

DODGE COUNTY AIRPORT OVERLAY ZONING ORDINANCE

FREQUENTLY ASKED QUESTIONS

What is an Airport Overlay Zoning Ordinance?

A particular set of land management regulations, authorized by State Statute 114.136, designed to increase the safety and reduce the potential for noise impacts associated with aircraft flying around an airport. The purpose of the ordinance is to regulate the use of property within the designated vicinity of the Dodge County Airport in order to protect the approaches, airspace, and physical areas of the airport and to ensure the compatibility of surrounding land uses and development to the greatest extent possible.

Who is initiating this project?

The airport is managed by the Dodge County Highway Department and the Dodge County Highway Committee. A temporary Airport Zoning Technical Advisory Committee (AZTAC) is being formed to work with the project consultant (MSA Professional Services, Inc.) to create the airport overlay zoning ordinance.

Who are the members of the AZTAC?

The AZTAC includes members from the Dodge County Highway Committee, Dodge County Highway and Land Resources Departments, and representatives from local towns and cities within the planning area.

What are the benefits of the ordinance?

The Dodge County Airport is required, under agreements with the Federal Aviation Administration (FAA), to take appropriate action, to the extent reasonable, to restrict the use of land in the vicinity of the airport to activities compatible with normal airport activities. Both the FAA and the Wisconsin Bureau of Aeronautics (BOA) strongly encourage public airports to enact overlay zoning ordinances to:

- Protect the airport from incompatible land uses that could interfere with the safe operation of the airport,
- Protect public safety by reducing the potential for fatalities, property damage, or noise complaints within the vicinity of the airport.
- Protect the public investment made by taxpayers in their airport and the economic benefits it provides the region.

What are the boundaries of this project, what property will be affected?

The boundaries of the overlay-zoning ordinance will encompass the same area as the existing height limitations ordinance, roughly three miles around the airport. This includes property in the Town of Beaver Dam, Town of Burnett, Town of Hubbard, Town of Oak Grove, City of Horicon, and the City of Juneau. The extent to which this ordinance will affect future development of properties depends on their vicinity to the airport.

What is the existing height limitations ordinance?

The FAA requires public airports to adopt and impose limitations for the height of buildings within the vicinity of an airport. The purpose of the ordinance is to reduce the potential for aviation crashes and property damage near an airport. The Wisconsin BOA created the original height limitations map for the Dodge County Airport in 1995. The map displays the maximum permitted elevation of structures and vegetation within the three-mile jurisdiction of the airport. Additional information can be found under Section 4.5 of the Dodge County Land Use Code.

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What is the maximum elevation I am allowed to build to on my property?

The maximum elevation of structures and vegetation depends on two factors: (1) the existing base elevation of a property and (2) its vicinity to the airport. In general, the further a property is from the airport the higher structures and vegetation may be.

Will this project involve modifying the existing height limitations ordinance or map?

The existing height limitations ordinance and map will be reviewed as part of this project; however, since the map was created based on BOA regulations/standards, changes are not anticipated. The final overlay-zoning ordinance will be a supplement to the existing height limitations ordinance (Section 4.5 of the Dodge County Land Use Code).

How does this project relate to comprehensive (smart growth) planning?

A comprehensive plan is a long-term land management tool used by communities to facilitate and manage development, including transportation facilities. Under the Wisconsin comprehensive planning legislation beginning on January 1, 2010 if a community engages in any of the actions listed below, those actions shall be consistent with its comprehensive plan:

- Official mapping established or amended under s. 62.23 (6)
- Local subdivision regulations under s. 236.45 or 236.46
- County zoning ordinances enacted or amended under s. 62.23 (7)
- Town, village, or city zoning ordinances enacted or amended under s. 60.61, 60.62, 60.23 (7)
- Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or 62.231

Dodge County has adopted a comprehensive land use plan. The airport overlay zoning ordinance will be reviewed for consistency with the plan. In addition, the project consultant will also review those comprehensive plans adopted by other communities within the planning area.

Does this project include plans to construct or extend any runways?

No, in fact this project does not involve any airport construction; however, potential airport runway expansions will be reviewed and considered during the development of the ordinance.

Are there any plans to construct or extend any runways at the airport?

No, not at this time. By law, the airport is required to maintain an Airport Layout Plan (ALP). An ALP is a planning document that guides the growth and development of an airport and is used by decision makers when evaluating projects close to the airport so they can ensure compatible land uses for the ultimate airport development. Potential projects included within the Dodge County ALP include:

- Extend Runway 2/20 from 4,028.5' to 4,800'
- Extend Runway 8/26 from 5,060' to 6,000'
- Expand associated aprons and taxiways

When will these projects take place?

None of these projects are listed within the BOA's five-year Airport Improvement Program (AIP) for construction by 2013. Inclusion in the BOA's five year AIP is required to receive state or federal funding for airport improvement projects. However, inclusion in the AIP alone, does not guarantee the Dodge County Airport will receive funding for the project or that local matching dollars will be available. The AIP lists, at best, an estimate as to when these projects could take place. Additional environmental

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studies and approvals would have to occur before construction could take place, including establishing that airport traffic warrants the need to expand any runway.

Will this ordinance replace the existing zoning classification of property?

No. This project will not change the existing or underlying zoning of property regardless of which community the property is in. However, it will apply an additional floating, or overlay zoning district to properties within three miles of the airport.

What happens if there is a conflict between the existing zoning ordinances and the airport overlay zoning ordinance?

The requirements of the most restrictive ordinance shall prevail. Typically, the existing (underlying) zoning ordinance will regulate permitted uses for a property, while the overlay-zoning ordinance will regulate additional prohibited or conditional uses for properties.

What happens if the new overlay ordinance prohibits a current use of my property?

Nothing, the current use can continue. The property would be classified as “nonconforming” and the overlay ordinance will provide exceptions for its continued use.

What type of new zoning districts will be created?

There is no prescribed mandate regarding the number or name of zoning districts. The following four districts represent the professional standard used by most communities. These will be modified to fit the individual needs of the Dodge County Airport.

- Zone 1: Airport District (generally includes all land owned by the airport)
- Zone 2: Runway Approach & Departure District (generally includes land adjacent to and extending from airport runways)
- Zone 3: Noise Control/Overflight District (generally includes lands within 1 mile of the airport)
- Zone 4: Height Limitation District (all land within the 3-miles of the airport)

How are the district boundaries created?

There is no prescribed mandate regarding the minimum or maximum area, or distance, of each zoning district. There are professional standards to help guide the process but the final location and extent of each district will be determined through the planning process and discussions with the project consultant.

Will this project study the economic impacts to individual properties in the planning area?

No. This type of analysis would be difficult since the future economic value of a property depends on market conditions at the time of development, its location, and the ultimate use of a property. In addition, it is more likely that the underlying, or existing zoning, and the associated comprehensive plan for the community in which a property is located, will have a far greater affect on the future uses and value of a property.

Will the ordinance affect my property taxes?

No. Local property taxes are based on the assessed value of the current use of property. Since the ordinance does not change the current use of any property there is no affect on local property taxes.

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Can the zoning ordinance ever be changed?

Yes. The ordinance itself can be modified following the same procedures used to adopt the ordinance. In addition, the ordinance will contain procedures for appealing zoning decisions and granting variances.

Who adopts the final ordinance?

The Dodge County Highway Committee and the Dodge County Planning, Development, and Parks Committee will review the draft ordinance created by the Airport Zoning Technical Advisory Committee (AZTAC). The final ordinance will be adopted by the County Board.

Who will administer the final ordinance?

It is anticipated that the ordinance will be administered by each jurisdiction body's zoning administrator (or other authorized agent), for that portion of the ordinance which lies within their community. Other options exist and will be discussed by the AZTAC during the planning process.

What is the timeline for completion of this project?

It is anticipated that this project could be completed by December 31, 2010.

How are other communities being kept informed and involved in this planning project?

Through direct membership within the AZTAC. In addition, the Dodge County Highway Department is compiling a list of plan commissioners and elected officials from all of the communities that have land located within the planning area. Members of the mailing list will be given direct notice of any public information meetings involving the development of the airport overlay-zoning ordinance. In addition, the clerks from each affected community will be asked to post meeting agendas at their administrative buildings. All meetings will be posted following County procedures. Prior to the adoption of the ordinance, Dodge County will hold a public hearing regarding the ordinance.

How can property owners within the planning area become involved in the process?

Opportunities to provide input into the creation of the airport overlay zoning ordinance will be provided during the planning process through public informational meetings. Landowners may contact the Highway Department if they wish to receive direct notice of these meetings (see below). In addition, prior to the adoption of the ordinance, Dodge County will hold a public hearing regarding the ordinance.

How can I learn more about the project?

Contact: Peter Thompson, Assistant Commissioner
Dodge County Highway Department
211 E. Center Street
Juneau, WI 53039-1309

Phone: 920-386-3655

