

CHAPTER 26

BARABOO-WISCONSIN DELLS AIRPORT

Revised Ordinance No. 1958, Originally Adopted 11/10/98

DRAFT FOR COMMENT

Includes new Airport Overlay Zoning Districts

June 25, 2008

26.01	Statutory Authorization, Jurisdiction, Purpose and Effect
26.02	Definitions
26.03	General Provisions & Use Restrictions
26.04	Airport Zones & District Regulations
26.05	Non-Conforming Structures or Uses
26.06	Administration
26.07	Permits
26.08	Hazard Marking and Lighting
26.09	Board of Zoning Appeals
26.10	Appeals and Review
26.11	Penalties and Enforcement
26.12	Severability

26.01 STATUTORY AUTHORIZATION, JURISDICTION, PURPOSE and EFFECT

- (a) Statutory Authorization. This Ordinance is adopted pursuant to Wis. Stat. Chap 114 and
- (b) Jurisdiction. The jurisdiction of this Ordinance shall extend over all lands and waters within three statute miles of the boundaries of the Baraboo-Wisconsin Dells Airport.
- (c) Purpose. The purpose of this Ordinance is to protect the aerial approaches to the Baraboo-Wisconsin Dells Airport by regulating, restricting and determining the use, location, height, number of stories and size of structures and objects of natural growth in the vicinity of the airport. Such regulations, restrictions and determinations are declared to be for the purpose of promoting the public safety, welfare and convenience.
- (d) Effect. This Ordinance amends the previous ordinance adopted by the Commission (No. 1958, 11/10/98) Regulating the Height of Structures in the Vicinity of the Baraboo-Wisconsin Dells Airport. This ordinance shall take effect and be in force upon passage by all four airport owners (City of Baraboo, City of Wisconsin Dells, Village of Lake Delton, and the Town of Lake Delton) and publication as provided by law.

26.02 DEFINITIONS. For the purposes of this section, 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.

- (a) “Airport” means the BARABOO-WISCONSIN DELLS Airport located in the Town of Delton, Sauk County, Wisconsin.
- (b) “Airport hazard” means any structure, object of natural growth, or use of land 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) “Airport Layout Plan” means the Baraboo-Wisconsin Dells Airport Layout Plan, a scaled drawing of existing and proposed land and facilities necessary for the operation and development of the Airport, adopted by the Airport Commission and Federal Aviation Administration.
- (d) “Airport Zoning Map” means the Baraboo-Wisconsin Dells Airport Overlay Zoning and Height Limitation Map.
- (e) “Alternation” means any construction, reconstruction, renovation or remodeling that would result in the change of height or lateral dimensions of an existing structure.
- (f) “Avigation Easement” means an easement from a property owner to and for the benefit and protection of the Committee and Airport, addressing issues such as noise and height of objects of natural growth, which is recorded with the Register of Deeds for Sauk County.

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- (g) “The Commission” means the previous Baraboo-Dells Airport Commission that management operation of the Airport prior to transferring responsibility to the City of Baraboo Administrative Committee in December of 2007.
- (h) “The Committee” means the City of Baraboo Administrative Committee.
- (i) “Department” means the City of Baraboo Planning & Zoning Department.
- (j) “Detention Pond” means a pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.
- (k) “Development” means any man-made 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.
- (l) “Elevation” means 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.
- (m) “Growth” means any object of natural growth, including trees, shrubs, or foliage, except farm crops which are cut at least once a year.
- (n) “Height” means the distance measured from the surface of the ground to the highest point of any structure or growth.
- (o) “Manager” means the manager of the Airport.
- (p) “Non-conforming structure or use” means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or an amendment thereto, as of the effective date of such regulation.
- (q) “Permit” means written permission from the Baraboo-Wisconsin Dells Airport Committee on a form provided by the Department stating that the proposed structure or tree either conforms to this Ordinance or has been granted a variance pursuant to Section 26.09 and 26.10.
- (r) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, sovereign nation or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (s) “Place of Public Assembly” means all buildings or parts of buildings, where people gather for theater, recreation, entertainment, worship or educational purposes, as a principle use.
- (t) “Pre-Existing Permitted Use” means any use of land lawfully in existence as of the effective date of this Ordinance, or any amendment thereto.
- (u) “Primary Zoning Ordinance” means the general zoning ordinance in effect in an area subject to this ordinance.

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- (v) “Retention Pond” means a pond designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.
- (w) “Runway” means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.
- (x) “Spectator Athletic Fields” means an indoor or outdoor recreational facility with permanent seating for individuals.
- (y) “Structure” means any erection or construction such as a building, mobile home, tower, mast, pole, boom, sign, well, decoration, machinery, satellite antenna, equipment which requires a temporary or permanent location on or in the ground, or any other object, including a mobile object, constructed, installed, or located by any person.
- (z) “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 five feet.
- (aa) “Variance” means a departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, granted by the Board of Appeals upon the applicant proving unnecessary hardship, which permits the construction, alteration, remodeling or use of land that deviates from the requirements of this Ordinance.
- (bb) “Zoning Administrator” means the Zoning Administrator for the City of Baraboo.
- (cc) “Zoning Board of Appeals” means a 5 member board consisting of one representative from each of the 4 Airport Owners and 1 member who shall be a tenant of the Airport appointed by the Chairperson of the Board subject to a majority approval by the Board. The Board shall have the powers to hear appeals and grant variances from the terms of this Ordinance.

26.03 GENERAL PROVISIONS.

- (a) Use Restrictions. Notwithstanding any other provisions of this Ordinance, 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 3)
 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, 3, and 4)
 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)

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

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, 3 and 4)
 5. Any use of property that is not permitted by the primary zoning ordinance, this Ordinance, and any federal or state aviation regulations is deemed to be prohibited. Where there is question regarding whether a particular use is permitted or prohibited, the Committee, on its own initiative or at the request of a property owner, may conduct a study to determine what zone, if any, is appropriate for the proposed use and which conditions, if any, shall apply.
- (b) Hold Harmless. Persons purchasing land, buildings, constructing a structure or structural alteration within Zones 1, 2, 2A, 3 and 4, shall be advised that such structure or structural alteration is situated in the area of an 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 Committee, 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 Ordinance are shown on the Airport Zoning Map on file with the Department and adopted as part of this Ordinance.
 - (d) Height Zones. All Height Zones previously established by the Baraboo-Wisconsin Dells Airport Height Limitation Zoning Ordinance and shown on a map dated February 13, 1998, are now included in this Ordinance and shown on the Airport Zoning Map.
 - (e) Height Limitations. Except as otherwise provided in this Ordinance, 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 Ordinance 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 Ordinance. Any structure constructed, altered or located in violation of this Ordinance shall be removed at the owner's expense. The Committee shall have the right to trim, prune, or remove, at the Committee's expense, any tree allowed to grow to a height in excess of the height limitation set forth herein.
 1. Exceptions. The restrictions contained in the Ordinance shall not apply to legal fences or to farm crops which are cut at least once each year.
 - (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.

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

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 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 5 shall be considered the least restrictive.

- (g) Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.

26.04 AIRPORT ZONES and DISTRICT REGULATIONS. In order to carry out the provisions of this Ordinance, there are hereby created and established six (6) zones as shown on the Airport Zoning Map, consisting of one sheet, and attached to and made a part of this Ordinance. For the purpose of this section, the lands and waters within three statute miles from the boundaries of Airport are divided into six (6) districts defined as follows:

- (a) Zone 1 – Airport District. The Airport District is defined as all those lands owned by the Airport 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 Zone 1 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..
 - a. Air terminals
 - b. Aircraft hangers
 - c. Runways, taxiways, aprons, and related lighting and air support apparatus
 - d. Airport administration and maintenance buildings and facilities
 - e. Airport security, rescue, and firefighting buildings and facilities
 - f. Aircraft repair and maintenance buildings and facilities
 - g. Fuel storage facilities and pumps

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- h. Commercial uses directly related to Airport operations
 - i. Public gatherings in conjunction with an Airport related activity sponsored or approved by the Airport
 - j. Air cargo facilities
 - k. Intermodal facilities
 - l. Other related airport uses and structures
 - m. Municipal emergency response facilities
2. Prohibited Uses. Any construction, expansion, alteration or enlargement to any building or structure within this district is prohibited except for those uses and buildings necessary for the functional operation of the airport.
 3. Construction Requirements. All enclosed office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.
 4. 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 – High Impact 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 take-off and landing maneuvers, and hence could be subjected to excessive noise and greater risk of aircraft crashes. The boundaries of the Zone 2 are shown on the Airport Zoning Map.
1. Permitted Uses and Structures. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this Ordinance.
 2. Prohibited Uses.
 - a. Applicable requirements contained in the General Provisions section of this Ordinance.
 - b. Residential Uses
 - c. Retirement/nursing homes
 - d. Licensed group day care facilities
 - e. Casinos, hotels, banquet facilities, and conference centers
 - f. Hospitals, churches, schools, libraries, museums, community centers
 - g. Theaters, amphitheaters, and amusement parks
 - h. Athletic and health clubs, sports stadiums and other spectator athletic fields
 - i. Campgrounds
 - j. Wildlife ponds

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- k. Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonable agricultural practices that inadvertently result in a concentration of birds are not prohibited.
 - l. 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.
 - m. 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.
 - n. Any detention or retention ponds or any other body of water, either natural or artificial, without the expressed written approval of the Department.
 - o. Mink and poultry production
3. Construction Requirements. All enclosed office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.
 4. Dimensional Requirements.
 - a. Height Regulations. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - b. Setback Regulations. Setbacks shall comply with the requirements of the primary zoning ordinance.
 - c. Minimum Area Requirements. The minimum lot area provisions of the primary zoning ordinance shall apply to all areas within Zone 2.
- (c) Zone 2A – Modified High Impact Runway Approach and Departure District. The purpose of this District is to establish land use requirements in areas adjacent to Zone 1 that are typically in between the flight pattern of aircraft approaching and departing the Airport’s two runways, and hence could be subjected to excessive noise and greater risk of aircraft crashes. The boundaries of the Zone 2A are shown on the Airport Zoning Map.
1. Permitted Uses and Structures. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this Ordinance.
 2. Prohibited Uses.
 - a. Applicable requirements contained in the General Provisions section of this Ordinance.
 - b. Residential Uses
 - c. Retirement/nursing homes
 - d. Licensed group day care facilities
 - e. Hospitals, churches, schools, libraries, museums, and community centers
 - f. Theaters, amphitheaters, and amusement parks
 - g. Athletic and health clubs, sports stadiums, and athletic fields (non-spectator)
 - h. Campgrounds
 - i. Wildlife ponds

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- j. Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonable agricultural practices that inadvertently result in a concentration of birds are not prohibited.
 - k. 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.
 - l. 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.
 - m. Any detention or retention ponds or any other body of water, either natural or artificial, without the expressed written approval of the Department.
 - n. Mink and poultry production
3. Construction Requirements. All enclosed office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.
 4. Dimensional Requirements.
 - a. Height Regulations. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - b. Setback Regulations. Setbacks shall comply with the requirements of the primary zoning ordinance.
 - c. Minimum Area Requirements. The minimum lot area provisions of the primary zoning ordinance shall apply to all areas within Zone 2A.
- (d) Zone 3 – Moderate Impact Runway Approach and Departure District. The purpose of this District is to establish land use requirements in areas that are typically within the flight pattern of aircraft approaching and departing the Airport’s runways, and hence could be subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 3 are shown on the Airport Zoning Map.
1. Permitted Uses and Structures. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this Ordinance.
 2. Prohibited Uses.
 - a. Applicable requirements contained in the General Provisions section of this Ordinance.
 - b. Retirement/nursing homes
 - c. Licensed group day care facilities
 - d. Hospitals, churches, schools, theaters, amphitheaters, stadiums, amusement parks, or other places of public assembly.
 - e. Campgrounds
 - f. Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonable agricultural practices that inadvertently result in a concentration of birds are not prohibited.

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- g. 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.
 - h. 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.
 - i. Any retention ponds or any other body of water, either natural or artificial, without the expressed written approval of the Department.
 - j. Mink and poultry production
3. Construction Requirements. All enclosed residential, office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.
4. Dimensional Requirements.
- a. Height Regulations. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - b. Setback Regulations. Setbacks shall comply with the requirements of the primary zoning ordinance.
 - c. Minimum Area Requirements. The minimum lot area provisions of the primary zoning ordinance shall apply to all areas within Zone 3.
- (e) Zone 4 – Noise Control Overlay District. The purpose of this District is to minimize the conflict between allowed uses and the aircraft noise generated in this zone due to aviation activities, overflights, and use of the Airport. The boundaries of the Zone 4 are shown on the Airport Zoning Map.
- 1. Permitted Uses and Structures. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this Ordinance.
 - 2. Prohibited Uses.
 - a. Applicable requirements contained in the General Provisions section of this Ordinance.
 - b. 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. Construction Requirements. All enclosed residential, office, sales, and work areas that will be subject to a minimum of four (4) hours of continuous human occupancy per day, shall utilize construction techniques that provide a minimum of 10 decibels outdoor to indoor noise level reduction over industry standards for similar structures.
 - 4. Dimensional Requirements.
 - a. Height Regulations. No structure or growth shall exceed the height permitted by the Airport Zoning Map.

BARABOO-WISCONSIN DELLS AIRPORT 26.04 continued

- b. Setback Regulations. Setbacks shall comply with the requirements of the primary zoning ordinance.
 - c. Minimum Area Requirements. The minimum lot area provisions of the primary zoning ordinance shall apply to all areas within Zone 4.
- (f) Zone 5 – Height Limitations Overlay 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. The boundaries of the Zone 5 include all parcels falling within three (3) statute miles, as shown on the Airport Zoning Map.
- 1. Permitted Uses and Structures. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this Ordinance.
 - 2. Prohibited Uses.
 - a. Applicable requirements contained in the General Provisions section of this Ordinance.
 - 3. Dimensional Requirements.
 - a. Height Regulations. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
 - b. Setback Regulations. Setbacks shall comply with the requirements of the primary zoning ordinance.
 - c. Minimum Area Requirements. The minimum lot area provisions of the primary zoning ordinance shall apply to all areas within Zone 5.

26.05 NON-CONFORMING STRUCTURES OR USES.

- (a) Non Retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or use not conforming to the regulations herein at the date of adoption or amendment of this Ordinance, or otherwise interfere with the continuance of any structure or use of land not conforming to the regulations herein at the date of adoption or amendment of this ordinance, except as otherwise provided in Section 26.07(b).
- (b) When a nonconforming use, building, structure or tree is destroyed by fire, explosion, act of God, or the public enemy, it may be restored so long as it complies with the primary zoning ordinance requirements and the height limitations imposed by this Ordinance as verified by a signed statement from the Zoning Administrator prior to any such rebuilding, reconstructing or rehabilitation.
- (c) Nonconforming uses described in this Ordinance, except for uses located in Zone 1, may be expanded, altered or otherwise enlarged provided the following conditions are met.
 - 1. The expansion, alteration or enlargement meets the requirements of the height limitations under this Ordinance and a statement showing such compliance is

BARABOO-WISCONSIN DELLS AIRPORT 26.05 continued

signed by the Zoning Administrator prior to the expansion, alteration or enlargement.

2. The expansion, alternation or enlargement in no way increase 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 complies with any more restrictive primary zoning ordinance requirements, or state and federal laws or regulations.
- (d) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to date of adoption or amendment of this ordinance, and if such is diligently prosecuted.
- (e) Removal. This section shall not interfere with, or prevent the removal of, nonconforming structures or uses by purchase or by the exercise of the right of eminent domain in the manner provided by Chapter 32, Wis. Stats.

26.06 ADMINISTRATION. It shall be the duty of the Committee to administer and enforce the regulations prescribed herein regardless of the governmental jurisdiction in which this Ordinance is in effect.

- (a) Authority. Applications for permits and variances shall be made to the Clerk of the Committee upon a form furnished by the Department. The Committee shall be authorized and empowered to appoint a Zoning Administrator as the administrative enforcement officer for the provisions of this Ordinance and the Committee may contract with a qualified person or business to act as Zoning Administrator. The Zoning Administrator shall be authorized and empowered to interpret and administer this ordinance and to issue, after on-site inspection, all permits required by this Ordinance, except variances. The Zoning Administrator shall further be authorized and empowered on behalf of the Committee to issue uniform citations or complaints to persons violating this Ordinance.
- (b) Application Review. Applications for permits shall be granted or denied by the Zoning Administrator within twenty (20) working days of the date of the filing of the application, unless Federal Aviation Administration (FAA) approval is requested or required. If FAA approval is requested or required, the Zoning Administrator shall grant or deny the application within twenty (20) working days after the date the Administrator receives the FAA's final determination on the application. The Zoning Administrator shall furnish to the Clerk of the Committee a copy of all permits issued under this Ordinance, together with copies, if any, of all FAA determinations and other relevant information or documentation requested or required by the Clerk. The Committee Clerk shall maintain records of the issuance of all permits required by this Ordinance, including variances granted pursuant to Section 26.10 hereof.
- (c) Fee. At the time an application for a permit under this ordinance is filed with the Committee Clerk, the applicant shall pay a permit fee established by the Committee. Permit fees shall not exceed the reasonable costs of administering and enforcing this

BARABOO-WISCONSIN DELLS AIRPORT 26.06 continued

Ordinance. No application shall be processed by the Clerk nor shall the same be considered by the Zoning Administrator until the required fee is paid. A double fee may be charged by the Clerk if a structure is erected, moved, placed, altered, improved or used, or land is used in violation of this Ordinance before a required permit is granted. Such double permit fees shall be for the purpose of reimbursing the Committee for the additional administrative work incurred in connection with the issuance of the permit and such double fees shall not release or relieve the applicant from full compliance with this Ordinance, nor from liability for the payment of a forfeiture for violating this Ordinance as provided in Section 26.11 of this Ordinance.

26.07 PERMITS.

- (a) Future Uses. No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by this Ordinance until the owner or their agent shall have applied in writing and obtained a permit from the Zoning Administrator or from the Zoning Board of Appeals. The application for such permit shall indicate the purpose for which the permit is desired and shall describe and locate the use and/or structure with sufficient particularity to permit the Zoning Administrator to determine whether such structure and/or use conforms to the regulations described herein. If such determination is in the affirmative in all respects, the permit shall be granted by the Zoning Administrator. A permit shall lapse and be void unless building operations are commenced within six (6) months after issuance or if no significant progress has been made within one (1) year from the date of the issuance thereof.
- (b) Existing Lawful Non-conforming Structures and Uses. Before any lawful non-conforming structure or use existing on the date of adoption or amendment of this Ordinance may be replaced, altered, rebuilt, expanded or enlarged, a permit shall be applied for and secured in the manner described in Section 26.07(a) authorizing such change, replacement, or alteration. Such permit shall be granted by the Zoning Administrator only if the expansion or enlargement of the non-conforming structure or use shall be in conformity this Ordinance.
- (c) Exemptions. Permits are not required for structures located outside of Zones 1, 2, 2A, or 3 which are less than 50 feet maximum height above the ground level at the structure site. Within Zones 1, 2, 2A, or 3 permits are not required for structures less than 200 square feet in area and less than 30 feet in height.
- (d) Building Permits. If the proposed development is approved by the Zoning Administrator and meets the building requirements of the affected municipality, a building permit may be issued by the municipality. If the proposed development is not approved, no building permit shall be issued.
- (e) Posting. Permits issued under this Ordinance shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment.

BARABOO-WISCONSIN DELLS AIRPORT 26.07 continued

- (f) Variances. Any person aggrieved by the enforcement of this Ordinance or by a decision or action of the Zoning Administrator made in the administration of this Ordinance may appeal such decision or action to the Board of Zoning Appeals as provided in Section 26.10.

26.08 HAZARD MARKING AND LIGHTING. Any permit or variance granted under Sections 26.07 or 26.10, may, if such action is deemed advisable by the Zoning Administrator to effectuate the purpose of this Ordinance and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owners of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

26.09 BOARD OF ZONING APPEALS. Subject to S. 114.136(4)(b), Wis. Stats. (1996-97), the Board of Zoning Appeals shall consist of 5 members including one representative from each of the 4 Airport Owners and 1 member who shall be a tenant of the Airport appointed by the Chairperson of the Board of Zoning Appeals subject to a majority approval by the Board. The non-commissioner member of the Board shall serve a 3 year term. The Board of Zoning Appeals shall have all the powers and functions as provided in S. 62.23(7)(e), Wis. Stats. (1996-97), including, but not limited to, the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the Zoning Administrator, and
- (b) To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special circumstances, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship such that the spirit of this Ordinance is observed, public and airport safety and welfare secured and substantial justice done, and
- (c) In the exercise of its powers, the Board of Zoning Appeals may, when granting a permit, application or variance, stipulate appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance including, but not limited to, requiring hazardous marking or lighting as provided in Section 26.08 hereof and any failure to carry out such stipulation shall be deemed a violation of this Ordinance, and
- (d) To contract with any public official or private consultant for assistance in the performance of its duties herein. If any member of the Board of Zoning Appeals is unable to hear any appeal for any reason, the Chairperson of the Board shall appoint an alternate who shall be one of the following persons:
 - 1. Chairperson of the Town Board of the Town of Delton.
 - 2. President of the Village Board of the Village of Lake Delton.
 - 3. Mayor of the City of Wisconsin Dells.
 - 4. Mayor of the City of Baraboo.

If any of the above persons are unable to perform the duties herein, they may appoint an alternate to serve in their place, contingent on a majority approval by the Board.

26.10 APPEALS AND REVIEW. Appeals by any aggrieved person to the Board of Zoning Appeals must be filed with the Airport Committee Clerk within thirty (30) days of receipt by the appealing party of the determination from which the appeal is taken. An appeal shall be commenced by filing a Notice of Appeal which shall specify the grounds thereof and shall be accompanied by all information requested by the Board of Zoning Appeals. All appeals shall be accompanied by the pre-payment of an appeal fee established by the Committee. Upon receipt of a Notice of Appeal, The Committee Clerk shall promptly forward the notice to the Board of Zoning Appeals and the Board shall fix the date, time and place for the hearing of the appeal within a reasonable time after the Notice of Appeal is properly filed. The Board of Zoning Appeals shall give public notice of the time, place and purpose of such hearing by publication as a Class 1 Notice under the Wisconsin Statutes in the official newspaper designated by the town board of the Town of Delton. The Class 1 Notice shall be published at least one week before the date of the hearing. Notice of the date, time, place and purpose of such hearing shall also be mailed by First Class Mail, postage prepaid to the parties in interest. The concurring vote of four members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or appellant on any matter on which it is required to pass or to grant a variance from this ordinance. The Board of Zoning Appeals shall decide all appeals and applications within forty-five (45) days after the final hearing and the Board shall transmit a copy of the decision to the appellant or applicant and to the Zoning Administrator. Conditions may be placed upon any variance or permit ordered or authorized by the Board of Zoning Appeals. Variances or permits granted by the Board of Zoning Appeals shall become null and void automatically within twelve (12) months after the date of the Board's decision unless substantial work has commenced pursuant to such grant or authorization. The party appealing for relief shall carry the burden to prove to a reasonable degree of certainty by credible evidence to the satisfaction of the Board of Zoning Appeals that the facts and circumstances of the appeal satisfy the legal standard for granting a variance as established in Section IX hereof. The Board shall be authorized to adopt rules for its governance and procedure in order to carry out the powers and duties granted under this Ordinance. Any person aggrieved by any decision of the Board of Zoning Appeals may commence an action seeking the remedy available by certiorari as provided by 62.23(7)(2), Wis. Stats., (1996-97).

26.11 PENALTIES AND ENFORCEMENT. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$5.00 nor more \$500.00 for each such offense, together with the costs and assessments as provided by the Wisconsin Statutes, and, in default of payment of such forfeiture, costs and assessments, shall be imprisoned in the County Jail until said forfeiture, costs and assessments are paid, but not exceeding ninety (90) days for each violation. Whenever an order of the Zoning Administrator or the Board of Zoning Appeals has not been fully performed within thirty (30) after written notice thereof has been mailed by First Class Mail to the owner and/or the occupant of the premises subject to such order, the Committee may direct institution of appropriate legal action or proceedings, including, but not limited to, proceedings to recover a forfeiture and/or proceedings to prohibit or enjoin such owner or occupant from using the structure and/or land covered by the order of the Zoning Administrator or Board of Zoning Appeals and said proceedings may be consolidated in one action or commenced as separate actions concurrently, or at different times. In all cases, the Committee's remedies shall be cumulative. Nothing in this Ordinance shall preclude the Committee from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

26.12 SEVERABILITY. If any of the provisions of this Ordinance or the application thereof to any person 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.