

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Council Members Benson, Colvin Roy, Glidden, and Hodges

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.10 (6) of the Minneapolis Code of Ordinances be amended to read as follows:

521.10. Establishment of zoning districts. In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

- (6) *Overlay Districts.*
NP North Phillips Overlay District
AP Airport Overlay District

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to zoning: Regulations of General Applicability

The City Council of the City of Minneapolis do ordain as follows:

Section 2. That Section 535.60, Height near airport be and is hereby repealed.

~~535.60. Height near airport. The following special height limitations shall apply to areas within two (2) miles of the boundary lines of Minneapolis—St. Paul International Airport, except where the primary zoning district is more restrictive:~~

- ~~(1) — Within seven thousand five hundred (7,500) feet of the nearest airport runway boundary, no structure, object of natural growth or portion thereof shall exceed a height of twenty five (25) feet or one (1) foot for each fifty (50) feet that such structure or object is located away from such runway boundary, whichever height is greater.~~
- ~~(2) — Between seven thousand five hundred (7,500) feet and two (2) miles from the nearest airport runway boundary, no structure, object of natural growth or portion thereof shall exceed a height of one hundred fifty (150) feet.~~

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 3. That Section 551.20 of the Minneapolis Code of Ordinances be amended to read as follows:

- NP North Phillips Overlay District
AP Airport Overlay District

Section 4. That Chapter 551 of the Minneapolis Code of Ordinances be amended by adding a new Article XV to read as follows:

ARTICLE XV AP AIRPORT OVERLAY DISTRICT.

551.1070 Purpose. The AP Overlay District is established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance (hereinafter 2004 MSP Zoning Ordinance) and to provide for the acoustical integrity of Metropolitan Airports Commission (MAC) insulated homes in the MSP noise impact area. The 2004 MSP Zoning Ordinance, pursuant to the provisions and authority of Minnesota Statutes Section 360.063, whenever more restrictive than the underlying code takes precedent within areas of the City of Minneapolis 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 Minneapolis. It is the purpose of the AP Overlay District to protect the public health, safety, 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.

551.1080 Established boundaries. The AP Overlay District shall apply to all land within the City of Minneapolis designated as Safety Zone A, Safety Zone B, and Safety Zone C in the 2004 MSP Zoning Ordinance, and those areas within airspace zones subject to height limitation restrictions identified on the 2004 MSP Airspace Zone Maps. In addition, a sub-district of noise impacted homes is established of that area of homes which has received a 5dB noise reduction treatment through sound insulation more generally described as blocks included within or intersected by the 1996 65 DNL contour and the 2007 63 and 64 DNL contours where a 5 dB treatment has been or is scheduled to be implemented; and for that area encompassed by the 2007 60, 61 and 62 DNL contours.

551.1090 Definitions. The following terms shall have the following definitions for the purpose of this section:

Additions. Any extension or expansion of an existing building footprint, including any increase of year around habitable indoor space, occupancy or use.

Appurtenance. The visible, functional, or ornamental objects accessory to and part of a building not normally occupied by people including garages and accessory buildings; and other unconditioned spaces including screen porches, gazebos, decks.

Central air conditioning. An air conditioning system which uses ducts to distribute cooled and/or dehumidified air to more than one room, or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into a standard electrical outlet. With a typical split system, the compressor and condenser are located in an outdoor unit; the evaporator is mounted in the air handling unit (which is often a forced air furnace). With a package system, all components are located in a single outdoor unit that may be located on the ground or roof.

Consent Decree. The Consent Decree signed on October 19, 2007 by Judge Stephen C. Aldrich of the Minnesota District Court, 4th Judicial District in that action entitled City of Minneapolis et al v. Metropolitan Airports Commission et al.

dB_A. A unit of sound pressure level weighted by use of the A metering characteristics and weighting as specified in the American national standards institute specification for sound level meters (ANSI S1.4-1983), which is hereby incorporated by reference. "dB_A" is also referred to as an A-weighted decibel.

Established Residential Neighborhood in a Built Up Urban Area. A low density residential structure or isolated low density residential lot which existed on or before January 1, 1978, and all other land uses which existed on or before June 30, 1979. These areas are as set forth in Exhibit B of the MSP Airport Zoning Ordinance by legal description and are shown on Exhibit C of said Ordinance.

Infill development. A vacant parcel or parcels of land proposed for development of uses similar to or less noise sensitive than the surrounding developed parcels including, but not limited to a new house on a vacant lot in a residential neighborhood.

L_{dn} or DNL. The day-night average level, or the twenty four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten (10) dB_A to sound levels measured from ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

Major development. A parcel of land greater than two-and-a-half (2.5) acres with existing structures which are proposed to be extensively rehabilitated or demolished for different uses. For example, demolition of an entire block of old residential, office and hotel buildings for new housing, office, commercial uses or conversion of warehouse to office and commercial uses.

Mechanical ventilation. Controlled, purposeful introduction of outdoor air to the conditioned space. The primary purpose of a whole-house mechanical ventilation system in a home is to provide, throughout the habitable and conditioned space, a controlled amount of unpolluted outside air for indoor pollutant dilution and removal, for the sensory satisfaction of occupants and to control interior moisture and indoor air quality.

New development. A vacant parcel or parcels of land in excess of one (1) acre or requested to be rezoned for development. For example, a residential subdivision, industrial park or shopping center.

Reconstruction of existing structures. Replacing an existing building to accommodate the same use that existed before destruction or reconstruction, including indoor occupancy and use.

Runway protection zone. An area off the runway end (formerly clear zone) used to enhance the protection of people and property on the ground.

Sound attenuation. The reduction in sound level which occurs between the source and receiver by means of construction methods and materials.

Sound transmission class (STC). A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element based on laboratory testing. The higher the STC, the more attenuation the building element will afford. Sound transmission loss performance shall be tested per American Society of Testing Materials (ASTM) E90 and STC rating method per ASTM E413. The same data shall be used to determine the A-weighted Noise Level Reduction (ANLR). The testing laboratory shall be certified by the National Institute of Science and Technology's, "National Voluntary Laboratory Accreditation Program" (NVLAP).

1996 Block Completion Map with 5 dB DNL Contours. The map depicting blocks with homes that are within or touched by the DNL 65-75 contours which were eligible for the 5 dB insulation package under the Metropolitan Airports Commission Part 150 Noise Mitigation Program and is incorporated herein by reference.

2007 Settlement Map with 1 dB DNLC contours. The 2007 map of mitigated contours depicting city blocks with homes that are within or touched by the DNL 60-64 contours and as shown as Appendix A of the Consent Decree. This map is incorporated herein by reference.

551.2000 Incorporation by Reference – The provisions contained in 551.2000 to 551.2040 are drawn from the Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance as amended April 29, 2004 together with Exhibits A-F which are incorporated herein by reference and are available at the City Clerk's office in Minneapolis City Hall and at the Hennepin County Recorder's Office.

551.2010 General Restrictions. No use shall be made of any land in any of the Safety Zones A, B or C that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights or other lights, results in glare in eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

All permitted, conditional, and interim principal and accessory uses allowed in the primary zoning district are allowed in the AP Overlay District with the exception of the following prohibited uses:

- (a) Within the portion of the AP Overlay District designated as Safety Zone A as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-8, SZ-9, SZ-10, and SZ-11 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. For all runways, Safety Zone A is a trapezoidal shape beginning two hundred (200) feet off the end of the runway pavement and which is one thousand (1,000) feet wide centered on the runway centerline extended two thousand five hundred (2,500) feet outward and shall be at that point one thousand seven hundred fifty (1,750) feet wide centered on the runway centerline extended. Safety Zone A conforms to the federally described Runway Protection Zone for precision instrument runways.
- (b) Within the portion of the AP 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-Plates SZ-8, SZ-9, and SZ-10, the following uses are prohibited unless a variance permitting the use is granted by the MSP Board of Adjustment established by the 2004 MSP Zoning Ordinance:
 - (1) Amphitheaters
 - (2) Campgrounds
 - (3) Churches
 - (4) Fuel storage tank farms
 - (5) Above-ground fuel tanks
 - (6) Gasoline stations
 - (7) Hospitals
 - (8) Nursing homes

- (9) Residential uses (including low, medium and high density residential uses) except in an Established Residential Neighborhood In A Built-up Urban Area
- (10) Schools
- (11) Stadiums
- (12) Theaters
- (13) Trailer courts
- (14) 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.

Safety Zone B is coincident with the outer boundary of Safety Zone A and extends uniformly outward for a distance of four thousand five hundred (4,500) feet to an ultimate width of three thousand one hundred (3,100) feet centered on the runway centerline extended.

- (C) Within the portion of the AP Overlay District designated as Safety Zone C as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-2, SZ-3, SZ-4, SZ-7, SZ-8, SZ-9, and SZ-10, the general use restrictions applicable to all Safety Zones apply.

551.2020 Exemptions Those portions of the AP Overlay District identified as Established Residential Neighborhood In a Built Up Urban Area and shown on MSP Zoning Maps Plates E-2, E-3,E-4,E-5, E-6, E-7, E-8, E-9, and E-10 are subject to the following exemptions:

(1) A low density residential structure or isolated low density residential lot which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before January 1, 1978, and all other land uses which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before June 30, 1979, shall be subject to the height restrictions and general use restrictions, but shall not be subject to the use restrictions of Safety Zones A or B. In addition such structure, lot or use shall be deemed a conforming use that shall not be prohibited under the 2004 MSP Zoning Ordinance.

(2) In Safety Zone B in an Established Residential Neighborhood in a Built Up Urban Area or in an area immediately adjacent to such a Neighborhood, existing low, medium, and high density residential uses may be improved and expanded and new low medium and high density residential uses may be developed subject to height restrictions, general use restrictions and noise attenuation requirements.

551.2030 Height - All structures in the AP Overlay District shall be subject to the height restrictions imposed by the 2004 MSP Zoning Ordinance or the Minneapolis Code of Ordinances, whichever is more restrictive and subject to the following:

- (1) *Airport Overlay District.* Except as necessary and incidental to MSP 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 anyway so as

to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plates A-1, A-2, A-3, A-4, A-7, A-8, A-9, and A-10

- (2) *Airport Permit.* Within the Airport Overlay District an airport zoning permit must be applied for and granted from the City of Minneapolis if the height of a proposed structure or tree exceeds the maximum construction height as shown on MSP Maximum Construction Heights Without a Permit-Plates MCH-1, MCH-2, MCH-3, MCH-4, MCH-7, MCH-8, MCH-9, and MCH-10.
- (3) *Other Notification and Permits.* The applicant is also subject to notification requirements and approvals of Minnesota Office of Aeronautics regarding notification criteria for airspace obstruction and Federal Aviation Administration's permitting and review for Notices of Proposed Construction (FAA Form-7460-8) as set forth in Code of Federal Regulations Title 14 Part 77. Note that both MnDOT Aeronautics and FAA criteria extend beyond the boundaries of the Airport Overlay District.

551.2040 2004 MSP Zoning Ordinance Use Variances - Within the AP Overlay

District, variances to allow uses listed as prohibited in the AP Overlay District that are granted by the MSP Board of Adjustment pursuant to the 2004 MSP Zoning Ordinance may only be established in the City of Minneapolis to the extent that they comply with all other provisions of the Minneapolis Code of Ordinances.

551.2050 Noise Attenuation- It is in the best interests of the City and of current and future residents that the integrity of all residential structures which have received a 5dB or other sound insulation package from the Metropolitan Airports Commission be maintained subject to the following:

(1) *Noise attenuation required - expansion.* Whenever construction of a habitable addition to a dwelling unit is undertaken which expands the habitable area of a dwelling unit which had previously received a 5db sound insulation package from the Metropolitan Airports Commission pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission, the construction must include installation of central air conditioning or mechanical ventilation for the expanded area. Such construction shall utilize materials with a sound transmission class (STC) rating of at least forty (40) in order to achieve similar noise attenuation in the expansion of the structure as existed in the principal structure prior to expansion.

(2) *Noise attenuation required - infill or tear down/rebuild residential construction.* Infill construction or rebuilding of residential structures after tearing down the original structure which takes place within blocks or between structures that have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall utilize building materials with a sound transmission class (STC) rating of at least forty (40) and shall include installation of central air conditioning or mechanical ventilation throughout the habitable areas of the structure.

(3) *Requirement within the 2007 60 – 62 Contours.* Construction of new single family homes located in blocks or between structures that have received noise attenuation pursuant to the Consent Decree that are in the 60 to 62 DNL contours as defined in the Consent Decree shall include installation of central air conditioning or mechanical ventilation throughout the habitable portion of the structure.

(4) *Requirement for multiple-family homes within the 2007 – 60-64 Contour.* Construction of new multiple family homes in blocks that have received noise attenuation pursuant to

the Consent Decree or which are between structures which have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall install central air conditioning or mechanical ventilation throughout the habitable portions of the structure.

Within each aircraft noise overlay zone, all uses shall be permitted in accordance with the regulations for the underlying zoning districts, provided the appropriate building permit is first obtained and all requirements for conditional and permitted uses under this section are met.

551.2060 Application Of Provisions: The provisions of 551.2050 shall apply to all new development, major redevelopment, in fill development, construction and reconstruction of a building, and any habitable additions or expansions of an existing building requiring a building permit after the effective date hereof. This section shall not apply to remodeling or rehabilitation of an existing residential building; construction of decks, swimming pools, breezeways, three season porches or the construction of an appurtenance to an existing residential building.

551.2070 Effective Date This amendment to the Minneapolis Code of Ordinances shall become effective the 1st day of January, 2009.