

ORDINANCE NO. 2

REGULATING THE HEIGHT OF STRUCTURES AND TREES IN THE VICINITY OF THE TRI-COUNTY REGIONAL AIRPORT, LONE ROCK, WISCONSIN.

The Iowa County Board of Supervisors does hereby ordain as follows:

Section I Definitions. As used in this ordinance, unless the context otherwise requires:

- (a) "Airport" means the Tri-County Regional Airport located in Section 31, Town 9N, Range 3E, Sauk County, Wisconsin.
- (b) "Airport hazard" means any structure or object of natural growth, 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.
- (c) "Non-conforming use" means any structure or tree which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
- (d) "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.
- (e) "Structure" means any object constructed or installed by man.
- (f) "Trees" do not include shrubs, bushes or plants which do not grow to a height of more than twenty feet.
- (g) "Runway" means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Section II

Zones. All zones established by this section are as shown on the Map dated November 30, 1993, entitled "Height Limitation Zoning Map, Tri-County Regional Airport, Lone Rock, Wisconsin" which is attached hereto and adopted as part of this ordinance; a copy of said Map is on file in the Office of the Iowa County Zoning Administrator.

Section III

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

Section IV

Exceptions. The restrictions contained in Section III, shall not apply to the following:

- (a) Objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half mile of the airport boundary; or to structures less than fifty (50) feet in height above ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary; or to structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary; and
- (b) Structures that are constructed, altered or located within fifty (50) feet of a pre-existing object permitted under this ordinance (including non-conforming uses) which are not higher than such permitted object.

Section V

Non-conforming Uses.

- (a) Not retroactive. The regulations prescribed in Section II or III of this ordinance shall not be construed to require the removal, lowering or other change or alternation of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section VII(b).
- (b) Changes. Nothing herein contained shall require in the construction, alternation or intended use of any structure, if the construction or alternation of such was begun prior to the effective date of this ordinance, and if such diligently prosecuted.
- (c) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

Section VI

Administration. It shall be the duty of the Sauk County Zoning Administrator to administer and enforce the regulations prescribed herein. Further, it shall be the duty of the Zoning Administrators of Richland and Iowa Counties to cooperate in the administration and enforcement of this ordinance as herein provided. Applications for permits and variances shall be made to the Zoning Administrator of the county in which the proposed uses located upon a uniform form furnished by he or she. Such zoning administrator shall forthwith transmit a copy of such application to the Sauk County Zoning Administrator who shall thereafter process said application. A copy of said application shall forthwith be transmitted by the Sauk County Zoning Administrator to the Chairperson of the Tri-County Airport Commission who shall forthwith convene a meeting of said commission to consider such application. The Commission shall act upon such application within fifteen (15) days by recommending to the Sauk County Zoning Administrator that such application be granted or denied and giving its reasons therefore, unless Federal Aviation approval under FAR Part 77 is requested by the applicant or the commission, in which case the commission's recommendation may await determination by the Federal Aviation Administration. The Sauk County Zoning Administrator shall act upon application within ten (10) days of receipt of the Airport Commission's recommendation to grant or deny such application. There shall be no charge for applications or permits.

Section VII

Permits.

- (a) Future Uses. No structures shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section II of this ordinance until the owner or his agent shall have applied in writing for a permit therefore in the manner set forth above and obtained such permit from the Sauk County Zoning Administrator, except structure less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary and structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Said

permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. 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 Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for. In making such determination, the Zoning Administrator may rely upon findings made by the Airport Commission in its recommendation.

- (b) Existing Uses. Before any non-conforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph (a) authorizing such change, replacement or repair. No such permit shall be denied if the structure will not 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 was made.

Section VIII

Board of Appeals. There is hereby created a Board of Appeals, consisting of three members, none of whom are active airport commission members, one from each sponsor county, appointed by each respective County Board Chairperson, subject to confirmation by each respective County Board for terms of three (3) years, excepting that of those first appointed. One shall serve for one (1) year; one for two (2) years and one for three (3) years. The Members of said Board of Appeals shall receive the said sum as established by each County Board for each meeting attendance by them.

Section IX

Appeals and Review.

- (a) Variances. Upon in special cases the Board of 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 do substantial justice and be in accord with the spirit of this ordinance, and does not create a hazard to the safe, normal operation of aircraft. The Board of Appeals may condition its grant of

variance upon prior compliance with any reasonable condition which in its discretion it deems necessary or appropriate under the circumstances of the variance granted, including, but not limited to, the obstruction lighting of objects for which a variance is granted.

- (c) Aggrieved Person. Any person aggrieved or affected by any decision of action of the Sauk County Zoning Administrator made in his administration of this ordinance, including the Tri-County Airport Commission, may appeal such decision or action to the Board of Appeals
- (d) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23 (7)(e) of the Statutes.

Section X

Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than twenty-five (\$25.00) nor more than two hundred fifty dollars (\$250.00) for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and cost are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Section XI

Severability. If any of the provisions of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

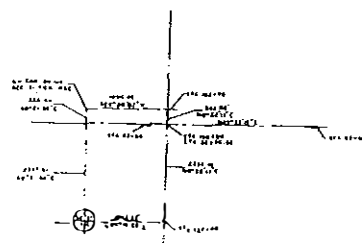
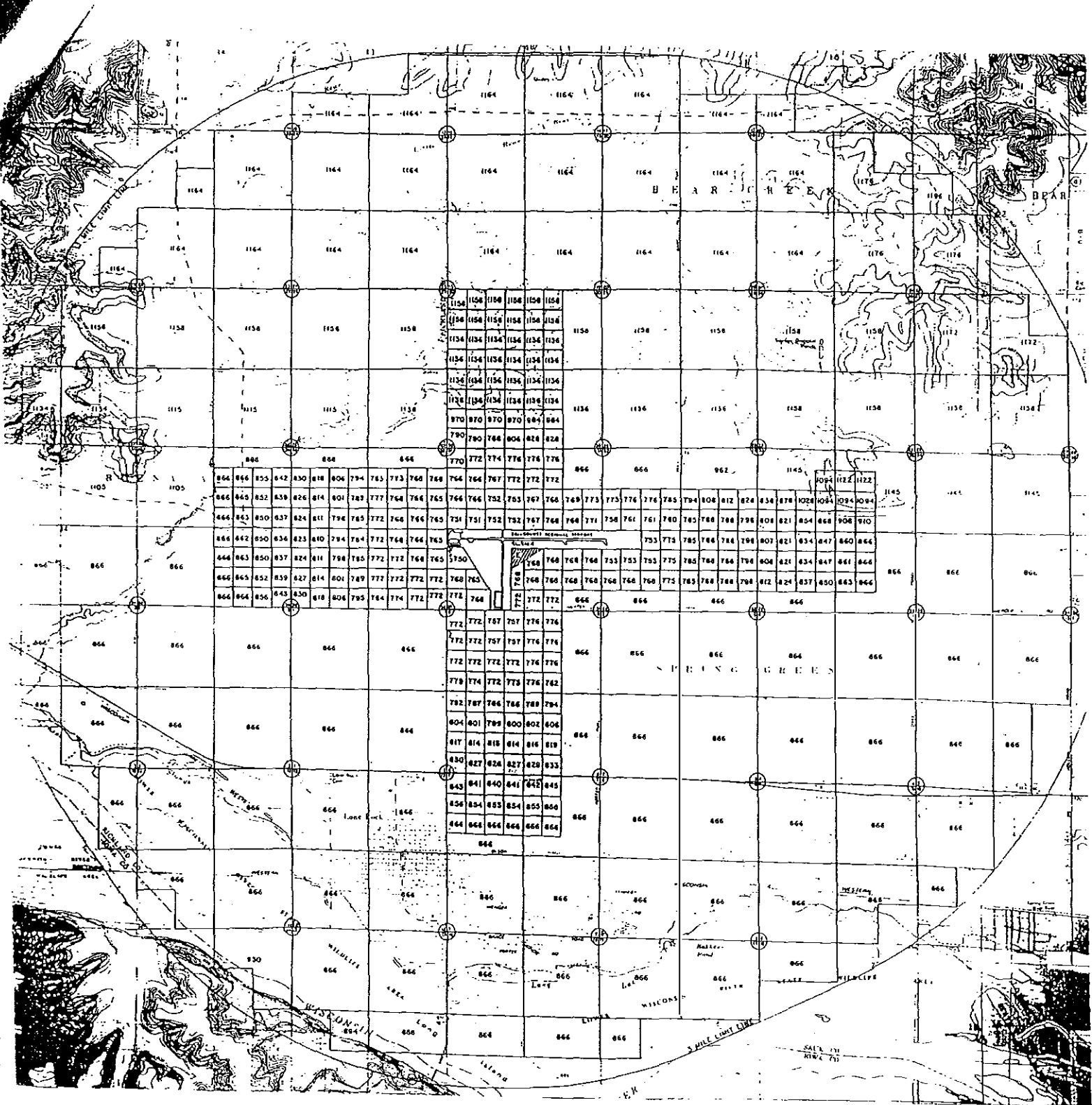
Section XII

Effect. This ordinance shall take effect and be in force upon passage and publication in each of the Counties of Sauk, Iowa and Richland.

Section XIII

This ordinance shall supercede and take precedence over any provision to the contrary in Iowa County Comprehensive Zoning Ordinance, which was adopted by the Iowa County Board of Supervisors on December 14, 1970, as amended to date.

Adopted this 20th day of December, 1994.



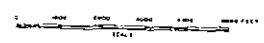
- LEGEND
- 0123 PROPERTY LINES
 - EDGE ELEVATIONS
 - PAVED HIGHWAY
 - SECTION CORNERS
 - EXISTENT ZONES

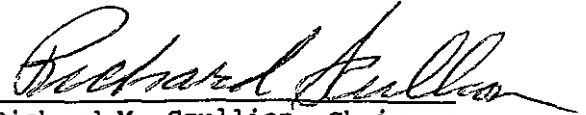
HEIGHT LIMITATION ZONING MAP

TRI-COUNTY REGIONAL AIRPORT
LOHR ROCK, WISCONSIN

DATE: 1968 BY: [illegible] FOR: [illegible] SHEET: 1 OF 1

WISCONSIN BUREAU OF LAND UTILITIES





Richard M. Scullion, Chairperson
Iowa County Board of Supervisors

ATTEST:



David D. Meudt,
Iowa County Clerk