

ARTICLE 5 ZONING DISTRICTS

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DIVISION 1 ZONING MAP

46-1000 Establishment of zoning map

- A. Purpose.** The zoning map, incorporated herein by reference, shows the location and boundaries of the base zoning districts and overlay zoning districts along with other map features referenced in this code or deemed appropriate by the Zoning Administrator.
- B. One or more pages.** The zoning map may consist of a single map or a series of numbered maps if needed to depict all the information in a clear manner.
- C. Title.** The zoning map is titled "City of Janesville Zoning Map."
- D. History of amendment.** The zoning map may include a descriptive history of recent map amendments that have been made, indicating the ordinance number and date of action.

46-1001 Certification of current version

Because the zoning map is an integral part of this code and constitutes a public record, the City Clerk must maintain one paper copy of the zoning map which has been signed by the City Manager and attested by the City Clerk.

46-1002 Availability

The zoning map maintained by the City Clerk is available for public inspection during normal office hours. The City Clerk and Zoning Administrator may post the zoning map on the City's website and otherwise make and distribute copies in a manner deemed appropriate. The zoning map maintained by the City Clerk carries the force of law; all other copies or other representations are for informational purposes only.

46-1003 Preparation of a new map

- A. Amendments.** As amendments are made to the zoning map, the Zoning Administrator is authorized to determine how often to update the zoning map maintained by the City Clerk.
- B. Replacement.** In the event the zoning map maintained by the City Clerk is damaged, lost, or destroyed, the Zoning Administrator must prepare a new zoning map and submit it to the City Manager and City Clerk for certification.
- C. Errors and omissions.** In the event the Zoning Administrator determines the zoning map maintained by City Clerk contains drafting errors or omissions, the Zoning Administrator is authorized to make changes to the zoning map with notice to the Plan Commission.

46-1004 Amendment

The zoning map may be amended pursuant to the procedure and requirements described in Article 4. All amendments made to the zoning map are in effect even if not depicted on the zoning map currently maintained by the City Clerk.

46-1005 Archive of superseded maps

The City Clerk must maintain superseded zoning maps as a public record consistent with the City's record retention policy.

46-1006 through 46-1019 reserved

DIVISION 2 BASE ZONING DISTRICTS

46-1020 Generally

The City is divided into a number of base zoning districts so that each parcel of land is located in at least one base district and potentially more than one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable.

46-1021 Base zoning districts

- A. Base zoning districts.** Recognizing that different areas of the City serve unique functions, the City is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time, they more closely reflect the intended uses. Uses are allowed in the various districts consistent with various development standards and development limitations as described in § 46- and other sections. Each of the land uses listed in Table 5-1 that are shown as being allowed in a zoning district are determined to be consistent with the purpose statements of such district.
- B. Establishment.** The following base zoning districts are established as described:

Residential Districts

- (1) **R-1 Low Density Residential** This district is intended to provide residential areas predominantly occupied by single- and two-family dwellings with some three- to four-unit buildings compatible with a lower density suburban development pattern.
- (2) **R-2 Medium Density Residential** This district is intended to provide for a range of residential housing types, including single-family, duplexes, townhomes, and multi-family apartments, to bridge the gap between low-density neighborhoods and higher-intensity developments.
- (3) **R-3 High Density Residential** This district is intended to accommodate a mix of residential development of higher densities than permitted in other residential districts. This district should primarily be located in proximity to existing or planned urban amenities, services, civic functions, public transportation, and workplaces in a walkable environment.
- (4) **R-9 Manufactured Home Neighborhood^[1]** This district is intended to accommodate mobile homes and manufactured homes as part of a unified project, which may also include compatible community and civic uses.
- (5) **MRH Mixed Residential Housing^[1]** This district is intended to accommodate new residential development projects with a complementary mix of two or more of the following housing types: single-family residences, including zero-lot line homes; duplexes; twin homes; townhomes; and multi-family.

Business Districts

- (6) **B-1 Neighborhood Mixed Use** This district is intended to accommodate a range of low-impact commercial, office, and residential uses compatible with residential neighborhoods and generally satisfying the basic daily needs of the surrounding neighborhoods and residences within walking distance or very short driving distance. This district is intended to permit land uses which do not generate large amounts of vehicular traffic that would require large parking areas, loading areas, and other similar site designs that interrupt a compact and walkable development pattern for residents in the same neighborhood.
- (7) **B-2 Community Business** This district is intended to accommodate commercial development of a general nature which is oriented towards arterial roadways and services the regional market area.
- (8) **B-3 Highway Commercial** This district is primarily intended to accommodate the special needs of the persons and vehicles traveling on the freeway and intersecting highways. The B-3 District is generally located around the interchanges and intersecting highways.
- (9) **CC City Center** This district constitutes the downtown core area of the City. It is intended to accommodate all those retail, service, housing, recreation, specialty shops and necessary civic services that are characteristic of the traditional central area.
- (10) **CC-T City Center Transition** This district is designed primarily to furnish areas served by the City Center District with a wide variety of services or functions which may be incompatible if located directly within the core area. The CC-T District also serves as potential expansion area for the CC District.

Industrial Districts

- (11) **M-1 Light Industrial** This district is intended to provide a suitable environment for those industrial activities and supporting commercial and service uses that require an environment which is substantially hazard and nuisance free and also for those activities which do not create appreciable hazards or nuisances.
- (12) **M-2 General Industrial** This district is intended to accommodate those existing industrial activities which may produce moderate nuisances or hazards and have developed sites that cannot meet the requirements of the M-1 Light Industrial District. Generally, new M-2 properties should not be created to accommodate industrial activities.
- (13) **M-3 Central Light Industrial** This district is intended to accommodate industrial activities that are substantially hazard and nuisance free and commercial activities located around the central City. This district also contains properties which are suitable for expansion of the downtown and may be rezoned to accommodate a mix of uses consistent with orderly urban redevelopment.

Special Purpose Districts

- (1) **AE Aviation Enterprise**^[1] This district is intended to accommodate a public-use airport as designated by the Wisconsin Department of Transportation along with other lands outside of the airport suited for certain commercial, industrial, and institutional uses that are compatible with or otherwise promote airport operations.
- (2) **C Conservancy** This district is intended to preserve and perpetuate in an open state, certain areas such as rivers and drainageways, wetlands and marshes, parks, floodplains and greenbelts, natural habitats (prairie) for plant and animal life, which because of their unique physical features, are deemed desirable and functional as natural and beneficial to the City.
- (3) **ME Mining Enterprise**^[1] This district is intended to accommodate commercial mining, quarry, and extraction activities in areas that are remote from residential and business development.
- (4) **RLRD Railroad**^[1] This district is intended to accommodate commercial railroad lines and related support infrastructure.
- (5) **UT Urban Transition**^[1] This district is intended to accommodate existing extremely low-density single-family residential uses and limited agricultural uses. Properties in this district are generally undeveloped and will be rezoned to other zoning classifications to enable urban-level development. Proposed rezonings for a development project must be consistent with the City's comprehensive plan and neighborhood plans, if any, and are only allowed when public utilities and other essential community services are available.

Editorial notes:

[1] This district was added as part of the 2025 zoning code rewrite project.

46-1022 Defunct zoning districts

- A. Base zoning districts.** The following base zoning districts were removed as part of the 2025 zoning code rewrite project: R-1D, R3M, B-4, B-5, B-6, BT, O-1, O-2, and O-3.

- (1) R1 Single-Family and Two-Family Residence District
- (2) R1D Two-Family Residence District
- (3) R2 Limited General Residence District
- (4) R3M Medium Density Residence District
- (5) R3 General Residence District
- (6) R4 Central Residence District
- (7) O1 Office/Residence District
- (8) O2 Central Office/Residence District
- (9) O3 Neighborhood Office District
- (10) B1 Neighborhood Convenience District
- (11) B2 Community Shopping District
- (12) B3 General Commercial District
- (13) B4 Business Highway
- (14) B5 Central Business District
- (15) B6 Central Service District
- (16) BT Business Technology District
- (17) M1 Light Industrial District
- (18) M2 General Industrial District
- (19) M3 Central Light Industrial District
- (20) M4 Central General Industrial District
- (21) A Agriculture District
- (22) M Mining District
- (23) C Conservancy District

- B. Overlay zoning districts.** The following overlay zoning districts were removed as part of the 2025 zoning code rewrite project: parking and South Jackson Street.

- (1) F Floodplain Overlay District
- (2) P Parking Overlay District
- (3) H Historic Overlay District.

46-1023 Mixed residential housing (MRH) districts

Mixed residential housing (MRH) districts are a hybrid type of zoning in which the allowable land uses are predetermined, while the dimensional standards are tailored to meet the objectives of the specific development project (Exhibit 5-1). Dimensional standards for each project are included under §46- . MRH districts are numbered sequentially (i.e., MRH-01, MRH-02, etc.) as they are established.

46-1024 Planned development districts (PDDs)

Planned development districts are a special type of zoning district in which both the allowable land uses and dimensional standards are tailored to meet the objectives of the specific development project (Exhibit 5-1). Dimensional standards and permissible land uses for each project are documented in the general development plan and included under Article 5. PDDs are numbered sequentially (i.e., PDD-01, PDD-02, etc.) as they are established.

Exhibit 5-1. Zoning approaches used in this code

	Land Uses	Dimensional Standards
Standard Zoning - Base Zoning Districts	Predetermined land uses (Table 5-1)	Predetermined (Table 6-2)
Hybrid Zoning - Mixed Residential Housing (MRH) Districts	Predetermined land uses (Table 5-1)	Custom standards for each project
Custom Zoning - Planned Development Districts (PDDs)	Custom land uses for each project	Custom standards for each project

46-1025 through 46-1049 reserved

DIVISION 3 ALLOWABLE LAND USES

46-1050 State and federal preemption

While the City has broad authority to create and enforce its own zoning regulations, that authority is sometimes limited by state and federal laws, and related court rulings, which take precedence over local regulations. In some cases, these higher levels of government impose specific rules that municipalities must follow, or they restrict local authority altogether—a concept known as preemption.

Certain land uses are subject to this kind of preemptive control. For example, adult entertainment businesses are protected by the First Amendment, which limits how and where municipalities can regulate them. Group homes and other community living arrangements are often shielded by federal fair housing laws and state statutes that prohibit discriminatory zoning practices against people with disabilities. The placement and regulation of telecommunication facilities, such as cell towers, are governed by the federal Telecommunications Act of 1996, which prevents local governments from unreasonably restricting their development. Likewise, state laws prevent municipalities from creating overly burdensome regulations on solar and wind energy systems.

In all such cases, the City must carefully navigate the balance between achieving local planning objectives and complying with overriding state and federal legal standards.

46-1051 Land uses allowed in base zoning districts

A use table, included as Table 5-1, graphically shows what land uses are allowed in the various base zoning districts, as follows:

- (1) "P" indicates that the use is permitted in the zoning district by right provided all other provisions of the zoning code are met.
- (2) "C" indicates that the use is allowed in the zoning district with approval as a conditional use provided all other provisions of the zoning code are met.
- (3) "CLA" indicates that the use is subject to the review procedures and requirements for Community Living Arrangements in Article 4.
- (4) "TFR" indicates that the use is subject to the special review standards and procedures for wireless telecommunication facilities outlined in Article 4.
- (5) "WES" indicates that the use is subject to the special review standards and procedures for wind energy systems outlined in Article 4.

In addition, the last column of the use table shows what if any additional reviews are needed as follows:

- (1) "AR" indicates that the land use must comply with the special architectural standards in Article 6 as applicable.
- (2) "SP" indicates that the land use must comply with the site design standards in Article 6 as applicable.
- (3) "ZP" indicates that the use is allowed in the zoning district with issuance of a zoning permit.

The above reviews are required if the use is permitted by right or with a discretionary review.

Table 5-1. Land use table

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Table to be inserted when finalized.

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46-1052 Land uses allowed in planned development districts

Land uses that are permitted in an approved planned development district are specified in Division 9, along with any use-specific development standards.

46-1053 Land uses not listed

If a person wants to establish a land use that is not specifically listed in the zoning code, they may submit an application to the Zoning Administrator if they believe the proposed use is closely similar to a listed use. The application will be evaluated consistent with requirements in § 46- . If the Zoning Administrator determines that the proposed use is indeed closely similar to a listed use, it will be regulated in the same manner, including compliance with all applicable supplemental standards.

Any land use that is not specifically listed and cannot reasonably be interpreted as closely similar to a listed use is considered prohibited. However, if someone wants to establish such a use, they may submit a petition to amend the zoning code, following the procedures and requirements outlined in Article 4.

46-1054 Mixed uses in a building

A non-residential building may include more than one permitted land use, even if the uses are not part of a defined mixed-use category, if each use is allowed in the base zoning district for the property. For example, a multi-tenant building could include a restaurant, a retail shop, and a health clinic if these uses are permitted in the base zoning district.

46-1055 Special provisions for specified foster homes and treatment foster homes

Foster homes that are owned, operated, or contracted for by the state of Wisconsin or a county department are not subject to any discretionary review.^[1] All other foster homes and treatment foster homes must comply with this article.

Editorial notes:

[1] See 63 Atty. Gen. 34

46-1056 Special provisions for community living arrangements

- A. Limitations.** Under state law, a city may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the City's population, whichever is greater. When that threshold is exceeded, the City Council may prohibit additional community living arrangements from being located in the city. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the City Council may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., and an adult family home certified under § 50.032 (lm)(b), Wis. Stats., are exempt from this provision.^[1]
- B. Periodic review of existing facilities.** Not less than 11 months but not more than 13 months after the first licensure of an adult family home under § 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the City Council may make a determination as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the City Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the City Council may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility must cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive HIV test, as defined in § 252.01 (2M), Wis. Stats., resides in a community living arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the City.^[1]

Editorial notes:

[1] See § 62.23 (7)(i), Wis. Stats.

46-1057 Accessory land uses

- A. Generally.** An accessory use may not be established until the principal building is completed or is under construction.
- B. Removal of a principal building while retaining an accessory building.** Pursuant to the procedures and requirements in Article 4, the Plan Commission may approve a special exception to allow the removal of a principal building, while retaining the accessory building, when the commission determines that the principal building is dilapidated, and the accessory building meets current building codes and serves a useful purpose. If the commission approves the special exception, the property owner must record a deed restriction, as approved by the commission, in the Rock County register of deeds office that controls the use of the accessory building and incorporates any requirement imposed by the commission as a condition of approval, such as time limitations (e.g., construction of a principal building) or limitations on the use of the building.

46-1058 Temporary uses

By definition, a temporary use is not permanent. This means that once a temporary use has been removed, it does not retain any vested right to be reestablished in the future. Additionally, the City has the authority to remove a temporary use from the zoning code, change the locations where it is allowed, and create new supplemental standards or modify existing ones that were previously in effect.

46-1059 Effect of overlay districts on land uses

Even if a land use is permitted in a base zoning district, an overlay district may impose additional restrictions that further limit which land uses are allowed on a property.

46-1060 Map of conditional uses

The Zoning Administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

46-1061 Nonconforming uses

A land use that was legally established but does not comply with the current requirements is considered a nonconforming use and is therefore subject to the terms and conditions in Article 3 as applicable.

46-1062 Compliance with building codes

A building must comply with all applicable building codes for the intended use.

46-1063 Licensing with the City and county

In addition to meeting the requirements in this chapter, all land uses must also meet any requirements for licensing with Rock County and the City, which may now exist or may be adopted.

46-1064 Licensing with state agencies

If a land use or any related activity requires a license from the state, or its agent, to operate, such license must be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires the license.

46-1065 Special provisions for residential land uses

- A. Generally.** Motor vehicles, boats, campers, recreational vehicles, and trailers kept on the exterior of a residential property must be properly licensed and operable.

- B. Location.** Motor vehicles, boats, campers, recreational vehicles, and trailers kept on a residential property must be kept in the side or rear yard and parked consistent with Chapter 46 of the municipal code.
- C. Commercial vehicles.** No trucks more than 20 feet in length or more than 12,000 pounds in weight and / or other similar pieces of mechanical equipment may be kept on a residential lot for a period of time longer than 48 consecutive hours unless they are kept in a garage and out of public view.
- D. Use of a recreational vehicle for temporary occupancy.** At no time shall such parked or stored camping and recreational equipment be occupied or used for living or housekeeping purposes.

Recreational vehicles shall be stored in any of the below locations

- In the garage
 - In the driveway
 - In the rear yard
 - In the side yard behind the front line of the primary structure
- E. Parking of camping and recreational equipment on private residential property.** Any owner of camping and recreational equipment may park or store such equipment on private residential property subject to the following conditions:
- (1) At no time shall such parked or stored camping and recreational equipment be occupied or used for living or housekeeping purposes.
 - (2) If the camping and recreational equipment is parked or stored outside a garage it shall be parked or stored to the rear of the front building line of the building, providing that there is reasonable access to the rear of said line via an existing driveway to allow such parking or storing.
 - (3) If the lot is not equipped with a garage or reasonable access to the rear of the front line of the building via an existing driveway, then the camping and recreational equipment shall be parked or stored in the driveway of the lot, providing that such parking or storage does not interfere with normal use of any public sidewalk.
 - (4) Notwithstanding the provisions outlined in these sections, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period of time not to exceed 48 hours.
 - (5) No more than two camping and recreational equipment vehicles shall be permitted on any one lot.

For the purposes of this section, camping and recreational equipment includes, but is not limited to, boats, boat trailers, camping trailers, fifth wheel travel trailers, motor homes, private buses, snowmobiles, travel trailers, and truck campers. Motor-driven cycles and mopeds shall not be considered recreational equipment for purposes of this section.

46-1066 Negative use agreements

- A. Legislative findings.** The City Council finds that the public health, safety, and general welfare are adversely affected when private parties impose negative use restrictions on real property that prohibit, or effectively prohibit through economic or practical means, the future operation of a grocery store or drug store following the closure of such a use. Such negative use restrictions are separate and distinct from commercially reasonable non-compete clauses included in shopping center development agreements whereby a landlord may agree with a tenant that is a grocery store or drug store not to lease another space in the same shopping center to a second grocery store or drug store, respectively, in order to induce the first tenant to sign a long-term lease as an anchor tenant at such shopping center development.
- B. Prohibition on negative use restrictions.** A private agreement that purports to impose negative use restrictions on real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations on such real property, when such use would otherwise be permitted (including as a conditional use) under this chapter, is against public policy, void, and unenforceable. This prohibition applies whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other

instrument. This prohibition applies to all such private agreements, including those created prior to the effective date of this section.

- C. **Penalties.** The penalty provisions of this chapter do not apply to any such private agreements entered into prior to , 2025.

46-1067 through 46-1099 reserved

**DIVISION 4
HISTORIC PRESERVATION OVERLAY DISTRICT**

46-1100 Legislative findings

The City Council finds that protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

46-1101 Purpose

This division and the related provisions promote the public health, safety, and welfare and are intended to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.
- (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in designated historic structures, sites, and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the City.
- (7) Prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

46-1102 Establishment of specific overlay districts

The historic preservation overlay district listed below, as depicted on the zoning map, is established.

- (1) Courthouse Hill (May 14, 1990)

Additional historic preservation overlay districts may be established consistent with the procedures and requirements in Article 4.

46-1103 Designation of specific historic structures

The historic structures listed below, as depicted on the zoning map, are established.

- (1) Janesville Pumping Station (April 29, 1998)
- (2) Carriage Works Building (May 27, 1997)
- (3) Cannon Block (April 13, 1998)
- (4) Old Post Office (August 10, 1992)

- (5) Oak Hill Cemetery Chapel (May 28, 2019)
- (6) The Armory (June 14, 2004)

Additional historic sites may be designated consistent with the procedures and requirements in Article 4.

46-1104 Relationship to unregulated historic districts

Within the city there are various historic districts that are currently not subject to any City-adopted historic preservation regulations or mapped on the zoning map. These include:

- (1) Benton Avenue
- (2) Bostwick Avenue
- (3) Columbus Circle
- (4) Conrad Cottages
- (5) East Milwaukee Street
- (6) Jefferson Avenue
- (7) Look West
- (8) North Main Street
- (9) Old Fourth Ward
- (10) Prospect Hill
- (11) South Milwaukee Street
- (12) West Milwaukee Street

46-1105 Regulation of construction, reconstruction, alteration, and demolition

The owner or person in charge of a historic structure, historic site, or structure located within a historic district may not reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission as outlined in Article 4.

46-1106 Maintenance

- A. Generally.** Every person in charge of a historic structure, historic site, or improvement located within a historic district must maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this division. The City Council may appoint the building inspector or any other individual or group of individuals to enforce this division. The duties of the inspection officer includes periodic inspection at intervals provided by the City Council of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a special inspection warrant pursuant to § 66.122, Wis. Stats., and take any other reasonable measures to further enforcement of this division.
- B. Standards for maintenance.** Every person in charge of any improvement on a historic site or in a historic district must keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including:
 - (1) the deterioration of exterior walls or other vertical supports;
 - (2) the deterioration of roofs or other horizontal members;
 - (3) the deterioration of external chimneys;

- (4) the deterioration or crumbling of exterior plasters or mortar;
- (5) the ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- (6) the peeling of paint, rotting, holes and other forms of decay;
- (7) the deterioration of surrounding environment (e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping);
- (8) the deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; and
- (9) all interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

46-1107 Other approvals as required

The issuance of a certificate of appropriateness does not relieve the property owner from obtaining other permits and approvals required by the City.

46-1108 Emergency conditions

When the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure, site, or a property in a historic district, the building inspector may order corrective action without approval of the Historic Preservation Commission. The building inspector must promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the building inspector must make every effort to carry out the intent of this division and related provisions and to use any design guidelines of the commission when remedying the emergency conditions.

46-1109 through 46-1129 reserved

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DIVISION 5

WELLHEAD PROTECTION OVERLAY DISTRICT

46-1130 Legislative findings

The City Council makes the following legislative findings relating to the wellhead protection overlay district:

- (1)

The City depends exclusively on groundwater for a safe drinking water supply.
- (2)

Certain land uses and practices can seriously threaten or degrade groundwater quality.
- (3)

The City currently has 8 municipal wells in operation, which are numbered 5, 6, 7, 8, 9, 10, 12, and 14.
- (4)

The City has the authority under § 62.23 (7)(a) and (c), Wis. Stats., to adopt regulations to protect its municipal wells from contamination.

46-1131 Purpose

This division is adopted to promote the public health, safety, and welfare and is intended to protect the City's municipal water supply through regulations that restrict certain land uses and practices that are potentially harmful to groundwater quality.

46-1132 Jurisdiction

This division applies to all land within the City that falls inside a wellhead protection overlay district.

46-1133 Establishment

A wellhead protection overlay district is established for each of the City's municipal wells, as depicted on the zoning map. Due to the close proximity of some wells, some of the overlay districts may overlap.

Table 5-2. Wellhead protection overlay districts

Well No.	Description of district
5	1,200 feet plus 5-year time of travel
6	5-year time of travel
7	1,200 feet plus 5-year time of travel
8	1,200 feet plus 5-year time of travel
9	1,200 feet plus 5-year time of travel
10	1,200 feet plus 5-year time of travel
12	1,200 feet plus 5-year time of travel
14	1,200 feet plus 5-year time of travel

46-1134 Separation distances

The land uses and activities listed below must maintain the specified minimum separation distances from the wellhead, provided the use or activity is otherwise permitted in the base zoning district.

- (1)

Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and has a double-wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities must meet the installation requirements Chs. SPS 301-319, Wis. Admin. Code, General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code.
- (2)

Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewers shall be successfully air pressure treated in place. The air pressure test shall meet or exceed the requirements of the four psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer and Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125 percent of the pump shut-off head.
- (3)

Two hundred feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one- or two-family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.

- (4) Three hundred feet between a well and any farm underground storage tank system or underground storage tank with double-wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.
- (5) Three hundred feet between a well and any farm above ground storage tank with double-wall, or single-wall tank with other secondary containment and under a canopy; other above ground storage tank system with double-wall, or single-wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double-wall tank or electronic leakage monitoring for a single-wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.
- (6) Four hundred feet between a well and a private onsite wastewater treatment system (POWTS) dispersal component with a design capacity of less than 12,000 gallons per day, cemetery or a stormwater retention or detention pond.
- (7) Six hundred feet between a well and any farm underground storage tank system or other underground storage tank with double-wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double-wall, or single-wall tank with other secondary containment and under a canopy or other aboveground storage tank system with double-wall, or single-wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double-wall tank or electronic leakage monitoring for a single-wall tank secondary containment structure. These installations shall meet the standard double-wall tank or single-wall tank secondary containment installation requirements of Chs. SPS 301-319, Wis. Admin. Code; General, Part I and receive written land approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor oil, burner fuel, lubricant, waste oil, or hazardous substances.
- (8) One thousand feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum contaminated soil regulated under Ch. NR 718, Wis. Admin. Code while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment units, lagoons, or storage structures; manure stacks or storage structures; or private onsite wastewater treatment systems (POWTS) dispersal component with a design capacity of 12,000 gallons per day or more.
- (9) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140, Wis. Admin. Code enforcement standards; coal storage area; salt or deicing material storage area; any single-wall farm underground storage tank or single-wall farm above ground storage tank or other single-wall underground storage tank or above ground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under § SPS 310.110, Wis. Admin. Code for a single-wall tank installation. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

46-1135 Land uses

- A. Permitted uses.** Subject to the exemptions listed in subsection B (below), the following are the only permitted uses within the overlay district:

- (1) Parks, open space and public recreational facilities, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (2) Playgrounds
- (3) Wildlife areas
- (4) Non-motorized trails, such as biking, skiing, nature and fitness trails
- (5) Municipally sewered residential development, and other permitted uses in the residence district, free of flammable and combustible liquid underground storage tanks.
- (6) Municipally sewered office, business, and industrial development zoned B-1, B-2, B-3, CC, CC-T, M-1, M-2, and M-3, AE, and ME except for the uses listed below, which are subject to the provisions outlined in subsection (C) below.
 - (i) Above ground storage tanks
 - (ii) Asbestos product sales
 - (iii) Automotive service and repair garages, body shops
 - (iv) Blue printing and photocopying services
 - (v) Car washes
 - (vi) Laundromats and diaper services
 - (vii) Dry cleaning
 - (viii) Chemical manufacturing
 - (ix) Gas stations
 - (x) Holding ponds or lagoons
 - (xi) Infiltration ponds
 - (xii) Nurseries, lawn and garden supply stores
 - (xiii) Small engine repair services
 - (xiv) Underground storage tanks
 - (xv) Wells, private, production, injection or other.
 - (xvi) Any other use determined by the Planning Director to be similar in nature to the items listed above.
- (7) Agricultural uses in accordance with the County Soil Conservation Department's best management practices guidelines.

B. Exemptions and waivers.

- (1) Individuals and/or facilities may request the City in writing, to permit additional land uses in the district.
- (2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City and may require an environmental assessment report prepared by a licensed professional engineer. Said report shall be forwarded to the City and/or designee for recommendation and final decision by the Plan Commission.
- (3) The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount, plus administrative costs.
- (4) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the City.

C. Administrative review. Expansion or establishment of those activities listed above in subsection (A)(6) above shall require the submittal of a site plan for review and approval by the Site Plan Review Coordinator and the Water Utility Director prior to the establishment of said uses. If the Site Plan Review Coordinator and Water Utility Director deny or conditionally approves a site plan and the applicant disagrees with such

decision, the applicant may appeal such denial or condition to the Plan Commission. Such an appeal shall be signed and filed in writing with the Planning Department within 30 days following the Site Plan Review Coordinator and Water Utility Director's determination or be forever barred. The Plan Commission may affirm, overrule or modify a decision of the Site Plan Review Coordinator and the Water Utility Director. The Plan Commission may impose conditions on the establishment of such uses, including, but not limited to, an annual monitoring of such uses as may be appropriate and as they deem necessary to preserve the Well Head Protection District.

46-1136 Requirements for existing facilities which may cause or threaten to cause environmental pollution

Existing facilities, practices, and activities that may cause or pose a threat of environmental pollution—referred to as "existing facilities" for the purposes of this section—are subject to the following:

- (1) Existing facilities that are in compliance with the regulations of the underlying zoning district are considered conforming uses.
- (2) Existing facilities must provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the water utility.
- (3) Existing facilities which are noncompliant with any state, federal or local environmental regulations must provide information as deemed necessary by the Janesville Water Utility which may include, but is not limited to, stormwater runoff management and groundwater or site monitoring.
- (4) Existing facilities must replace equipment or expand in a manner that maintains or improves the existing environmental and safety technologies already in existence.
- (5) Existing facilities must devise and file with the water utility a contingency plan satisfactory to the Water Utility for the immediate notification of the water utility in the event of a chemical or other spill which may pose a threat to groundwater quality.

46-1137 Liability for spills, leaks, or discharges

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply must immediately stop the release and clean up the contaminant to the satisfaction of the City Council and other state and federal regulatory agencies. The individual/facility is responsible for all costs of cleanup, including those incurred by the City, which may include:

- (1) City consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;
- (2) The cost of City employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City Manager representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
- (3) The cost of City equipment used in the response and cleanup; and
- (4) The cost of mileage reimbursed to City employees attributed to the cleanup.

The City Council may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the City Council may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

46-1138 through 46-1149 reserved

DIVISION 6

SHORELAND-WETLAND OVERLAY DISTRICT

46-1150 Legislative findings

The City Council makes the following legislative findings relating to the shoreland-wetland overlay district:

- (1) Cities are required by § 62.231, Wis. Stats., to adopt shoreland-wetland zoning regulations within 6 months after receipt of final wetland inventory maps prepared by the Wisconsin Department of Natural Resources.
- (2) The City adopted zoning regulations which included shoreland-wetland regulations and the wetland inventory maps with a date of May 23, 1994, and stamped "Final".
- (3) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

46-1151 Purpose

This division promotes the public health, safety, and welfare and is intended to:

- (1) maintain the storm and flood water storage capacity of wetlands;
- (2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (4) prohibit certain uses detrimental to the shoreland-wetland area; and
- (5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth moving activities.

46-1152 Wetland functions

In the context of this division, wetlands serve the following important functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

46-1153 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of May 23, 1994, and stamped "Final" that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (3) were not legally filled before December 11, 1991, and cannot be classified as a

wetland; and (4) are not located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under § 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 37 of the municipal code are used in determining the extent of the 100-year floodplain.

46-1154 Discrepancies between delineated wetlands and field conditions

If the Zoning Administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, they must contact the regional office of the Wisconsin Department of Natural Resources and request a determination. If the department determines that the area in question was incorrectly mapped as a wetland, this division will not apply to such area. As soon as is practical after such determination, the Zoning Administrator must submit an application to amend the zoning map consistent with the procedures and requirements in Article 4.

46-1155 Permitted activities without a permit

The following uses are allowed without issuance of a zoning permit, if otherwise allowed in the base zoning district, provided there is no wetland alteration:

- (1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
- (2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) the practice of silviculture, including the planting, thinning, and harvesting of timber;
- (4) the pasturing of livestock;
- (5) the cultivation of agricultural crops; and
- (6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, if otherwise allowed in the base zoning district, provided any wetland alterations comply with the following terms:

- (1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- (2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- (3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
- (4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- (6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 46-1152; and
- (7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

46-1156 Permitted activities with a permit

Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically allowed:

- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the road cannot, as a practical matter, be located outside the wetland; (ii) the road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 46-1152; (iii) the road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; (iv) road construction activities are carried out in the immediate area of the roadbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph must be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection (1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 46-1152.

46-1157 Prohibited uses

Any use not listed in this division as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

46-1158 Rezoning of lands in the shoreland-wetland overlay district

For all proposed text and map amendments to the shoreland-wetland provisions of this chapter, the following are submitted to the regional office of the Wisconsin Department of Natural Resources:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the City Clerk. Such petition must include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (2) Written notice of the public hearing to be held on the proposed amendment at least 10 days prior to such hearing;
- (3) A copy of the Plan Commission's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the City Council; and
- (4) Written notice of the City Council's decision on the proposed amendment within 10 days after it is issued.

A wetland, or a portion thereof, in the shoreland-wetland overlay district may not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) storm and flood water storage capacity;

- (2) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against soil erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types.

If the department notifies the City that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in this section, that amendment, if approved by the City Council, must contain the following provision:

"This amendment does not take effect until more than 30 days have elapsed after written notice of the City Council's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the City Council that it will adopt a superseding shoreland ordinance for the City under § 62.231 (6), Wis. Stats. If the Department does so notify the City Council, the effect of this amendment is stayed until the § 62.231 (6) adoption procedure is completed or otherwise terminated."

46-1159 Nonconforming uses and structures

- A. A legal nonconforming structure or an environmental control facility related to a legal nonconforming structure, in existence on _____, the effective date of this division, may be repaired, reconstructed, renovated, remodeled, or expanded. (Staff – to determine when this ordinance was first adopted – maybe sometime in 1994?)
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for a period of 12 consecutive months, any future use of the property or structure must conform to the requirements of this section.
- C. Any legal nonconforming use of property which does not involve the use of a structure may be continued although such use does not conform with this division, provided such nonconforming use may not be extended.
- D. The maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark of a navigable waterway must comply with § 30.121, Wis. Stats.

46-1160 through 46-1169 reserved

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DIVISION 7 SHORELAND OVERLAY DISTRICT

46-1170 Legislative findings

The City Council makes the following legislative findings relating to the shoreland overlay district:

- (1) Cities are required by § 62.233, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section by July 1, 2014.
- (2) The City Council adopted such regulations.
- (3) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

46-1171 Purpose

This division promotes the public health, safety, and welfare and is intended to:

- (1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- (2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- (3) control the placement of principal buildings by establishing setbacks from waterways; and
- (4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

46-1172 Boundary of district

- A. Generally.** The shoreland overlay district includes lands annexed by the City after May 7, 1982 and which are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 48 of the municipal code are used in determining the extent of the 100-year floodplain.

- B. Lands exempted.** This division does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if they are not hydrologically connected to a navigable water body.

46-1173 Vegetation management within shoreline buffer zone

- A. Generally.** Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this section.
- B. Removal of invasive species.** Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under Ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission.
- C. Access and viewing corridor.** The property owner may remove vegetation in the shoreline buffer zone to create and maintain an access and viewing corridor no more than 30 feet wide for every 100 feet of shoreline frontage, but not to exceed 200 feet.

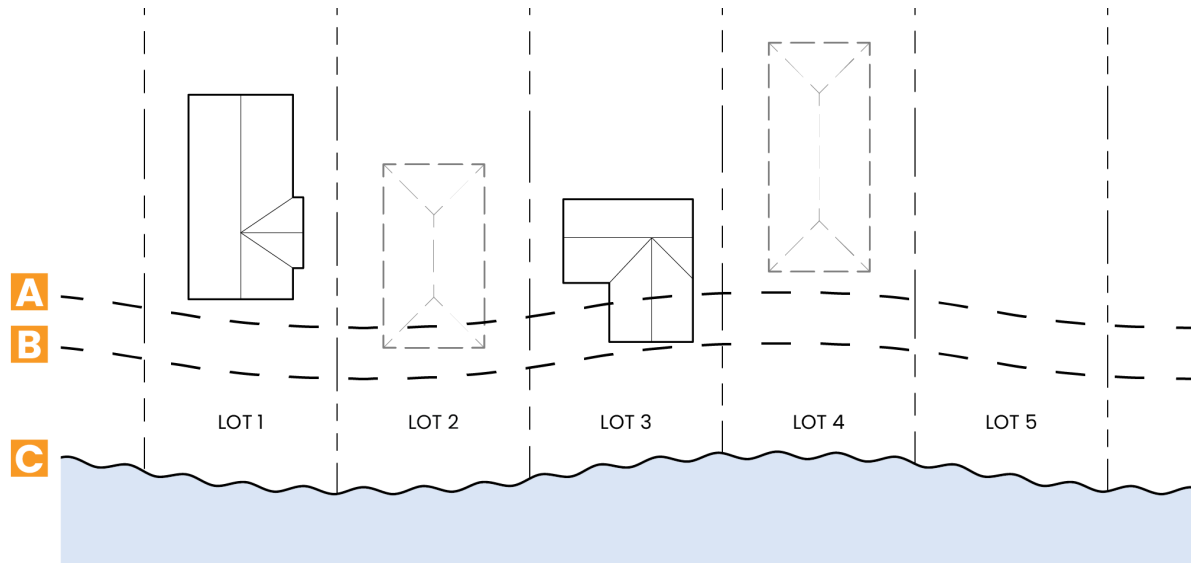
46-1174 Shoreline setback

- A. Principal buildings.** Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

- (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

B. Accessory buildings. Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 50 feet of the ordinary high-water mark as set forth in § 46-1175.

Exhibit 5-2. Shoreline setback requirements



- A** 50 feet from OHWM
- B** 35 feet from OHWM
- C** Ordinary high-water mark (OHWM)

- Lot 1** The principal building is existing and is more than 50 feet from the ordinary high-water mark (OHWM)
- Lot 2** The lot is vacant. Because the lots on both sides have a principal building, setback averaging may be used, but the setback may not be less than 35 feet. In the instance depicted above, the setback would be calculated as follows: (50 feet plus the actual distance of the building on Lot 3) divided by 2.
- Lot 3** The principal building is existing and is less than 50 feet from the ordinary high-water mark.
- Lot 4** The lot is vacant. A principal building on this lot must comply with the 50-foot setback requirement because setback averaging does not apply (i.e., a principal building is only on one side).
- Lot 5** The lot is vacant.

Notes: Diagram is not to scale

46-1175 Boathouses

A boathouse, if otherwise allowed may be constructed in the viewing/access corridor as allowed in § 46-1173.

46-1176 through 46-1199 reserved

DIVISION 8 AIRPORT OVERLAY DISTRICT

46-1200 Title

This division shall hereafter be known, cited, or referred to as the Airport Overlay Zoning District (AOZD) of the Southern Wisconsin Regional Airport.

46-1201 Effective date

This division shall be effective January 1, 2010, after adoption by the City Council and publication as provided by law. Amendments to this chapter shall be effective after adoption.

46-1202 General provisions

The City Council of the City of Janesville do ordain the creation of the Airport Overlay Zoning District (AOZD) ordinance (hereafter referenced as the ordinance) of the Southern Wisconsin Regional Airport.

46-1203 Authority

This division is adopted pursuant to the authority granted by §§ 114.135 and 114.136, Wis. Stats.. Further authorization is granted by §§ 32.05, 59.52, 59.58, 59.69, 60.61, 62.23, 85.02, 85.15, Wis. Stats. and Ch. 114, Wis. Stats. as well as Ch. TRANS 56, Wis. Admin. Code.

46-1204 Purpose and intent

- A. The general purpose and intent of this division is to:
 - (1) Promote public health, safety, convenience, and general welfare of the community and its residents; and
 - (2) Protect the airport approaches and surrounding airspace from encroachment, as well as limit the exposure of impacts to persons and facilities in proximity to the airport, located within the Southern Wisconsin Regional Airport Overlay Zoning District.
- B. The specific purpose and intent of this division is to:
 - (1) Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the three-mile jurisdictional boundary;
 - (2) Regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical and navigational interference, noise-sensitive land uses, and wildlife and bird attractants;
 - (3) Implement recommendations developed in the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans;
 - (4) Promote compatible land uses while respecting the physical characteristics of the County, the Southern Wisconsin Regional Airport, and locations and sites;
 - (5) Promote development in an orderly, planned, cost-effective, and environmentally-sound manner;
 - (6) Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Southern Wisconsin Regional Airport;
 - (7) Provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the three-mile jurisdictional boundary of the Airport Overlay Zoning District within the area to protect the health, safety, and welfare of the County residents;

- (8) Provide a quality environment for human habitation and for encouraging the most appropriate use of land within the three-mile jurisdictional boundary within the County; and
- (9) Control placement of buildings, heights of structures and natural vegetation, and designation of land uses to limit conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of county residents located in the vicinity of the Southern Wisconsin Regional Airport.

46-1205 Abrogation and greater restrictions

This division is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this division imposes greater restrictions, the provisions of this division shall govern.

46-1206 Interpretation

In their interpretation and application, the provisions of this division shall be held to be minimum requirements, shall be liberally construed in favor of City of Janesville, and shall not be deemed a limitation or repeal of any powers granted to the City of Janesville by the Wisconsin Statutes.

46-1207 Ordinance supersedes conflicting ordinances

All other ordinances or parts of ordinances of the City of Janesville inconsistent or conflicting with the provisions set forth in this division, to the extent of the inconsistency only, are hereby superseded by this division and publication.

46-1208 Jurisdiction

- A. The jurisdiction of this chapter shall extend over all lands and waters within the three-mile jurisdictional boundary of the AOZD, as those boundaries now exist and as they are amended in the future.
- B. The regulations of the AOZD shall apply:
 - (1) To all properties within the three-mile jurisdictional boundary identified by the application of § 114.136, Wis. Stats., measured from the Southern Wisconsin Regional Airport property line, regardless of the municipal boundary.
 - (2) To the properties within Rock County, Town of Beloit, City of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three-mile jurisdictional boundary of the AOZD.
 - (3) To the limits represented by five independent zones which are defined in § 46-1219.

46-1209 State and local agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats. applies.

46-1210 Disclaimer of liability

The degree of protection provided by this division relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, Airport Design Standards and Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. Therefore, this division does not imply that land uses within the vicinity of the Southern Wisconsin Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this division create liability on the part of, or a cause of action against, the Southern Wisconsin Regional Airport, Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, City of Janesville, or any officer or employee thereof, for incidents that may result from reliance on this division.

46-1211 Use restrictions

Through the use of the Southern Wisconsin Regional Airport Height Zoning Map, heights of structures and features, both manmade and natural growth, shall be limited. The following uses shall also be restricted and regulated as specified within this division:

- (1) The following specific use restrictions and regulations shall also apply:
 - a. *Existing uses.* Nothing contained in this chapter shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of the ordinance from which this chapter is derived, or which commenced prior to the effective date of the ordinance from which this chapter is derived, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of the ordinance from which this chapter is derived. It is further provided that the height limits of this chapter shall in no event be exceeded.
 1. *Expansion of existing uses.* Any existing use, as described in this chapter, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:
 - (i) The expansion, alteration, or enlargement meets the requirements of the Southern Wisconsin Regional Airport Height Zoning Map, the land use restrictions as provided in Tables 5-6 through 5-12 (requiring a Zoning/Building Site Permit and Affidavit (applicant's recorded affidavit accepting mitigation responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
 - (ii) Expansion of any existing use listed as a permitted use in Tables 5-6 through 5-12 does not require a zoning/building site permit and affidavit.
 2. *Substantial damage.* The owner of any existing use, building, or structure which, as a result of fire, explosion, or other casualty is destroyed or substantially damaged, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, only if the following requirements are met:
 - (i) The existing use is reviewed and complies with the Southern Wisconsin Regional Airport Height Zoning Map, the land use restrictions as provided in Tables 5-6 through 5-12 (requiring a zoning/building site permit and affidavit (applicant's recorded affidavit accepting mitigation responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
 - (ii) Permitted uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for area residents. Permitted uses, however, shall conform to all Height Restrictions within the AOZD, and may be required by the **Committee Designee** to ensure height compliance. A zoning/building site permit and affidavit (applicant's recorded affidavit accepting mitigation responsibilities), is not required for compliance with this chapter. This includes expansion of any existing use listed as a permitted use in Tables 5-6 through 5-12.
 - (iii) Permit required uses are those land uses that shall be permissible following the issuance of a City of Janesville Zoning/Building Site Permit. The permit, which may include development and use related conditions, along with a signed affidavit (applicant's recorded affidavit accepting mitigation responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as residents of the area.
 - (iv) Not permitted uses are those land uses generally considered not compatible (incompatible) or not permitted within a particular zone of the AOZD. Incompatible

land uses endanger the health, safety, and welfare of area residents and aircraft utilizing the Southern Wisconsin Regional Airport.

46-1212 Penalties

Any person, firm, or corporation who fails to comply with or violates the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$500.00 and no more than \$5,000.00, plus the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense. The City of Janesville Citation Ordinance (Article 3) may also be used to address ordinance violations.

46-1213 Violations

- A. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this division. In case of any violation, the Community Development Director, and/or his or her designee may institute appropriate action or proceeding to enjoin a violation of this division or cause structure or use to be vacated or removed. The Building Division Director may refer violations to the City Attorney who may prosecute such violations according to the penalties provided in Article 3.
- B. Any person, firm, corporation, cooperative or other entity of whatsoever kind or nature who violates any provision of this division shall pay a forfeiture and shall be otherwise penalized as set forth in Article 3.
- C. Each day's continuance of any violation constitutes a separate violation.
- D. In addition to and not in lieu of any forfeiture imposed herein, the City may apply for and the court may grant, from time to time, injunctive relief including, but not limited to, abatement and mandatory performance.

46-1214 Administration

- A. **Designation.** The City Council hereby designates the Community Development Director (hereinafter referred to as Director) and/or his or her designee to administer and enforce the provisions of this division. In the event of any conflict, the determination or interpretation of the Community Development Director shall prevail.
- B. **Responsibilities.** The Director is hereby delegated the responsibility and authority to:
 - (1) Approve or conditionally approve Zoning/Building Site Permits that do not exceed required height restrictions;
 - (2) Advise applicants of the provisions of this chapter and assist them in preparing permit applications and appeals;
 - (3) Issue permits and inspect any building site or improvement or use of land as required by this division;
 - (4) Investigate and issue citations for violations of this division;
 - (5) Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
 - (6) Maintain on file a list of all documentation of certified elevations; and
 - (7) Review and make recommendations to the County Board of Supervisors on all zoning map changes and amendments to the text of Land Control Ordinances, including the Airport Overlay Zoning District Ordinance.
- C. **Powers.** The Director shall have all the powers necessary to enforce the provisions of this division without limitation by reason of enumeration, including the following:
 - (1) To require complete and accurate information necessary to make reasonable evaluations of applications;
 - (2) To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district; and

- (3) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Director, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this division shall be required.

D. Zoning/building site permit. When required by this division, a zoning/building site permit (valid for one year) shall be obtained from the Director and/or his or her designee before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of this chapter shall not be exceeded. The zoning/building site permit (for permit required uses or for existing uses when specified), which may include development and use related conditions, along with a signed affidavit (applicant's recorded affidavit accepting mitigation responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as residents of the area. Failure to obtain a zoning/building site permit when required, shall be a violation of this chapter. Application for a permit shall be made to the Director and/or his or her designee upon furnished application forms and shall include the following data:

- (1) Name and address of the applicant, property owner, and contractor-builder; an accurate properly dimensioned map of the property, in duplicate showing;
- (2) Legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;
- (3) a description of the proposed land use and building materials and landscaping materials;
- (4) (4) When the Director deems necessary, the elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL;
- (5) When the Director deems necessary, evidence of submission for a Federal Aviation Administration (FAA) Form 7460-1, Notification of Proposed Construction or Alteration, commonly known as an airspace review. Receipt of final determination letter from the FAA is required prior to final approval or denial of a Zoning/Building Site Permit (as required for Permit Required Uses or for Existing Uses when specified);
- (6) Applicant's affidavit accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this division; and
- (7) Other permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

E. Application information. In order to secure evidence upon which to base its determination, the Director may require, in addition to the information required on Permit Application, the submission of plans of buildings; arrangement of operations; plat of grounds showing location and elevation of buildings, stockpiles, wells, septic systems, equipment storage, fences or screens, parking areas, traffic access, fill areas, floodproofing measures, landscaping; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this chapter. Plans drawn to a scale of not less than one inch equals 200 feet showing the location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas; size, location, and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and the relationship of the above to the Southern Wisconsin Regional Airport, as well as a particular zone of the AOZD.

F. Standards applicable to all permit required uses within the Airport Overlay Zoning District. Upon reviewing a zoning/building site permit application in the AOZD, the Director shall consider the factors listed below. In addition, the Director is not authorized to allow any use to exceed a height limitation in the AOZD.

- (1) Potential to create an undue concentration of people (density);
- (2) Potential to cause visual obstructions (through the creation of smoke, steam, dust, lighting or other unspecified obstruction) that would adversely effect aircraft operational areas and airspace, and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;

- (3) Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;
- (4) Creation of electrical or navigational interference;
- (5) Creation of standing water areas or detention/retention ponds which may attract wildlife, thus designing or mitigating standing water areas or detention/retention ponds to avoid attracting wildlife;
- (6) Creation of wildlife attractants other than water;
- (7) Potential storage of flammable or hazardous materials limits as defined by the Wisconsin Commercial Building Code;
- (8) At the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations. This may be done to confirm the accuracy of information supplied by the applicant.

G. Conditions of approval. Upon consideration of the factors listed above, the director may deny or approve the issuance of a zoning/building site permit; any approval may require attached conditions the **Committee Designee** deems necessary in furthering the purpose of this chapter. Violation of any of these conditions shall be deemed a violation of this chapter.

H. Appealing decisions of the director. If the Director and/or his or her designee denies or conditionally approves a zoning/building site permit and the applicant disagrees with such decision, the applicant may appeal such denial or condition to the Plan Commission. Such an appeal shall be signed and filed in writing with the Planning Division within 30 days following the **Committee Designee's** determination or be forever barred. The Plan Commission may affirm, overrule or modify a decision of the Director and/or his or her designee.

46-1215 Board of Adjustment

There is hereby established a Zoning Board of Appeals pursuant to § 62.23 (7), Wis. Stats. As prescribed, **Article VI** of this chapter, are hereby referenced and made part of this article.

- (1) Any person, office, or department aggrieved by an order, requirement, interpretation, or determination made by the Director and/or his or her designee may appeal such decision to the City of Janesville Board of Appeals for final judgment.
- (2) Use variances shall not be granted under the ordinance.
- (3) Height variances shall not be granted under this division.
- (4) Where the Zoning Board of Appeals finds that unnecessary hardships or practical difficulty will result from strict compliance with these regulations, they may approve variances so that substantial justice may be done and the public interest is secured. Such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Board of Appeals shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - a. The proposed variance request is not contrary to the public interest and is consistent with the intent of applicable ordinances and will not compromise public safety and welfare (will not hinder airport operations and/or future growth of the Southern Wisconsin Regional Airport);
 - b. The proposed variance will not serve as a special privilege and is justified based on special conditions on the property, which are not shared by other properties in the same locality or district (for example, lot shape, elevation or topography);
 - c. A strict and literal interpretation of the chapter will result in a practical difficulty and unnecessary hardship on the property owner (hardship shall be distinguished from inconvenience);
 - d. The variance is not requested because of a self-imposed hardship;
 - e. Shall not be granted solely on the basis of economic gain or loss; and
 - f. Shall not be granted for actions which require an amendment to this division or the map described in any section of this division.
- (5) **Conditions.** In approving variances, the Zoning Board of Appeals may require conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.

- (6) *Procedures.* An appeal or an application for a variance shall be submitted to the Zoning Board of Appeals within 30 days of the action of the Director and/or his or her designee.
- (7) *Presenting evidence.* In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Director to proceed to petition Rock County or inform the person contesting the location of the boundary to petition Rock County, for a map amendment pursuant to Chapter 29.
(staff to verify reference)

46-1216 Fees.

At the time of application, the property owner or his or her agent shall pay the fees established by the City Council.

46-1217 Applicant's recorded affidavit accepting mitigation responsibilities

For all permit required uses or for existing uses when specified, the following information shall be noticed to each applicant indicating the responsibilities of the applicant to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as area residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this chapter. A signed and accepted affidavit must be recorded in the Rock County Register of Deeds. Permitted uses under this chapter are not required to secure a zoning/building site permit or affidavit. Those potential impacting issues are listed below:

- (1) *Site design and physical characteristics.*
 - a. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in that regard.
 - b. Proximity of runway environs and extended runway centerline areas.
 - c. Location of any linear roadways, relative to the alignment of the runway or the extended runway centerline.
- (2) *Noise sensitivity.*
 - a. Insulate the structure/land use to reduce noise impacts.
 - b. Use airport compatible landscaping material to mitigate noise exposure.
 - c. Shift the structure or land use to allow for a more compatible location.
- (3) *Tall structures.*
 - a. Lower the structure or land use to a compatible height.
 - b. Shift the structure or land use to allow for a more compatible location.
- (4) *Visual obstructions.*
 - a. Install down-shielded light fixtures.
 - b. Reduce the number of lighting fixtures, while still illuminating the land use area safely.
 - c. Configure lighting so it does not align with a runway or airport facility, making it easier for a pilot to distinguish the airport from the development.
 - d. Limit reflective building materials, such as mirrored/reflective glass, solar panels, metal roofs, etc., within the vicinity of the airport.
 - e. Locate areas of water away from the airport to minimize reflection.
 - f. Shift the structure or land use within the site so that prevailing wind directions carry smoke, steam, or dust away from the airport.
 - g. Change land use activity to reduce or limit emissions of smoke, steam, or dust.

- (5) *Wildlife and bird attractants.*
 - a. Select and space vegetative species to minimize habitats and food sources.
 - b. Maintain appropriate grass lengths to minimize wildlife attractants.
 - c. Prohibit certain agricultural crops near the airport.
 - d. Eliminate or mitigate standing water bodies that provide water and habitat.
 - e. Use repellents to disperse wildlife in a humane manner.

46-1218 Airport Overlay Zoning Districts

- A. Airport Overlay Zoning District.** All Southern Wisconsin Regional Airport Overlay Zoning Districts established by this division are shown on the Southern Wisconsin Regional Airport Overlay Zoning District Map on file with the County Planning and Development Agency and Janesville Planning Division and are adopted as part of this division.
- B. Airport Height Zoning District.** All height zones established by this division are shown on the Southern Wisconsin Regional Airport Height Zoning Map on file with the County Planning and Development Agency and Janesville Planning Division and are adopted as part of this division.

Height limitations. No building, structure, object, or vegetation (e.g., trees, shrubs) shall be constructed, erected, altered, allowed to grow, or planted within any AOZD established by this division to a height in excess of the applicable height limitations as shown on the Southern Wisconsin Regional Airport Height Zoning Map, which is maintained by the County Planning and Development Agency and also kept on file in the Janesville Planning Division. The permitted height shall not exceed the height limitation elevations shown on the Southern Wisconsin Regional Airport Height Zoning Map within the various zones encompassed by this division.

46-1219 Establishment of Airport Overlay Zoning Districts

For the purpose of this division, the area of Rock County under the jurisdiction of this division is hereby divided into the following districts and zones:

- (1) Airport Overlay Zoning District.
 - a. Zone A: Runway protection zone (RPZ).
 - b. Zone B1: Approach surface.
 - c. Zone B2: Approach surface.
 - d. Zone C: Transitional surface.
 - e. Zone D: Three-mile jurisdictional boundary.
- (2) Airport height zoning district.

46-1220 Zoning map and district boundaries

- A.** The boundaries of each district are established as shown on a map entitled "Southern Wisconsin Regional Airport Overlay Zoning District Map, Rock County, Wisconsin," dated April 23, 2009 and the Height Restrictions are established on a map entitled "Southern Wisconsin Regional Airport Height Zoning Map, Rock County, Wisconsin, dated December 11, 2003," as amended and adopted on April 23, 2009 by the Rock County Board of Supervisors. The Southern Wisconsin Regional Airport Overlay Zoning District Map and Southern Wisconsin Regional Airport Height Zoning Map bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the County Planning and Development Agency and Janesville Planning Division be readily available to the public.
- B.** The AOZD, as presented in this section, has been created for the purpose of imposing special regulations in designated areas of Rock County to accomplish specific purposes that are set forth within each individual AOZD. The AOZD shall be in addition to, and shall overlap and overlay, all other zoning districts within the three-mile jurisdictional boundary of the Southern Wisconsin Regional Airport.

- (1) The Southern Wisconsin Regional Airport Height Zoning Map dated December 11, 2003, as amended, accompanies and is made part of this chapter. The elevation numbers indicated within each cell are established as shown on a map entitled "Southern Wisconsin Regional Airport Height Zoning Map, Rock County Wisconsin," dated December 11, 2003, as amended. Cell elevation numbers indicated on this map provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall not exceed. The provisions of the AOZD within this chapter shall apply to all cell areas indicated on this map.
- (2) The Airport Overlay Zoning Districts are established as shown on the Airport Overlay Zoning District Map entitled "Southern Wisconsin Regional Airport Overlay Zoning District Map, Rock County, Wisconsin," dated April 23, 2009, as amended. This Airport Overlay Zoning District Map is to be used in conjunction with the Southern Wisconsin Regional Airport Height Zoning Map, and is made part of this division. Federal Aviation Regulations (FAR) Part 77 Surfaces and FAA Runway Protection Zones (RPZs) have been utilized to create five individual zones as part of the AOZD associated with compatible land use near the Southern Wisconsin Regional Airport. These districts encompass a three-mile radius from the Southern Wisconsin Regional Airport property line, as authorized by Wisconsin Statutes.

46-1221 Airport Overlay Zoning District

- A. **Purpose of Airport Overlay Zoning District.** The purpose of the AOZD is to provide a means of attaining the goals and objectives of the Rock County Comprehensive Plan and the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans, and to protect a public airport from incompatible uses of land, people, and property from encroaching into areas where historical and practical experience indicates that conflict will result.
- B. **Airport land use zones.** The AOZD is comprised of five individual zones, which include A, B1, B2, C, and D.
- C. **Zones enforced by this division.**
 - (1) **Primary surface.** The primary surface is the only FAR part 77, surface that is not specifically used as a land use compatibility zone due to its proximity to the runway environs. This surface area must be owned and under the control of the airport. The primary surface must be clear of all obstructions except those fixed by their function, such as runway edge lights, navigational aids, or airport signage. The primary surface is currently controlled by the Southern Wisconsin Regional Airport. Even though the primary surface is not included as a land use zone, it functions as an important safety area since it is longitudinally centered on a runway and is intended to provide an Object Free Area (OFA) around the runway surface. When a runway has a prepared hard surface, such as those at the Airport, the primary surface will extend 200 feet beyond each individual runway end. The following primary surface widths are applied to the specific Airport runways:
 - a. Runway 14/32: 1,000 feet.
 - b. Runway 04/22: 1,000 feet.
 - c. Runway 18/36: 250 feet.

Table 5-3, Exhibit 5-3, and Exhibit 5-4 depict various dimensional requirements for the primary surface and other FAR part 77, surfaces. A visual approach runway has relatively small surfaces, with approach and horizontal surfaces extending 5,000 feet from the primary surface at an approach slope of 20 feet horizontally for each one foot vertically (20:1). For a non-precision approach runway, both the approach and horizontal surfaces extend either 5,000 or 10,000 feet from the primary surface, depending on the design category of the runway. The approach surfaces for precision approach runways are similar to those for non-precision approach runways, except that the approach surface extends 50,000 feet from the primary surface and the horizontal surface extends 10,000 feet from the primary surface.
 - (2) **Zone A runway protection zone (RPZ).** The dimensional standards for Zone A are the same as those described in FAA AC 150/5300-13, Airport Design Standards and are illustrated in Table 5-4 and Exhibit 5-5.
 - (3) **Zone B approach surface.** Zone B is a critical overlay zoning surface that reflects the approach and departure areas for each runway at the airport. The size of Zone B is the combination of Zone B1 and B2 and is predicated on the approach type (visual, non-precision, or precision) at a specific runway and the type/size of aircraft utilizing the runway, as illustrated in Table 5-5 and Exhibit 5-6. A portion of

Zone B1 is superseded by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B1 begins at the inner edge of the RPZ and continues to one-half the length of the approach surface beyond Zone A. Zone B2 is also equal to one-half the length of Zone B, beyond Zone B1, and is located at the outer edge of the zone.

- (4) **Zone C transitional surface.** The areas within Zone C are those that extend 1,050 feet outward from the edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A, as shown in the Table 5-5 and Exhibit 5-6.
- (5) **Zone D three-mile jurisdictional boundary.** Zone D encompasses the horizontal (innermost area) and conical surface (outermost area) of the FAR part 77, surfaces, all of which represent the three-mile jurisdictional boundary, as provided for within Wisconsin Statutes (Table 5-5 and Exhibit 5-6. Zone D is calculated by intersecting a series of three three-mile arcs drawn from the outermost property boundaries of the airport.

Table 5-3. Southern Wisconsin Regional Airport Runway Information

Runways	Runway Length (feet)	Runway Width (feet)	FAR Part 77 Classifications
14	7,300	150	B (D)
32			PIR
04	6,701	150	PIR
22			B (D)
18	5,000	75	A (V)
36			A (V)

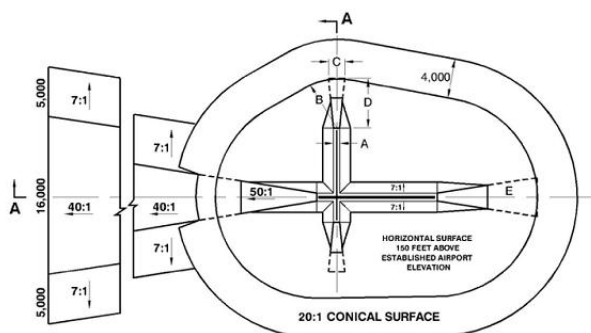
a. Utility and visual runway. A utility runway is constructed and intended for use by propeller-driven aircraft with maximum gross weight of 12,500 pounds or less. A visual runway is intended for the operation of aircraft using solely visual approach procedures, with no straight-in instrument approach procedure.

b. Non-utility and non-precision instrument runway. A non-utility runway is constructed and intended for use by aircraft with a maximum gross weight greater than 12,500 pounds. A non-precision instrument runway has an existing instrument approach procedure that utilizes air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved.

PIR—Precision instrument runway has an existing instrument approach procedure that utilizes an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

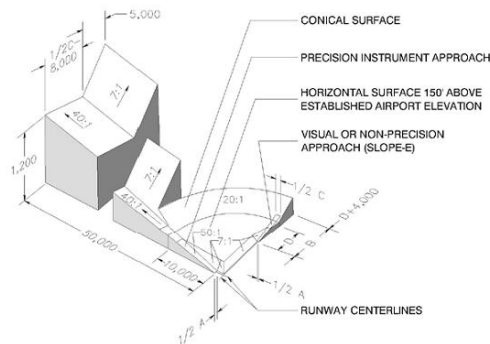
Source: FAR Part 77 Object Affecting Navigable Airspace.

Exhibit 5-3. FAR part 77 Surfaces—Plan View



Source: FAR Part 77 Object Affecting Navigable Airspace

Exhibit 5-4. FAR part 77 Surfaces—3D Isometric View of Section A



Source: FAR Part 77 Object Affecting Navigable Airspace

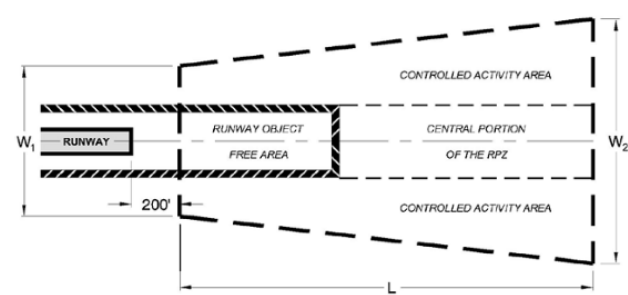
Table 5-4. Airport Overlay Zone A Dimensional Requirements

Runway Ends	Approach Visibility Minimums ¹	Dimensions			
		Length L feet (meters)	Inner Width W ₁ feet (meters)	Outer Width W ₂ feet (meters)	RPZ acres
14	Not lower than ¾-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
32	Lower than ¾ mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
04	Lower than ¾ mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
22	Not lower than ¾ mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
18	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035
36	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035
¹ The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. ² The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards.					

When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

Source: Southern Wisconsin Regional Airport, Airport Layout Plan, and information from FAA AC 150/5300-13, Change 11, Airport Design Standards.

Exhibit 5-5. Airport Overlay Zone A Runway Protection Zone (RPZ) Diagram

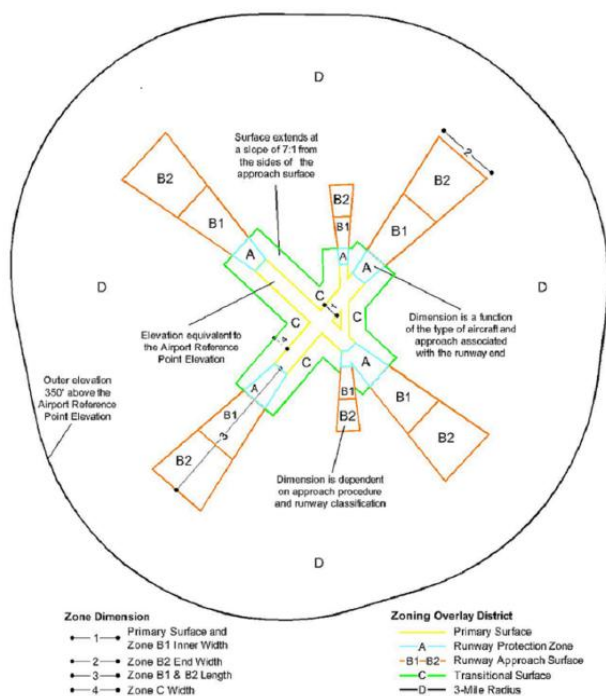


Source: FAA AC 150/5300-13, Change 11, Airport Design Standards.

Table 5-5. Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

Dimensions in Exhibit 5-4	Item	Runway Dimensional Standards (Feet)					
		14	32	04	22	18	36
1	Primary surface width and Zone B1 inner width	1,000	1,000	1,000	1,000	250	250
2	Zone B2 end width	4,000	16,000	16,000	4,000	1,250	1,250
3	Combination of Zone B1 and B2 length ¹	10,000	10,000	10,000	10,000	5,000	5,000
4	Zone C width	1,050	1,050	1,050	1,050	1,050	1,050
5	Zone D length ²	15,840	15,840	15,840	15,840	15,840	15,840
¹ Length of B1 and B2 begin at the edge of the primary surface. Area of B1 is located under Zone A and is superseded by Zone A requirements.							
² Zone D is located using a three-mile radius from the outermost property limits of the airport and drawing a smoothed curve to connect these surfaces.							

Source: Mead & Hunt.

Exhibit 5-6. Airport Overlay Zones B1, B2, C, and D Diagram

- D. Southern Wisconsin Regional Airport Overlay Zoning District Maps.** The boundary of the AOZD shall extend three-miles beyond the airport property line. The AOZD utilizes two maps which bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the office of the County Planning and Development Agency.
- (1) Southern Wisconsin Regional Airport Height Zoning Map dated December 11, 2003 as amended, accompanies this chapter and illustrates the allowable heights for structures, objects, and natural vegetation. No trees shall be allowed, nor shall any structure be constructed, altered, located, or permitted which exceeds the height limitations indicated on the Southern Wisconsin Regional Airport Height Zoning Map. The maximum height elevations, measured above mean sea level (MSL), on said map are shown by topographic lines depicted in relationship to section lines and land subdivision lines on said map.
 - (2) Southern Wisconsin Regional Airport Overlay Zoning District Map dated April 23, 2009, accompanies this chapter and illustrates the allowable land uses within a particular zone of the AOZD. No land use should be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the Southern Wisconsin Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as area citizens. The particular zones of the AOZD are illustrated on the Southern Wisconsin Regional Airport Overlay Zoning District Map.
 - a. *Exceptions.* The restrictions contained in this section shall not apply to legal fences when located outside the Southern Wisconsin Regional Airport property lines.
 - b. *Hazard marking and lighting.* Any permit may, if such action is deemed advisable by the Community Development Director and the FAA, require the owner of a structure or tree to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to the fliers the presence of an airport hazard, at the owner's expense.
 - c. *Prohibited uses in the Airport Overlay Zoning District.*
 1. Any use that would exceed the height restrictions of the AOZD.
 2. No overhead electric, telephone, telegraph, or cable lines shall be erected within Zone A.
 - d. *Land use airport zone charts and restrictions.* Tables 4 through 10 shall be utilized for determination of any land use within this AOZD. No construction, alteration, location or use of land shall be inconsistent with the required AOZD as outlined in Tables 4 through 10.

Table 5-6. Residential Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart											
E = Existing Land Use (Development or land use currently on the ground), F = Future Land Use (Proposed future development or land use), P = Permitted** R = Permit Required* N = Not Permitted, * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance											
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D		
	E	F	E	F	E	F	E	F	E	F	
Residential Activities											
Single-Family Uses (1 dwelling per lot)											
Detached Single Family Dwelling (e.g., farm dwelling, detached single family house, or manufactured, modular, mobile home if converted to real property and taxed)	R	N	P	R	P	R	R	N	P	P	
Detached Zero Lot Line Dwelling (e.g., condominium)	R	N	P	R	P	R	R	N	P	P	
Attached Single Family Dwelling (e.g., townhouse)	R	N	P	R	P	R	R	N	P	P	
Two Family Uses (e.g., two principal dwelling units within one building on the same parcel)	R	N	P	R	P	R	R	N	P	P	
Multifamily Uses (Three or more principal dwelling units within a single building on the same parcel) (e.g., apartment, condominium, townhouse-style)											
Low-Rise (2 to 3 Levels)	R	N	P	R	P	R	R	N	P	P	
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P	
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P	
Group Living Uses (e.g., assisted living, group care, independent group living, nursing and convalescent home)											
Residential Group Living Units (1 dwelling per lot)	R	N	P	R	P	R	R	N	P	P	
Commercial Group Living Units (e.g., apartment style dwelling unit)											
Low-Rise (2 to 3 Levels)	R	N	P	R	P	R	R	N	P	P	
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P	
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P	
Manufactured Housing Parks	R	N	P	R	P	R	R	N	P	P	

Table 5-7. Commercial Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart										
E = Existing Land Use (Development or land use currently on the ground), F = Future Land Use (Proposed future development or land use), P = Permitted** R = Permit required* N = Not Permitted, *Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	F	E	F	E	F	E	F	E	F
Commercial Activities										
Casino	R	N	R	N	R	R	R	N	P	P
Eating and Drinking Establishments (e.g., restaurant, cafe, coffee shop, fast food restaurant, bar, nightclub, tavern, cocktail lounge)	R	N	P	R	P	R	R	R	P	P
General Office (e.g., professional, business, financial, governmental)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R	R	N	P	P
Hospitality-Oriented (e.g., hotel, motel, convention center, meeting hall, event facility)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	P	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Medical/Dental Office (e.g., medical, dental, chiropractic, physical therapy)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R	P	P
Mid-Rise (4 to 12 Levels)	R	N	P	R	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R	R	N	P	P
Outdoor Storage and Display-Oriented (e.g., outdoor storage-lumber yard, vehicles sale, landscape material and nursery product sale, or farm supply equipment sale)	R	N	P	R	P	R	R	R	P	P
Personal Service-Oriented (e.g., retail service, banking facility, laundromat, dry cleaning, quick-printing service, beauty salon, tanning salon, funeral home)	R	N	P	R	P	P	R	R	P	P
Quick Vehicle Servicing Uses (e.g., full-serve/mini-serve gas station, unattended card key service station)	R	N	P	R	P	R	R	N	P	P
Repair-Oriented (e.g., consumer goods-electronic, office equipment, appliance)	R	N	P	R	P	P	R	R	P	P
Retail Uses (e.g., sale, lease, or rent of new or used products)										
Small Sales-Oriented, (e.g., appliance, convenience store, bakery, electronic, furniture, garden supply, grocery, hardware, video)	R	N	P	R	P	P	R	R	P	P
Large Sales-Oriented (e.g., big box store, mall, strip mall)	R	N	P	R	P	R	R	R	P	P
Surface passenger services (e.g., passenger terminal for buses, rail service, local taxi, limousine service)	R	N	P	R	P	R	R	R	P	P
Vehicle repair uses										
(e.g., vehicle repair or service shop, alignment shop, tire sale)	R	N	P	R	P	R	R	R	P	P

Table 5-8. Industrial/Manufacturing Activities

<i>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</i>										
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
	E	F	E	F	E	F	E	F	E	F
Industrial/Manufacturing Activities										
Industrial service uses (e.g., machine shop, tool repair, towing and vehicle storage, building supply yard, heating/plumbing/electrical contractor, exterminator, janitorial service, fuel oil distributor, solid fuel yard)	R	N	P	R	P	P	R	R	P	P
Manufacturing and Production Uses (e.g., manufacturing, processing, fabrication, packaging or assembly of goods)										
Technical/Light Manufacturing (e.g., electrical components, engineering, scientific and research office, optical, computer hardware/software, publishing, pharmaceuticals, printing/photo facility.)	R	N	P	R	P	P	R	R	P	P
General Manufacturing (e.g., manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	R	N	P	R	P	P	R	R	P	P
Heavy Manufacturing (e.g., concrete and asphalt plant, meat packing plant, wet corn milling, manufacturing of animal feed, paper or paperboard mill, ethanol plant)	R	N	R	N	R	R	R	N	P	P
Mining and Extraction Uses	R	N	R	N	R	N	R	N	P	P
Salvage Operations (e.g., collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	R	N	P	R	P	R	R	N	P	P
Self-Service Storage Uses (e.g., mini-warehouse, storage facility)	R	N	P	R	P	P	R	R	P	P
Warehouse and Freight Uses (e.g., major wholesale distribution center, general freight storage, railroad switching yard, bus or rail car storage lot, parcel service, grain terminal)	R	N	P	R	P	P	R	R	P	P
Waste-Related Uses (e.g., recycling center, sanitary landfill, waste transfer station, composting, energy recovery plant, sanitary or water treatment facility, sanitary collection or pumping facility, hazardous waste collection site)	R	N	P	N	P	N	R	N	P	R
Wholesale Sales Uses (e.g., sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	R	N	P	R	P	P	R	R	P	P

Table 5-9. Institutional Activities

<i>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</i>											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance											
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D		
	E	F	E	F	E	F	E	F	E	F	
Institutional Activities											
College and Universities (e.g., public or private college or university, technical college, seminary)	R	N	R	N	P	R	R	N	P	R	
Community Service Uses (e.g., public, nonprofit, or charitable nature providing a local service to the people)											
General Community Service (e.g., library, museum, transit center, senior/community/neighborhood center, police/fire/EMS station, park and ride facility)	R	N	R	N	P	R	R	R	P	R	
Community Service-Shelter (e.g., transient housing)	R	N	R	R	P	R	R	R	P	R	
Daycare Uses (e.g., childcare center, adult daycare, preschool, after school program)											
Residential day care Uses (e.g., in-home adult/child day care facility)	R	N	R	R	P	R	R	N	P	P	
Institutional Day care Uses (e.g., childcare center, preschool, after school program, adult day care)	R	N	R	N	P	R	R	N	P	R	
Detention Facilities (e.g., prison, jail, probation center, halfway house, juvenile detention home)	R	N	R	N	P	R	R	N	P	R	
Educational Facilities											
General Educational Facilities (e.g., public and private elementary, middle, junior, and senior high school including religious, boarding, military)	R	N	R	N	P	R	R	N	P	R	
Specialized Education Facilities (e.g., specialized trade, business, or commercial courses, non-degree granting school)	R	N	R	N	P	R	R	R	P	R	
Hospitals (e.g., hospital and medical center)	R	N	R	N	P	R	R	N	P	R	
Religious Assembly Uses (e.g., church, temple, mosque, Masonic, synagogue, eagles/moose/elk lodge)	R	N	R	N	P	R	R	N	P	R	

Table 5-10. Infrastructure Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance											
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D		
	E	F	E	F	E	F	E	F	E	F	
Infrastructure Activities											
Basic Utility Uses (e.g., utility or electrical substation)	R	N	R	R	R	R	R	R	P	R	
Communication Transmission Facility Uses (e.g., broadcast, wireless, point to point, or emergency tower and antennae)	R	N	R	N	R	R	R	N	P	R	
Parking Uses (e.g., ground lot, parking structure)	R	R	P	P	P	P	P	P	P	P	
Transportation Uses											
(e.g., local or county road, highway, interstate)	R	R	P	P	P	P	P	P	P	P	
Utility Uses (e.g., wind generator, wind farm, solar power generation equipment)	R	N	R	N	R	R	R	N	P	R	
Water Tower	R	N	R	N	R	R	R	N	P	R	

Table 5-11. Agriculture and Open Space Activities

<i>Southern Wisconsin Regional Airport Land Use Airport Zone Chart</i>											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance											
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D		
	E	F	E	F	E	F	E	F	E	F	
Agriculture and Open Space Activities											
Agricultural Uses (e.g., commercial cultivation of plants, livestock production)											
Animal-related (e.g., livestock , dairy , horse farm)	R	R	P	P	P	P	P	P	P	P	P
Facility-related (e.g., fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	R	N	R	N	P	R	R	N	P	R	
Plant-related (e.g., crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	R	P	P	P	P	P	P	P	P	
Resident-related (e.g., single-family home or mobile home if converted to real property and taxed)	R	N	P	R	P	R	R	N	P	P	
Water Bodies											
Manmade resources (e.g., mining or extraction pond, standalone retention or detention pond, or wetland mitigation site)	R	N	P	R	P	R	R	N	P	R	
Wildlife Preservation Areas (e.g., petting zoo, wildlife rehabilitation center, zoo)	R	N	R	N	P	R	R	N	P	P	

Table 5-12. Parks and Recreation Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart											
E = Existing Land Use (Development or land use currently on the ground) F = Future Land Use (Proposed future development or land use) P = Permitted** R = Permit Required* N = Not Permitted * Permit Required use in a location sensitive to the intent of this chapter, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit ** Pending height restriction compliance											
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D		
	E	F	E	F	E	F	E	F	E	F	
Parks and Recreation Activities											
Commercial Recreational Uses (e.g., facilities used for physical exercise, recreation, or culture)											
Golf (e.g., 9+ hole course, golf driving range, outdoor miniature golf)	R	N	R	R	P	R	R	N	P	P	
Indoor (e.g., physical fitness center, health club, bowling alley, skating rink, billiard hall, arcade, indoor theater)	R	N	R	R	P	R	R	N	P	P	
Outdoor (e.g., campground, tennis/swimming facility, drive-in theater, skating rink, pavilion, amphitheater)	R	N	R	R	P	R	R	N	P	P	
Parks (e.g., aquatic, mini, private, sports, neighborhood, school, community)	R	N	P	R	P	R	R	N	P	P	
Utility uses (e.g., amusement or theme park, fairground, racetrack, sports arena)	R	N	R	N	P	R	R	N	P	P	

46-1222 through 46-1239 reserved

DIVISION 9

SPECIFIC PLANNED DEVELOPMENT DISTRICTS

This part is forthcoming.

Staff is in the process of identifying previously approved development project that should be carried forward as a planned development district.

46- through 46-1499 **reserved**