18.80

# Chapter 18.80

# AIRPORT OVERLAY ZONING DISTRICT

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#### 18.80.010 Title

This Ordinance shall hereafter be known, cited, or referred to as the Airport Overlay Zoning District (AOZD) of the Southern Wisconsin Regional Airport.

#### 18.80.020 Effective Date

This Ordinance shall be effective January 1, 2010, after adoption by the Common Council and publication as provided by law. Amendments to this Ordinance shall be effective after adoption

#### 18.80.030 General Provisions

The Common Council of the City of Janesville do ordain the creation of the Airport Overlay Zoning District (AOZD) Ordinance (hereafter referenced as the Ordinance) of the Southern Wisconsin Regional Airport.

## 18.80.040 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.

#### 18.80.050 Purpose and Intent

- A. The general purpose and intent of this Ordinance is to:
  - 1. Promote public health, safety, convenience, and general welfare of the community and its residents; and
  - 2. 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.
- B. The specific purpose and intent of this Ordinance is to:
  - 1. 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;
  - 2. 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:

- 3. Implement recommendations developed in the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans;
- 4. Promote compatible land uses while respecting the physical characteristics of the County, the Southern Wisconsin Regional Airport, and locations and sites;
- 5. Promote development in an orderly, planned, cost-effective, and environmentally-sound manner:
- 6. 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;
- 7. 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 area to protect the health, safety, and welfare of the County residents;
- 8. 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
- 9. 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.

#### 18.80.060 Abrogation and 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.

### 18.80.070 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 City of Janesville, and shall not be deemed a limitation or repeal of any powers granted to the City of Janesville by the Wisconsin Statutes.

#### **18.80.080** 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.

(Janesville 12/09)

### 18.80.090 Ordinance Supercedes Conflicting Ordinances

All other ordinances or parts of ordinances of the City of Janesville inconsistent or conflicting with the provisions set forth in this Chapter, to the extent of the inconsistency only, are hereby superseded by this Chapter. and publication.

#### **18.80.100** Jurisdiction

- A. 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.
- B. The regulations of the AOZD shall apply:
  - 1. 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.
  - 2. 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.
  - 3. To the limits represented by five (5) independent zones which are defined in Section 18.80.210 of this Ordinance.

#### 18.80.110 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.

### 18.80.120 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.

(Janesville 12/09)

#### **18.80.130** 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:

- A. The following specific use restrictions and regulations shall also apply:
  - 1. <u>Existing Uses.</u> 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 <u>NO</u> event be exceeded.
    - a. <u>Expansion of Existing Uses.</u> 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.
      - 2. Expansion of any existing use listed as a Permitted Use in Tables 4 10 does <u>NOT</u> require a Zoning/Building Site Permit and Affidavit.
    - b. <u>Substantial Damage.</u> The owner of any existing use, building, or structure which, as a result of fire, explosion, or other casualty is destroyed or substantially damaged, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, only if the following requirements are met:

- 1. 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.
- 2. 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 area 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. This includes expansion of any existing use listed as a Permitted Use in Tables 4 10.
- 3. Permit Required Uses are those land uses that shall be permissible following the issuance of a City of Janesville 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 residents of the area.
- 4. <u>Not Permitted Uses</u> are those land uses generally considered <u>NOT</u> compatible (incompatible) or <u>NOT</u> permitted within a particular zone of the AOZD. Incompatible land uses endanger the health, safety, and welfare of area residents and aircraft utilizing the Southern Wisconsin Regional Airport.

#### 18.80.140 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 City of Janesville Citation Ordinance (Chapter 18.28) may also be used to address Ordinance violations.

#### **18.80.150 Violations**

- A. 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 Community Development Director, and/or his/her designee(s) may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause structure or use to be vacated or removed. The building official may refer violations to the city attorney who may prosecute such violations according to the penalties provided in Section 18.28.010.
- B. Any person, firm, corporation, cooperative or other entity of whatsoever kind or nature who violates any provision of this chapter shall pay a forfeiture and shall be otherwise penalized as set forth in Section 18.28.010.
- C. Each day's continuance of any violation constitutes a separate violation.
- D. In addition to and not in lieu of any forfeiture imposed herein, the City may apply for and the court may grant, from time to time, injunctive relief including, but not limited to, abatement and mandatory performance.

#### 18.80.160 Administration

- A. DESIGNATION. The Common Council hereby designates the Community Development Director (hereinafter referred to as Director) and/or his/her designee(s) to administer and enforce the provisions of this Chapter. In the event of any conflict, the determination or interpretation of the Community Development Director shall prevail.
- B. RESPONSIBILITIES. The Director is hereby delegated the responsibility and authority to:
  - 1. Approve or conditionally approve Zoning/Building Site Permits that do <u>NOT</u> exceed required height restrictions;
  - 2. Advise applicants of the provisions of this Ordinance and assist them in preparing permit applications and appeals;
  - 3. Issue permits and inspect any building site or improvement or use of land as required by this Ordinance;
  - 4. Investigate and issue Citations for violations of this Ordinance;
  - 5. Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;

- 6. Maintain on file a list of all documentation of certified elevations; and
- 7. 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
- C. POWERS. The Director shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:
  - 1. To require complete and accurate information necessary to make reasonable evaluations of applications;
  - 2. 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
  - 3. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do <u>NOT</u> 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 Director and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
- D. ZONING/BUILDING SITE PERMIT. When required by this Ordinance, a Zoning/Building Site Permit (valid for one (1) year) shall be obtained from the Director and/or his/her 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 (Applicant's Recorded Affidavit Accepting Affidavit 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 residents of the area. 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 Director and/or his/her designee upon furnished application forms and shall include the following data:
  - 1. Name and address of the applicant, property owner, and contractor-builder; an accurate properly dimensioned map of the property, in duplicate showing;

- 2. 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;
- 3. A description of the proposed land use and building materials and landscaping materials;
- 4. When the Director 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;
- 5. When the Director 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);
- 6. Applicant's affidavit accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance; and
- 7. OTHER PERMITS. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.
- E. APPLICATION INFORMATION. In order to secure evidence upon which to base its determination, the Director 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.
  - 1. 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.

- F. 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 Director shall consider the factors listed below. In addition, the Director is not authorized to allow any use to exceed a height limitation in the AOZD.
  - 1. Potential to create an undue concentration of people (density);
  - 2. 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;
  - 3. Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;
  - 4. Creation of electrical or navigational interference;
  - 5. 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;
  - 6. Creation of wildlife attractants other than water;
  - 7. Potential storage of flammable or hazardous materials limits as defined by the Wisconsin Commercial Building Code;
  - 8. 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.
- G. CONDITIONS OF APPROVAL. Upon consideration of the factors listed above, the Director 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.
- H. APPEALING DECISIONS OF THE DIRECTOR. If the Director and/or his/her 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 Plan Commission. Such an appeal shall be signed and filed in writing with the Community Development Department within thirty (30) days following the Committee Designee's determination or be forever barred. The Plan Commission may affirm, overrule or modify a decision of the Director and/or his/her designee.

### 18.80.170 Board of Adjustment

There is hereby established a Zoning Board of Appeals pursuant to Section 62.23(7) of the Wisconsin Statutes. As prescribed, City Ordinance 18.24 – Procedures for the Zoning Board of Appeals, are hereby referenced and made part of this Ordinance.

- A. Any person, office, or department aggrieved by an order, requirement, interpretation, or determination made by the Director and/or his/her designee may appeal such decision to the City of Janesville Board of Appeals for final judgment.
- B. Use variances shall not be granted under the Ordinance.
- C. Height variances shall not be granted under this Ordinance.
- D. Where the Zoning Board of Appeals 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 Board of Appeals shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
  - 1. 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);
  - 2. 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);
  - 3. 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);
  - 4. The variance is not requested because of a self-imposed hardship;
  - 5. Shall not be granted solely on the basis of economic gain or loss; and
  - 6. Shall not be granted for actions which require an amendment to this Ordinance or the Map(s) described in any Section of this Ordinance.

- E. CONDITIONS. In approving variances, the Zoning Board of Appeals may require conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.
- F. PROCEDURES. An appeal or an application for a variance shall be submitted to the Zoning Board of Appeals within thirty (30) days of the action of the Director and/or his/her Designee.
- G. 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 Board of Appeals. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Director 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 Chapter 29 of the Rock County Code of Ordinances.

#### 18.80.180 Fees

A. At the time of application, the property owner or his/her agent shall pay the fees established pursuant to Section 18.24.090 – Fee Schedule.

#### 18.80.190 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 area 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:

#### A. SITE DESIGN AND PHYSICAL CHARACTERISTICS

- 1. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in that regard.
- 2. Proximity of runway environs and extended runway centerline areas.
- 3. Location of any linear roadways, relative to the alignment of the runway or the extended runway centerline.

#### B. NOISE SENSITIVITY

- 1. Insulate the structure/land use to reduce noise impacts.
- 2. Use airport compatible landscaping material to mitigate noise exposure.
- 3. Shift the structure or land use to allow for a more compatible location.

#### C. TALL STRUCTURES

- 1. Lower the structure or land use to a compatible height.
- 2. Shift the structure or land use to allow for a more compatible location.

#### D. VISUAL OBSTRUCTIONS

- 1. Install down shielded light fixtures.
- 2. Reduce the number of lighting fixtures, while still illuminating the land use area safely.
- 3. 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.
- 4. Limit reflective building materials, such as mirrored/reflective glass, solar panels, metal roofs, etc., within the vicinity of the Airport.
- 5. Locate areas of water away from the Airport to minimize reflection.
- 6. Shift the structure or land use within the site so that prevailing wind directions carry smoke, steam, or dust away from the Airport.
- 7. Change land use activity to reduce or limit emissions of smoke, steam, or dust.

#### E. WILDLIFE AND BIRD ATTRACTANTS

- 1. Select and space vegetative species to minimize habitats and food sources.
- 2. Maintain appropriate grass lengths to minimize wildlife attractants.
- 3. Prohibit certain agricultural crops near the Airport.
- 4. Eliminate or mitigate standing water bodies that provide water and habitat.
- 5. Use repellents to disperse wildlife in a humane manner.

#### **18.80.200** Airport Overlay Zoning Districts

- A. 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 Janesville Community Development Department and are adopted as part of this Ordinance.
- B. 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 Janesville Community Development Department and are adopted as part of this Ordinance.
  - 1. <u>Height Limitations.</u> 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 and also kept on file in the Janesville Community Development Department. 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.

# 18.80.210 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:

- A. 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
- B. Airport Height Zoning District

### 18.80.220 Zoning Map and District Boundaries

- A. The boundaries of each district are established as shown on a map entitled *Southern Wisconsin Regional Airport Overlay Zoning District Map*, Rock County, Wisconsin, dated April 23, 2009 and the Height Restrictions are established on a map entitled *Southern Wisconsin Regional Airport Height Zoning Map*, Rock County, Wisconsin, dated December 11, 2003 as amended and adopted on April 23, 2009 by the Rock County Board of Supervisors. 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 Janesville Community Development Department be readily available to the public.
- B. 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.
  - 1. 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 are established as shown on a map entitled "Southern Wisconsin Regional Airport Height Zoning Map, Rock County Wisconsin," dated December 11, 2003 as amended. 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.
  - 2. The Airport Overlay Zoning Districts are established as shown on the Airport Overlay Zoning District Map entitled "Southern Wisconsin Regional Airport Overlay Zoning District Map, Rock County, Wisconsin," dated April 23, 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.

#### **18.80.230** Airport Overlay Zoning District

- A. 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.
- B. AIRPORT LAND USE ZONES. The AOZD is comprised of five individual zones, which include A, B1, B2, C, and D.
- C. ZONES ENFORCED BY THIS ORDINANCE
  - 1. 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.

- 2. 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**.
- 3. 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.
- 4. 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**.
- 5. 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	7,300	130	PIR
04	6.701	150	PIR
22	6,701	150	B(D)
18	5.000	75	A(V)
36	5,000	13	A(V)

#### $A(V) - \underline{Utility}$ 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 – <u>Precision instrument runway</u> 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

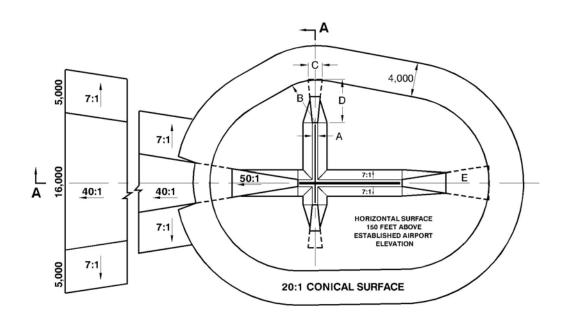
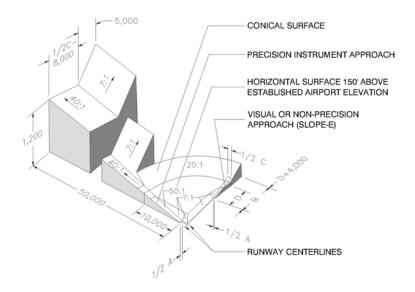


Figure 1 FAR Part 77 Surfaces – Plan view

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

			Dime	nsions	
Runway Ends	Approach Visibility Minimums <u>1</u>	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 <sup>3</sup> / <sub>4</sub> -mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
04	Lower than <sup>3</sup> / <sub>4</sub> -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>&</sup>lt;u>1</u> 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.

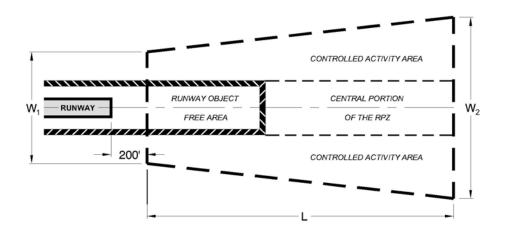
When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs

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

Dimension s in Figure 2	Item	Runway Dimensional Standards (Feet)										
on ire		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	Zone B2 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>3</sup>	10,000	10,000	10,000	10,000	5,000	5,000					
4	Zone C width	1,050	1,050	1,050	1,050	1,050	1,050					
5	<b>Zone D</b> length <sup>4</sup>	15,840	15,840	15,840	15,840	15,840	15,840					

<sup>&</sup>lt;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.

Source: Mead & Hunt

<sup>&</sup>lt;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

D Surface extends at a slope of 7:1 from the sides of the approach surface **B**2 **B**2 B2 **B**1 В1 **B**1 A-D D C Dimension is a function of the type of aircraft and Elevation equivalent to approach associated the Airport Reference with the runway end Point Elevation A Outer elevation 350' above the В1 **B**1 Airport Reference Point Elevation B2 B2 B2 Dimension is dependent on approach procedure and runway classification D

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

**Zone Dimension** 

•—1—• Primary Surface and Zone B1 Inner Width

•—4—• Zone C Width

-2- Zone B2 End Width

-3- Zone B1 & B2 Length

**Zoning Overlay District** 

——— Primary Surface
— A — Runway Protection Zone

-B1-B2- Runway Approach Surface

C Transitional SurfaceD 3-Mile Radius

- D. 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.
  - 1. Southern Wisconsin Regional Airport Height Zoning Map dated December 11, 2003 as amended, accompanies this 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.
  - 2. Southern Wisconsin Regional Airport Overlay Zoning District Map dated April 23, 2009 accompanies this Ordinance and 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 area citizens. The particular zones of the AOZD are illustrated on the Southern Wisconsin Regional Airport Overlay Zoning District Map.
  - E. EXCEPTIONS. The restrictions contained in this Section shall not apply to legal fences when located outside the Southern Wisconsin Regional Airport property lines.
  - F. HAZARD MARKING AND LIGHTING. Any permit may, if such action is deemed advisable by the Community Development Director 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.

- G. PROHIBITED USES IN THE AIRPORT OVERLAY ZONING DISTRICT.
  - 1. Any use that would exceed the Height Restrictions of the AOZD.
  - 2. No overhead electric, telephone, telegraph, or cable lines shall be erected within Zone A.
- H. 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

#### Southern Wisconsin Regional Airport Land Use Airport Zone Chart **E** = **Existing Land Use** (Development or land use currently on the ground) **F** = **Future Land Use**(Proposed future development or land use) **P** = **P**ermitted\*\* **R** = Permit **R**equired\* N = Not Permitted\*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 Zone Zone Zone Zone Zone Land Uses Α **B**1 **B**2 C D Residential Activities $\mathbf{E}$ F $\mathbf{E}$ $\mathbf{E}$ F $\mathbf{E}$ F Single-Family Uses (1 dwelling per lot) Detached Single Family Dwelling (e.g. farm dwelling, detached single family house, or manufactured. R N P R P R R N P P modular, mobile home if converted to real property and taxed) Detached Zero Lot Line Dwelling P P R N P N P R R R (e.g. condominium) Attached Single Family Dwelling R N P R P R R N P P (e.g. townhouse) **Two Family Uses** (e.g. two principal dwelling units Р R N P R P R R N P within one building on the same parcel) **Multi-Family Uses** (Three or more principal dwelling units within a single building on the same parcel) (e.g. apartment, condominium, townhouse-style) N P R P P P Low-Rise (2 to 3 Levels) R R R N Р *Mid-Rise* (4 to12 Levels) R N P R P R R N P R N P N P R P P High-Rise (13+ Levels) R N

Group Living Uses										
(e.g. assisted living, group care, independent group living, nursing and convalescent										
home)										
Residential Group Living Units (1 dwelling per lot)	R	N	P	R	P	R	R	N	P	P
Commercial Group Living Units (e.g. apartment style dwelling unit)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	R	R	N	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Manufactured Housing Parks	R	N	P	R	P	R	R	N	P	P

**Table 5** Commercial Activities

#### Southern Wisconsin Regional Airport Land Use Airport Zone Chart **E** = **Existing Land Use** (Development or land use currently on the ground) **F** = **Future Land Use**(Proposed future development or land use) **P** = **P**ermitted\*\* N = Not Permitted**R** = Permit **R**equired\* \*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 Zone Zone Zone Zone Zone Land Uses B2 Α B1 C D Commercial Activities F F $\mathbf{E}$ $\mathbf{F}$ $\mathbf{E}$ $\mathbf{F}$ $\mathbf{E}$ $\mathbf{E}$ $\mathbf{E}$ F Casino N R R N P P R N R R **Eating and Drinking Establishments** (e.g. restaurant, cafe, coffee shop, fast food N P P R P P R R R R restaurant, bar, nightclub, tavern, cocktail lounge) **General Office** (e.g. professional, business, financial, governmental) P P P P Low-Rise (2 to 3 Levels) R N R R R *Mid-Rise* (4 to12 Levels) R N P R P R R N P Р P High-Rise (13+ Levels) N R N R R R N R **Hospitality-Oriented** (e.g. hotel, motel, convention center, meeting hall, event facility) P P P P Low-Rise (2 to 3 Levels) R N R R R N P P P R N P P R R *Mid-Rise* (4 to12 Levels) P Р Р R N N N P *High-Rise* (13+ Levels) R R **Medical/Dental Office** (e.g. medical, dental, chiropractic, physical therapy) R N P P P Low-Rise (2 to 3 Levels) R P R R P

Mid-Rise (4 to12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R	R	N	P	P
Outdoor Storage and Display- Oriented (e.g. outdoor storage- lumber yard, vehicles sale, landscape material and nursery product sale, or farm supply equipment sale)	R	N	Р	R	Р	R	R	R	Р	P

**Table 5** Commercial Activities (Continued)

service)

#### Southern Wisconsin Regional Airport Land Use Airport Zone Chart **E** = **Existing Land Use** (Development or land use currently on the ground) **F** = **Future Land Use**(Proposed future development or land use) P = Permitted\*\***R** = Permit **R**equired\* N = Not Permitted\*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 Zone Zone Zone Zone Zone Land Uses Α **B**1 **B**2 C D Commercial Activities (Continued) $\mathbf{E}$ F $\mathbf{E}$ F F $\mathbf{F}$ $\mathbf{E}$ $\mathbf{E}$ $\mathbf{F}$ $\mathbf{E}$ **Personal Service-Oriented** (e.g. retail service, banking facility, laundromat, dry cleaning, R N P R P P R P P R quick printing service, beauty salon, tanning salon, funeral home) **Quick Vehicle Servicing Uses** (e.g. full-serve/mini-serve gas N P P P R P R R R N station, unattended card key service station) **Repair-Oriented** (e.g. consumer goods-electronic, N P P P R P P R R R office equipment, appliance) Retail Uses (e.g. sale, lease, or rent of new or used products) Small Sales-Oriented (e.g. appliance, convenience store, bakery, electronic, furniture, R N P R P P R R P P garden supply, grocery, hardware, video) Large Sales-Oriented N P (e.g. big box store, mall, strip R P R P R R R P mall) **Surface Passenger Services** (e.g. passenger terminal for buses, R N P R P R R R P P rail service, local taxi, limousine

Vehicle Repair Uses										
(e.g. vehicle repair or service	R	N	P	R	P	R	R	R	P	P
shop, alignment shop, tire sale)										

 Table 6
 Industrial/Manufacturing Activities

Southern Land	Wisco Use A		_		-	ţ					
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use(Proposed future development or land use)											
$\mathbf{P} = \mathbf{P}$ ermitted** $\mathbf{R} = \text{Permit } \mathbf{R}$ equired* $\mathbf{N} = \mathbf{N}$ ot Permitted											
*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 B1 Zone Zone Zone D											
Industrial/Manufacturing Activities											
	E	F	E	F	E	F	E	F	E	F	
Industrial Service Uses (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	
Manufacturing and Production U			1 '			.1.1	£	1-7			
(e.g. manufacturing, processing, fab Technical/Light Manufacturing (e.g. electrical components, engineering, scientific and research office, optical, computer hardware/software, publishing, pharmaceuticals, printing/photo facility,)	R	on, pa	Р	ng or	P	Р	R R	R	Р	P	
General Manufacturing (e.g. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	R	N	Р	R	Р	P	R	R	Р	P	

Heavy Manufacturing (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	Р	P
Mining and Extraction Uses	R	N	R	N	R	N	R	N	P	P
Salvage Operations (e.g. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	R	N	Р	R	Р	R	R	N	Р	P
Self-Service Storage Uses (e.g. mini-warehouse, storage facility)	R	N	P	R	P	P	R	R	P	P

 Table 6
 Industrial/Manufacturing Activities (Continued)

# Southern Wisconsin Regional Airport Land Use Airport Zone Chart

**E** = **Existing Land Use** (Development or land use currently on the ground)

**F** = **Future Land Use**(Proposed future development or land use)

P = Permitted\*\*

**R** = Permit **R**equired\*

N = Not Permitted

\*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

T ending neight restriction comphanice										
Land Uses		ne A	Zo B	ne 1	Zo B	-	Zo (		Zo E	-
Industrial/Mar	nufact	uring	Activ	ities (	Conti	nued)				
	E	F	E	F	E	F	E	F	E	F
Warehouse and Freight Uses (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
Waste-Related Uses (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
Wholesale Sales Uses (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

Southern Wisconsin Regional Airport  Land Use Airport Zone Chart													
Land	Use A	Airpo	rt Zon	ie Cna	ırt								
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use(Proposed future development or land use)													
$\mathbf{P} = \mathbf{P}$ ermitted** $\mathbf{R} = \text{Permit } \mathbf{R}$ equired* $\mathbf{N} = \mathbf{N}$ ot Permitted													
*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 Zone Zone Zone Zone D													
Institutional Activities													
E F E F E F E F E F													
College and Universities													
(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	natu	re pro	viding	g a loc	al ser	vice t	o the	peopl	e)				
General Community Service (e.g. library, museum, transit center, senior/community/neighborhood center, police/fire/EMS station, park and ride facility)	R	N	R	N	Р	R	R	R	P	R			
Community Service-Shelter (e.g. transient housing)	R	N	R	R	P	R	R	R	Р	R			
Daycare Uses	•												
(e.g. childcare center, adult daycare	, pres	chool	, after	scho	ol pro	gram)	)						
Residential Daycare Uses (e.g. in-home adult/child daycare facility)	R	N	R	R	P	R	R	N	P	P			
Institutional Daycare Uses (e.g. childcare center, preschool, after school program, adult daycare)	R	N	R	N	Р	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	Р	R			

<b>Educational Facilities</b>										
General Educational Facilities (e.g. public and private elementary, middle, junior, and senior high school including religious, boarding, military)	R	N	R	N	Р	R	R	N	P	R
Specialized Education Facilities (e.g. specialized trade, business, or commercial courses, non- degree granting school)	R	N	R	N	P	R	R	R	P	R
Hospitals (e.g. hospital and medical center)	R	N	R	N	P	R	R	N	P	R
Religious Assembly Uses (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

### Southern Wisconsin Regional Airport Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)

**F** = **Future Land Use**(Proposed future development or land use)

P = Permitted\*\* R = Permit Required\* N = Not Permitted

\*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	
Infra	struct	ure A	ctiviti	ies						
	E	F	E	F	E	F	E	F	E	F
Basic Utility Uses (e.g. utility or electrical substation)	R	N	R	R	R	R	R	R	P	R
Communication Transmission Facility Uses (e.g. broadcast, wireless, point to point, or emergency tower and antennae)	R	N	R	N	R	R	R	N	P	R
Parking Uses (e.g. ground lot, parking structure)	R	R	P	P	P	P	P	P	P	P
Transportation Uses (e.g. local or county road, highway, interstate)	R	R	P	P	P	P	P	P	P	P
Utility Uses (e.g. wind generator, wind farm, solar power generation equipment)	R	N	R	N	R	R	R	N	P	R
Water Tower	R	N	R	N	R	R	R	N	P	R

 Table 9
 Agriculture and Open Space Activities

9 4	****	•	D .	1 4							
Southern Wisconsin Regional Airport  Land Use Airport Zone Chart											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use(Proposed future development or land use)											
$\mathbf{P} = \mathbf{P}$ ermitted** $\mathbf{R} = \text{Permit } \mathbf{R}$ equired* $\mathbf{N} = \mathbf{N}$ ot Permitted											
*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 Zone A B1					one 32	Zone C		Zone D		
Agriculture and Open Space Activities											
	E	F	E	F	E	F	E	F	E	F	
Agricultural Uses (e.g. commercial cultivation of plants, livestock production)											
Animal-related (e.g. livestock, dairy, horse farm)	R	R	Р	P	Р	P	P	P	P	P	
Facility-related (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	
Plant-related (e.g. crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	R	Р	P	Р	P	Р	P	Р	P	
Resident-related (e.g. single-family home or mobile home if converted to real property and taxed)	R	N	Р	R	Р	R	R	N	Р	P	
Water Bodies											
Man-made resources (e.g. mining or extraction pond, stand alone retention or detention pond, or wetland mitigation site)	R	N	P	R	P	R	R	N	P	R	
Wildlife Preservation Areas (e.g. petting zoo, wildlife rehabilitation center, zoo)	R	N	R	N	P	R	R	N	P	P	

**Table 10 Parks and Recreation Activities** 

Southern Wisconsin Regional Airport											
Land Use Airport Zone Chart											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use(Proposed future development or land use)											
P = Permitted** $R = P$ ermit $R$ equired* $N = N$ ot $P$ ermitted											
*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 Zone A B1				Zone B2		Zone C		Zone D	
Parks and Recreation Activities											
	E	F	$\mathbf{E}$	F	$\mathbf{E}$	F	E	F	E	F	
Commercial Recreational Uses (e.g. facilities used for physical exercise, recreation, or culture)											
Golf (e.g. 9+ hole course, golf driving range, outdoor miniature golf)	R	N	R	R	Р	R	R	N	Р	P	
Indoor (e.g. physical fitness center, health club, bowling alley, skating rink, billiard hall, arcade, indoor theater)	R	N	R	R	Р	R	R	N	Р	P	
Outdoor (e.g. campground, tennis/swimming facility, drive-in theater, skating rink, pavilion, amphitheater)	R	N	R	R	Р	R	R	N	Р	P	
Parks (e.g. aquatic, mini, private, sports, neighborhood, school, community)	R	N	P	R	P	R	R	N	P	P	
Utility Uses (e.g. amusement or theme park, fairground, racetrack, sports arena)	R	N	R	N	P	R	R	N	P	P	

#### **18.80.240 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.

(Janesville 12/09)

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) 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) 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) 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.

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 visuals 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 City of Janesville 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 residents.

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

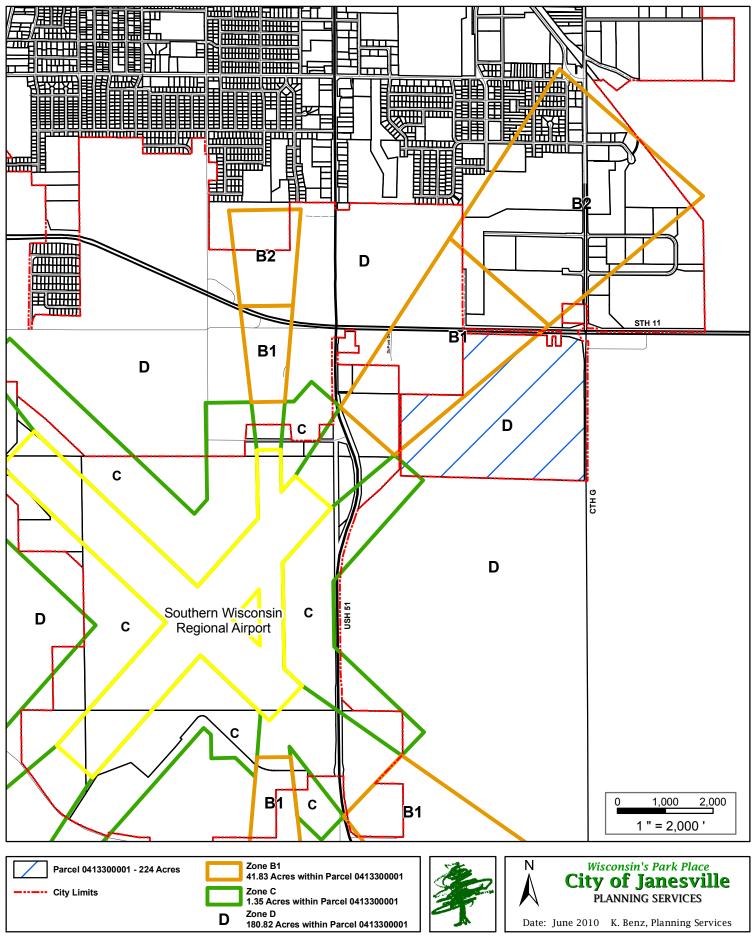
(Janesville 12/09)

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.

## **Airport Overlay Zoning District**



# Airport Overlay Zoning District Height Restriction - Parcel 0413300001

