

TOWN/COUNTY ZONING ORDINANCE 17.24

17.24 AIRPORT ZONING DISTRICT AREA (AIR). (Overlay)

(1) **PURPOSE.** The intent and purpose of the Airport Zoning District Area is to impose additional land use restrictions over those in the underlying or base zoning district classification that will protect the airport operations of Wittman Field and ensure a compatible relationship between airport operations and other land uses in the vicinity of these airport operations. The district will provide adequate notice to land owners, and prospective land owners, that airport operations should be considered as possibly affecting the use of property with the Airport Zoning District Area. Finally, the district will provide height restrictions that will ensure safe, unobstructed access for all aircraft that enter, exit, and circulate in the general airport area.

(2) **DEFINITIONS.** Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word —shall| is mandatory, not permissive. All distances, except for height limitations, shall be measured horizontally.

Airport: Wittman Regional Airport.

Approach Zone: The area of aircraft approach to Airport as defined in F.A.A. Advisory Circular 150/5300-13, Airport Design.

Avigation: The handling and guidance of aircraft in the air or on the Airport.

Avigation Easement: An easement drafted by Winnebago County from the property owner to and for the benefit and protection of the Airport, addressing issues such as noise and height of objects of natural growth that is recorded with the Register of Deeds for Winnebago County.

Building: See Section 17.37(101).

Construction: The erection of or addition to any building or structure of either a permanent or temporary nature.

DNL: Yearly day-night average sound level.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Height: The top of a building or structure, including any appurtenance installed thereon, or the top of any object of natural growth.

High Density Residential: Residential structures in excess of two dwelling units

Large Day Care Center: Commercial facilities and family day care homes with 8 or more persons. Noncommercial facilities ancillary to a place of business are permitted.

Person: Any individual, firm, partnership, corporation, company, association, or body politic and any trustee, receiver, assignee, or other similar representative thereof.

Place of Assembly: All buildings or parts of buildings, where people gather for theater, recreation, entertainment, worship, educational, or dining purposes.

Runway: A portion of Airport having a surface constructed and maintained for the taking off and land of aircraft.

Square Foot: Area enclosed by a square with sides each 1 foot long.

Underlying Zone: The base zoning district classification within an overlay district determining permitted, conditional, and prohibited land uses.

(3) BOUNDARIES. The airport zoning jurisdictional limits shall extend over all lands and waters and include those boundaries shown on the applicable town zoning maps(s) and those boundaries shown on the official Height Limitation Map, Wittman Field Airport, Winnebago County, Wisconsin, October 1963, revision map —A|| September 1970); and those boundaries as shown on the map entitled —Airport Overlay District, Wittman Regional Airport|| dated **February 28, 2006**, and the corresponding height and district boundaries as mapped on the WINGS system. The boundaries shall include the following overlay zones:

- (a) Runway Protection Zone (Air 1)
- (b) Airport Noise Zone (Air 2)
- (c) Aerial Approach/Departure Zone (Air-3)
- (d) Outer Approach/Departure Zone (Air-4)
- (e) Traffic Pattern Zone (Air-5)
- (f) Height Limitation Zones (Air-6)

(4) OVERLAY ZONES DESCRIBED

(a) Runway Protection Zone (Air 1) – The establishment of this zone reflects the consideration that property located within this zone is subject to a higher crash risk due to its proximity to the ends of a runway. No buildings or structures are permitted within this zone and the height of natural growth is regulated. Any use not permitted hereunder is prohibited.

(1) Permitted Uses

- a. Agricultural; crops only.
- b. Air navigation facilities.

(b) Airport Noise Zone (Air 2) – The establishment of this zone reflects consideration that property located within this district is subject to a higher crash risk due to its close proximity to airport operations and is subject to having a noise exposure of 65 DNL or greater due to aircraft operation.

New residential uses and uses providing overnight lodging or sleeping accommodation, or uses providing a place of assembly are prohibited in this district.

(1) Permitted Uses

- a. All uses permitted in Air 1.

b. All uses that are either permitted or conditional in the underlying zoning district, unless prohibited by the provisions of this section.

c. New accessory uses for existing residential structures are permitted provided no living area is included in the accessory structure.

d. Air navigation facilities.

(2) Prohibited Uses:

a. Residential Uses.

b. Any use which provides overnight lodging and/or sleeping accommodations.

c. Hospitals or nursing homes.

d. Large day care centers.

e. Any use that provides a place of assembly.

(3) Development Standards. All uses, shall meet the following standard: Construction techniques such as increased insulation, sound rated windows, etc. shall be used in order to provide a minimum of twenty (20) decibels extra noise reduction over the minimum standards contained in State Building Codes. Certification of this requirement shall be provided by an Architect or Engineer licensed in the State of Wisconsin at the time of permit application as well as post-construction.

a. Exemption. New manufacturing uses and additions to manufacturing uses are exempted from this requirement.

(c) Aerial Approach/Departure Zone (Air-3) – The establishment of this zone reflects the consideration that property within this zone is subject to higher crash risks and noise exposure due to close proximity to runways and airport operations in general.

(1) Permitted Uses.

a. All uses which are either permitted or conditional in the underlying zoning district other than new residential uses.

b. Existing residential uses, and any existing use which provides overnight lodging are permitted, however the expansion of pre-existing single and two family residential uses are limited to 50% of the existing floor area.

A single family residential structure may be rebuilt, or an addition made that exceeds 50% of the existing floor area, in the Air-3 zone on an existing lot of record subject to the following conditions:

1. A determination from Winnebago County that the structure will not create a hazard to aviation or airport operation as determined by the Airport Manager.

2. Grant of an aviation easement by the property owner to the Airport.

3. Construction techniques to provide a minimum of twenty (20) decibels extra noise reduction over the minimum standards contained in the State Building Codes. Certification

of this requirement shall be provided by an Architect or Engineer licensed in the State of Wisconsin at the time of permit application as well as post construction. The exception, if granted, may be subject to reasonable conditions and limitations for the best interest of the Airport.

c. Aviation related uses.

(2) Prohibited Uses.

- a. New residential uses.
- b. Any use that provides overnight lodging and/or sleeping accommodations.
- c. Nursing homes.
- d. Large day care centers.
- e. Hospitals.
- f. Places of assembly.

(d) Outer Approach/Departure Zone (Air-4) – This zone reflects consideration of a greater risk of crash hazard due to its proximity to runway ends where approaching aircraft are usually at less than traffic pattern altitudes. Portions of this zone may be co-located with Air-2.

(1) Permitted Uses. All uses that are either permitted or conditional in the underlying zoning district excluding those uses identified in (5)(d)(2).

- a. Existing residential uses.
- b. Existing uses that provides overnight lodging are permitted.
- c. Aviation related uses.

(2) Prohibited Uses. New residential uses, children's schools, nursing homes, large day care centers, and hospitals.

(3) Development Standards. All uses, unless exempted, shall meet the following standards:

a. For property located outside of the Air-2 zone, construction techniques shall be used which provide a minimum of five (5) decibels extra noise reduction over the minimum standards contained in the State Building Codes. Certification of this requirement shall be provided by an Architect or Engineer licensed in the State of Wisconsin at the time of permit application as well as post-construction.

b. For property co-located within Air 2 zone, construction techniques shall be used which provide a minimum of twenty (20) decibels extra noise reduction over the minimum standards contained in the State Building Codes. Certification of this requirement shall be provided by an Architect or Engineer licensed in the State of Wisconsin at the time of permit application as well as post-construction.

(e) Traffic Pattern Zone (Air-5) – This zone reflects consideration that land uses within this zone are subject to a generally low likelihood of accident occurrence. Land uses resulting in high residential densities or higher use intensities are discouraged.

(1) Permitted Uses. All uses which are either permitted or conditional in the underlying zoning district excluding those identified in (5)(e)(2).

(2) Prohibited Uses.

- a. Multiple-family dwellings (i.e. structures with more than two (2) dwelling units)
- b. Outdoor stadiums
- c. Children's schools
- d. Nursing homes and hospitals
- e. Large day care centers.

(3) Development Standards. All new residential uses shall utilize construction techniques that provide a minimum of (5) decibels extra noise reduction over the minimum standards contained in the State Building Codes. Certification of this requirement shall be provided by an Architect or Engineer licensed in the State of Wisconsin at the time of permit application as well as post-construction.

(f) Height Limitation Zone (Air-6) – Except as otherwise provided in this Ordinance, no structure shall be constructed, altered or located within, has a height in excess of the height limit indicated within the zones on the map(s) referred to under —Boundaries,|| and no trees shall be permitted to grow to heights exceeding the limits indicated on said map. (These restrictions shall not apply to legal fences or to farm crops that are cut at least once a year.)

(1) Height Permits. Compliance with height restrictions detailed on the height limitation zoning map is required as part of the zoning or building permit process. As such, the following shall apply:

- a. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in a designated height zone until the owner or his agent shall have applied in writing for a zoning permit from the Winnebago County Zoning Office (zoning permit). In lieu of the County Zoning Permit, incorporated municipalities shall have the authority to issue building permits for structures located within their municipal limits.
- b. Winnebago County may require the owner of the structure or trees in question, at his own expense, to permit the owner of the airport to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(5) OVERLAY DISTRICT BOUNDARIES.

(a) Determination of District Boundaries.

1. Where a parcel of property is divided by an Airport Overlay Zoning District boundary, only such portions of that parcel of property actually within the boundary lines of the Airport Overlay Zoning District shall be considered included therein.

2. Airport Overlay Zoning Districts may overlap, in which event a parcel of property shall be subject the requirements of each district affecting or dividing the property.

3. If a principal structure is located across the boundary line of the more than one overlay district, the requirements of the most restrictive district shall apply to the entire parcel.

4. If a principal structure is located on a lot which is co-located in two or more districts, the requirements of the district wherein the house is located shall apply.

5. Determination of boundaries between individual air zones within the overlay district shall be as depicted on the map entitled —Airport Overlay Districts|| with a final determination made as to a parcel's or structure's air zone classification made by Winnebago County Zoning Office.

(6) SPECIAL AIRPORT PROVISIONS. The following requirements shall apply to all Airport Overlay Zoning Districts (AIR).

(a) Interference with Avigation. Notwithstanding any other provision of this Section, no use shall be made of land within any Airport Overlay Zoning District in such a manner as to:

1. Release into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft;

2. Produce light emissions, either direct or indirect (reflective) that would interfere with the operation of aircraft;

3. Produce electrical, magnetic or other emissions that would interfere with the operation of aircraft, aircraft communication, or aircraft guidance systems;

4. Create a hazard to avigation in any other manner.

(b) Flammable and/or Combustible Material. The following requirements shall apply to all Airport Overlay Districts. All technical terms shall be interpreted as defined in the Wisconsin State Statutes and Wisconsin Administrative Code.

1. The manufacture of flammable and/or combustible liquid and solid materials is prohibited.

2. The handling and storage of flammable and/or combustible liquid and solid materials and materials which produce flammable or combustible vapors or gases shall be in accordance with State laws, rules and regulations, and lawful administrative orders.

(c) Restrictions for Trees. Any tree planted or permitted to grow without planting may be ordered removed at any time by Winnebago County Zoning Administrator or his designated agent upon his finding that such tree violates or is about to violate the height restriction for the zone. (Common tree heights are listed in Appendix —B||.)

(7) AVIGATION EASEMENT REQUIREMENTS.

(a) All aviation easements shall be completed on forms provided by the Winnebago County Planning and Zoning Department.

(b) When a property is rezoned, divided, or platted in any Air Zone, an aviation easement shall be provided by the property owner prior to final approval of the rezoning, certified survey map, or plat by Winnebago County.

(c) No permits shall be issued for new principal uses or additions in excess of 50% of the gross floor area of existing principal uses until an aviation easement is provided.

1. Exceptions. Any pre-existing use may be expanded, altered, or otherwise enlarged to a maximum of fifty (50) percent of the existing structure's floor area as long as the pre-existing use is not expanded, altered or otherwise enlarged to a higher more intensive use (e.g., single-family residence shall not be expanded to a two-family residence, etc.).

(8) BUILDING, LAND USE AND ZONING PERMITS AND APPROVALS.

(a) No building, land use, or zoning permits or approvals shall be issued by the City, County, or any Town for a building located in any Airport Overlay Zoning District until a site plan has been submitted to and approved by Winnebago County, unless otherwise designated, as being in compliance with this Section.

(9) SITE PLAN.

(a) A site plan shall be submitted to Winnebago County for approval prior to issuance of a building, land use, or zoning permit. All building plans shall be in compliance with the approved site plan.

(b) Amendments to the approved site plan shall require the resubmission of the site plan for review and action in the same manner as the original application for review and approval.

(10) SITE PLAN SUBMISSION. The following information shall be submitted with the site plan application:

(a) Site location, size, and adjacent land uses.

(b) Dimensional layout, with location, size, and height of all buildings.

(c) The location and size of all above and below ground storage containers for flammable and/or combustible liquids and materials.

(d) Size and location of all vehicular access points, streets, and parking areas.

(e) Major physical features such as creeks, ponds, detention/retention basins, topography, and easements.

- (f) Diagrams to include the location, dimensions, and angles of any light reflective surfaces proposed in the development design, including detail on any exterior lighting.
- (g) Proposed drainage plan.
- (h) Additional information as required by Winnebago County Zoning to ensure compliance with this section.

(11) REVIEW STANDARDS. Site plan applications shall be reviewed in accordance with this section and the following standards:

- (a) There shall not be a reasonable potential for the land use interfering with aviation as determined by Section 17.24 (8).
- (b) Flammable and/or combustible liquids and materials shall not create a hazard to aviation or airport use as determined by 17.24 (7)(b).
- (c) The height of buildings, structures, or objects of natural growth shall be in compliance with the Height Limitation Zone and the requirements of the underlying zoning district.
- (d) The land use shall be consistent with the permitted uses of the Airport Overlay Zoning District as well as land uses identified on the Winnebago County Airport Master Plan, or the Comprehensive Plan of the City of Oshkosh.
- (e) Noise abatement construction techniques shall be implemented which provide the required noise level reduction as required by this Section.

(12) RESIDENTIAL LAND DIVISION AND SUBDIVISION PLATS.

- (a) To ensure that development taking place in the Airport Zoning District area is consistent with this Section and will not interfere with aviation or airport operations, all land divisions five (5) acres and less, and all subdivision plats are subject to review by the Winnebago County for consistency with this Section and the review standards identified in 17.24(12) as specified in (13)(b)
- (b) In addition to plat review objection authority, land divisions of five acres or less in size shall adhere to the certified survey map provisions of Section 18.14 of the Winnebago County Subdivision Ordinance in order to assure that developmental densities and/or uses are not in conflict with airport operations.

(13) ADMINISTRATION AND ENFORCEMENT. Regardless of the governmental jurisdiction in which this Ordinance is in effect, administration of the Ordinance shall be the responsibility of Winnebago County, unless otherwise specified.