

Chapter 20

AIRPORT OVERLAY ZONING DISTRICT AND HEIGHT LIMITATION

10-20-1: PURPOSE, AUTHORIZATION AND JURISDICTION:

- A. Purpose: It is the purpose of this chapter to regulate the use of property, and to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Menomonie municipal airport formerly known as Score Field; in order to promote the public health, safety, convenience and general welfare; to increase safety in the use of the airport; and to protect persons and property within the airport affected area. The associated map will outline the area within which basic zoning districts will be applied as a means of maintaining the best interests of the operation of Menomonie municipal airport, as well as encouraging the development of compatible land uses on private property within the area.
- B. Authorization: This chapter, designed to protect the approaches, airspace, and physical areas of the Menomonie municipal airport and to ensure the compatibility of surrounding land uses and development to the greatest extent possible, is adopted pursuant to sections 62.23 and 114.136, Wisconsin statutes.
- C. Jurisdiction: The jurisdiction of this chapter shall extend over all lands and waters within three (3) statute miles of the boundaries of the Menomonie municipal airport. (Ord. 2007-11, 8-6-2007)

10-20-2: DEFINITIONS:

For the purposes of this chapter, certain words and terms are defined as follows. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "shall" is mandatory and not permissive. Any words not herein defined shall be construed as defined in the state and city codes. All distances, unless otherwise specified, shall be measured horizontally.

AIRPORT: The Menomonie municipal airport (LUM), owned by and located in the city of Menomonie, Dunn County, Wisconsin.

AIRPORT HAZARD: Any structure, object, whether manmade or natural, or use of land which obstructs the airspace required by FAA for the safe flight of aircraft in landing or taking off at the airport, or is otherwise hazardous to such landing and taking off, or to persons using such lands or

structures.

AIRPORT ZONING MAP: The Menomonie municipal airport overlay zoning district and height limitation zoning district map dated April 24, 2007.

CONSTRUCTION: The erection or alteration of any structure or object, either of a permanent or temporary character.

DEPARTMENT: The city of Menomonie building inspection department.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to: construction of, or additions or substantial improvements to, buildings, other structures, or accessory uses; the placement of mobile homes; mining, dredging, filling, grading, paving, excavating or drilling operations; or depositing of materials.

ELEVATION: The overall distance above mean sea level to the top of a structure, including any appurtenance installed thereon, or to the top of any object of natural growth.

FAA: Federal aviation administration.

GROWTH: Any object of natural growth, including trees, shrubs, or foliage, except farm crops which are cut at least once a year.

HEIGHT: Distance above the ground.

MANAGER: The manager of the airport.

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.

PLACE OF PUBLIC ASSEMBLY: All buildings or parts of buildings, where people gather for theater, recreation, entertainment, worship or educational purposes as a principal use.

PREEXISTING PERMITTED USE: Any use of land lawfully in existence as of the effective date hereof, or any amendment thereto.

RUNWAY: That portion of the airport having surfaces specially developed and maintained for the landing and taking off of aircraft.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

TREE: Any object of natural growth, except for farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow to a height of more than twenty feet (20') above the ground. (Ord. 2007-11, 8-6-2007)

10-20-3: GENERAL PROVISIONS:

- A. Use Restrictions: Notwithstanding any other provision of this chapter, the following standards shall be in full force and effect within the airport overlay zoning district:
1. No glare producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the airport (zones 1, 2, 2A and 2B).
 2. There shall be neither display of signs which produce a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify airport lights (zones 1, 2, 2A, 2B and 3).
 3. No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station (all zones).
 4. No structure or use shall impair the visibility in the vicinity of the airport, or otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport, including the emission or discharge of smoke, steam or other obscuring phenomena which would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the airport (zones 1, 2, 2A, 2B and 3).
- B. Notify Persons Of Adverse Impacts; Nonliability Of City: Persons constructing a structure or structural alteration within zones 1, 2, 2A, 2B and 3, shall be advised that such structure or structural alteration is situated in the area of the airport and may be subject to noise, dust, lights, and the arrival and departure of aircraft, which may cause damage to dwellings or other structures, or may adversely impact the health of animals. The city, its officers, agents, or employees will not be responsible for any adverse impacts of any description whatsoever as a result of aircraft or airport operations.
- C. Airport Zones: All airport zones established by this chapter are shown on the airport zoning map on file with the department and adopted as part of this chapter.
- D. Height Zones: All height zones previously established by the Menomonie municipal airport height limitation zoning ordinance and shown on a map dated June 30, 2004, are now included in this chapter and shown on the airport zoning map.
- E. Height Limitations: Except as otherwise provided in this chapter, no structure, tree or growth shall be erected, altered, allowed to grow, or be maintained within any of the six (6) airport

zones established by this chapter to an elevation in excess of the applicable elevation limitations as shown on the airport zoning map. The permitted elevation shall not exceed the elevation limitation numbers shown within the various zones encompassed by this chapter.

F. District Boundaries:

1. District boundary lines are centerlines of highways, roads or pavements, section, division of section, tract, or lot lines, or extensions of such lines, as applicable, or as otherwise indicated.
2. When a district line divides a lot/parcel of record existing prior to the effective date hereof, 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/parcel where it is permitted, provided:
 - a. The proposed use meets the underlying municipal zoning requirements;
 - b. The use complies with all applicable setback requirements;
 - c. A site plan, drawn to scale showing the location of the use and the district line on that lot/parcel, is submitted to the department and is reviewed and approved pursuant to the procedure contained herein.
3. Zone 1 shall be considered the most restrictive, and zone 4 shall be considered the least restrictive.

G. Buildings To Conform With Regulations: Except as otherwise provided in this chapter, no land, building, or structure shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all the regulations herein.

H. Conflict: The provisions of this chapter shall prevail over the zoning districts and regulations of the city of Menomonie, Dunn County, the town of Red Cedar, the town of Menomonie, and the town of Spring Brook. However, the provisions of this chapter shall be considered minimum requirements. In zones 2, 2A, 2B, 3 and 4, where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict is with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinances shall govern and prevail. (Ord. 2007-11, 8-6-2007)

10-20-4: PREEXISTING PERMITTED USE:

- A. Nothing contained herein shall require any change in the construction or alteration of any structure, if the construction or alteration of such was begun prior to the effective date of this chapter, and if such is diligently prosecuted.
- B. Because of the special nature of this district with its unique purpose and justification, the owner of any preexisting permitted use which, as a result of fire, explosion, or other casualty, is damaged or destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use of the same parcel, provided all of the following requirements are met:
1. The preexisting permitted use complies with the height limitation imposed by this chapter, and a statement showing such compliance is signed by the department prior to any rebuilding, reconstruction, or rehabilitation.
 2. The preexisting permitted use shall not be rebuilt, reconstructed, or rehabilitated unless it conforms to the size, location, and use that existed immediately prior to its destruction or damage.
- C. Because of the special nature of this district with its unique purpose and justification, any preexisting permitted use, as described in this section, may be expanded, altered, or otherwise enlarged as long as all of the following requirements are met:
1. The expansion, alteration, or enlargement meets the requirements of height limitation zoning, and a statement showing such compliance is signed by the department prior to the expansion, alteration, or enlargement.
 2. 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 taking off, or creates or increases any potential hazard to any persons on the ground.
 3. The expansion, alteration, or enlargement shall not exceed twenty five percent (25%) of the gross floor area of the structure in existence as of the effective date hereof. (Ord. 2007-11, 8-6-2007)

10-20-5: ADMINISTRATION:

- A. Regardless of the governmental jurisdiction in which this chapter is in effect, administration of this chapter shall be the responsibility of the city, unless otherwise specified.
- B. The administration of this chapter requires the approval of the department. The department shall, within fifteen (15) working days, either approve or disapprove the proposed "development"

as defined in section [10-20-2](#) of this chapter, based upon the provisions, standards, and requirements of this chapter, and state and federal airport safety standards.

- C. If the proposed development is approved by the department and meets the building requirements of the affected municipality, a building permit shall be issued by the municipality. If the proposed development is not approved by the department, no building permit shall be issued by the affected municipality.
- D. The department shall have the right to remove, at the owner's expense, any use, object, or structure which was developed, constructed, placed or planted after the adoption of this chapter and found to be in violation of this chapter. (Ord. 2007-11, 8-6-2007)

10-20-6: AIRPORT ZONES AND DISTRICT REGULATIONS:

In order to carry out the provisions of this chapter, there are hereby created and established six (6) zones as shown on the airport zoning map, consisting of one sheet, attached to ordinance 2007-11, and made a part of this chapter by reference. For the purpose of this chapter, the lands and waters within three (3) statute miles from the boundaries of the airport are divided into six (6) districts defined as follows:

- A. Zone 1 - Airport District: The "airport district" is defined as all those lands controlled by the airport, either by fee ownership or by an easement, and intended to be used for airport purposes. The airport district is created to encompass areas that, due to the operation of aircraft, could be exposed to excessive noise, are within the aircraft approach and departure areas, or are in areas which are exposed to a greater risk of aircraft crashes (crash hazard area). The airport district is established to protect the approaches to the airport from incompatible land uses, and to preserve the airport's ability to serve its present and future air transportation needs. Any new building, or expansion, alteration, or enlargement of any existing building, structure, or property within this zone must be approved by the department. Any construction, expansion, alteration, or enlargement must receive a favorable airspace review from FAA and the Wisconsin bureau of aeronautics. The boundaries of the airport district are shown on the airport zoning map.

1. Permitted Uses And Structures: Only uses and structures that are directly related to and necessary for the function and operation of the airport.

Air cargo facilities.

Air terminals.

Aircraft hangars.

Aircraft repair and maintenance buildings and facilities.

Airport administration and maintenance buildings and facilities.

Airport security, rescue, and firefighting buildings and facilities.

Commercial uses directly related to airport operations.

Fuel storage facilities and pumps.

Intermodal facilities.

Municipal emergency response facilities.

Public gatherings in conjunction with an airport related activity sponsored or approved by the airport.

Runways, taxiways, aprons, and related lighting and air support apparatus.

Other related airport uses and structures.

2. Dimensional Requirements: The size, height, location, and placement of structures or objects shall comply with FAA design standards associated with critical aircraft data presented on the latest approved airport layout plan, and shall comply with FAA federal air regulation part 77.25, "Objects Affecting Navigable Airspace - Civil Airport Imaginary Surfaces", by not penetrating any of the design or imaginary surfaces.

B. Zone 2 - Runway Approach And Departure District: The purpose of this district is to establish land use requirements in areas that are typically overflown by aircraft during takeoff and landing maneuvers, and hence could be subjected to excessive noise and greater risk of aircraft crashes.

1. Permitted Uses:

Agriculture, including essential nonresidential facilities.

Airport owned or operated facilities.

Commercial and governmental uses that are not places of public assembly.

Floriculture, horticulture, silvaculture, orchards, hatcheries, game farms, except aviaries.

Industrial.

Light recreational (nonspectator).

Mining and excavation.

Open space.

Parking lots and parking facilities with downlit lights.

Transportation routes, including roads and rail lines.

2. Prohibited Uses:

Any construction or activity that would encourage the concentration of bird or waterfowl populations.

Any detention/retention ponds, or any other body of water, either natural or artificial, without the expressed written approval of the department.

Any facility that, when ignited, would discharge smoke that would be a hazard to air navigation of aircraft in taking off and landing at the airport.

Any use that may be susceptible to being adversely affected by loud and extensive noise or would interfere with the safe operation of the airport.

Hospitals, churches, schools, theaters, amphitheatres, stadiums, athletic fields, and campgrounds, or other places of public assembly.

Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

Mink and poultry production.

Residential uses.

3. Dimensional Requirements:

a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.

b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.

c. Lot Density: The maximum lot coverage allowed is fifty percent (50%) or as allowed by the underlying municipal jurisdiction, whichever is more restrictive.

C. Zone 2A - Modified Runway Approach And Departure District 2A: The purpose of this district is to establish land use requirements similar to, but less restrictive than zone 2, in areas that are overflowed by aircraft during takeoff and landing maneuvers, and hence could be subjected to occasional excessive noise and risk of aircraft crashes.

1. Permitted Uses:

Agriculture, including essential nonresidential facilities.

Airport owned or operated facilities.

Commercial and governmental uses.

Floriculture, horticulture, silvaculture, orchards, hatcheries, game farms, except aviaries.

Industrial.

Light recreational (nonspectator).

Mining and excavation.

Open space.

Parking lots and parking facilities with downlit lights.

Transportation routes, including roads and rail lines.

2. Prohibited Uses:

Any construction or activity that would encourage the concentration of bird or waterfowl populations.

Any detention/retention ponds, or any other body of water, either natural or artificial, without the expressed written approval of the department.

Any facility that, when ignited, would discharge smoke that would be a hazard to air navigation of aircraft in taking off and landing at the airport.

Any use that may be susceptible to being adversely affected by loud and extensive noise or would interfere with the safe operation of the airport.

Hospitals, churches, schools, theaters, amphitheatres, stadiums, athletic fields, and campgrounds.

Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store or otherwise dispose of waste, trash, refuse or dredge material that would attract birds or rodents.

Mink and poultry production.

Residential uses.

3. Dimensional Requirements:

a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.

b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.

c. Lot Density: The maximum lot coverage allowed is fifty percent (50%) or as allowed by the underlying municipal jurisdiction, whichever is more restrictive.

D. Zone 2B - Modified Runway Approach And Departure District 2B: The purpose of this district is to establish land use requirements similar to, but less restrictive than zone 2, in areas that are overflowed by aircraft during takeoff and landing maneuvers, and hence could be subjected to occasional excessive noise and risk of aircraft crashes.

1. Permitted Uses:

Agriculture, including essential nonresidential facilities.

Airport owned or operated facilities.

Commercial and governmental uses.

Floriculture, horticulture, silvaculture, orchards, hatcheries, game farms, except aviaries.

Industrial.

Light recreational (nonspectator).

Mining and excavation.

Open space.

Parking lots and parking facilities with downlit lights.

Residential healthcare facilities, custodial healthcare facilities and hospitals.

Transportation routes, including roads and rail lines.

2. Prohibited Uses:

Any construction or activity that would encourage the concentration of bird or waterfowl populations.

Any detention/retention ponds, or any other body of water, either natural or artificial, without the expressed written approval of the department.

Any facility that, when ignited, would discharge smoke that would be a hazard to air navigation of aircraft in taking off and landing at the airport.

Any use that may be susceptible to being adversely affected by loud and extensive noise or would interfere with the safe operation of the airport.

Churches, schools, theaters, amphitheatres, stadiums, athletic fields and campgrounds.

Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used

to process, bury, store or otherwise dispose of waste, trash, refuse or dredge material that would attract birds or rodents.

Mink and poultry production.

Residential uses, except as set forth at subsection D1k of this section.

3. Dimensional Requirements:

- a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
- b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.
- c. Lot Density: The maximum lot coverage allowed is fifty percent (50%) or as allowed by the underlying municipal jurisdiction, whichever is more restrictive.

E. Zone 3 - Noise Control/Overflight District: The purpose of this district is to minimize the conflict between allowed uses and the aircraft noise generated in this zone.

1. Permitted Uses: All uses are allowed; provided, that the proposed development meets the following requirements:
 - a. No structures may exceed the height permitted by the airport zoning map.
 - b. The proposed use meets the underlying municipal zoning requirements.
2. Prohibited Uses: Parcels falling within this district shall be prohibited from the construction or establishment of the following, in accordance with FAA advisory circular 150/5200-33A, relating to hazardous wildlife attractants on or near airports:

Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

3. Dimensional Requirements:

- a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
- b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code.

F. Zone 4 - Height Limitation District: The purpose of this district is to protect the approaches to the airport from the construction or erection of structures that would constitute a hazard to air navigation, and from incompatible land uses.

1. Permitted Uses: All uses are allowed provided that the proposed development meets all uses allowed by the underlying municipal zoning requirements.
2. Prohibited Uses: Parcels falling within ten thousand feet (10,000') of the nearest point on the nearest runway shall be prohibited from the construction or establishment of the following, in accordance with FAA advisory circular 150/5200-33A relating to hazardous wildlife attractants on or near airports:

Landfills, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds or rodents.

3. Dimensional Requirements:

- a. Height Regulations: No structure or growth shall exceed the height permitted by the airport zoning map.
- b. Setback Regulations: The setback requirements shall meet the municipal setback requirements of the applicable municipal zoning code. (Ord. 2007-11, 8-6-2007)

10-20-7: APPEALS AND REVIEW:

Any person aggrieved or affected by a decision or action of the department made in the administration of this chapter may appeal such decision or action to the board of appeals, pursuant to 62.23(7)(e), Wisconsin statutes, provided:

- A. Such appeals are filed with the board of appeals within thirty (30) calendar days following the administrative decision.
- B. The appeal specifies the exact location of the parcel of land affected by the decision and the reason(s) for the appeal. (Ord. 2007-11, 8-6-2007)

10-20-8: PENALTIES:

In case of any violation of any provision of this chapter, the department may institute appropriate legal action or proceeding to enjoin a violation of this chapter.

- A. Each violation of these regulations, or of any regulation, order, or ruling promulgated hereunder, shall constitute an airport hazard, and such hazard shall be removed by proper legal proceedings. In addition, the city may institute in the circuit court of Dunn County an action to prevent and restrain, correct or abate any violation of these zoning regulations, or any regulation, order, or ruling made in connection with their injunction (which may be mandatory), or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of these zoning regulations as adopted, and orders and rulings made pursuant thereto.
- B. Any person, firm, or corporation found guilty of violating any provision(s) of this chapter shall, upon conviction thereof, forfeit not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for such offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense. (Ord. 2007-11, 8-6-2007)

10-20-9: SEVERABILITY:

If any of the provisions of this chapter, or the application thereof to any persons or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 2007-11, 8-6-2007)