

CHAPTER 4  
SUBCHAPTER 1  
PART 3

LAND USE MANAGEMENT AND ZONING, ENVIRONMENTAL  
MANAGEMENT AND BOARD OF ADJUSTMENT  
Subchapter 1 – Land Use Management

Part 3 – Airport and Airport Overlay Zoning District

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## **Part 3 – Airport and Airport Overlay Zoning District**

### **Subpart 1: General**

#### **4.301 General Provisions**

The County Board of Supervisors of Rock County do ordain the creation of the Airport Overlay Zoning District (AOZD) Ordinance (hereafter referenced as the Ordinance) of the Southern Wisconsin Regional Airport.

#### **4.302 Authority**

This Ordinance is adopted pursuant to the authority granted by Sections 114.135 and 114.136 of the Wisconsin State Statutes. Further authorization is granted by Sections 32.05, 59.52, 59.58, 59.69, 60.61, 62.23, 85.02, 85.15, and Chapter 114 of the Wisconsin Statutes, as well as Chapter TRANS 56 of the Wisconsin Administrative Code.

#### **4.303 Purpose & Intent**

- (1) The general purpose and intent of this Ordinance is to:
  - A. Promote public health, safety, convenience, and general welfare of the County and its residents; and
  - B. protect the Airport approaches and surrounding airspace from encroachment, as well as limit the exposure of impacts to persons and facilities in proximity to the Airport, located within the Southern Wisconsin Regional Airport Overlay Zoning District.
- (2) The specific purpose and intent of this Ordinance is to:
  - A. Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the three (3)-mile jurisdictional boundary;
  - B. regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical and navigational interference, noise sensitive land uses, and wildlife and bird attractants;
  - C. implement recommendations developed in the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans;
  - D. promote compatible land uses while respecting the physical characteristics of the County, the Southern Wisconsin Regional Airport, and locations and sites;

- E. promote development in an orderly, planned, cost-effective, and environmentally-sound manner;
- F. regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Southern Wisconsin Regional Airport;
- G. provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the three (3)-mile jurisdictional boundary of the Airport Overlay Zoning District within the County to protect the health, safety, and welfare of the County residents;
- H. provide a quality environment for human habitation and for encouraging the most appropriate use of land within the three (3)-mile jurisdictional boundary within the County; and
- I. control placement of buildings, heights of structures and natural vegetation, and designation of land uses to limit conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of County residents located in the vicinity of the Southern Wisconsin Regional Airport.

**4.304 Abrogation & Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**4.305 Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of Rock County, and shall not be deemed a limitation or repeal of any powers granted to Rock County by the Wisconsin Statutes.

**4.306 Severability**

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any provision is adjudged unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance.

#### **4.307 Repeal**

All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed. The *Southern Wisconsin Regional Airport Height Zoning Ordinance*, adopted July 31, 1983, and the *Southern Wisconsin Regional Airport Height Zoning Map*, adopted January 4, 1977, are hereby repealed.

#### **4.308 Title**

This Ordinance shall hereafter be known, cited, or referred to as the “Rock County Zoning Ordinance, Airport Overlay Zoning District.”

#### **4.309 Effective Date**

This Ordinance shall be effective January 1, 2010, after adoption by the Rock County Board of Supervisors and publication as provided by law. Amendments to this Ordinance shall be effective after adoption and publication.

#### **4.310 Jurisdiction**

- (1) The jurisdiction of this Ordinance shall extend over all lands and waters within the three (3)-mile jurisdictional boundary of the AOZD, as those boundaries now exist and as they are amended in the future.
- (2) The regulations of the AOZD shall apply:
  - A. To all properties within the three (3)-mile jurisdictional boundary identified by the application of Section 114.136 of the Wisconsin Statutes, measured from the Southern Wisconsin Regional Airport property line, regardless of the municipal boundary.
  - B. To the properties within Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three (3)-mile jurisdictional boundary of the AOZD.
  - C. To the limits represented by five (5) independent zones which are defined in Section 29.27 of this Ordinance.

#### **4.311 State and Local Agencies Regulated**

Unless specifically exempted by law, all Cities, Villages, Towns, and Counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes, applies.

#### 4.312 Disclaimer of Liability

The degree of protection provided by this Ordinance relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, *Airport Design Standards* and Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*. Therefore, this Ordinance does not imply that land uses within the vicinity of the Southern Wisconsin Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this Ordinance create liability on the part of, or a cause of action against, the Southern Wisconsin Regional Airport, Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, City of Janesville, or any officer or employee thereof, for incidents that may result from reliance on this Ordinance.

#### 4.313 Use Restrictions

Through the use of the *Southern Wisconsin Regional Airport Height Zoning Map*, heights of structures and features, both man-made and natural growth, shall be limited. The following uses shall also be restricted and regulated as specified within this Ordinance:

- (1) The following specific use restrictions and regulations shall also apply:
  - A. Existing Uses. Nothing contained in this Ordinance shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this Ordinance, or which commenced prior to the effective date of this Ordinance, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of the Ordinance. It is further provided that the height limits of this Ordinance shall in NO event be exceeded.
    1. Partial Destruction. The owner of any existing use, building, or structure which, as a result of fire, explosion, or other casualty is destroyed, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met:
      - a. The existing use is reviewed and complies with the *Southern Wisconsin Regional Airport Height Zoning Map*, the land use restrictions as provided in Tables 4 – 10 (requiring a Zoning/Building Site Permit and Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

- B. Expansion of Existing Uses. Any existing use, as described in this Ordinance, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:
1. The expansion, alteration, or enlargement meets the requirements of the *Southern Wisconsin Regional Airport Height Zoning Map*, the land use restrictions as provided in Tables 4 – 10 (requiring a Zoning/Building Site Permit and Affidavit (Applicant’s Recorded Affidavit Accepting Mitigation Responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
- C. Permitted Uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do NOT impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents. Permitted Uses, however, shall conform to all Height Restrictions within the AOZD, and may be required by the Committee Designee to ensure height compliance. A Zoning/Building Site Permit and Affidavit (Applicant’s Recorded Affidavit Accepting Mitigation Responsibilities), is NOT required for compliance with THIS Ordinance.
- D. Permit Required Uses are those land uses that shall be permissible following the issuance of a Rock County Zoning/Building Site Permit. The Permit, which may include development and use related conditions, along with a signed Affidavit (Applicant’s Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents.
- E. Not Permitted Uses are those land uses generally considered NOT compatible (incompatible) or NOT permitted within a particular zone of the AOZD. Incompatible land uses endanger the health, safety, and welfare of Rock County residents and aircraft utilizing the Southern Wisconsin Regional Airport.

#### **4.314 Penalties**

Any person, firm, or corporation who fails to comply with or violates the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than five hundred dollars (\$500) and no more than five thousand dollars (\$5,000), plus the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense. The Rock County Citation Ordinance (Chapter 21) may also be used to address Ordinance violations.

#### **4.315 Violations**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Zoning Administrator, the County Planning and Development Committee, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause structure or use to be vacated or removed.

#### **4.316 Civil Enforcement**

Appropriate actions and proceeding may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, premises, or use. These remedies shall be in addition to the Penalties described in Section 3.314 of this Ordinance.

#### **4.317 Administration**

- (1) Designation. The Rock County Board of Supervisors hereby designates the Planning and Development Committee (hereinafter referred to as Committee) as a previously established county zoning agency, authorized to act on all matters pertaining to county planning and zoning. The constitution of the Committee and the member's terms of office are provided in the Rules of Procedure for the County Board of Supervisors.
- (2) Responsibilities. The Committee is hereby delegated the responsibility and authority to:
  - A. Approve or conditionally approve Zoning/Building Site Permits that do NOT exceed required Height restrictions;
  - B. inspect any building site or improvement or use of land as required by this Ordinance;
  - C. maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
  - D. review and make recommendations to the County Board of Supervisors on all zoning map changes and amendments to the text of Land Control Ordinances, including the Airport Overlay Zoning District Ordinance; and
  - E. oversee the functions of the County Planning and Development Agency.
- (3) Powers. The Committee shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:



- A. To require complete and accurate information necessary to make reasonable evaluations of applications;
- B. to delegate the responsibilities of Administration and enforcement of this Ordinance to the Committee Designee;
- C. to hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district; and
- D. to hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do NOT involve the erection of a substantial structure(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

#### **4.318 Committee Designee**

- (1) The Committee Designee shall be a member of the County Planning and Development Agency staff, delegated the authority and responsibility by the Committee to administer and enforce these regulations prescribed herein.
- (2) The Committee Designee shall have the following authority and duties to:
  - A. Advise applicants of the provisions of this Ordinance and assist them in preparing permit applications and appeals;
  - B. issue permits and inspect properties for compliance with the provisions of this Ordinance;
  - C. keep the official records of the *Southern Wisconsin Regional Airport Height Zoning Map, Southern Wisconsin Regional Airport Overlay Zoning District Map*, existing uses and changes thereto, permit applications, permits, appeals, variances and ordinance amendments related to this Ordinance: and make readily available and widely distribute all available information in the form of maps, engineering data, and regulations;
  - D. investigate and issue Citations for violations of this Ordinance, and report such violations to the Corporation Counsel for prosecution;
  - E. maintain on file a list of all documentation of certified elevations; and
  - F. provide periodic review of actions taken by local jurisdictions within all AOZD to ensure compliance with the intent of the AOZD.

- (3) Zoning/Building Site Permit. When required by this Ordinance, a Zoning/Building Site Permit (valid for one (1) year) shall be obtained from the Committee Designee before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of this Ordinance shall NOT be exceeded. The Zoning/Building Site Permit (for Permit Required Uses or for Existing Uses when specified), which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents. Failure to obtain a Zoning/Building Site Permit when required, shall be a violation of this Ordinance. Application for a permit shall be made to the Committee Designee upon furnished application forms and shall include the following data:
- A. Name and address of the applicant, property owner, and contractor-builder; an accurate properly dimensioned map of the property, in duplicate showing;
  - B. legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;
  - C. a description of the proposed land use and building materials and landscaping materials;
  - D. when the Committee Designee deems necessary, the elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL;
  - E. when the Committee Designee deems necessary, evidence of submission for a Federal Aviation Administration (FAA) Form 7460-1, *Notification of Proposed Construction or Alteration*, commonly known as an "airspace review". Receipt of final determination letter from the FAA is required prior to final approval or denial of a Zoning/Building Site Permit (as required for Permit Required Uses or for Existing Uses when specified);
  - F. applicant's affidavit accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance; and
  - G. Other Permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

- (4) Application Information. In order to secure evidence upon which to base its determination, the Committee Designee may require, in addition to the information required on Permit Application, the submission of plans of buildings; arrangement of operations; plat of grounds showing location and elevation of buildings, stockpiles, wells, septic systems, equipment storage, fences or screens, parking areas, traffic access, fill areas, flood proofing measures, landscaping; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.
- A. Plans drawn to a scale of not less than one (1) inch equals two hundred (200) feet showing the location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas; size, location, and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and the relationship of the above to the Southern Wisconsin Regional Airport, as well as a particular zone(s) of the AOZD.
- (5) Standards Applicable to All Permit Required Uses Within the Airport Overlay Zoning District. Upon reviewing a Zoning/Building Site Permit application in the AOZD, the Committee Designee shall at a minimum consider the factors listed below. In addition, the Committee Designee is not authorized to allow any use to exceed a height limitation in the AOZD.
- A. Potential to create an undue concentration of people (density);
- B. potential to cause visual obstructions (through the creation of smoke, steam, dust, lighting or other unspecified obstruction) that would adversely effect aircraft operational areas and airspace, and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;
- C. potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;
- D. creation of electrical or navigational interference;
- E. creation of standing water areas or detention/retention ponds which may attract wildlife, thus designing or mitigating standing water areas or detention/retention ponds to avoid attracting wildlife;
- F. creation of wildlife attractants other than water;
- G. potential storage of flammable or hazardous materials limits as defined by the Wisconsin Commercial Building Code;

H. at the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations. This may be done to confirm the accuracy of information supplied by the applicant.

- (6) Conditions of Approval. Upon consideration of the factors listed above, the Committee Designee may deny or approve the issuance of a Zoning/Building Site Permit; any approval may require attached conditions the Committee Designee deems necessary in furthering the purpose of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.
- (7) Appealing Decisions of the Committee Designee. If the Committee Designee denies or conditionally approves a Zoning/Building Site Permit and the applicant disagrees with such decision, the applicant may appeal such denial or condition to the Planning & Development Committee. Such an appeal shall be signed and filed in writing with the Planning & Development Agency within thirty (30) days following the Committee Designee's determination or be forever barred. The Planning & Development Committee may affirm, overrule or modify a decision of the Committee Designee.

#### **4.319 Board of Adjustment**

There is hereby established a Board of Adjustment pursuant to Section 59.694 of the Wisconsin Statutes. As prescribed, Rock County Ordinance 14.00 - The Rules and Procedures for the Board of Adjustment (adopted August 9, 2001 as amended) are hereby referenced and made part of this Ordinance.

- (1) Any person, office, or department aggrieved by an order, requirement, interpretation, or determination made by the Planning & Development Committee or the Committee Designee may appeal such decision to the Rock County Board of Adjustment for final judgement.
- (2) Use variances shall not be granted under the Ordinance.
- (3) Height variances shall not be granted under this Ordinance.
- (4) Where the County Board of Adjustment finds that unnecessary hardships or practical difficulty will result from strict compliance with these regulations, they may approve variances so that substantial justice may be done and the public interest is secured. Such variance shall not have the effect of nullifying the intent and purpose of these regulations. The County Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - A. The proposed variance request is not contrary to the public interest and is consistent with the intent of applicable ordinances and will not compromise

public safety and welfare (will not hinder airport operations and/or future growth of the Southern Wisconsin Regional Airport);

- B. the proposed variance will not serve as a special privilege and is justified based on special conditions on the property, which are not shared by other properties in the same locality or district (for example, lot shape, elevation or topography);
  - C. a strict and literal interpretation of the Ordinance will result in a practical difficulty and unnecessary hardship on the property owner (hardship shall be distinguished from inconvenience);
  - D. the variance is not requested because of a self-imposed hardship;
  - E. shall not be granted solely on the basis of economic gain or loss; and
  - F. shall not be granted for actions which require an amendment to this Ordinance or the Map(s) described in any Section of this Ordinance.
- (5) Conditions. In approving variances, the County Board of Adjustment may require conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.
- (6) Procedures. An appeal or an application for a variance shall be submitted to the County Board of Adjustment within thirty (30) days of the action of the Committee or Committee Designee.
- (7) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the County Board of Adjustment. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Committee to proceed to petition Rock County or inform the person contesting the location of the boundary to petition Rock County, for a map amendment pursuant to Section 29.21 of this Ordinance.

#### **4.320 Transfer of Jurisdictional Control to Another Municipality**

- (1) The Rock County Board of Supervisors hereby designates the authority to administer the provisions of this Ordinance to any local municipality located within the jurisdictional boundary of this Ordinance (Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three (3)-mile jurisdictional boundary of the AOZD), following implementation of the procedures outlined below:

- A. The local jurisdiction(s) must pass a resolution acknowledging their desire and intent to implement the actions outlined in this Ordinance;
- B. the local jurisdiction must administer a locally adopted ordinance which codifies the provisions or exceeds the provisions of this Ordinance;
- C. the Rock County Board of Supervisors must pass a resolution acknowledging the transfer of authority to the local jurisdiction(s) following review of an acceptable and approved locally adopted ordinance;
- D. in the creation of a locally adopted ordinance, the local jurisdiction(s) will not make any changes to the content of this Ordinance, other than to ensure continuity with their specific jurisdictional processes;
- E. if a local jurisdiction fails to comply with and actively implement the provisions of this Ordinance, through their locally adopted ordinance, the County of Rock will immediately resume authority over the implementation of the Ordinance and the Penalties outlined in Section 29.14 of this Ordinance shall apply.
- F. the local jurisdiction(s) may implement a fee structure different from that noted in this Ordinance to provide for the review of the subject application, based upon their local fee schedule;

#### **4.321 County Board of Supervisors - Amendments**

- (1) The County Board of Supervisors may amend the regulations of this Ordinance or change the district boundaries. The procedure with reference to such amendments or changes shall be as follows:
  - A. A petition for amendment of the Rock County Airport Overlay Zoning District Ordinance may be made by any property owner in the area to be affected by the amendment, by the City Council of the City of Janesville, by the Town Board of any Town wherein the Ordinance is in effect, by any member of the County Board of Supervisors, or by the County Planning and Development Agency (hereinafter referred to as the “Agency”). The petition shall be filed with the County Clerk who shall immediately refer it to the County Planning and Development Agency for its consideration, report, and recommendations. Immediate notice of the petition shall be sent to the County Supervisor of any affected district, to the Municipal Clerk of the City of Janesville, and to the Town Clerk of any Town wherein the Ordinance is in effect. A report of all petitions referred under this paragraph shall be made to the County Board of Supervisors at its next meeting.
  - B. Upon receipt of petition, the Agency shall call a public hearing thereon. Notice of such public hearing shall specify the time, place, and matters to come before the Committee and shall be given as a Class two (2) notice as referred

to in Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the City Clerk or Town Clerk of each City or Town affected by the proposed amendment at least ten (10) days prior to the date of such hearing.

- C. If a City or Town affected by the proposed amendment disapproves of the proposed amendment, the City Council or Town Board of such City or Town may file a certified copy of the resolution adopted by such board disapproving of the petition with the Agency prior to, at, or within ten (10) days after the public hearing. If the City Council of the City of Janesville or the Town Board of the Town affected in the case of an ordinance relating to the location of district boundaries files such a resolution, or the majority of the municipalities affected in the case of all other amendatory ordinances file such resolution, the Agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.
- D. As soon as possible after such public hearing, the Agency shall act, subject to subd. (C), on such petition either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the County Board with its recommendations. If the Agency shall recommend denial of the petition after its public hearing, the Agency shall report its recommendation directly to the County Board with its reasons for such action. Proof of publication of the notice of the public hearing held by such Agency and proof of giving notice of the City Clerk or Town Clerk of such hearing shall be attached to such report. Notification of City of Janesville Council resolutions or Town Board resolutions filed under subd. (C), shall be attached to such report.
- E. Upon receipt of such agency report, the County Board of Supervisors may adopt the Ordinance as drafted by the County Planning and Development Agency or with amendments; or they may deny the petition for amendment; or they may refuse to deny the petition as recommended by the agency, in which case they shall refer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the same back to the County Board of Supervisors, which may then adopt or reject such ordinance. In the case that a protest against a proposed amendment is filed with the County Clerk at least twenty-four (24) hours prior to the date of the meeting of the County Board of Supervisors at which the report of the County Planning and Development Agency is to be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the area proposed to be altered, or by abutting owners of over fifty (50) percent of the total perimeter of the area proposed to be altered included within four hundred (400) feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the County Planning and Development Agency has had a reasonable

opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by the property owner and shall include a description of the lands owned by the property owner. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

- F. Any change in the official boundaries of a particular zone of the AOZD shall be made by an amendment to this Ordinance as provided by this Section.
  - G. No amendments to the maps or text of this Ordinance shall become effective until reviewed and approved by the County Planning and Development Committee, and adopted by the County Board of Supervisors.
- (2) Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the County Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
- A. Plot Plan drawn to a scale of one (1) inch equals two hundred (200) feet showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within four hundred (400) feet of the area proposed to be rezoned.
  - B. Name and address of all property owners lying within four hundred (400) feet of the area proposed to be rezoned.
  - C. Additional Information required by the Committee.

#### **4.322 Fees**

- (1) At the time of application, the property owner or his/her agent shall pay the fees established by the County Board of Supervisors. The office of the County Planning and Development Agency shall maintain and make available a current schedule of such fees.
- (2) If a local jurisdiction has been authorized to implement the Ordinance within their jurisdiction, the local jurisdiction may implement a fee structure different from that noted in this Ordinance to provide for the review of the subject application, based upon their local fee schedule.



#### **4.323 Applicant's Recorded Affidavit Accepting Mitigation Responsibilities**

For all Permit Required Uses or for Existing Uses when specified, the following information shall be noticed to each applicant indicating the responsibilities of the applicant to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this Ordinance. A signed and accepted Affidavit must be recorded in the Rock County Register of Deeds. Permitted Uses under this Ordinance are NOT required to secure a Zoning/Building Site Permit or Affidavit. Those potential impacting issues are listed below:

- (1) Site Design and Physical Characteristics
  - A. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in that regard.
  - B. Proximity of runway environs and extended runway centerline areas.
  - C. Location of any linear roadways, relative to the alignment of the runway or the extended runway centerline.
- (2) Noise Sensitivity
  - A. Insulate the structure/land use to reduce noise impacts.
  - B. Use airport compatible landscaping material to mitigate noise exposure.
  - C. Shift the structure or land use to allow for a more compatible location.
- (3) Tall Structures
  - A. Lower the structure or land use to a compatible height.
  - B. Shift the structure or land use to allow for a more compatible location.
- (4) Visual Obstructions
  - A. Install down shielded light fixtures.
  - B. Reduce the number of lighting fixtures, while still illuminating the land use area safely.
  - C. Configure lighting so it does not align with a runway or airport facility, making it easier for a pilot to distinguish the Airport from the development.
  - D. Limit reflective building materials, such as mirrored/reflective glass, solar panels, metal roofs, etc., within the vicinity of the Airport.
  - E. Locate areas of water away from the Airport to minimize reflection.
  - F. Shift the structure or land use within the site so that prevailing wind directions carry smoke, steam, or dust away from the Airport.
  - G. Change land use activity to reduce or limit emissions of smoke, steam, or dust.

- (5) Wildlife and Bird Attractants
  - A. Select and space vegetation species to minimize habitats and food sources.
  - B. Maintain appropriate grass lengths to minimize wildlife attractants.
  - C. Prohibit certain agricultural crops near the Airport.
  - D. Eliminate or mitigate standing water bodies that provide water and habitat.
  - E. Use repellents to disperse wildlife in a humane manner.

#### **4.324 Airport Overlay Zoning Districts**

- (1) Airport Overlay Zoning District. All Southern Wisconsin Regional Airport Overlay Zoning Districts established by this Ordinance are shown on the *Southern Wisconsin Regional Airport Overlay Zoning District Map* on file with the County Planning and Development Agency and are adopted as part of this Ordinance.
- (2) Airport Height Zoning District. All height zones established by this Ordinance are shown on the *Southern Wisconsin Regional Airport Height Zoning Map* on file with the County Planning and Development Agency and are adopted as part of this Ordinance.
  - A. Height Limitations. No building, structure, object, or vegetation (e.g. trees, shrubs) shall be constructed, erected, altered, allowed to grow, or planted within any AOZD established by this Ordinance to a height in excess of the applicable height limitations as shown on the *Southern Wisconsin Regional Airport Height Zoning Map*, which is maintained by the County Planning and Development Agency. The permitted height shall not exceed the height limitation elevations shown on the *Southern Wisconsin Regional Airport Height Zoning Map* within the various zones encompassed by this Ordinance.

#### **4.325 Establishment of Airport Overlay Zoning Districts**

For the purpose of this Ordinance, the area of Rock County under the jurisdiction of this Ordinance is hereby divided into the following districts and zones:

- (1) Airport Overlay Zoning District
  - Zone A – Runway Protection Zone (RPZ)
  - Zone B1 – Approach Surface
  - Zone B2 – Approach Surface
  - Zone C – Transitional Surface
  - Zone D – Three (3)-Mile Jurisdictional Boundary
- (2) Airport Height Zoning District

#### 4.326 Zoning Map and District Boundaries

- (1) The boundaries of each district are hereby established as shown on a map entitled *Southern Wisconsin Regional Airport Overlay Zoning District Map*, Rock County, Wisconsin, dated March 12, 2009 and the Height Restrictions are hereby established on a map entitled *Southern Wisconsin Regional Airport Height Zoning Map*, Rock County, Wisconsin, dated December 11, 2003 as amended, which accompanies and is hereby adopted as part of this Ordinance. The *Southern Wisconsin Regional Airport Overlay Zoning District Map* and *Southern Wisconsin Regional Airport Height Zoning Map* bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the County Planning and Development Agency and be readily available to the public.
  
- (2) The AOZD, as presented in this Section, has been created for the purpose of imposing special regulations in designated areas of Rock County to accomplish specific purposes that are set forth within each individual AOZD. The AOZD shall be in addition to, and shall overlap and overlay, all other zoning districts within the three (3)-mile jurisdictional boundary of the Southern Wisconsin Regional Airport.
  - A. The *Southern Wisconsin Regional Airport Height Zoning Map* dated December 11, 2003, as amended, accompanies and is made part of this Ordinance. The elevation numbers indicated within each cell is hereby established as shown on a map entitled “*Southern Wisconsin Regional Airport Height Zoning Map*, Rock County Wisconsin,” dated December 11, 2003 as amended, which accompanies and is made part of this Ordinance. Cell elevation numbers indicated on this Map provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall NOT exceed. The provisions of the AOZD within this Ordinance shall apply to all cell areas indicated on this Map. This Map takes precedent over all other County Airport Height Zoning Maps dated prior to the date the County Board of Supervisors take action on this amendment.
  
  - B. The Airport Overlay Zoning Districts are hereby established as shown on the Airport Overlay Zoning District Map entitled “*Southern Wisconsin Regional Airport Overlay Zoning District Map*, Rock County, Wisconsin,” dated March 12, 2009 as amended. This Airport Overlay Zoning District Map is to be used in conjunction with the *Southern Wisconsin Regional Airport Height Zoning Map*, and is made part of this Ordinance. Federal Aviation Regulations (FAR) Part 77 Surfaces and FAA Runway Protection Zones (RPZs) have been utilized to create five individual zones as part of the AOZD associated with compatible land use near the Southern Wisconsin Regional Airport. These districts encompass a three (3)-mile radius from the Southern Wisconsin Regional Airport property line, as authorized by Wisconsin Statutes.

#### 4.327 Airport Overlay Zoning District

- (1) Purpose of Airport Overlay Zoning District. The purpose of the AOZD is to provide a means of attaining the goals and objectives of the Rock County Comprehensive Plan and the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans, and to protect a public airport from incompatible uses of land, people, and property from encroaching into areas where historical and practical experience indicates that conflict will result.
- (2) Airport Land Use Zones. The AOZD is comprised of five individual zones, which include A, B1, B2, C, and D.
- (3) Zones Enforced by This Ordinance
  - A. Primary Surface. The primary surface is the only FAR Part 77 Surface that is not specifically used as a land use compatibility zone due to its proximity to the runway environs. This surface area must be owned and under the control of the Airport.

The primary surface must be clear of all obstructions except those fixed by their function, such as runway edge lights, navigational aids, or airport signage. The primary surface is currently controlled by the Southern Wisconsin Regional Airport. Even though the primary surface is *not* included as a land use zone, it functions as an important safety area since it is longitudinally centered on a runway and is intended to provide an Object Free Area (OFA) around the runway surface. When a runway has a prepared hard surface, such as those at the Airport, the primary surface will extend two hundred (200) feet beyond each individual runway end.

The following primary surface widths are applied to the specific Airport runways:

- Runway 14/32 - 1,000 feet
- Runway 04/22 - 1,000 feet
- Runway 18/36 - 250 feet

**Table 1, Figure 1, and Figure 2** depict various dimensional requirements for the primary surface and other FAR Part 77 Surfaces. A visual approach runway has relatively small surfaces, with approach and horizontal surfaces extending five thousand (5,000) feet from the primary surface at an approach slope of twenty feet horizontally for each one foot vertically (20:1). For a non-precision approach runway, both the approach and horizontal surfaces extend either five thousand (5,000) or ten thousand (10,000) feet from the primary surface, depending on the design category of the runway. The

approach surfaces for precision approach runways are similar to those for non-precision approach runways, except that the approach surface extends fifty thousand (50,000) feet from the primary surface and the horizontal surface extends ten thousand (10,000) feet from the primary surface.

- B. Zone A – Runway Protection Zone (RPZ). The dimensional standards for Zone A are the same as those described in FAA AC 150/5300-13, *Airport Design Standards* and are illustrated in **Table 2** and **Figure 3**.
- C. Zone B – Approach Surface. Zone B is a critical overlay zoning surface that reflects the approach and departure areas for each runway at the Airport. The size of Zone B is the combination of Zone B1 and B2 and is predicated on the approach type (visual, non-precision, or precision) at a specific runway and the type/size of aircraft utilizing the runway, as illustrated in **Table 3** and **Figure 4**. A portion of Zone B1 is superseded by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B1 begins at the inner edge of the RPZ and continues to one-half (1/2) the length of the approach surface beyond Zone A. Zone B2 is also equal to one-half (1/2) the length of Zone B, beyond Zone B1, and is located at the outer edge of the zone.
- D. Zone C – Transitional Surface. The areas within Zone C are those that extend one thousand fifty (1,050) feet outward from the edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A, as shown in the **Table 3** and **Figure 4**.
- E. Zone D – Three (3)-Mile Jurisdictional Boundary. Zone D encompasses the horizontal (innermost area) and conical Surface (outermost area) of the FAR Part 77 Surfaces, all of which represent the three (3)-mile jurisdictional boundary, as provided for within Wisconsin Statutes (**Table 3** and **Figure 4**). Zone D is calculated by intersecting a series of three (3)-mile arcs drawn from the outermost property boundaries of the Airport.

**Table 1 Southern Wisconsin Regional Airport Runway Information**

Runways	Runway Length (feet)	Runway Width (feet)	FAR Part 77 Classifications
14	7,300	150	B(D)
32			PIR
04	6,701	150	PIR
22			B(D)
18	5,000	75	A(V)
36			A(V)

**A(V) – Utility and visual runway.**

A utility runway is constructed and intended for use by propeller-driven aircraft with maximum gross weight of 12,500 pounds or less.

A visual runway is intended for the operation of aircraft using solely visual approach procedures, with no straight-in instrument approach procedure.

**B(D) – Non-utility and non-precision instrument runway.**

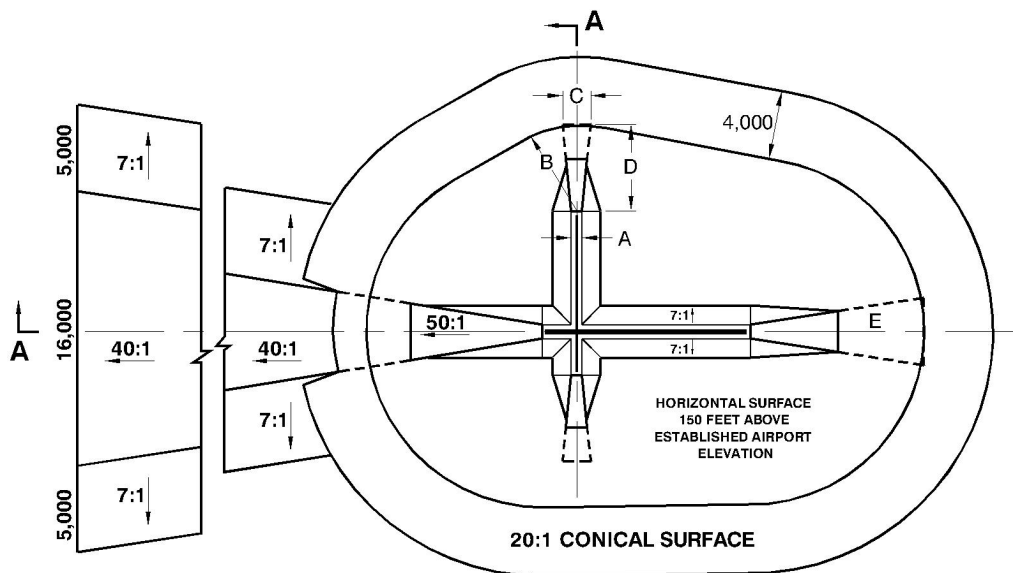
A non-utility runway is constructed and intended for use by aircraft with a maximum gross weight greater than 12,500 pounds.

A non-precision instrument runway has an existing instrument approach procedure that utilizes air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved.

PIR – Precision instrument runway has an existing instrument approach procedure that utilizes an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

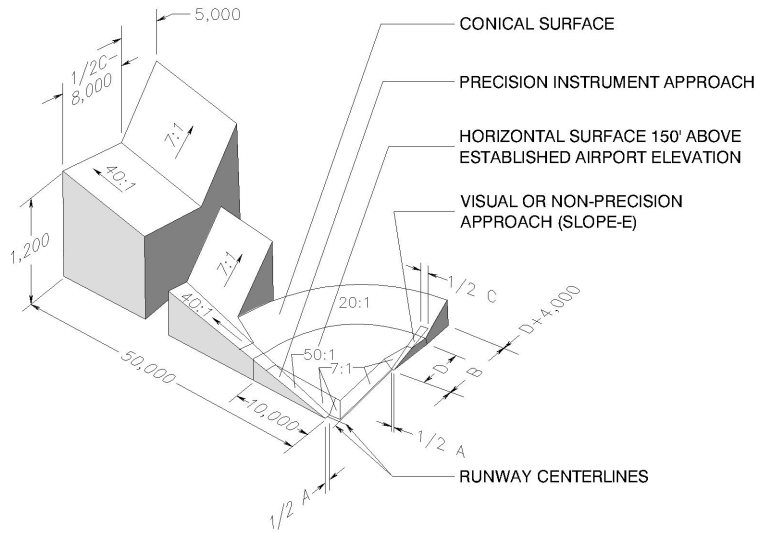
Source: FAR Part 77 Object Affecting Navigable Airspace

**Figure 1 FAR Part 77 Surfaces – Plan view**



Source: FAR Part 77 Object Affecting Navigable Airspace

**Figure 2 FAR Part 77 Surfaces – 3D Isometric View of Section A**



Source: FAR Part 77 Object Affecting Navigable Airspace

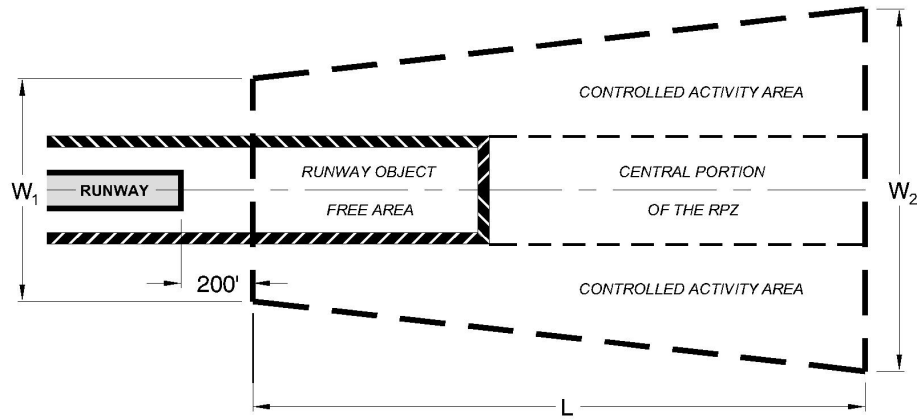
**Table 2 Airport Overlay Zone A Dimensional Requirements**

Runway Ends	Approach Visibility Minimums <sup>1</sup>	Dimensions			
		Length L feet (meters)	Inner Width W <sub>1</sub> feet (meters)	Outer Width W <sub>2</sub> feet (meters)	RPZ acres
14	Not lower than 3/4-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
32	Lower than 3/4-mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
04	Lower than 3/4-mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
22	Not lower than 3/4-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
18	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035
36	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035

<sup>1</sup> The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

Source: Southern Wisconsin Regional Airport, Airport Layout Plan, and information from FAA AC 150/5300-13, Change 11, Airport Design Standards

**Figure 3 Airport Overlay Zone A Runway Protection Zone (RPZ) Diagram**



Source: FAA AC 150/5300-13, Change 11, Airport Design Standards

**Table 3 Airport Overlay Zones B1, B2, C, and D Dimensional Requirements**

Dimensions in Figure 2	Item	Runway Dimensional Standards (Feet)					
		14	32	04	22	18	36
1	Primary surface width and <b>Zone B1</b> inner width	1,000	1,000	1,000	1,000	250	250
2	<b>Zone B2</b> end width	4,000	16,000	16,000	4,000	1,250	1,250
3	Combination of <b>Zone B1 and B2</b> length <sup>1</sup>	10,000	10,000	10,000	10,000	5,000	5,000
4	<b>Zone C</b> width	1,050	1,050	1,050	1,050	1,050	1,050
5	<b>Zone D</b> length <sup>2</sup>	15,840	15,840	15,840	15,840	15,840	15,840

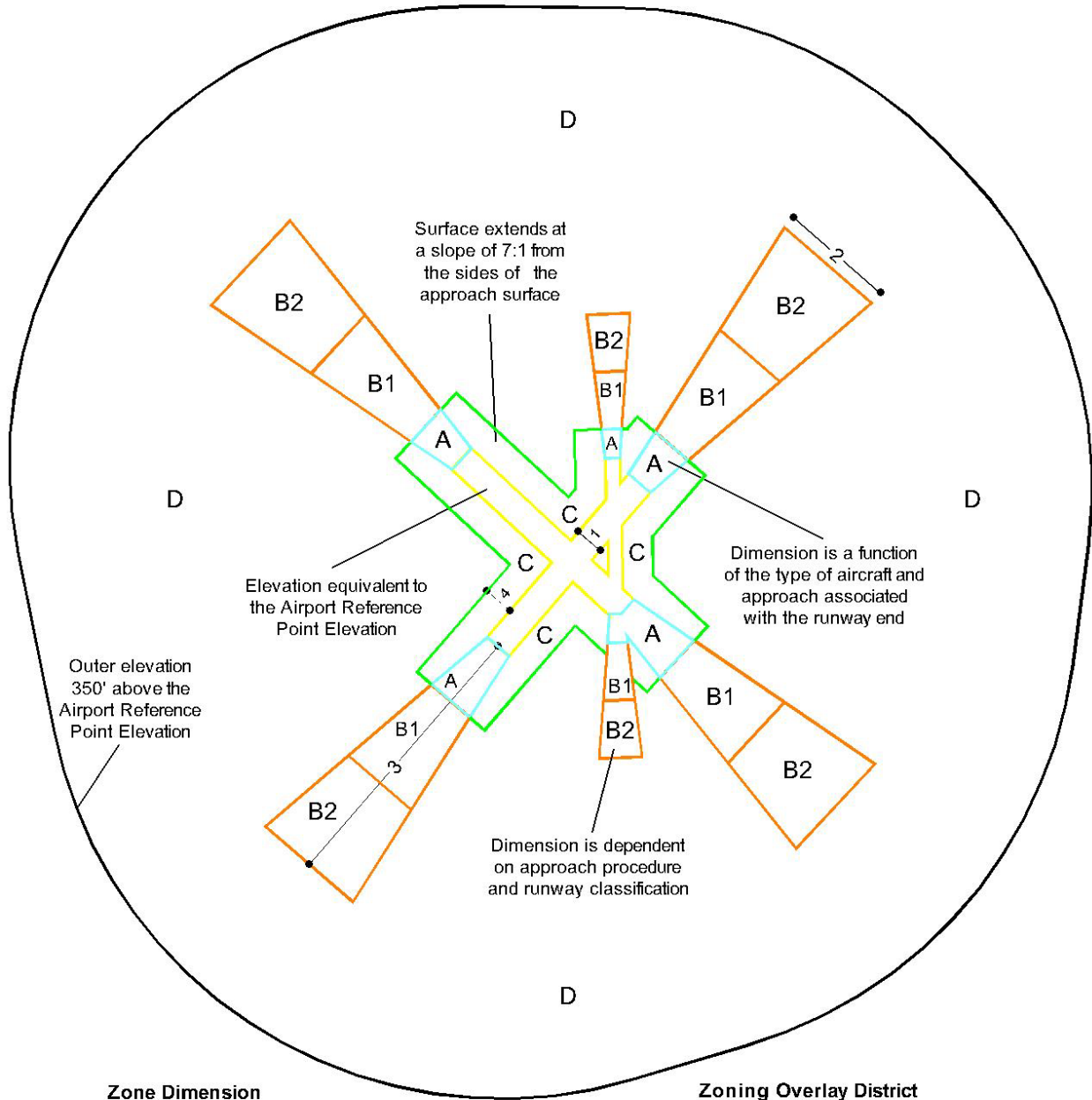
<sup>1</sup> Length of B1 and B2 begin at the edge of the primary surface.  
Area of B1 is located under Zone A and is superseded by Zone A requirements.

<sup>2</sup> Zone D is located using a 3-mile radius from the outermost property limits of the Airport and drawing a smoothed curve to connect these surfaces

Source: Mead & Hunt



**Figure 4 Airport Overlay Zones B1, B2, C, and D Diagram**



**Zone Dimension**

- 1 ● Primary Surface and Zone B1 Inner Width
- 2 ● Zone B2 End Width
- 3 ● Zone B1 & B2 Length
- 4 ● Zone C Width

**Zoning Overlay District**

- Primary Surface
- A Runway Protection Zone
- B1-B2 Runway Approach Surface
- C Transitional Surface
- D 3-Mile Radius

- (4) Southern Wisconsin Regional Airport Overlay Zoning District Maps. The boundary of the AOZD shall extend three (3)-miles beyond the Airport property line. The AOZD utilizes two (2) maps which bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the office of the County Planning and Development Agency.
  - A. *Southern Wisconsin Regional Airport Height Zoning Map* dated December 11, 2003 as amended, which accompanies and is hereby adopted as part of the Ordinance and illustrates the allowable heights for structures, objects, and natural vegetation. NO trees shall be allowed, nor shall any structure be constructed, altered, located, or permitted which exceeds the height limitations indicated on the *Southern Wisconsin Regional Airport Height Zoning Map*. The maximum height elevations, measured above mean sea level (MSL), on said map are shown by topographic lines depicted in relationship to section lines and land subdivision lines on said map.
  - B. *Southern Wisconsin Regional Airport Overlay Zoning District Map* dated March 12, 2009 and is hereby adopted as part of the Ordinance illustrates the allowable land uses within a particular zone of the AOZD. NO land use should be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the Southern Wisconsin Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as Rock County citizens. The particular zones of the AOZD are illustrated on the *Southern Wisconsin Regional Airport Overlay Zoning District Map*.
- (5) Exceptions. The restrictions contained in this Section shall not apply to legal fences when located outside the Southern Wisconsin Regional Airport property lines.
- (6) Hazard Marking and Lighting. Any permit may, if such action is deemed advisable by the Rock County Planning and Zoning Agency and the FAA, require the owner of a structure or tree(s) to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to the fliers the presence of an airport hazard, at the owner's expense.
- (7) Prohibited Uses in the Airport Overlay Zoning District.
  - A. Any use that would exceed the Height Restrictions of the AOZD.
  - B. No overhead electric, telephone, telegraph, or cable lines shall be erected within Zone A.
- (8) Land Use Airport Zone Charts & Restrictions. Tables 4 through 10 shall be utilized for determination of any land use within this AOZD. No construction,

alteration, location or use of land shall be inconsistent with the required AOZD as outlined in Tables 4 through 10.

**Table 4 Residential Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)										
<b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>										
*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Residential Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Single-Family Uses</b> (1 dwelling per lot)										
<i>Detached Single Family Dwelling</i> (e.g. farm dwelling, detached single family house, or manufactured, modular, mobile home if converted to real property and taxed)	R	N	P	R*	P	R	R	N	P	P
<i>Detached Zero Lot Line Dwelling</i> (e.g. condominium)	R	N	P	R*	P	R	R	N	P	P
<i>Attached Single Family Dwelling</i> (e.g. townhouse)	R	N	P	R*	P	R	R	N	P	P
<b>Two Family Uses</b> (e.g. two principal dwelling units within one building on the same parcel)	R	N	P	R*	P	R	R	N	P	P
<b>Multi-Family Uses</b> (Three or more principal dwelling units within a single building on the same parcel) (e.g. apartment, condominium, townhouse-style)										
<i>Low-Rise</i> (2 to 3 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>Mid-Rise</i> (4 to 12 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>High-Rise</i> (13+ Levels)	R	N	P	N	P	R*	R	N	P	P
<b>Group Living Uses</b> (e.g. assisted living, group care, independent group living, nursing and convalescent home)										
<i>Residential Group Living Units</i> (1 dwelling per lot)	R	N	P	R*	P	R	R	N	P	P
<b>Commercial Group Living Units</b> (e.g. apartment style dwelling unit)										
<i>Low-Rise</i> (2 to 3 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>Mid-Rise</i> (4 to 12 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>High-Rise</i> (13+ Levels)	R	N	P	N	P	R*	R	N	P	P
<b>Manufactured Housing Parks</b>	R	N	P	R*	P	R	R	N	P	P

**Table 5 Commercial Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Commercial Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Casino</b>	R	N	R	N	R	R*	R	N	P	P
<b>Eating and Drinking Establishments</b> (e.g. restaurant, cafe, coffee shop, fast food restaurant, bar, nightclub, tavern, cocktail lounge)	R	N	P	R*	P	R	R	R*	P	P
<b>General Office</b> (e.g. professional, business, financial, governmental)										
<i>Low-Rise</i> (2 to 3 Levels)	R	N	P	R	P	P	R	R*	P	P
<i>Mid-Rise</i> (4 to 12 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>High-Rise</i> (13+ Levels)	R	N	R	N	R	R*	R	N	P	P
<b>Hospitality-Oriented</b> (e.g. hotel, motel, convention center, meeting hall, event facility)										
<i>Low-Rise</i> (2 to 3 Levels)	R	N	P	R*	P	P	R	R*	P	P
<i>Mid-Rise</i> (4 to 12 Levels)	R	N	P	R*	P	P	R	N	P	P
<i>High-Rise</i> (13+ Levels)	R	N	P	N	P	R	R	N	P	P
<b>Medical/Dental Office</b> (e.g. medical, dental, chiropractic, physical therapy)										
<i>Low-Rise</i> (2 to 3 Levels)	R	N	P	R	P	P	R	R*	P	P
<i>Mid-Rise</i> (4 to 12 Levels)	R	N	P	R*	P	R	R	N	P	P
<i>High-Rise</i> (13+ Levels)	R	N	R	N	R	R*	R	N	P	P
<b>Outdoor Storage and Display-Oriented</b> (e.g. outdoor storage-lumber yard, vehicles sale, landscape material and nursery product sale, or farm supply equipment sale)										
	R	N	P	R	P	R	R	R	P	P

**Table 5 Commercial Activities (Continued)**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Commercial Activities (Continued)</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Personal Service-Oriented</b> (e.g. retail service, banking facility, laundromat, dry cleaning, quick printing service, beauty salon, tanning salon, funeral home)	R	N	P	R	P	P	R	R	P	P
<b>Quick Vehicle Servicing Uses</b> (e.g. full-serve/mini-serve gas station, unattended card key service station)	R	N	P	R*	P	R	R	N	P	P
<b>Repair-Oriented</b> (e.g. consumer goods-electronic, office equipment, appliance)	R	N	P	R	P	P	R	R	P	P
<b>Retail Uses</b> (e.g. sale, lease, or rent of new or used products)										
<i>Small Sales-Oriented</i> (e.g. appliance, convenience store, bakery, electronic, furniture, garden supply, grocery, hardware, video)	R	N	P	R	P	P	R	R	P	P
<i>Large Sales-Oriented</i> (e.g. big box store, mall, strip mall)	R	N	P	R*	P	R*	R	R*	P	P
<b>Surface Passenger Services</b> (e.g. passenger terminal for buses, rail service, local taxi, limousine service)	R	N	P	R	P	R	R	R	P	P
<b>Vehicle Repair Uses</b> (e.g. vehicle repair or service shop, alignment shop, tire sale)	R	N	P	R	P	R	R	R	P	P

**Table 6 Industrial/Manufacturing Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Industrial/Manufacturing Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Industrial Service Uses</b> (e.g. machine shop, tool repair, towing and vehicle storage, building supply yard, heating/plumbing/electrical contractor, exterminator, janitorial service, fuel oil distributor, solid fuel yard)	R	N	P	R	P	P	R	R	P	P
<b>Manufacturing and Production Uses</b> (e.g. manufacturing, processing, fabrication, packaging or assembly of goods)										
<i>Technical/Light Manufacturing</i> (e.g. electrical components, engineering, scientific and research office, optical, computer hardware/software, publishing, pharmaceuticals, printing/photo facility,)	R	N	P	R	P	P	R	R	P	P
<i>General Manufacturing</i> (e.g. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	R	N	P	R	P	P	R	R	P	P
<i>Heavy Manufacturing</i> (e.g. concrete and asphalt plant, meat packing plant, wet corn milling, manufacturing of animal feed, paper or paperboard mill, ethanol plant)	R	N	R	N	R	R*	R	N	P	P
<b>Mining and Extraction Uses</b>	R	N	R	N	R	N	R	N	P	P
<b>Salvage Operations</b> (e.g. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	R	N	P	R*	P	R	R	N	P	P
<b>Self-Service Storage Uses</b> (e.g. mini-warehouse, storage facility)	R	N	P	R	P	P	R	R	P	P

**Table 6 Industrial/Manufacturing Activities (Continued)**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Industrial/Manufacturing Activities (Continued)</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Warehouse and Freight Uses</b> (e.g. major wholesale distribution center, general freight storage, railroad switching yard, bus or rail car storage lot, parcel service, grain terminal)	R	N	P	R	P	P	R	R	P	P
<b>Waste-Related Uses</b> (e.g. recycling center, sanitary landfill, waste transfer station, composting, energy recovery plant, sanitary or water treatment facility, sanitary collection or pumping facility, hazardous waste collection site)	R	N	P	N	P	N	R	N	P	R*
<b>Wholesale Sales Uses</b> (e.g. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	R	N	P	R	P	P	R	R	P	P

**Table 7 Institutional Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Institutional Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>College and Universities</b> (e.g. public or private college or university, technical college, seminary)	R	N	R	N	P	R*	R	N	P	R
<b>Community Service Uses</b> (e.g. public, nonprofit, or charitable nature providing a local service to the people)										
<i>General Community Service</i> (e.g. library, museum, transit center, senior/community/neighborhood center, police/fire/EMS station, park and ride facility)	R	N	R	N	P	R*	R	R*	P	R
<i>Community Service-Shelter</i> (e.g. transient housing)	R	N	R	R*	P	R	R	R	P	R
<b>Daycare Uses</b> (e.g. childcare center, adult daycare, preschool, after school program)										
<i>Residential Daycare Uses</i> (e.g. in-home adult/child daycare facility)	R	N	R	R*	P	R	R	N	P	P
<i>Institutional Daycare Uses</i> (e.g. childcare center, preschool, after school program, adult daycare)	R	N	R	N	P	R*	R	N	P	R
<b>Detention Facilities</b> (e.g. prison, jail, probation center, halfway house, juvenile detention home)	R	N	R	N	P	R*	R	N	P	R
<b>Educational Facilities</b>										
<i>General Educational Facilities</i> (e.g. public and private elementary, middle, junior, and senior high school including religious, boarding, military)	R	N	R	N	P	R*	R	N	P	R
<i>Specialized Education Facilities</i> (e.g. specialized trade, business, or commercial courses, non-degree granting school)	R	N	R	N	P	R*	R	R*	P	R
<b>Hospitals</b> (e.g. hospital and medical center)	R	N	R	N	P	R*	R	N	P	R
<b>Religious Assembly Uses</b> (e.g. church, temple, mosque, Masonic, synagogue, eagles/moose/elk lodge)	R	N	R	N	P	R*	R	N	P	R



**Table 8 Infrastructure Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
<b>Infrastructure Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Basic Utility Uses</b> (e.g. utility or electrical substation)	R	N	R	R	R	R	R	R*	P	R
<b>Communication Transmission Facility Uses</b> (e.g. broadcast, wireless, point to point, or emergency tower and antennae)	R	N	R	N	R	R*	R	N	P	R
<b>Parking Uses</b> (e.g. ground lot, parking structure)	R	R	P	P	P	P	P	P	P	P
<b>Transportation Uses</b> (e.g. local or county road, highway, interstate)	R	R	P	P	P	P	P	P	P	P
<b>Utility Uses</b> (e.g. wind generator, wind farm, solar power generation equipment)	R	N	R	N	R	R*	R	N	P	R*
<b>Water Tower</b>	R	N	R	N	R	R*	R	N	P	R

**Table 9 Agriculture and Open Space Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A	Zone B1	Zone B2	Zone C	Zone D					
<b>Agriculture and Open Space Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Agricultural Uses</b> (e.g. commercial cultivation of plants, livestock production)										
<i>Animal-related</i> (e.g. livestock , dairy , horse farm)	R	R	P	P	P	P	P	P	P	P
<i>Facility-related</i> (e.g. fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	R	N	R	N	P	R*	R	N	P	R
<i>Plant-related</i> (e.g. crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	R	P	P	P	P	P	P	P	P
<i>Resident-related</i> (e.g. single-family home or mobile home if converted to real property and taxed)	R	N	P	R*	P	R	R	N	P	P
<b>Water Bodies</b>										
<i>Man-made resources</i> (e.g. mining or extraction pond, retention pond, detention pond, or wetland mitigation site)	R	N	P	R*	P	R	R	N	P	R
<b>Wildlife Preservation Areas</b> (e.g. petting zoo, wildlife rehabilitation center, zoo)	R	N	R	N	P	R*	R	N	P	P

**Table 10 Parks and Recreation Activities**

<b>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</b>										
<b>E = Existing Land Use</b> (Development or land use currently on the ground) <b>F = Future Land Use</b> (Proposed future development or land use)  <b>P = Permitted**</b> <b>R = Permit Required</b> <b>N = Not Permitted</b>  *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A	Zone B1	Zone B2	Zone C	Zone D					
<b>Parks and Recreation Activities</b>										
	E	F	E	F	E	F	E	F	E	F
<b>Commercial Recreational Uses</b> (e.g. facilities used for physical exercise, recreation, or culture)										
<i>Golf</i> (e.g. 9+ hole course, golf driving range, outdoor miniature golf)	R	N	R	R*	P	R*	R	N	P	P
<i>Indoor</i> (e.g. physical fitness center, health club, bowling alley, skating rink, billiard hall, arcade, indoor theater)	R	N	R	R*	P	R	R	N	P	P
<i>Outdoor</i> (e.g. campground, tennis/swimming facility, drive-in theater, skating rink, pavilion, amphitheater)	R	N	R	R*	P	R	R	N	P	P
<b>Parks</b> (e.g. aquatic, mini, private, sports, neighborhood, school, community)	R	N	P	R	P	R	R	N	P	P
<b>Utility Uses</b> (e.g. amusement or theme park, fairground, racetrack, sports arena)	R	N	R	N	P	R*	R	N	P	P

## 4.328 Definitions

Generally:

- For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter.
- Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulation,” the word “regulations” means “these regulations.”
- A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Term. (*Source of Definition*) Definition

**ACCESSORY STRUCTURE OR USE.** A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use.

**AIR TRAFFIC.** (*FAA FAR Sec. 1.1*) Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

**AIRPORT.** (*FAA FAR Sec. 152.3*) The Southern Wisconsin Regional Airport owned by Rock County. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.

**AIRPORT ELEVATION.** (*FAA AC 150/5190-4A*) The highest point on the usable landing area of an airport that is measured in feet from mean sea level (MSL).

**AIRPORT ENVIRONS.** The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

**AIRPORT HAZARD.** (*FAA FAR Sec. 152.3*) Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.

**AIRPORT LAYOUT PLAN (ALP).** (*FAA FAR Sec. 152.3*) The plan of an airport that shows the layout of existing and proposed airport facilities.

**AIRPORT MASTER PLAN.** The Southern Wisconsin Regional Airport Master Plan Report, 2009, as updated.

**AIRPORT OVERLAY ZONES.** A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and runway protection zones (RPZs) have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

- Zone A - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
- Zone B1 & B2 - reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft that utilize the runway.
- Zone C - includes those areas that are parallel to the runway pavement and extend 1,050' from the edge of the primary surface.
- Zone D - encompasses the horizontal surface (innermost area) and the conical surface (outermost area), which make up the three (3)-mile jurisdictional boundary delineated at the Southern Wisconsin Regional Airport.

**AIRPORT REFERENCE CODE (ARC).** (*FAA Web site [www.faa.gov](http://www.faa.gov)*) The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

**AIRPORT REFERENCE POINT (ARP).** (*FAA AC 150/5300-13*) The latitude and longitude of the approximate center of the airport.

**AIRPORT ZONING PERMIT.** A Zoning/Building Site Permit that allows new development or alteration or expansion of a Permit Required Use.

**AIRSIDE.** (*FAA Web site [www.faa.gov](http://www.faa.gov)*) The portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.

**AIRSPACE.** (*FAA Web site [www.faa.gov](http://www.faa.gov)*) The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

**ALTERATION.** Any construction which would result in a change in height or lateral dimensions of an existing structure or object.

**APPLICANT.** The owner of the land or his/her representative.

APPROACH SLOPES. (*FAR Part 77*) The ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface. The various ratios include:

- **20:1** - for all utility and visual runways extended from the primary surface a distance of five thousand (5,000) feet.
- **34:1** - for all non-precision instrument runways extended from the primary surface for a distance of ten thousand (10,000) feet.
- **50:1/40:1** - for all precision instrument runways extended from the primary surface for a distance of 10,000 feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.

APPROACH SURFACE. (*FAA AC 150/5190-4A*) A surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan view, the perimeters of the approach surface and approach zone coincide.

AVIGATION EASEMENT. (*FAA Web site www.faa.gov*) A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

BUILDING. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

BUILDING CODES. (*The Practice of Local Government Planning*) Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.

BUILDING HEIGHT. The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

COMMERCIAL USES. Land uses or activities that involve the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

COMMITTEE. The Rock County Planning and Development Committee.

COMPATIBILITY. The degree to which land uses or types of development can coexist or integrate.

CONSTRUCTION. The erection or alteration of any structure or object of either a permanent or temporary nature.

DENSITY. The number of living units per acre.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.

**EASEMENT.** Authorization by a property owner for the use by another and for specified purpose of any designed part of his/her property.

**EXISTING USE.** Any use of land lawfully in existence at the time of the effective date of this Ordinance or amendment thereto becomes effective.

**FEDERAL AVIATION ADMINISTRATION (FAA).** (*FAA Web site www.faa.gov*) A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.

**FEDERAL AVIATION REGULATIONS (FAR).** (*FAA FAR*) Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

- **FAR Part 36.** (*FAA FAR Sec. 36.1*) Establishes noise standards for the civil aviation fleet.
- **FAR Part 91.** (*FAA FAR Sec. 91.1*) Pertains to air traffic and general operating rules, including operating noise limits.
- **FAR Part 150.** (*FAA FAR Sec. 150.1*) Pertains to airport noise compatibility planning.
- **FAR Part 161.** (*FAA FAR Sec. 161.1*) Pertains to notice and approval of airport noise and access restrictions.
- **FAR Part 77.** (*FAA FAR Sec. 77.1*) Objects Affecting Navigable Airspace - Part 77 (a) establishes standards to determine obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

**GENERAL AVIATION AIRPORT.** Any airport that is not an air carrier airport or a military facility.

**GROWTH.** Any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.

**HEIGHT.** Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the *Southern Wisconsin Regional Airport Height Zoning Map*; height shall be the highest point of a structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

INDUSTRIAL, WHOLESALE TRADE, AND STORAGE USES. A use category that includes:

- Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.
- Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

IMAGINARY SURFACES. (*FAA FAR Part 77.25*) Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction.

- **Approach surface** - longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.
- **Conical surface** - extends upward and outward from the periphery of the horizontal surface at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.
- **Horizontal surface** - horizontal plane located one hundred fifty (150) feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
- **Transitional surface** - extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of one hundred fifty (150) feet above the established airport elevation.

INCOMPATIBLE LAND USE. (*FAA FAR Sec. 150.7*) Land use that is typically unable to coexist with aircraft and airport operations.

INSTRUMENT APPROACH PROCEDURE. (*FAA Pilot/Controller Glossary*) A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions



from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

**INSTRUMENT LANDING SYSTEM (ILS).** *(FAA Pilot/Controller Glossary)* A precision instrument approach system which normally consists of the following electronic components and visual aids: localizer, glideslope, outer marker, middle marker, and approach lights.

**ITINERANT OPERATION.** *(FAA AC 150/5325-4B)* Aircraft takeoff or landing operations that occur from one airport to another and involves a trip of at least twenty (20) miles. Local operations are excluded.

**LAND USE.** Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

**LAND USE COMPATIBILITY.** *(FAA Web site www.faa.gov)* Land uses that can coexist with an airport and airport related activities.

**LIGHTING AND MARKING OF HAZARDS TO AIR NAVIGATION.** Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

**LOT.** A parcel of land described in a recorded plat or deed.

**MITIGATION.** *(FAA Web site www.faa.gov)* The avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.

**NAVIGATION AIDS (NAVAID).** *(FAA Web site www.faa.gov)* Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

**NAVIGABLE AIRSPACE.** The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off of aircraft.

**NOISE EXPOSURE CONTOURS.** *(FAA Web site www.faa.gov)* Lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-night sound level (DNL) is the measurement used to describe community exposure to noise.

**NOISE IMPACT.** A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

**NOISE SENSITIVE AREA.** *(FAA AC 91-36D)* Defined as an area where noise interferes with normal activities associated with the use of the area.

**OBJECT.** *(FAA AC 150/5300-13)* Includes, but is not limited to, above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

**OBSTACLE FREE ZONE (OFZ).** (*FAA 150/5300-13*) The three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses one hundred fifty (150) feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDs, the location of which is fixed by function.

**OBSTRUCTION.** (*FAA AC 150/5190-4A*) Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.

**OFF-AIRPORT PROPERTY.** (*FAA Web site www.faa.gov*) Property that is beyond the boundary of land owned by the airport sponsor (Rock County).

**ON-AIRPORT PROPERTY.** (*FAA Web site www.faa.gov*) Property that is within the boundary of land owned by the airport sponsor (Rock County).

**ORDINANCE.** Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

**OVERLAY ZONE.** (*FAA Web site www.faa.gov*) A mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district.

**OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

**PERMIT REQUIRED USE.** Are those land uses that shall be permissible following the issuance of a Rock County Zoning/Building Site Permit. The Permit, which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents.

**PERMITTED USE.** Are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do NOT impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents.

**PRIMARY SURFACE.** (*FAA AC 150/5190-4A*) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRIMARY RUNWAY.** (*FAA AC 150/5325-4B General Definition*) The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

**PRINCIPAL USE.** The use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

**PUBLIC ASSEMBLY USE.** A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. Public assembly use does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

**PUBLIC USE AIRPORT.** (*FAA AC 150/5190-6*) A public- or private-owned airport that is open for public use.

**RESIDENTIAL AND ACCOMMODATION USES.** A use category that includes the following:

- **Residential** - provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one or more persons. Tenancy typically last longer than thirty (30) days.
- **Accommodation** - characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than thirty (30) days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

**RUNWAY.** A portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.

**RUNWAY PROTECTION ZONE (RPZ).** (*FAA AC 150/5300-13*) An area off the runway end designed to enhance the protection of people and property on the ground.

**RUNWAY SAFETY AREA.** (*FAA AC 150/5300-13*) A defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.

**STRUCTURE.** Any man-made object with form, shape, and utility that is permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed. Examples include, but are not limited to, roofed and walled buildings, gas or liquid storage tanks, or television dishes.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

**SUBSTANTIAL IMPROVEMENT.** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

**TREE.** Any object of natural growth that shall not exceed the Zoning Height Restrictions.

**USE.** That which is customarily or habitually done, may include seasonal uses, and need not extend to the entire tract of land at the time of the adoption of this Chapter. (See also LAND USE)

**UTILITY RUNWAY.** A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds gross weight or less.

**VARIANCE.** Authority granted to the owner to use his/her property in a manner that is prohibited by the Zoning Code. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances that are applied to a land parcel can, has, or will cause a hardship to the owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses.

- **Area Variance** - one which does not involve a use that is prohibited by the Zoning Code. Area variances involve matters such as setback lines, frontage requirements, lot-size restrictions, density, density regulations, and yard requirements. Height limitation variances shall not be granted under this Ordinance.
- **Use Variance** - one which permits a use of land other than what is prescribed by the Zoning Code. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Chapter. Use variances shall not be granted under this Ordinance.

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**WETLAND.** Those areas where water is at, near, or above the land surface long enough to support aquatic or hydroponic vegetation and which have soils indicative of wet conditions.

**WILDLIFE ATTRACTANTS.** Any man-made structure, land use practice, or man-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited

to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

**WILDLIFE HAZARDS.** Feral or domesticated animals that are associated with aircraft strikes, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

## **Subpart 2: Airport**

\*Height of Structures and Trees and the Use of Property in the Vicinity of the Rock County Airport.

**4.330 Definitions.** As used in this ordinance, unless the context otherwise requires:

- (1) Airport - means the Rock County Airport located in Sections 13, 14, 22, 23, 24, 26 and 27, T 2N, R 12E, Rock County, Wisconsin.
- (2) Airport hazard - means any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (3) Non-conforming use - means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
- (4) Person - means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (5) Structure - means any object constructed or installed by man.
- (6) Tree - means any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five (5) feet.
- (7) Runway - means any level portion of any airport having a surface specifically developed and maintained for the landing and take-off of aircraft.

## **4.331 Zones**

All zones as established herein shall extend three (3) miles beyond the boundaries of the airport site as shown on the map entitled "Zone Map – Rock County Airport" dated August 10, 1966, which is attached hereto and adopted as part of this ordinance.

#### **4.332 Height Zones**

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limitations indicated on the map referred to in Section 3.02 hereof.

The maximum height limitations above sea level on said map are shown by map elevations contained within the section lines and subdivisional lines on said map.

#### **4.333 Use Restriction**

(1) Activities. Notwithstanding the provisions of Section 3.03 of this ordinance, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(2) Exceptions. The restrictions contained in Section 3.03 hereof shall not apply to legal fences or to farm crops which are cut at least once each year.

#### **4.334 Non-conforming Uses**

(1) Not Retroactive. The regulations prescribed in Sections 3.02 and 3.03 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section 3.07(2).

(2) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.

(3) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

#### **4.335 Administration**

It shall be the duty of the Rock County Airport Committee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Rock County Airport Committee upon a form furnished by it. Applications which are by this ordinance to be decided by said committee shall be promptly considered and granted or denied. Applications for action by the Board of Zoning Appeals shall be forthwith transmitted by the Rock County Airport Committee to said Board for hearing and decision.

#### **4.336 Permits**

(1) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 3.02 of this ordinance until the owner or his agent shall have applied, in writing, for a permit therefore and obtained such permit from the Rock County Airport Committee, except structures more than one-half mile from the nearest airport boundary and less than 50 feet maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. No tree may be planted without a permit, and any tree planted without a permit or permitted to grow without planting may be ordered removed at any time by the Rock County Airport Committee upon its finding that such tree violates or is about to violate the height restriction for the zone. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Rock County Airport Committee to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Rock County Airport Committee shall issue the permit applied for.

(2) Existing Uses. Before any non-conforming structure or tree may be replaced, altered or repaired, rebuilt or replanted, a permit shall be applied for and secured in the manner prescribed by paragraph 3.07(1) authorizing such change, replacement or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit is made.

(3) No person shall sell any fermented malt beverage or intoxicating liquor, as defined by Wisconsin Statutes, sec. 125.02, on Airport property without the Southern Wisconsin Regional Airport Board approval. Permit applications may be obtained from the Airport Administration office. Permits must be submitted to the Airport Director 60-days prior to the requested start date. No permit fee will be assessed. Any permit holder must comply with all local licensing laws and regulations.

#### **4.337 Hazard Marking and Lighting**

Any permit or variance granted under Sections 3.07 and 3.09, may, if such action is deemed advisable by the Rock County Airport Committee to effectuate the purpose of this ordinance and if such is reasonable under the circumstances be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of any airport hazard.

#### **4.338 Board of Appeals**

A Board of Zoning Appeals is hereby established to consist of the Chairman of the Rock County Board of Supervisors and any other four residents of Rock County as selected by said chairman and approved by the Rock County Board of Supervisors, provided that not

more than two members of such board shall be owners or occupants of the area affected by this ordinance. Said Board of Zoning Appeals shall have all the powers, duties and functions as provided in Section 62.37(7)(e) of the Wisconsin Statutes.

#### **4.339 Appeals and Review**

(1) Variances. Upon appeal in special cases, the Board of Zoning Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will be substantial justice and be in accord with the spirit of the ordinance, and does not create a hazard to the safe, normal operation of aircraft.

(2) Aggrieved person. Any person aggrieved or affected by any decision or action of the Rock County Airport Committee made in its administration of this ordinance may appeal such decision or action to the Board of Zoning Appeals.

(3) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23(7)(e) of the Wisconsin Statutes.

#### **4.340 Prohibition**

(1) No person, firm or corporation shall operate commercially at Southern Wisconsin Regional Airport without first obtaining a Commercial Operating Lease granted by the Board of Supervisors of the County of Rock in accordance with the Rock County Airport Rules and Regulations regarding minimum requirements for aeronautical services adopted by the Rock County Board of Supervisors and on file with the County Clerk, except that transient commercial operators may make occasional use of the Southern Wisconsin Regional Airport upon approval of the Airport Manager and upon payment of landing fees prescribed by said rules and regulations without first securing a Commercial Operator Lease.

(2) In this subsection, “operate commercially” means the conduct or provision of any commercial aeronautical service or related business or activity for a fee.

#### **4.341 Definitions**

(1) Aircraft. Aircraft shall mean any fixed or rotary type of an air vehicle.

(2) Commercial Operation. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of transporting persons or material, where the owner and/or operator of the aircraft receives a fee for the transporting service of the persons or material.



(3) Commercial Training Operations. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of training student pilots where the owner and/or instructor receives a fee for the instruction in and/or rental of the aircraft.

(4) Corporate Operations. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of transporting persons that are employees, vendors, or customers of the aircraft owner and where the aircraft owner does not receive a fee specifically for the transportation services.

(5) Private Operations. The action of an aircraft taking off or landing on the Rock County Airport for the leisure enjoyment of the aircraft owner and/or operator.

(6) Certificated Gross Weight. The maximum allowable landing weight of an aircraft as determined by the Federal Aviation Administration.

(7) Fixed Base Operator. The aviation businesses located on the Rock County Airport that have a contract with the Rock County Airport as required by the Rock County Airport Minimum Standards.

#### **4.351 General**

(1) Purpose. The purpose of the commercial operations fee is to derive revenue used to defray the continually increasing costs of operation at the Rock County Airport.

(2) Exemptions. Aircraft operated by scheduled air carriers operating under Part 121 shall be exempted, but shall pay landing fees as contained in contracts with Rock County.

Aircraft operated by Rock County Airport fixed base operators are exempted from the fee.

Commercial training flights in aircraft under 12,500 lbs. certificated gross weight are exempted.

Corporate operations are exempted.

Private operations are exempted.

(3) Severability. It is the intention of the County Board that each section, paragraph, sentence, clause and provision of this code is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the code nor any part thereof other than that affected by such decision.

(4) Enactment Clause. This ordinance shall take effect upon its passage and publication.

#### **4.352 Fees and Collection**

- (1) Fees. The Rock County Airport Committee shall establish and adjust all fees.
- (2) Collection. The collection of the commercial operations fee is the responsibility of Rock County. The airport manager and his authorized agents shall collect the fee.
- (3) Agents. The Airport Committee may from time to time designate agents to assist in collection of the Commercial Operations Fee.
- (4) Prohibition. Landing or takeoff without payment of the appropriate fee or excuse by purchase of fuel (and indirect payment of the fuel flowage fee) is hereby prohibited and each such operation is a separate violation.

#### **4.353 Fuel Alternative**

Fuel Purchase Minimums. All single engine aircraft subject to the commercial operations fee may be excused from paying the fee by purchasing at least 25 gallons of fuel.

All multiengine aircraft up to 12,500 lbs. certificated gross weight subject to the commercial operations fee may be excused from paying the fee by purchasing at least 50 gallons of fuel.

All multiengine aircraft over 12,500 lbs. certificated gross weight subject to the commercial operations fee may be excused from the fee by purchasing at least 100 gallons of fuel.

#### **4.354 Commercial Loading Areas**

- (1) Location. There are three areas that shall be used for loading and unloading of aircraft subject to the commercial operations fee. These areas are:
  - (a) Ramp The ramp between the Blackhawk Airways hangar and Vocational School hangar.
  - (b) Ramp The ramp area between General Aviation Corporation hangar and the Terminal building.
  - (c) Ramp The ramp area in front of the Hodge Aero hangar.
- (2) Prohibition. Loading and unloading of aircraft subject to the commercial operations fee at other than a designated area is hereby prohibited, and each such loading or unloading is a separate violation.

## **\*4.355 Regulation of Vehicular and Pedestrian Traffic on Rock County Airport**

### (1) Definition of Words and Phrases.

(a) Pedestrian: Any person afoot.

(b) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

(c) Emergency Equipment: Emergency equipment shall mean crash, fire, and rescue, or police motor vehicles, and such other equipment as the Airport Manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

(d) Service, Maintenance and Construction Equipment: Approved equipment normally operated by Rock County Airport, a fixed based operator, and/or the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with County of Rock and/or Federal Aviation Administration.

### (2) Operation of Vehicles on Runways, Taxiways and Ramps:

No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie-down area, or any area posted by signs prohibiting the entrance thereon.

The provisions of this section shall not apply to Emergency Equipment and/or Service, Maintenance, and Construction Equipment when engaged in performing normal duties.

Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tie-down area. Aircraft owners desiring to operate a vehicle for this purpose will request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway, or ramp and shall proceed through said tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139, Federal Aviation Regulations.

(3) Speed of Vehicles. No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posted at the entrance to said airport, or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about Rock County Airport.

(4) Pedestrian Traffic on Airport. No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxi-ways, runways, and outlying areas of the airport except for those employees of the City, County, State, Federal Government, or contractors engaged in airport construction or maintenance work.

(5) Enforcement. It shall be the duty of the Rock County Sheriff and the Airport Manager of the County of Rock to enforce the provisions of this Ordinance.

(6) Effective Date. This Ordinance shall take effect and be in force after enactment and publication.

#### **4.356 Penalties**

In case any person, firm or corporation is convicted of violating any provision of this chapter of the county ordinances, judgment shall be entered against him that he pay in addition to costs, a forfeiture as follows:

A. Airport Standards.

For violation of Section 4.351 -- \$50.00 to \$500.00 per violation.

B. Commercial Operations Fee.

For violation of Sections 4.352 to 4.355 -- \$10.00 to \$50.00 per violation.

C. General.

For violation of any section of this part for which a separate penalty is not provided -- \$1.00 to \$200.00 per violation.

And in default of the payment of the judgment that he be imprisoned in the county jail for such time as the court deems fit, not exceeding thirty (30) days for each violation unless said judgment is sooner paid. The judgment or the imposition of any forfeiture, and costs may be suspended or deferred for not more than thirty (30) days in the direction of the court. Each day that a violation continues to exist shall constitute a separate offense.

\*Amended January 24, 1974

### **Subpart 3: Airport Sign Regulations**

#### **4.357 Purpose**

The purpose of this section is to promote the public health, safety and general welfare by establishing standards and requirements for signs located on the Rock County Airport. It is the intent of this Section to establish standards for the construction, placement, type, size, sign materials, and to authorize the use of signs which are:

- A. Compatible with their surroundings;
- B. Appropriate to the type of activity to which the sign pertains;
- C. Legible in the circumstances in which the sign is seen; and
- D. Constructed of approved materials, placed or fastened and electrically connected in compliance with all applicable codes and ordinances.

#### **4.358 Authority**

The authority to adopt these regulations is found in Section 59.07(49) and 114.14(1) of the Wisconsin Statutes.

#### **4.359 Interpretation**

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements and shall be construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted the County by Wisconsin Statute.

#### **4.360 Effective Date**

This ordinance shall be effective after adoption by the County Board and publication in the County's Official Newspaper.

#### **4.361 Violations**

It shall be unlawful to construct or use any sign in violation of any of the provisions of this ordinance. In case of any violation, the Airport Director or any member of the Transportation Committee may institute appropriate action or proceeding to enjoin a violation or cause a sign to be removed. In all instances, action or inaction by any representative of the County under this ordinance shall not preclude or limit the assertion by the County of any of its rights or remedies under any applicable lease or other agreement between the County and an offending party.

#### **4.362 Penalties**

Any person, firm, or corporation who fails to comply with, or violates the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5,000 and the County's costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

#### **4.363 Permit Required**

No person, firm or corporation shall hereafter cause a sign to be placed, located, erected, moved, constructed, modified, reconstructed, extended, enlarged, converted, have a face change, or altered without submitting a Sign Permit Application, meeting the requirements of this Section, and obtaining a Sign Permit from the Airport Director prior

to construction. Sign Permits shall only be issued when the Airport Director is satisfied that the proposed sign shall be in compliance with the County's plan for the operation of the Airport and with any applicable requirements of the Wisconsin Statutes, the Wisconsin Administrative Code, or structural requirements of local and state building codes.

#### **4.364 Sign Permit Application**

Applications for each sign permit shall be made on forms furnished by the Airport Director, complete with a scaled drawing prepared by the applicant of the proposed sign or sign face changes indicating the sign layout, lettering, and proposed colors.

#### **4.365 Bonds or Insurance**

Every applicant for a sign permit shall, before the permit is granted, meet the provisions of the applicant's property lease with the Airport including construction insurance requirements, liability insurance, and insurance for improvements.

#### **4.366 Appeals**

Appeals from the decision of the Airport Director concerning the administration or enforcement of this ordinance may be made by any person aggrieved by a decision to the Transportation Committee. Any appeal shall be filed by the aggrieved person within 60 days of the date of decision. Such appeal shall be submitted on the approved forms prescribed by the Transportation Committee.

#### **4.367 Permit Fee**

- A. Signs less than 100 square feet in area -- \$100.00
- B. Signs 100 square feet or larger in area -- \$200.00
- C. Permit Fees are required prior to construction and payable upon filing an application.

#### **4.368 Signs Permitted**

The following signs may be authorized by obtaining a Sign Permit and are subject to the following regulations:

- A. Wall Signs. No more than two walls shall be permitted for each leased premises with one sign on the air side and the second on the road side of the building. Wall signs shall be placed against the exterior wall of a building not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signage shall not exceed 10 percent of the total square footage of the respective building wall.

- B. Pedestal Signs. Pedestal signs shall be limited to one sign for each Fixed Base Operator to advertise aviation fuel, types of aviation fuel available, prices, and/or name of business. Pedestal Signs shall not exceed thirty-six (36) square feet in display area on any one side or seventy-two (72) square feet on all sides for any one premises, and shall have a maximum height not to exceed the height of the principle structure.
- C. Window Signs. No more than one window sign shall be placed on the inside of commercial buildings which shall not exceed twenty-five (25) percent of the glass area of the window pane upon which the sign is displayed.

#### **4.369 Prohibited Signs**

The following types of signs shall be prohibited:

- A. Off Premises Signs. Signs off the leased property of the lessee, are prohibited, except as part of the Airport Directional and Locational Sign System.
- B. Roof-mounted Signs. Signs erected or painted on the roof of a building shall be prohibited by this ordinance.
- C. Moveable or Temporary Signs. No moveable signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona fide business purpose other than advertising is except from the above prohibition.
- D. "Follow Me" Signs. Use of "Follow Me" type signs on vehicles promoting the sale of goods and services on the air side area of the airport is prohibited.
- E. Variance Allowed.

An application for a variance shall be submitted to the Transportation Committee. In approving variances, the Transportation Committee may require conditions which will, in its judgment, substantially secure the objectives of the standards or requirements of this ordinance. Where the Transportation Committee finds the extraordinary hardships or practical difficulties may result from strict compliance with these prohibitions and/or the purposes of these prohibitions, it may approve variances to these prohibitions so that substantial justice may be done and the public interest secured. Such variance shall not have the effect of nullifying the intent and purpose of these prohibitions. The Transportation Committee shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

- 2) the variance will not in any manner conflict with the intent of sec. 3.30.
- 3) the conditions upon which the request for a variance is based are unique and are generally not applicable to other operations; and
- 4) the failure to grant the variance would result in a particular hardship to the applicant, if the strict letter of these regulations are carried out (hardship shall be distinguished from a mere inconvenience or self-imposed hardship.)

#### **4.370 Official Airport Signs**

Official airport signs for traffic control, airport location and direction, parking, information, and notices installed and maintained by the Rock County Airport are exempt from this ordinance.

#### **4.371 Memorial Signs, etc.**

Memorial signs and tablets setting forth the names of buildings, and date of erection when cut into any masonry surface or when constructed of metal may be installed when approved by the Transportation Committee.

#### **4.372 Temporary Signs**

Temporary signs or banners require a sign permit (without a Permit Fee) and may be displayed as appropriate to the situation when authorized by the Airport Director.

#### **4.373 Traffic Signs**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of aviation, railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of the airport. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

#### **4.374 Fixed Based Operator Terminal Signs**

A covered sign case shall be provided by the Airport in the north foyer of the Airport Terminal Building providing information for aviation goods and services offered by Rock County Airport Fixed Base Operators. Information shall be designed and maintained by the Airport Director.



#### **4.375 Airport Business Location and Directional Sign System**

A system of location and directional signs shall be designed and recommended by the Airport Director, approved by the Transportation Committee, and installed and maintained by the Airport Director. The Transportation Committee shall establish standards for the "Location and Directional Signs System" which may be more or less restrictive than this Section.

#### **4.376 Lighting of Signs**

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance. All lights shall shine downward and toward the building or sign face to illuminate the sign face.

#### **4.377 Definitions**

- A. Memorial Signs. Memorial Sign - means any sign which serves to preserve, commemorate, or keeps a remembrance alive.
- B. Movable Signs. Movable Sign - means any sign which by its structural design can be easily moved from location to location.
- C. Off Premises Sign. Privately owned signs that are located off the leased property of the tenant.
- D. Pedestal Signs. Pedestal Sign (pole sign) - means any sign which is supported by structures or supports, in or on the ground, and is independent of support from any building.
- E. Sign. Sign - means any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter illuminated or non-illuminated which is visible from any public place and which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, placard or temporary sign. Signs shall also include all sign structures and component parts.
- F. Wall Signs. Wall Sign - means any sign which is parallel to and affixed to an exterior wall or side of a mansard roof of a building. Wall signs also include signs which are parallel to the wall of a building and attached to the roof of a canopy.
- G. Window Signs. Window Sign - means any sign placed inside or upon a window facing the outside which is intended to be seen from the exterior of the building.