

12.26-5 AO AIRPORT OVERLAY DISTRICT

(a) Primary Purpose and Characteristics

It is the intent of the Kenosha County Board of Supervisors in creating the Airport Overlay District to provide for the possibility of establishing a use district designed to coordinate the planning, development, and regulation of land uses in the vicinity of airports so as to ensure that the uses are mutually compatible with the operation of the airport and that any public investment in an airport is protected and further that public safety, welfare, health and convenience is served.

So as to address the problems which are associated with airport development, this district is distinguished by regulations relating but not limited to, safety, density, height restrictions and noise levels.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Definitions

In this section:

- 1 "Airport affected area" means that area contiguous to the airport property in which mutually compatible land uses would be in the public interest. The total length of an airport affected area may not exceed five (5) times the length of an existing or planned runway, and an airport affected area may not extend beyond the end of the runway by a distance exceeding twice the length of the existing or planned runway. The width of an airport affected area may not exceed one-half mile on either side of the center line of the existing or planned runway.
- 2 "Airport owner" means any city, village, town, county, or combination thereof which owns an approved airport.
- 3 "Approved airport" means any airport or future airport site:
 - a which has been approved as an airport site by appropriate state and federal agencies;
 - b which is included in the state airport system plan; and
 - c to which the fee simple is vested in the airport owner.
- 4 "Mutually compatible uses" means those uses of land which neither create an airport hazard to the safe operation of aircraft using the airport, nor are in such a location relative to the airport that inhabitants might be unduly endangered or otherwise adversely affected by the lawful operation of aircraft using the airport.

(c) Procedures for Creation of Airport Overlay District, AOD

- 1 Any airport owner may petition the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District pursuant to the provisions set forth in section 12.38 of this ordinance, and
- 2 Prior to petitioning the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District, the airport owner shall prepare for presentation to the Kenosha County Planning, Development & Extension Education Committee an airport affected area land use plan. Said plan shall be prepared in such a fashion so as to consider the social, economic, and environmental effects of the airport and airport operations on land in the vicinity of the airport and in the airport affected area and shall make provision for anticipated growth and coordination of planning efforts for other transportation modes for both passengers and freight. This plan shall reflect environmental, developmental and transportation goals for the area and shall be adopted by the airport owner. A copy of the land use plan, including maps and accompanying documents shall be submitted to the Secretary of the State Department of Transportation for review prior to submission to the Planning, Development & Extension Education Committee. This plan shall catalogue all existing land uses in the vicinity of the airport and in the airport affected area, project future characteristics involving the operation of the airport and the land requirements for said airport including the number and type of aircraft that will make use of the airport, the hours of operation and the necessary land acquisitions and easements needed for the safe operation of the airport. In addition, said plan shall delineate all noise zones and the type of uses that are both compatible and incompatible in said noise zones, and long-range estimates of noise impact. Said plan shall furthermore identify existing and future incompatible uses, designate alternative land use plans, and techniques for plan implementation, as well as evaluate the potential effects of these alternate land use plans and regulate techniques. The best alternative plan and technique shall be recommended. (11/5/84)

Accompanying said plans shall be all necessary noise contour maps and compatibility charts and tables and height restriction maps necessary for the safe operation of the airport facility.

- (d) Upon the creation of an Airport Overlay District pursuant to the provisions of section 12.38 of this ordinance, navigational and meteorological structures shall be permitted and also the following principal uses shall be permitted provided they are permitted in the underlying basic use district and that there is no interference with existing or proposed navigational aids:
- 1 Agriculture, forestry, truck farming and other vegetable and plant crop cultivation, and roadside stands for the sale only of products grown on the premises.
 - 2 Arboretum
 - 3 Auto storage areas
 - 4 Botanical gardens
 - 5 Car rental agencies
 - 6 Fish and bait hatcheries, and worm farms, including sale at wholesale or retail.
 - 7 Game preserves
 - 8 Golf courses
 - 9 Greenhouses.
 - 10 Marinas.

- 11 Nurseries, landscape.
- 12 Parking lots.
- 13 Picnic Areas.
- 14 Public works and public utility facilities such as water pumping stations, plants and reservoirs, electric transmission lines and substations.
- 15 Reservoirs
- 16 Riding academies, public and private stables
- 17 Sod farming
- 18 Water-treatment plants

(e) Upon the creation of the Airport Overlay District, only those accessory uses permitted in the underlying district shall be permitted provided, however, that there is no interference with existing or proposed navigational aids.

(f) Upon the creation of the Airport Overlay District, only the following conditional uses shall be permitted provided they are permitted as either principal or conditional uses in the underlying district. (see also section 12.29-8, Airport Overlay Conditional Uses):

- 1 Aviation schools
- 2 Banking services
- 3 Bottling plants
- 4 Building materials, storage yards or buildings, including sales of equipment commonly used by contractors
- 5 Cemeteries, columbaria, crematories, and mausoleums, subject to the approval of the Wisconsin Board of Health and Board of Adjustment.
- 6 Convention centers
- 7 Gas stations
- 8 Hotels and motels
- 9 Lumber yards, storage and sales
- 10 Night clubs
- 11 Office buildings
- 12 Recreational activities
- 13 Restaurants
- 14 Service and light industries and related offices and showrooms that manufacture, compound, assemble, process, package, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, including chemicals and allied products; food and beverage products; metal and metal products; textiles; bedding and fibers; wood and paper products; glass products; and plastic products
- 15 Sewage disposal plant
- 16 Shopping centers
- 17 Stone monument works
- 18 Terminals, (passenger, freight, taxi, bus)
- 19 Warehouses and related showrooms and offices
- 20 Wholesale distribution centers, including storage buildings, open storage areas, and related offices and showrooms.

(g) Special requirements.
The following special requirements shall apply for all principal, accessory and conditional uses allowed in the Airport Overlay District:

- 1 Lighting:
 - a Except as may be permitted as an airport navigational aid, a pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited.
 - b Flood lights, spot lights, or other lighting device shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
 - c Any light which constitutes a "misleading light" within the meaning of TSO-N19 or such other regulations as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.
- 2 Radio and Electronic:
 - a Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission.
 - b Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.
- 3 Smoke:

Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

- (h) Lot area, width, yards and sanitation requirements.
Lot area, width, yard and sanitation requirements applicable in the underlying district shall apply in the Airport Overlay District.
- (i) Height
Except for legal fences and farm crops, no structure shall be constructed, altered, located or permitted to remain after construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the "Height Restriction Maps" prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.
- (j) Noise
No principal, accessory or conditional use shall be permitted on a parcel unless the intended use is compatible with the sound levels expected to be generated on the parcel as shown on the Noise Contour Maps and compatibility charts and tables prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.
- (k) Amendment.
Any amendment to the Airport Overlay District shall not be effective until such time as the airport owner has been notified of the proposed amendment and been given an opportunity to notify the Kenosha County Planning, Development & Extension Education Committee of any adverse effect created by said amendment. (11/5/84)