled as follows: the Crystal Zoning Administrator for lands located in the City of Crystal; the Brooklyn Park Zoning Administrator for lands located in the City of Brooklyn Park; the Brooklyn Center Zoning Administrator for lands located in Brooklyn Center; the Minneapolis Zoning Administrator for lands located in Minneapolis; the New Hope Zoning Administrator for lands located in New Hope; and the Robbinsdale Zoning Administrator for lands located in Robbinsdale. In the event that 1 or more of the above-described Zoning Administrators fails to administer or enforce this Crystal Airport Zoning Ordinance as provided by law, the Crystal Airport Joint Airport Zoning Board hereby appoints the Metropolitan Airports Commission to administer or enforce this Crystal Airport Zoning Ordinance in the municipality or municipalities. If any official position designated above as a Zoning Administrator ceases to exist or to perform or serve its present function, the successor position as designated by the applicable entity shall become the Zoning Administrator for that entity and shall perform or serve such functions.

SECTION XII. BOARD OF ADJUSTMENT

- A. **Establishment Of Board And Selection Of Chair.** There is hereby established a Board of Adjustment that shall consist of 5 members appointed by the Metropolitan Airports Commission, and each shall serve for a term of 3 years and until a successor is duly appointed and qualified. Of the members first appointed, 1 shall be appointed for a term of 1) year, 2 for a term of 2 years, and 2 for a term of 3 years. Upon their appointment, the members shall select a chair to act at the pleasure of the Board of Adjustment. Members shall be removable by the Metropolitan Airports Commission for cause, upon written charges, after a public hearing.
- B. **Board Powers.** The Board of Adjustment shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by any Zoning Administrator or the Metropolitan Airports Commission in the enforcement of this Crystal Airport Zoning Ordinance and to hear and grant or deny variances.
- C. **Board Procedures.**
1. ***Rules, Meetings, And Records.*** The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Crystal Airport Zoning Ordinance. Meetings of the Board of Adjustment shall be held

at the call of the chair and at such other times as the Board of Adjustment may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the offices of the Metropolitan Airports Commission and the Zoning Administrator of the jurisdiction in which the affected Structure or Lot is located, and shall be a public record.

2. ***Written Findings And Conclusions.*** The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in affirming, modifying, or reversing an order, requirement, decision, or determination of a Zoning Administrator or the Metropolitan Airports Commission and in granting or denying a variance.
3. ***Majority Vote Required.*** The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to affirm, modify, or reverse an order, requirement, decision, or determination of a Zoning Administrator or the Metropolitan Airports Commission, to decide to grant or deny a variance, or to act on any other matter upon which the Board of Adjustment is required to pass under this Crystal Airport Zoning Ordinance.
4. ***Mailing Address.*** The mailing address for the Board of Adjustment is:
Crystal Airport Zoning Ordinance Board of Adjustment
c/o Executive Director
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, MN 55450

SECTION XIII. APPEALS

- A. **Who May Appeal.** Any Person aggrieved, or any taxpayer affected by any order, requirement, decision, or determination of a Zoning Administrator made in administration of this Crystal Airport Zoning Ordinance may appeal to the Board of

Adjustment. Such appeals may also be made by any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that an order, requirement, decision, or determination of a Zoning Administrator is an improper application of this Crystal Airport Zoning Ordinance as it concerns such governing body or board.

- B. **Commencement Of Appeals.** All appeals hereunder must be commenced within 30 days of a Zoning Administrator's decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment the notice of appeal and all papers constituting the record upon which the order, requirement, decision, or determination appealed from was taken.
- C. **Stay Of Proceedings.** An appeal shall stay all proceedings in furtherance of the order, requirement, decision, or determination appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.
- D. **Appeal Procedures.** The Board of Adjustment shall fix a reasonable time for hearing an appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in Person, by agent, or by attorney.
- E. **Decision.** The Board of Adjustment may, in conformity with the provisions of Minnesota Statutes Chapter 360 and this Crystal Airport Zoning Ordinance, affirm or reverse, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances and, to that end, shall have all the powers of a Zoning Administrator.

SECTION XIV. JUDICIAL REVIEW

Any Person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment or any action of the Commissioner taken under Minnesota Statutes 360.063, subd. 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion that an

order, requirement, decision, or determination of the Board of Adjustment or action of the Commissioner is illegal, may seek judicial review as provided in Minnesota Statutes § 360.072. The petitioner must exhaust the remedies provided in this Crystal Airport Zoning Ordinance before availing himself or herself of the right to seek judicial review as provided by this Section XIV.

SECTION XV. PENALTIES AND OTHER REMEDIES

Every Person who violates any provision of this Crystal Airport Zoning Ordinance, any zoning approval granted hereunder, any condition of any zoning approval granted hereunder, or any order, requirement, decision, or determination of a Zoning Administrator or the Board of Adjustment shall be guilty of a misdemeanor and shall be punished by a fine, imprisonment, or both of not more than the fine and imprisonment established for misdemeanors by state law. Each day a violation continues to exist shall constitute a separate offense for the purpose of the penalties and remedies specified in this section. This Crystal Airport Zoning Ordinance may also be enforced through such proceedings for injunctive relief and other relief as may be proper under Minnesota Statutes § 360.073, as it may be amended, and other applicable law.

SECTION XVI. RELATION TO OTHER LAWS, REGULATIONS, AND RULES

- A. **Compliance Required.** In addition to the requirements of this Crystal Airport Zoning Ordinance, all Structures, Trees, and uses shall comply with all other applicable city, local, regional, state, or federal laws, regulations, and rules, including Minnesota Statutes §§ 360.81-360.91 – Regulation Of Structure Heights, Minnesota Rules 8800.1100 – Regulation Of Structure Heights, and 14 Code of Federal Regulations Part 77 – Objects Affecting Navigable Airspace.
- B. **Conflicts With Other Regulations.** Where a conflict exists between any provision of this Crystal Airport Zoning Ordinance and any city, local, regional, state, or federal law, regulation, or rule applicable to the same area, whether the conflict be with respect to the height of Structures or Trees, the use of land, or any other matter, the more stringent law, regulation, or rule shall govern and prevail.
- C. **Current Versions And Citations.** All references to city, local, regional, state, and federal laws, regulations, and rules in this Crystal Airport Zoning Ordinance are intended to refer to the most current version and citation. If such references are no longer valid due to repeal or renumbering, the new laws, regulations, or rules intended to replace those cited, regardless of the citation, shall govern.

SECTION XVII. SEVERABILITY

- A. **Effect Of Taking.** In any case in which the provisions of this Crystal Airport Zoning Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular Structure, Lot, or Tree to such an extent, or to be so onerous in their application to such a Structure, Lot, or Tree, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Crystal Airport Zoning Ordinance as to other Structures, Lots, and Trees, and, to this end, the provisions of this Crystal Airport Zoning Ordinance are declared to be severable.
- B. **Validity Of Remaining Provisions.** Should any section or provision of this Crystal Airport Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Crystal Airport Zoning Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVIII. EFFECTIVE DATE

This Crystal Airport Zoning Ordinance shall take effect on the 1st day of January, 2024. Copies thereof shall be filed with the Commissioner and the Registers of Deeds for Hennepin County, Minnesota.

Passed and adopted after public hearings by the Crystal Airport Joint Airport Zoning Board this 8th day of November, 202~~3~~.



I hereby certify that this is a complete, true, and correct copy of the *Crystal Airport Zoning Ordinance* as adopted by the Crystal Airport Joint Airport Zoning Board on November 8, 2023.

Richard Weyrauch
Richard Weyrauch, Chair
Crystal Airport Joint Airport Zoning Board

Date: NOV 8, 2023

Rebecca Townsend
Rebecca Townsend, Secretary
Crystal Airport Joint Airport Zoning Board

Date: Nov 8, 2023

Subscribed and sworn to before me this 8th day of November, 202~~3~~³ by Richard Weyrauch and Rebecca Townsend, Chair and Secretary respectively, of the Crystal Airport Joint Airport Zoning Board.

State of Minnesota
County of Hennepin

Andrew Martin Hanson
Notary Public



Drafted by Crystal Airport Joint Airport Zoning Board

EXHIBIT A – AIRPORT BOUNDARY

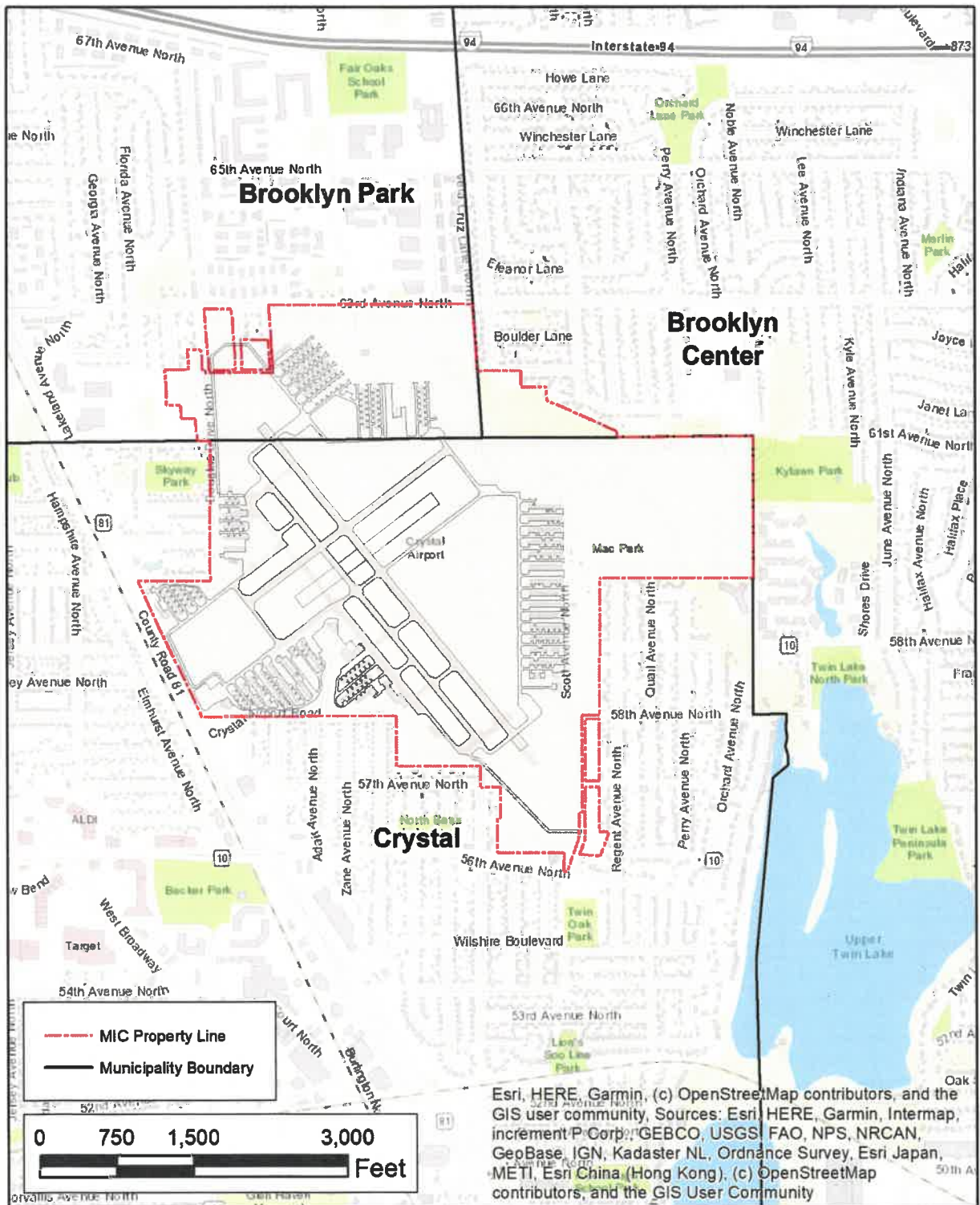


EXHIBIT B – JAZB LAND USE ZONE 1

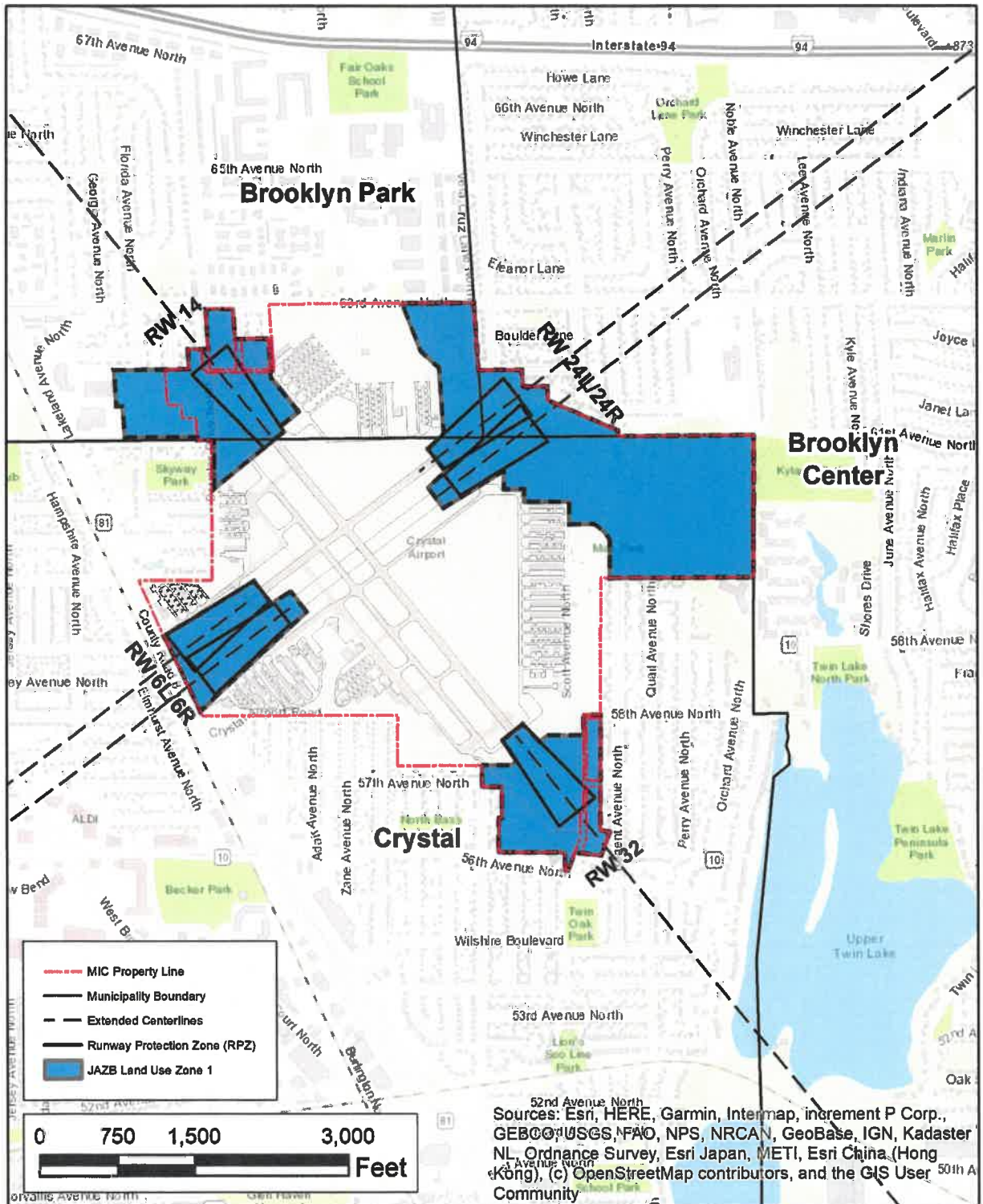


EXHIBIT C – JAZB LAND USE ZONE 2

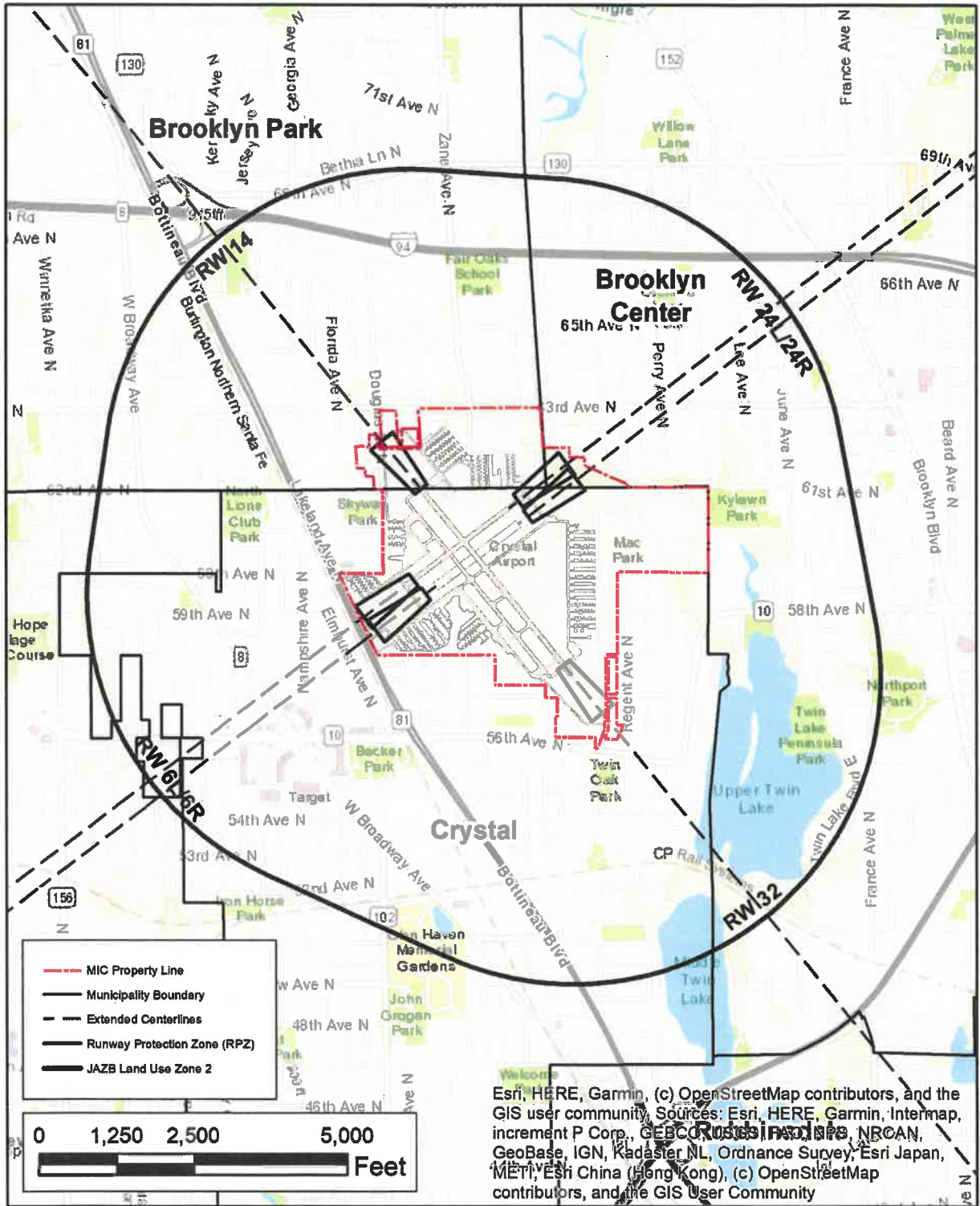


EXHIBIT D – AIRPORT BOUNDARY AND AIRSPACE ZONING LIMITS

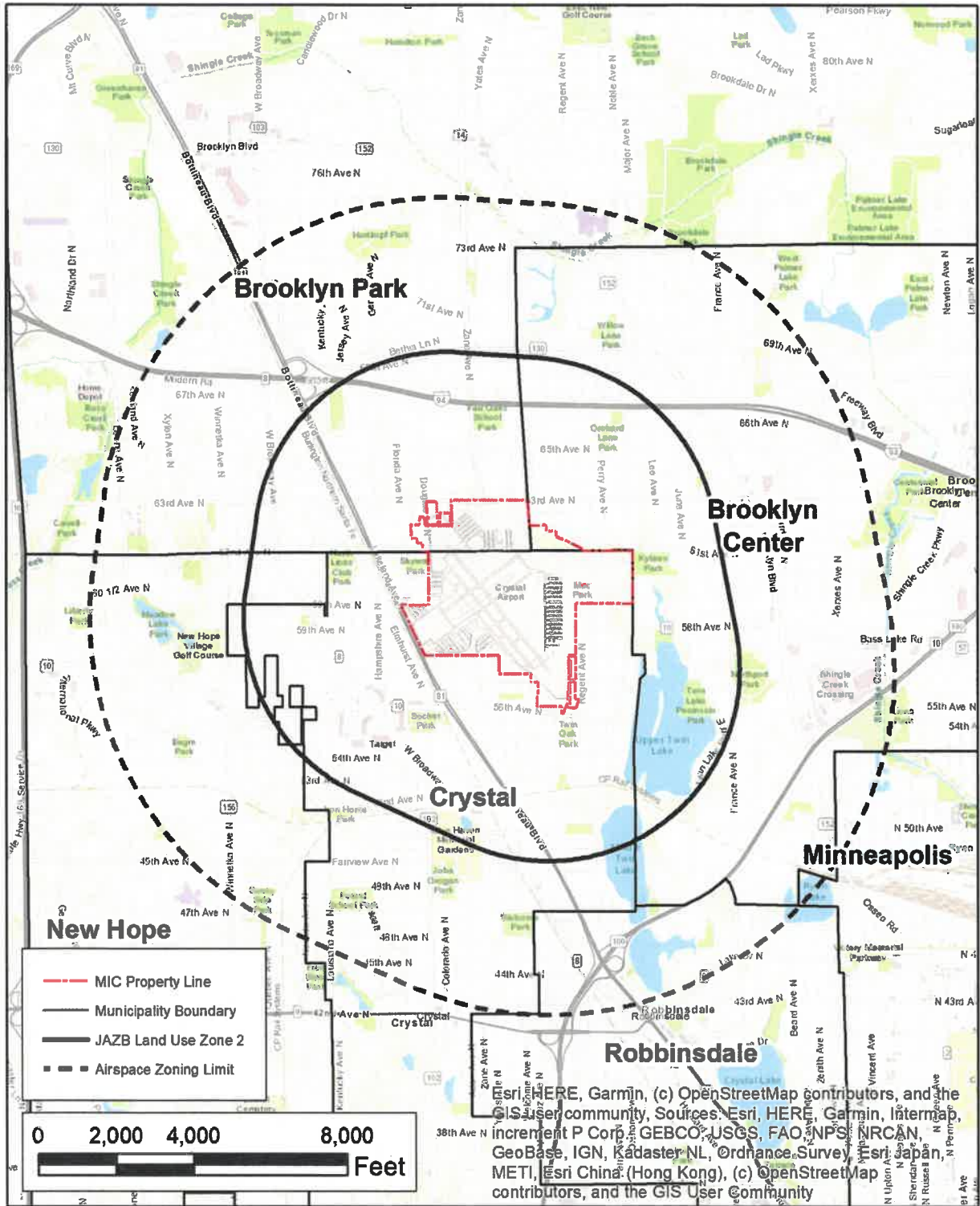


EXHIBIT E – AIRPORT BOUNDARY AND AIRSPACE CONTOURS

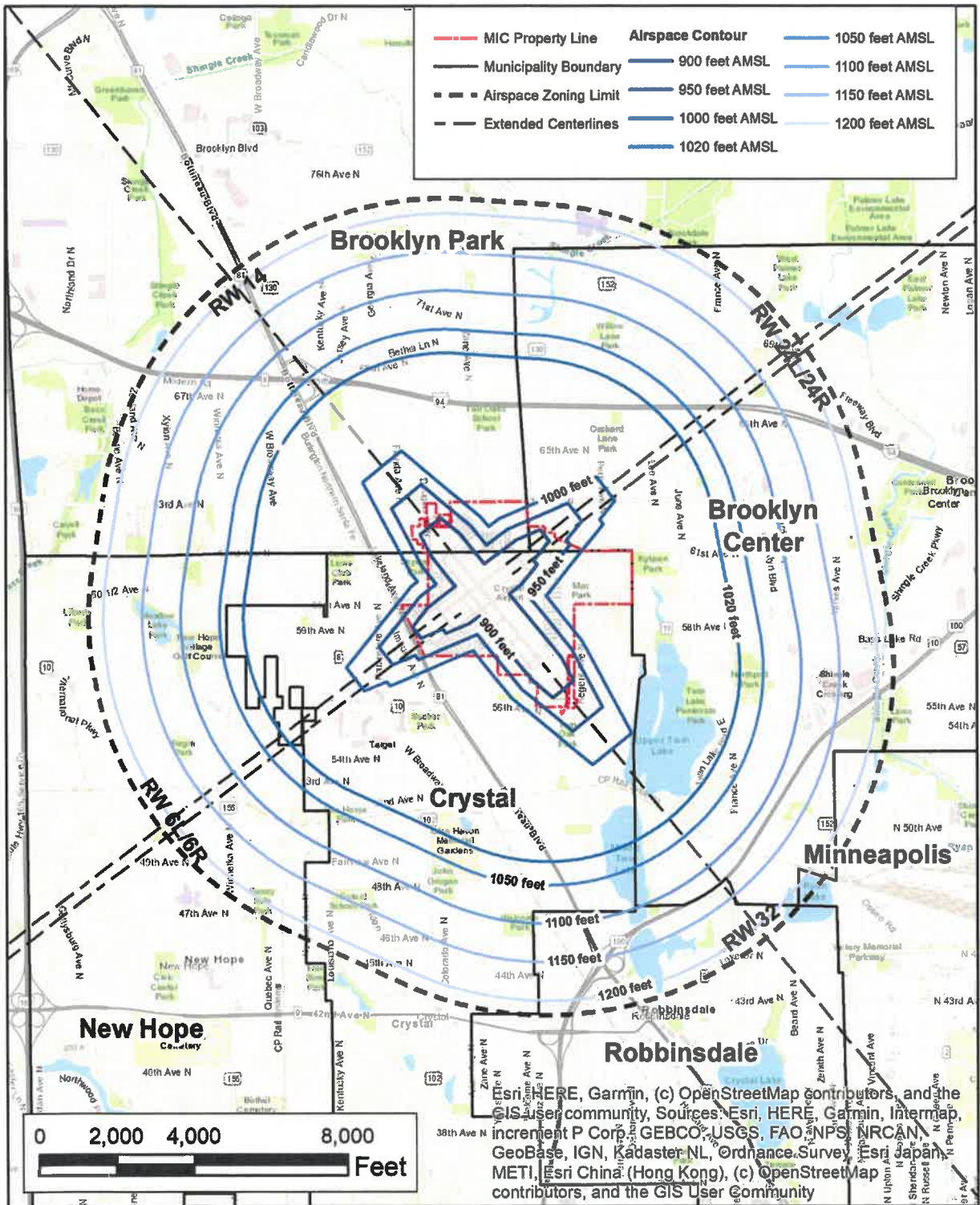
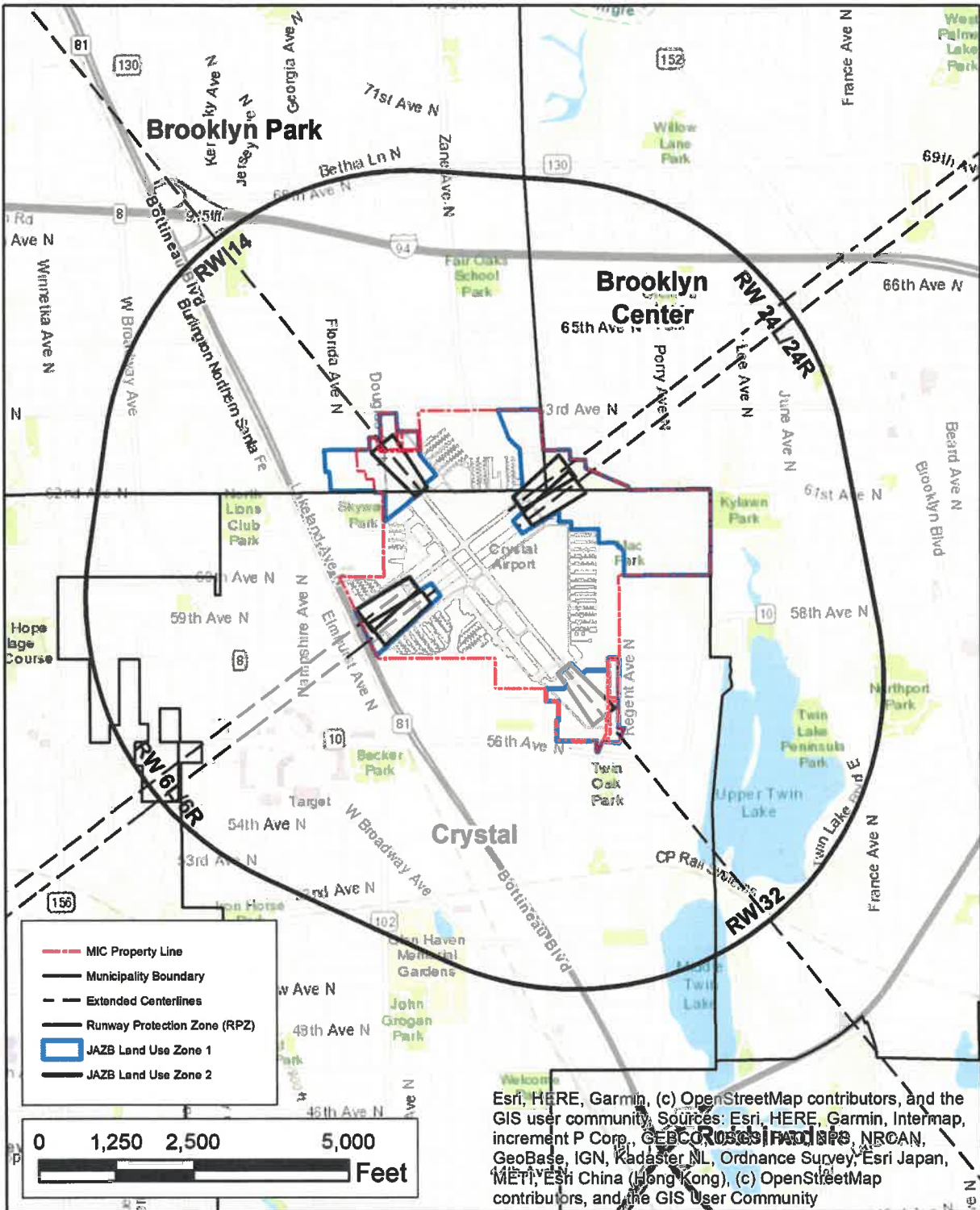
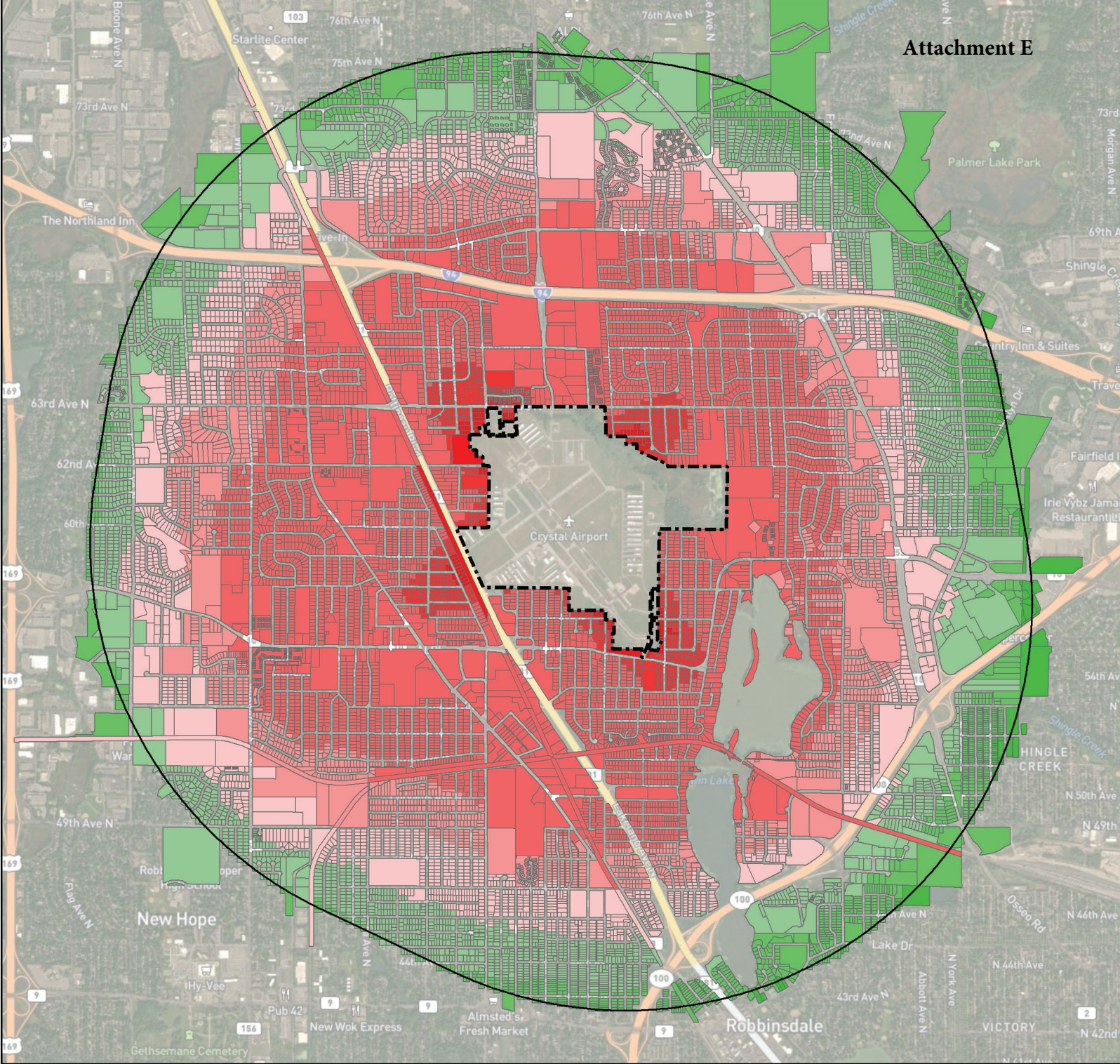


EXHIBIT F – AIRPORT BOUNDARY AND LAND USE ZONING LIMITS



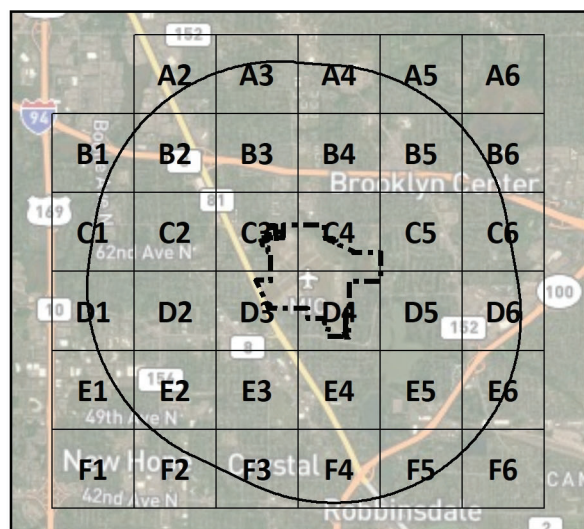
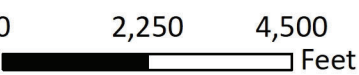
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

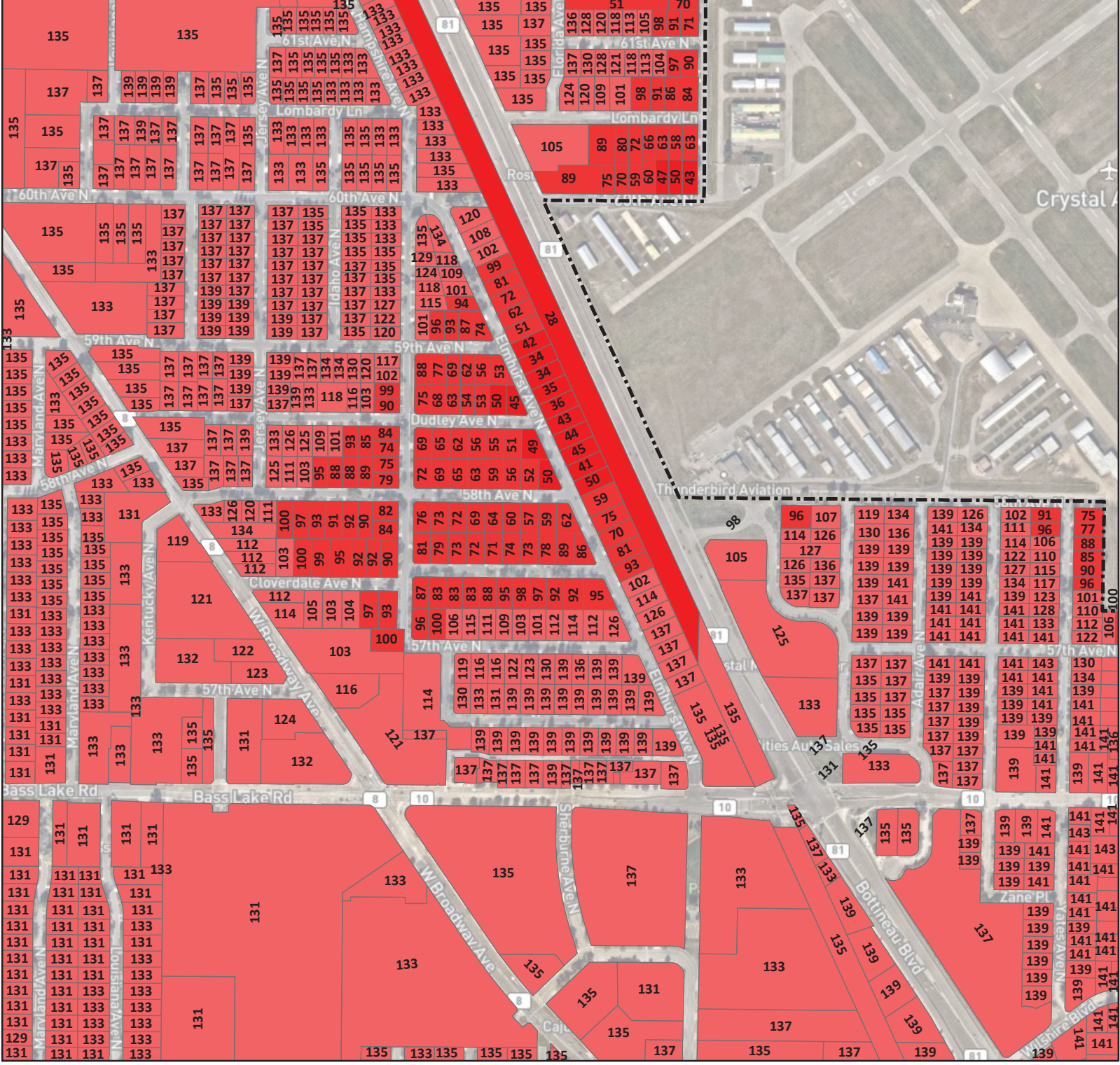


MIC Maximum Construction Heights Without Permit

MCH - Index Sheet

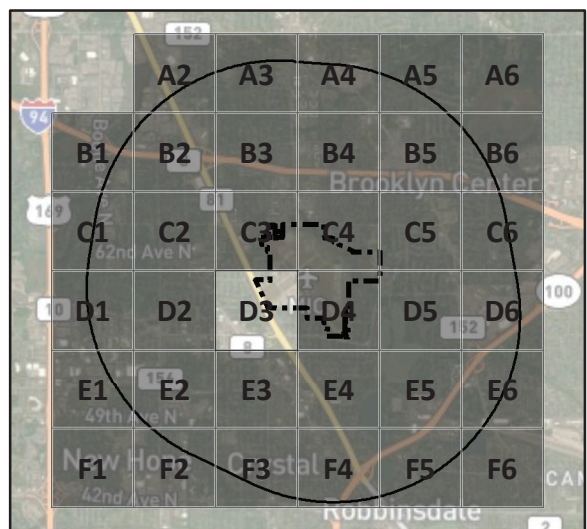
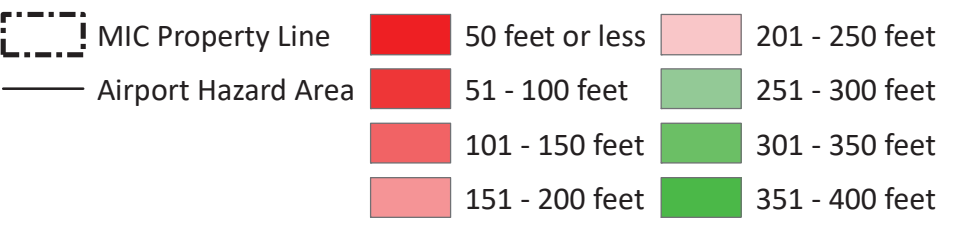
- MIC Property Line
- Airport Hazard Area
- 50 feet or less
- 51 - 100 feet
- 101 - 150 feet
- 151 - 200 feet
- 201 - 250 feet
- 251 - 300 feet
- 301 - 350 feet
- 351 - 400 feet

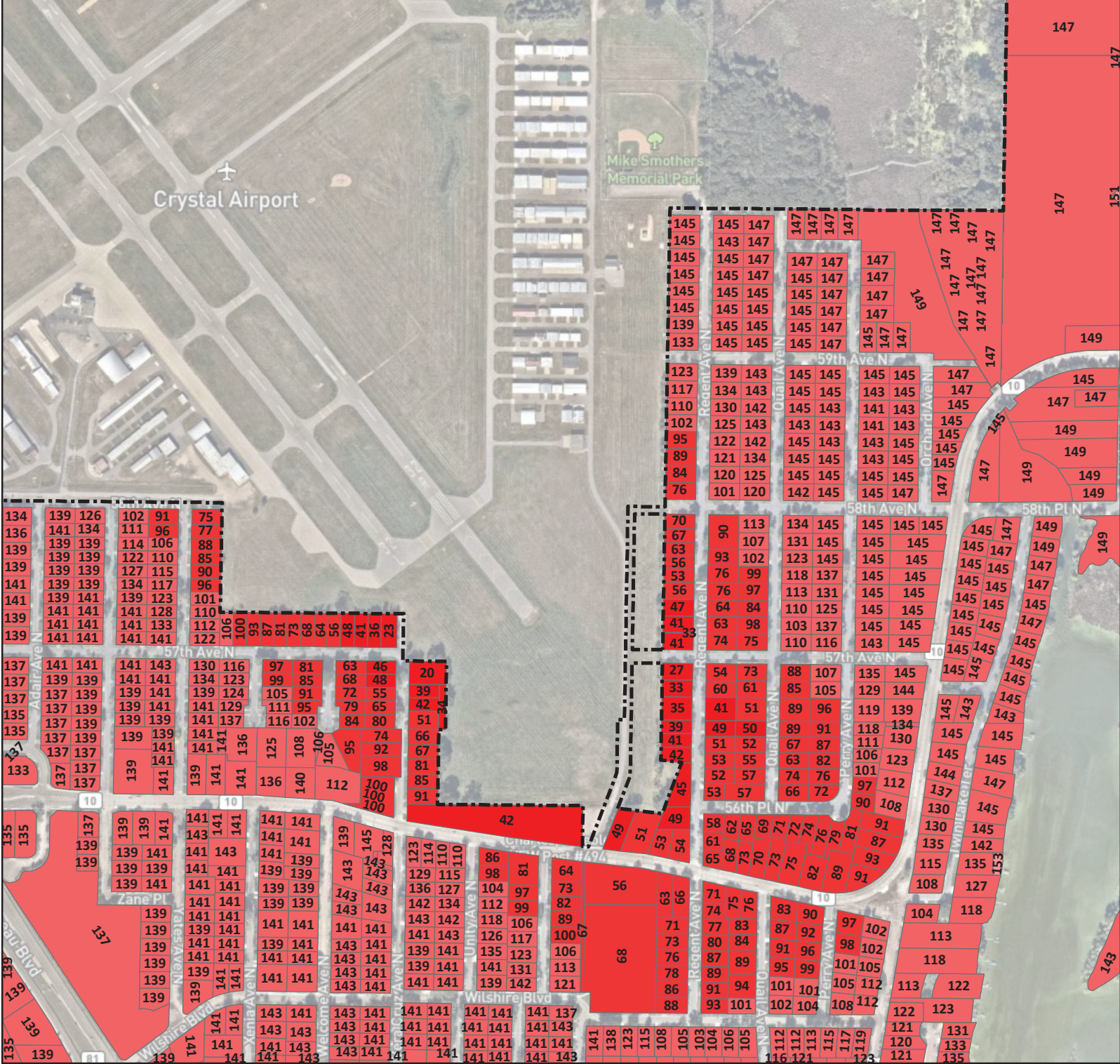




MIC Maximum Construction Heights Without Permit

MCH - D3

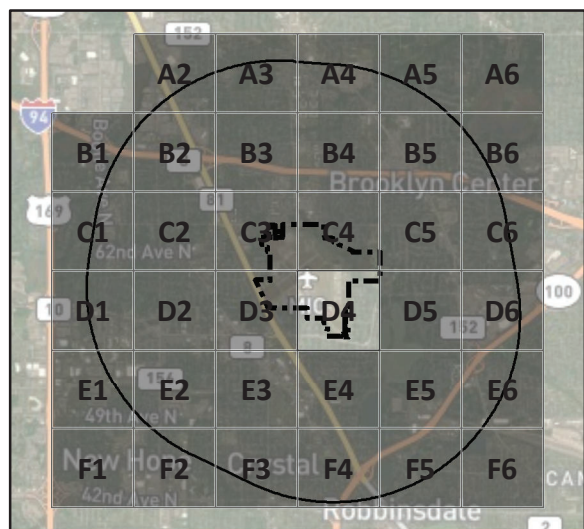




MIC Maximum Construction Heights Without Permit

MCH - D4

- MIC Property Line
- Airport Hazard Area
- 50 feet or less
- 51 - 100 feet
- 101 - 150 feet
- 151 - 200 feet
- 201 - 250 feet
- 251 - 300 feet
- 301 - 350 feet
- 351 - 400 feet





Attachment F

Planning Commission Meeting

March 11, 2024

**Public Hearing: Amend
Official Zoning Map**



CITY of CRYSTAL

Amend Official Zoning Map

- The Crystal Airport Zoning Ordinance (AZO) was recently adopted by the Joint Airport Zoning Board (JAZB) and went into effect on January 1, 2024.
- State statute does not require that the ordinance be included in the Unified Development Code (UDC).
 - *As allowed by city code, City Council approved the inclusion of the ordinance as an appendix to city code*
- State statute requires the city to amend its official zoning map to reflect the airport safety zones in the ordinance.
 - Zone 1: Same boundary as the Airport district
 - Zone 2: Primarily regulates structure height
 - Air Space: Extends to the surrounding cities and regulates interference with airport operations

Ordinance Background

- JAZB was formed in 2021 by the Metropolitan Airports Commission (MAC) to update the 1983 ordinance.
 - *JAZB consisted of representatives from Crystal, Brooklyn Park, Brooklyn Center, New Hope, Robbinsdale and Minneapolis*
- MAC held a public hearing in April, 2023. After approval by MnDOT, the airport zoning ordinance (AZO) was adopted by the JAZB and went into effect on January 1, 2024.

Ordinance Administration

Two issues received the most discussion during the ordinance approval process:

1. Tree removal.

AZO requires that trees that project into airspace be trimmed or removed.

2. Additional Review of New Structures.

AZO requires additional review, including in some cases FAA review, for some new structures.

Tree Removal

AZO requires that trees that project into airspace be trimmed or removed. The city has not been involved in enforcement of these provisions in the past, and the AZO does not require the city to be involved in the future.

- ✓ *The ordinance language doesn't require the city to order removal of trees on private property.*
- ✓ *MAC may continue to do so by direct discussion with property owners as it has in the past.*

Additional Review of New Structures

There was concern during the ordinance adoption process that new structures would go through a burdensome review process.

There are two tools for determining a structure's impact:

- *Grid maps. The maps provide the maximum height of a structure for each property within zone 2 (approximately one mile radius).*
- *FAA online tool. The tool reviews a larger area (up to 4 miles) around the airport for conflicts with reflectivity and signal interference.*

Staff has determined that in nearly all cases for properties in the R-1 district, no additional review would be required.

Rooftop Solar Panels

Staff has received written conformation from MAC that rooftop solar panels do not require any review under the AZO if they do not exceed the maximum height (roof peak) of the existing structure.

In the unlikely event that they do exceed the height of the roof peak, then the standard review procedures would apply (next two slides).

Other Construction Not Needing FAA Review

New structures do not need additional review if they do not exceed the height of existing structures on the property.

If they do exceed such height, they would still not need additional review if the new structure is shielded from the airport by something else (tree, other building, etc.) and the new structure does not exceed the maximum height on the grid maps.

Nearly all construction would meet either of these tests.

Structures not needing additional review.

Structure does not exceed height of other structures on the property

Or

Structure is shielded from the airport by a natural or manmade object

And

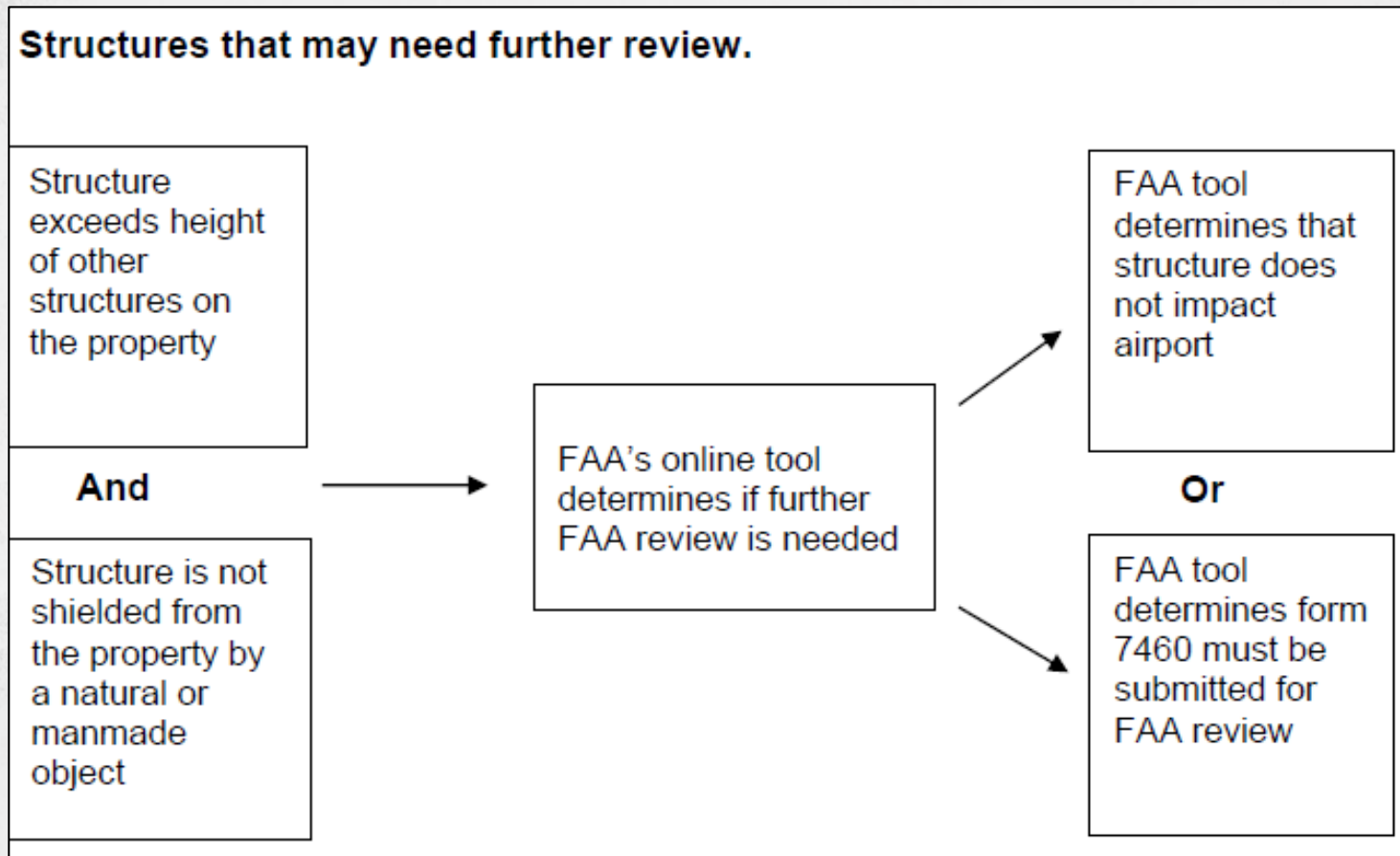
Structure does not exceed the maximum structure height on the grid maps

No additional review by MAC or FAA is required



Construction Needing Review

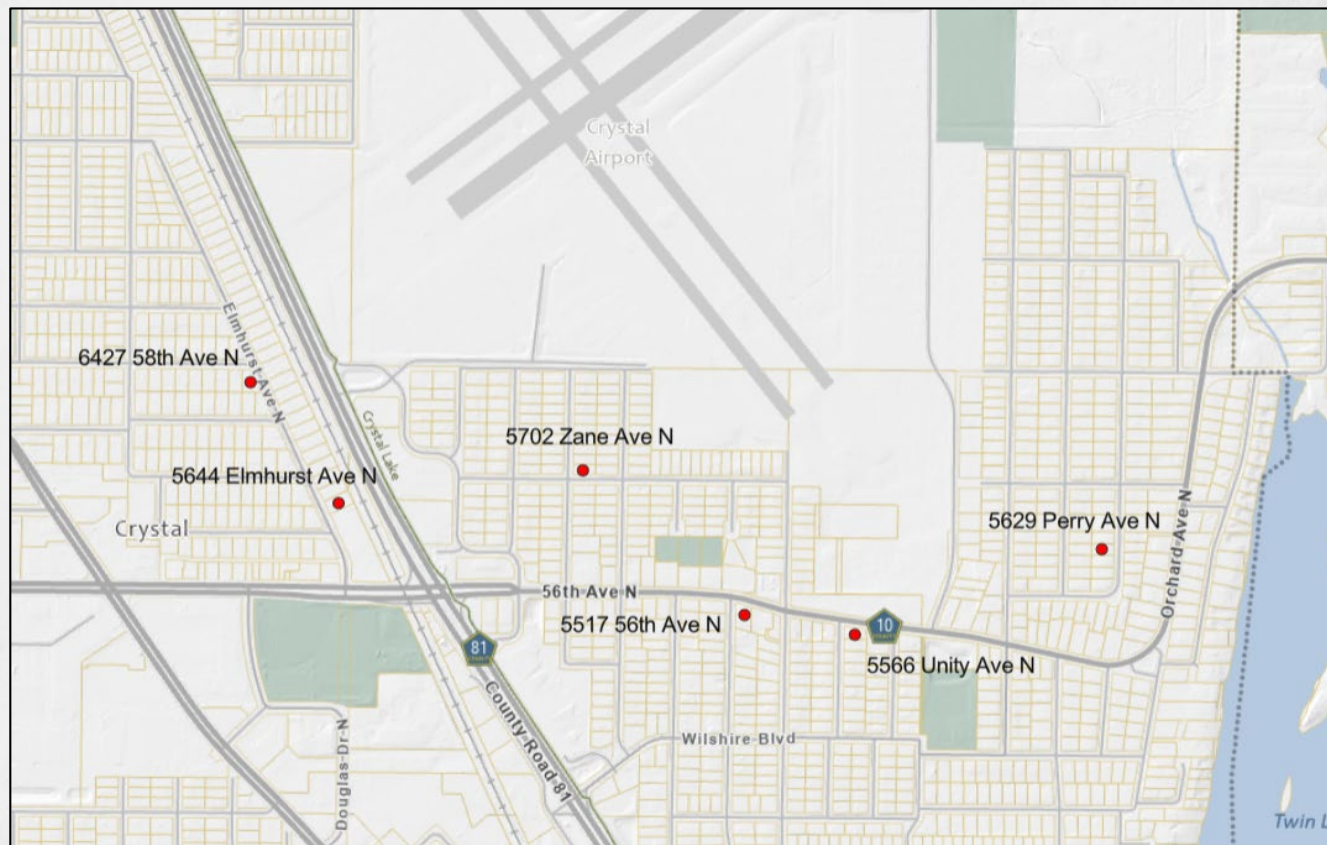
In the rare case when a new structures needs additional review, the FAA tool will determine whether FAA Form 7460 must be submitted for a formal FAA determination. Based on city staff testing the tool using multiple locations, a determination to require submittal of Form 7460 would be extremely rare.



Site-Specific Examples

Examples on the following slide:

- All examples are for a 2-story addition to a single-family home
- Maximum height of the addition is 32' per R-1 zoning
- Six examples are taken from the three neighborhoods surrounding the airport



Address	Neighborhood	Max height on grid map	Existing home type	MAC/FAA review needed?	Notes
5702 Zane Ave N	Skyway	141'	Single-story	No	1. Addition does not exceed grid map height 2. Large tree shields addition from the airport
5629 Perry Ave N	Skyway	87'	Split level	No	Same as 5702 Zane
5644 Elmhurst Ave N	Lions Parks	137'	Single-story	No	Same as 5702 Zane
6427 - 58th Ave N	Lions Park	62'	Single-story	No	Same as 5702 Zane
5566 Unity Ave N	Twin Oaks	86'	Single-story	No	Same as 5702 Zane
5517 - 56th Ave N	Twin Oaks	139'	Single-story	No	Same as 5702 Zane

Staff Recommendation

Approve the proposed amendment to the official zoning map

Planning Commission Action Requested

- Hold the public hearing to receive comments
- Consider recommending approval of official zoning map amendment

Next Steps

- City Council first reading on March 19
- City Council second reading and adoption on April 2
- Publication on April 11
- Effective Date May 2