

Ordinance No. 400.16A

Iowa County Airport Overlay Zoning Ordinance

Iowa County, Wisconsin

**Copies are available at the
Office of Planning & Development
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Dodgeville, WI 53533
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www.iowacounty.org**

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SECTION 1.0 PURPOSE. It is the purpose of this ordinance to regulate the use of property and to regulate and restrict the height of structures in the vicinity of the Iowa County Airport in order to promote public health, safety, and general welfare, to protect airport users, to increase safety in the use of the airport and to protect persons and property within the airport affected area and zoning districts while concurrently respecting historic and traditional usage of said areas. As an overlay ordinance, it applies additional review, conditions and/or restrictions to its jurisdiction area while retaining the existing base zoning classification as administered by the political unit with jurisdiction, ie. County, City, Village or Township.

SECTION 2.0 STATUTORY AUTHORIZATION. This ordinance, designed to protect the approaches, airspace and hazard areas of the Iowa County Airport is adopted pursuant to Ch. 114 WI Stats and Sections 59.03, 59.04, and 59.69..

SECTION 3.0 JURISDICTION. The jurisdiction of this ordinance shall extend over all lands and waters within three (3) statute miles from the property lines of the Iowa County Airport as shown on the Iowa County Airport Zoning District Map (see Appendix A), including both unincorporated and incorporated areas.

SECTION 4.0 SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 5.0 DEFINITIONS. Word used in the present tense includes the future, words in the singular number include the plural number and words in the plural number include the singular. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. "Administrator". The Iowa County Office of Planning and Development.
2. "Alteration" Any construction, which would result in a change in height or lateral dimensions of an existing structure or object.
3. "Airport Management". The Iowa County Airport Manager with oversight by the Iowa County Airport Commission.
4. "Airport." The Iowa County Airport located in Sections 22, 23, 26 and 27, Township 5 North, Range 2 East, Iowa County, Wisconsin or as otherwise described by recorded deed.
5. "Airport Affected Area." The area located within three (3) statute miles of the Iowa County Airport property boundaries..
6. "Airport Hazard." Any structure or object, whether man-made or natural, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing and taking off.
7. "Board of Adjustment." The zoning board of appeals created pursuant to Ch. 114.136(4) WI Stats with the powers provided by law to hear appeals and grant variances from the terms of this ordinance.
8. "Building." Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosures of persons, animals, equipment, machinery or materials.
9. "Church." A building used wholly or in part for the practice of a religion by a congregation of fifty (50) or more persons.
10. "Commission." The Iowa County Airport Commission.
11. "Committee." The Iowa Planning and Zoning Committee.

12. "Construction." The erection or alteration of any structure or objects either of permanent or temporary character.
13. "Day Care Facility." A building used wholly or in part for the licensed care of children, whom at least six (6) are not related by blood or marriage to the care giver(s).
14. "Development." Any manmade change to improved or unimproved real estate, including but not limited to construction of or additions to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.
15. "Growth." Natural vegetation including trees, shrubs, and foliage with the exception of farm crops that are cut at least once each year.
16. "Lot." A land area with a boundary description designated in a subdivision plat, certified survey map, or described in a conveyance, recorded in the Iowa County Register of Deeds.
17. "Nonconforming Structure." A structure that legally existed at the time of adoption or revision of this ordinance but does not comply with the provisions of this ordinance.
18. "Nonconforming Use." A use of land that legally existed at the time of adoption or revision of this ordinance but does not comply with the provisions of this ordinance.
19. "Person." Any individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes any spouse, partner, trustee, receiver, assignee, or other similar representative thereof.
20. "Preexisting permitted use." see Nonconforming Use.
21. "Retirement Home." A building used as a place of residence for the elderly in which there are at least three (3) separate living units that may or may not share common areas, such as dining and recreational facilities.
22. "Runway." A portion of the airport having a surface specifically developed and maintained for the taxiing, landing and taking off of aircraft.
23. "School." A building used as a public or private educational institution for children between the ages of four and eighteen, more commonly referred to as an elementary, secondary or high school. This definition exempts the home schooling, meaning the schooling of children within a private home versus a public or private institution.
24. "Structure." Any object or construction, excluding fills and fences, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility built or placed by man.
25. "Subdivision." For the purpose of this ordinance, a subdivision shall be the division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates three (3) or more parcels or building sites of five (5) acres each or less in area or where the act of division creates three (3) or more parcels or building sites of five (5) acres each or less in area by successive division within a five-year period.
26. "Telecommunication Tower." For the purpose of this ordinance, the definition within the Telecommunications Tower, Antenna and Facilities Siting Ordinance of Iowa County shall apply. Amateur radio towers are not included, provided any tower is no taller than 90 feet and is located at least 100% of its height to any property line.
27. "Tree." Any objects of natural growth, except farm crops which are cut once a year, and except shrubs and foliage which do not grow to a height of more than twenty (20) feet.
28. "Variance." A departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, granted by the Board of Adjustment upon the applicant

proving unnecessary hardship that permits the construction, alteration, remodeling or use of land that deviates from the requirements of this ordinance.

SECTION 6.0 GENERAL PROVISIONS.

1. Jurisdiction. The provisions of this ordinance shall apply to all those lands and waters within three (3) miles of the Iowa County Airport as indicated on the Iowa County Airport Zoning District Map (see Appendix A). Notwithstanding any other provision of this ordinance, no use may be made of land or water within any district established herein that would endanger the safe landing, taking off and maneuvering of aircraft within the vicinity of the Iowa County Airport, or would be injurious to the health, safety and welfare of persons using the airport facilities, including:
 - a) Creating electrical or electronic interference to navigational signals, and radio or radar communication between the airport and aircraft or air traffic control systems;
 - b) Installing or using slashing or flashing lights, illuminated advertising, illuminated business signs or any illumination that would create a hazard to pilots because of the difficulty distinguishing between airport lights and the non-airport illumination, or that results in glare in pilot's eyes to an extent that it impairs visibility;
 - c) Emitting or discharging smoke so as to interfere with the safe avigation of aircraft using the airport.
2. Persons constructing, purchasing or leasing any land or structures within three miles of the Iowa County Airport are advised that such land and structures, including dwellings, are within in the vicinity of the airport. The airport, by its customary and normal operations, may cause noise or interfere with the unrestricted use and quiet enjoyment of property.
3. Use Restrictions. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any district established by this ordinance in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft. No illuminated structures are allowed that would be hazardous for pilot navigation. No structure or use of land that causes the emission of smoke that may be a pilot navigation hazard or otherwise be detrimental or injurious to the health, safety and welfare of the public in use of the airport is allowed unless specifically approved by airport management. All uses must comply with any underlying zoning regulations.
4. Height Limitations. No structure, tree or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this ordinance to a height that exceeds the limitations established on the Height Limitation Zoning Map dated Sept. 19, 2007 as prepared by the Wisconsin Bureau of Aeronautics as shown in Appendix B.

A clearer, more legible map can be obtained from the Iowa County Office of Planning and Development.

The height limitation restrictions shall not apply to objects which are less than thirty-five (35) feet in height above the 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 three miles from the airport boundary.

5. Conflict with Other Regulations. Whenever the provisions of this ordinance are inconsistent with on another or when the provisions of this ordinance conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

SECTION 7.0 Airport Zones. The jurisdiction of this ordinance, as defined by Section 3.0, is divided into zones as shown on the map entitled "Iowa County Airport Zoning District Map" adopted as part of this ordinance. When a district line divides a lot of record existing prior to the effective date of this ordinance in such a manner that a use is not permitted in the most restrictive district of such lot, but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot where it is permitted. The zones described below are illustrated on the Iowa County Airport Zoning District Map (see Appendix A) as follows:

- Zone 1 Red outlined area
- Zone 2 Yellow outlined area
- Zone 3 Light Blue outlined area
- Zone 4 Green outlined area
- Zone 5 Dark Blue outlined area

A clearer, more legible map can be obtained from the Iowa County Office of Planning and Development.

1) Zone 1. This is primarily surface area (ground) that is vital for airport operations. Runways, taxiways and ground immediately adjacent are included in this zone. No buildings shall be allowed in this area for safety reasons. Most, if not all, of this zone is land owned by the airport.

a) Permitted Uses.

1. Aircraft hangers, air terminals, and airport administration and maintenance buildings
2. Runways, taxiways, aprons, and related lighting and air support apparatus
3. Airport security, rescue, and firefighting buildings and facilities
4. Aircraft repair and maintenance buildings and facilities
5. Fuel storage facilities and pumps
6. Commercial uses directly related to airport operations
7. Public gatherings in conjunction with an airport related activity sponsored or approved by the airport management
8. Air cargo facilities
9. Agricultural uses as approved by airport management
10. Municipal emergency response facilities

b) Prohibited Uses.

1. Any buildings or structures other than that necessary for airport operations.
2. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
3. Any new development where there would be a density of one hundred (100) or more persons per acre, either as employees, patrons, visitors, owners or occupants.
4. Places of public or semi-public assembly with a capacity of 100 or more persons.

2) Zone 2. This is an area adjacent to Zone 1 and is a transitional zone because aircraft are transitioning into a flight or landing pattern over this land area. This zone includes an extended approach sub-zone, which is an extension from the approaches at the runways.

Those uses permitted by the underlying general zoning jurisdiction are allowed except for those uses specifically prohibited in this section. Zone 2 is divided into two sub-zones: Sub-zone A and Sub-zone B.

a) The following uses shall be prohibited in the Sub-zone A:

1. Residential development on lots less than twenty (20) acres
2. Residential, commercial or mixed-use subdivisions
3. Commercial development on lots less than twenty (20) acres
4. Any new development where there would be a density of one hundred (100) or more persons per acre, either as employees, patrons, visitors, owners or occupants.
5. Wildlife ponds, not including storm water or erosion-control structures if designed for less than a 48-hour detention period
6. Hunting preserves, hunting clubs and trapshooting or similar facilities; wildlife sanctuaries, game preserves and including aviaries that would cause a navigation hazard.
7. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
8. Hospitals and clinics
9. Churches or similar places of worship
10. Schools
11. Landfills
12. Retirement homes
13. Day care facilities
14. Telecommunication towers
15. Theatres
16. Amphitheatres
17. Stadiums
18. Hatcheries
19. Flying of model aircraft or drones at more than 20 feet above ground grade by a noncommercial operator
20. Launching of model rockets or airborne fireworks
21. Any other construction that would encourage the concentration of bird (avian) populations that would cause a navigational hazard.
22. Campgrounds

b) The following uses shall be prohibited in the Sub-zone B:

1. Residential development on lots less than ten (10) acres

2. Residential, commercial or mixed-use subdivisions
 3. Commercial development on lots less than ten (10) acres
 4. Any new development where there would be a density of one hundred (100) or more persons per acre, either as employees, patrons, visitors, owners or occupants.
 5. Wildlife ponds, not including storm water or erosion-control structures if designed for less than a 48-hour detention period
 6. Hunting preserves, hunting clubs and trapshooting or similar facilities; wildlife sanctuaries, game preserves and including aviaries that would cause a navigation hazard.
 7. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
 8. Hospitals and clinics
 9. Churches or similar places of worship
 10. Schools
 11. Landfills
 12. Retirement homes
 13. Day care facilities
 14. Telecommunication towers
 15. Theatres
 16. Amphitheatres
 17. Stadiums
 18. Hatcheries
 19. Flying of model aircraft or drones at more than 20 feet above ground grade, except when done by a commercial licensed operator
 20. Launching of model rockets or airborne fireworks more than 20 feet above ground grade
 21. Any other construction that would encourage the concentration of bird (avian) populations that would cause a navigational hazard.
 22. Campgrounds.
- 3.) Zone 3. This is an area extending approximately one mile outward from the airport runways as shown on the Iowa County Airport Zoning District Map (see Appendix A). This zone does not reduce any part of Zone 2. This is an area where there will be primarily moderate to high noise from aircraft as they are near approach and take-off patterns.
- a) The following uses shall be prohibited in this zone:
1. Residential, commercial or mixed-use subdivisions.
 2. Hospitals and clinics.
 3. Schools.
 4. Churches or similar places of worship.
 5. Hunting preserves, hunt clubs and trapshooting or similar facilities that would cause a navigation hazard.
 6. Day care facilities.
 7. Retirement homes.
 8. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
 9. Landfills.
 10. Telecommunication towers.
 11. Stadiums.
 12. Campgrounds.
 13. Wildlife ponds, not including storm water or erosion-control structures if designed for less than a 48-hour detention period

- 4.) Zone 4. This is an area adjacent to Zone 3 extending out to roughly two miles from the airport runways as shown on the Iowa County Airport Zoning District Map (see Appendix A). This is an area where there will be primarily moderate noise from aircraft, but not subject to significant safety issues as aircraft are in an established flight pattern over these areas.
 - a) The following uses shall be prohibited:
 1. Hospitals and clinics
 2. Schools
 3. Churches or similar places of worship
 4. Hunting preserves, hunt clubs and trapshooting or similar facilities that would cause a navigation hazard
 5. Day care facilities.
 6. Retirement homes
 7. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
 8. Landfills
 9. Stadiums.
 10. Campgrounds
 11. Wildlife ponds, not including storm water or erosion-control structures if designed for less than a 48-hour detention period

- 5.) Zone 5. This is the area from Zone 4 outward to the 3-mile radius (Airport Affected Area) as shown on the Iowa County Airport Zoning District Map (see Appendix A). This area will be subject to low noises and safety concerns. Therefore, development will primarily have to follow height limits.
 - a) The following uses shall be prohibited:
 1. Any structure that exceeds the height limitations established in Section 6.0(5) of this ordinance
 2. Any use that may cause a navigational hazard, such as smoke, dust, lighting, etc.
 3. Wildlife ponds, not including storm water or erosion-control structures if designed for less than a 48-hour detention period

- 6.) Zone 6 – Height Limitation Overlay District, This district is established to protect the approaches to the airport from incompatible land uses by establishing height limitations as shown on the Height Limitation Zoning Map dated September 19, 2007 as prepared by the Wisconsin Bureau of Aeronautics shown in Appendix B. This district overlays all other districts and only impacts the use of land by establishing maximum height of structures and growth.

SECTION 8.0 ADMINISTRATION. It shall be the duty of the Iowa County Office of Planning & Development to administer and enforce this ordinance.

- 1) Permits. No structure or development shall hereafter be constructed, erected, enlarged or installed in any district created by this ordinance until the owner or their agent shall have secured a permit from the Administrator. Forms for application of permits shall be

supplied by the Administrator and a record of all permits issued shall be kept on file within the Office of Planning & Development.

Within the incorporated limits of the Village of Linden and the City of Mineral Point, application for a permit under this ordinance shall only be required if the proposed structure is to be 50 feet high or higher. Any structure less than 50 feet in height, regardless of the square footage of the structure, are exempt from the need of a permit under this ordinance. However, the use of said structure is still subject to the provisions of this ordinance.

- 2) Permit Procedure. Upon receipt of a completed application, the Administrator shall determine if the proposed project is consistent with the provisions of this ordinance and, if it is, shall issue the permit. If it is not, the Administrator shall deny the permit in writing stating the reason or reasons of denial. The Administrator may request input from any underlying jurisdiction that may have approval authority over the project.
- 3) After-the-Fact Permits. In the event that construction or development has begun prior to the issuance of a permit required under this ordinance, the owner or their agent shall seek an after-the-fact permit. The Administrator is authorized to issue a Cease Work Order until a permit is issued. An after-the-fact permit shall only be issued if the proposed development complies with all provisions of this Ordinance.
- 4) Fees. The Iowa County Board of Supervisors shall establish permit fees and after-the-fact permit fees by resolution.

SECTION 9.0 NONCONFORMING USES.

- 1) The lawful use of land, buildings and structures existing at the time of the adoption or amendment of this Ordinance may be continued, although such use, building or structure does not conform to the provisions of this Ordinance. The expansion or enlargement of a nonconforming use, building or structure shall be in conformity with this Ordinance.
- 2) The destruction of Existing Uses. The owner of any preexisting permitted use, building, structure, tree or plant which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use of the same parcel, provided the following requirements are met:
 - a) All required permits are obtained prior to rebuilding, reconstruction or rehabilitation.
 - b) The preexisting permitted use complies with the height limitation imposed by this ordinance.
 - c) The rebuilt or reconstructed structure or building does not exceed the three-dimensional footprint original preexisting structure or building.
 - d) The rehabilitated use does not exceed the scale, scope and extent of the original preexisting use.
- 3) Expansion of Preexisting Permitted Uses. Any preexisting legal uses, as described in this ordinance, may be expanded, altered or otherwise enlarged as long as the following requirements are met:
 - a) All required permits are obtained prior to commencement of work.
 - b) The expansion, alteration or enlarging meets the requirements of height limitation.

- c) The expansion, alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the preexisting permitted use.
- 4) The governing body of the owner of the airport may remove such nonconforming use or acquire the necessary air right over the same by purchase or exercise of the right of eminent domain in the manner provided by Ch. 32 Wis. Stats.

SECTION 10.0 AMENDMENTS AND APPEALS.

The Board of Supervisors may consider amendments to this ordinance only after at least one public hearing has been held by the Committee after review and recommendation has been made by the Commission. Requests for amendment can be made by anyone affected by the provisions of this ordinance, the Commission, the Committee, the Board of any affected municipality or Town or any County Board Supervisor.

Appeals to the provisions of or decisions made under this ordinance can be made to the Commission. Such requests shall be made in writing to the Administrator who, within ten (10) days, shall forward said request to the Commission with or without commentary. Appeals can only be considered for the following reasons:

1. When the provisions of this ordinance create a hardship. Hardship shall not include self-created conditions and must be caused by the implementation of this ordinance or amendment thereto.
2. When the provisions of this ordinance are unclear as to meaning or intent.
3. When a circumstance arises that is not clearly addressed by the provisions of this ordinance.

An appeal to the decision of the Commission shall be made to the Iowa County Board of Adjustment on forms provided by the Administrator. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of Iowa County affected by the Commission decision. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Administrator and the Board of Adjustment a notice of appeal specifying the ground thereof. The Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator shall certify to the Board of Adjustment after notice of appeal shall have been filed that by reason of facts stated in the certification a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the Administrator and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearings of the appeal, file public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearings, any party may appear in person or by agent or by attorney.

SECTION 11.0 PENALTIES.

Violations may be pursued by either the issuance of a citation, referral to the Iowa County Corporation Counsel as a formal complaint or both as authorized by Ordinance No. 2-695-1995.

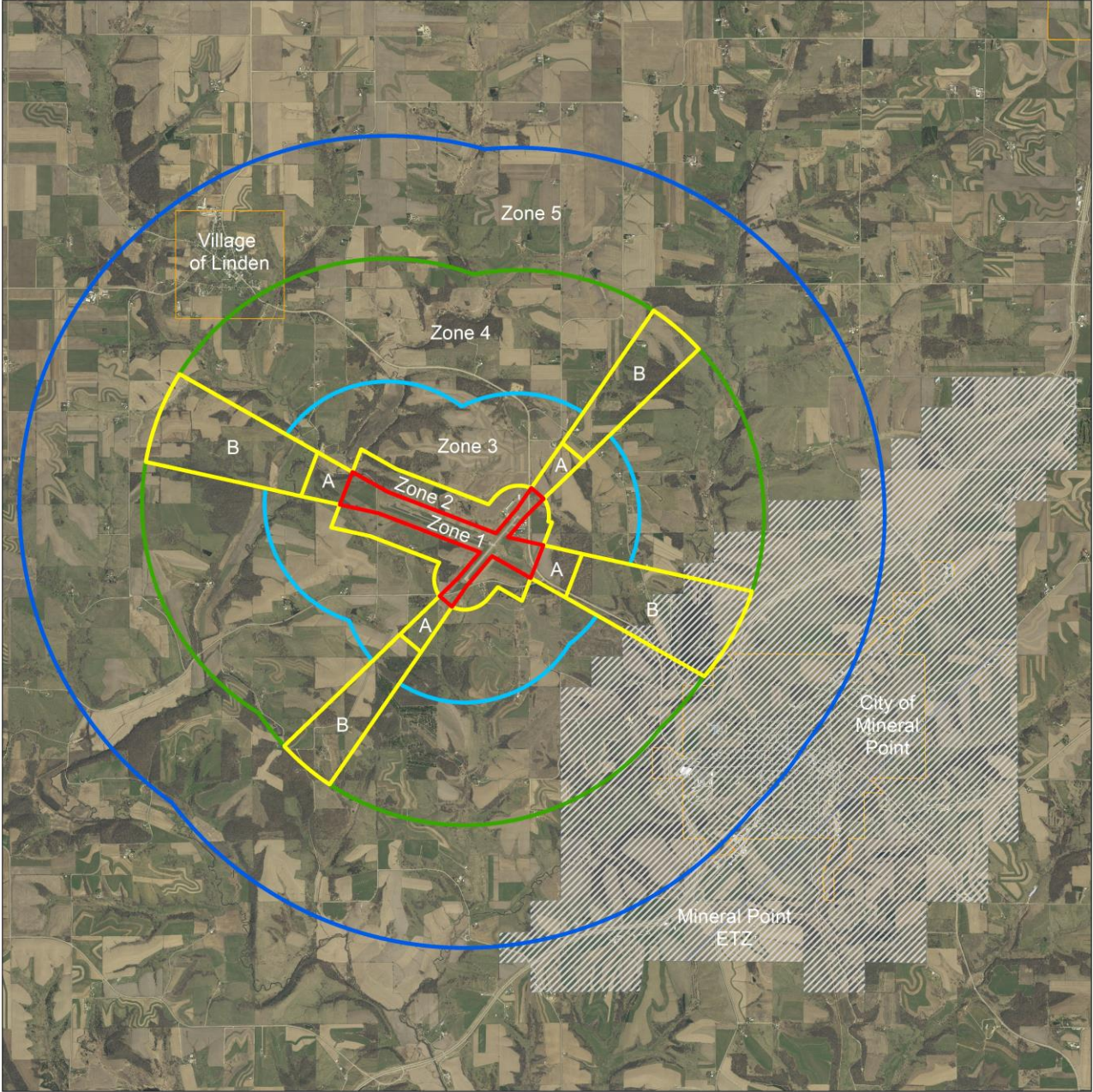
In the case of a formal complaint, any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

In the case where a citation is issued, the payment of the forfeiture shall not constitute compliance nor shall said payment bar the issuance of further citations, provided the violation remains.

SECTION 12.0 EFFECTIVE DATE.

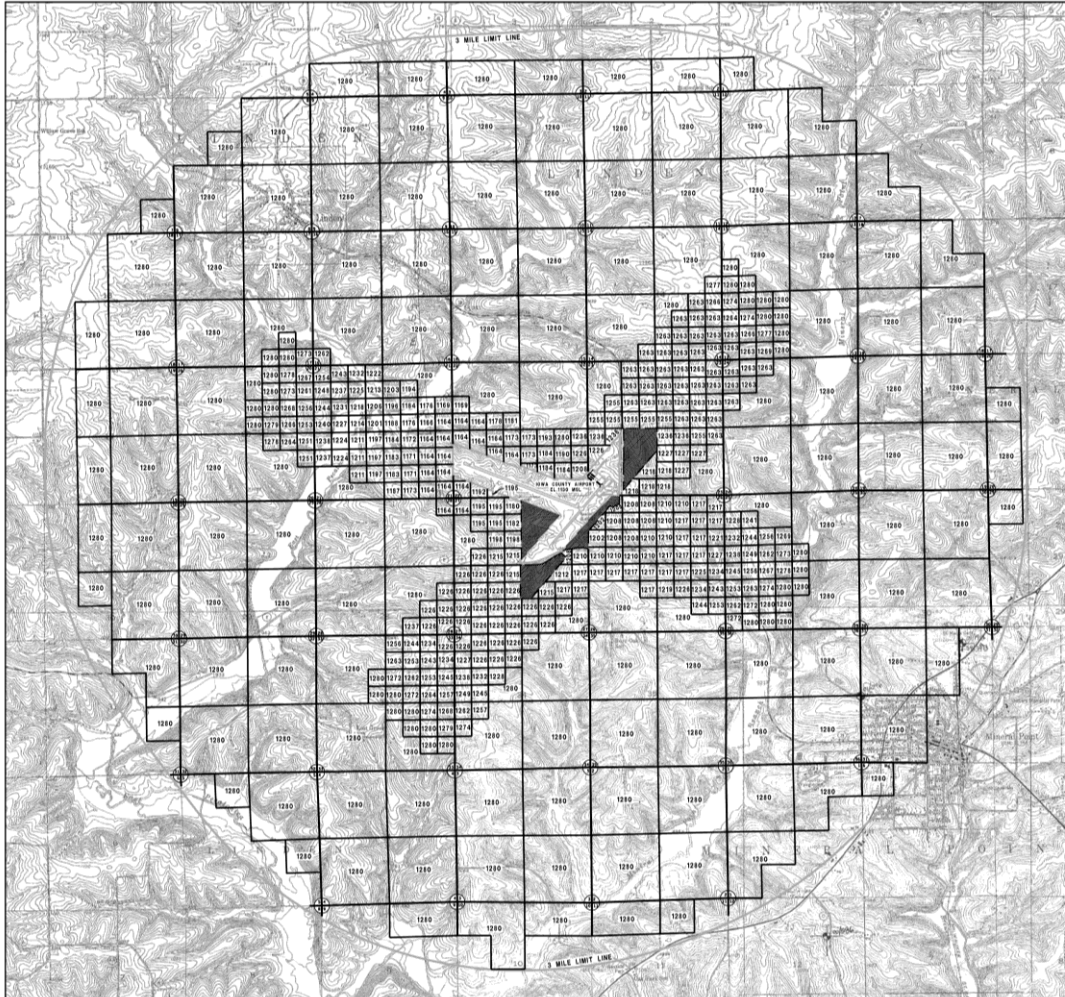
This Ordinance and the regulations contained herein shall become effective and declared in force after concurrence and publication by the Iowa County Board of Supervisors.

Appendix A: Iowa County Airport Zoning District Map



**Located in parts of T4N-R2E, T4N-R3E, T5N-R2E, T5N-R3E
Created by the Iowa County Office of Planning & Development, 2016**

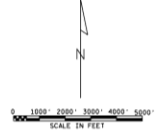
Appendix B



- LEGEND:
- AIRPORT PROPERTY LINE
 - ZONED ELEVATIONS
 - PAVED RUNWAY/TAXIWAY
 - SECTION CORNERS
 - BASEPOINT AREAS

- NOTES:
1. ZONE BOUNDARIES ARE SECTION AND SUBDIVISIONAL LINES EXCEPT THOSE WHERE STREET CENTER LINES ARE USED FOR BOUNDARIES.
 2. HEIGHT LIMITATIONS SHOWN REPRESENT ELEVATIONS PERMISSIBLE ABOVE MEAN SEA LEVEL IN FEET.
 3. ZONING MAP DEVELOPED IN ACCORDANCE WITH WISCONSIN STATE STATUTES CHAPTER 114.136.

CLASS I ZONED AT 50:1



HEIGHT LIMITATION ZONING MAP
 IOWA COUNTY AIRPORT
 MINERAL POINT, WISCONSIN
 WISCONSIN BUREAU OF AERONAUTICS
 SCALE 1"=1000' | SHEET 8-18-01 | JOB 801-800 | SHEET 81-452 | SHEET 1 OF 1
 AT IOWA 02-17-2006 REF: IOWA FILE # 02-06-117