

Chapter 18.60

AIRPORT ZONING

Sections:

| | |
|------------------|-----------------------------|
| <u>18.60.010</u> | Purpose |
| <u>18.60.020</u> | Statutory Authorization |
| <u>18.60.030</u> | Jurisdiction |
| <u>18.60.040</u> | Definitions |
| <u>18.60.050</u> | General Provisions |
| <u>18.60.060</u> | Non-conforming use |
| <u>18.60.070</u> | Administration |
| <u>18.60.075</u> | Site Plan Procedure |
| <u>18.60.077</u> | Site Plan Approval |
| <u>18.60.080</u> | Appeals and Variances |
| <u>18.60.090</u> | Hazard Marking and Lighting |
| <u>18.60.100</u> | Penalties |
| <u>18.60.110</u> | District Regulations |
| <u>18.60.120</u> | Fees |

18.60.010 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 Chippewa Valley Regional Airport, to promote the public health, safety, convenience and general welfare, to increase safety in the use of the airport, to implement the recommendations of the airport master plan and to protect persons and property within the airport affected area and zoning districts. (Ord. 145-96, Sec. 5, 2002).

18.60.020 Statutory Authorization. This chapter, designed to protect the approaches, airspace, physical and hazard areas of the Chippewa Valley Regional Airport is adopted pursuant to Wis. Stats. §§ 59.03, 59.04, 59.69, 59.694, 114.14 and 114.136. (Ord. 145-96, Sec. 5, 2002).

18.60.030 Jurisdiction. The jurisdiction of this chapter shall extend over all lands and waters within 3 statute miles of the boundaries of the Chippewa Valley Regional Airport. (Ord. 145-96, Sec. 5, 2002).

18.60.040 Definitions. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word “shall” is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

A. “Airport” means the Chippewa Valley Regional Airport, owned by Eau Claire County, Wisconsin

B. "Airport Hazard" means any structure, object, whether man-made or natural, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off, or to persons using such land or structure.

C. "Airport Master Plan" means the Chippewa Valley Regional Airport Master Plan Report, 2001, as updated.

D. "Alteration" means any construction, which would result in a change in height or lateral dimensions of an existing structure or object.

E. "Construction" means the erection or alteration of any structure or object either of a permanent or temporary character.

F. "Department" means the Planning and Development Department.

G. "Development" means 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, excavation or drilling operations, deposition of materials.

H. "Growth" means any object of natural growth, including trees, shrubs or foliage, except farm crops, which are cut at least once a year.

I. "Height" means the overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

J. "Director" means the director of the Chippewa Valley Regional Airport.

K. "Non-conforming Use" means any structure, tree, or use of land which does not conform with a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

L. "Person" means any individual, firm, partnership, corporation, company, association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

M. "Principal use" means the principal use allowed by the underlying jurisdiction.

N. "Runway" means a portion of the airport having a surface specially developed and maintained for the landing or taking off of airplanes.

O. "Structure" means any object constructed or installed by man.

P. "Tree" means any object of natural growth, except farm crops, which are cut at least once a year, and except shrubs, bushes, or plants, which do not grow to a height of more than 5 feet.

Q. "Variance" means an authorization granted by the Board of Land Use Appeals to construct, alter, or use a building or structure in a manner that deviates from the standards of this chapter. (Or. 160-9, Sec. 27, 2016; Ord. 145-96, Sec. 5, 2002).

18.60.050 General Provisions.

A. Use Restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any districts established by these zoning regulations 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 use or installation of flashing or illuminated advertising or business signs, billboards or other types of illuminated structures which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or use which would emit or discharge smoke that 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.

B. Persons constructing or purchasing any structure or land within Zone 1 are advised that such dwelling, structure or land is situated in the flight approach/departure area of an airport. The airport by its operation may cause noise or damage to dwellings or structures or may impact adversely on the health of animals. Eau Claire County, its officers, agents or employees, will not be responsible for noise or damage of any description whatsoever as a result of aircraft operations.

C. Airport Zones. All airport zones established by this chapter are as shown on the map dated April 3, 2002, entitled Airport Zoning District Map on file in the office of the department and adopted as part of this chapter.

D. Height Zones. All height zones established by this chapter are as shown on the map dated July 17, 2007, entitled "Eau Claire County Airport Height Limitation Zone Map", on file in the office of the department and adopted as part of this Chapter.

E. Height Limitations. No structure, tree or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this chapter to a height in excess of the applicable height limitations as shown on the Eau Claire County Airport Height Limitation Zone Map, which is maintained in the department. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zones encompassed by this chapter.

F. District Boundaries.

1. District boundary lines are the centerlines of highways, roads, pavements or section, division of section, tract and lot lines, or such lines extending as applicable or as otherwise indicated.

2. When a district line divides a lot/parcel of record existing prior to the effective date of this ordinance in such a manner that a use 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 use is permitted by the underlying municipality's zoning ordinance;
- 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 the lot/parcel is submitted to the department and is reviewed and approved pursuant to the procedure contained in 18.31.030.

3. Where a lot/parcel of record existing on April 3, 2002 of 15,000 square feet or less is divided by a district line between Zones 1 & 2, the lot shall be considered to be in Zone 2.

4. Zone 1 shall be considered as the most restrictive and Zone 3 being the least restrictive.

G. 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 from the zone in which it is located.

H. Avigation easements. All avigation easements required by this Chapter shall be completed on forms provided by the department.

I. Conflict. The provisions of this chapter shall prevail over the zoning districts and regulations of the Cities of Altoona, Chippewa Falls and Eau Claire, the Village of Lake Hallie, Chippewa and Eau Claire Counties, and the Towns of Hallie, Seymour, Union and Wheaton. However, the provisions of this chapter shall be considered minimum requirements. In Zones 1, 2, and 3 where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be 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. Regulations contained herein pertaining to Zone A shall supersede and control over any local regulation to the contrary.

J. Severability. If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision of the application, and to this end, the provision of these regulations are declared to be severable. (Ord.154-2, Sec. 48, 2010; Ord. 151-13, Sec. 1, 2007; Ord. 145-96, Sec. 5, 2002).

18.60.060 Non-conforming 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, if such is diligently pursued, on a lot existing as of April 3, 2002.

B. The owner of any non-conforming use, building, structure or tree which, as a result of fire, explosion or other casualty is destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same non-conforming use of the same parcel, provided the following requirements are met:

1. The non-conforming 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, reconstructing or rehabilitation.

2. The non-conforming use that is rebuilt, reconstructed, or rehabilitated shall comply with construction techniques that provide a minimum of 10 decibels of outdoor to indoor noise reduction over industry standards for similar structures.

3. The non-conforming use shall not be rebuilt, reconstructed or rehabilitated unless it conforms to the size, location and use, which existed immediately prior to its destruction or damage.

C. Expansion of Non-conforming uses. Any principal non-conforming uses, as described in this chapter, may be expanded, altered or otherwise enlarged as long as the following requirements are met: