

**CHAPTER 3
SPECIAL DISTRICTS**

Part 9 La Crosse Municipal Airport Overlay Zoning District

Sec. 13-3-50 Purpose

The general purpose and intent of this Ordinance is to assume jurisdiction to administer the City of La Crosse's Airport Zoning Overlay Regulations (AOZD Regulations) for those areas affected by the City of La Crosse Airport Zoning Overlay District (AOZD) which fall within the City of Onalaska corporate limits, as defined below in 13-3-51. Further, to provide citizens of the City of Onalaska with clarification of the requirements under the AOZD Regulations which are applicable to the area within the City of Onalaska jurisdictional boundary as defined below. The purpose of the AOZD Regulations, of which the City of Onalaska shall be responsible for implementing in their jurisdictional boundary include to:

- (a) Promote the public health, safety, convenience, and general welfare of the residents surrounding the Airport;
- (b) Protect the Airport approaches and surrounding airspace from encroachment, as well as, limit the exposure of impacts to persons, property, and facilities in proximity to the Airport, located within the area encompassed by the AOZD;
- (c) 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 City of Onalaska three (3)-mile jurisdictional boundary as defined below;
- (d) 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 within the City of Onalaska three (3) mile jurisdictional boundary as defined below;
- (e) Implement recommendations developed in the La Crosse Regional Airport Master Plan, Airport Land Use Plan, Airport Layout Plan and/or City of Onalaska Master Plan for those areas within the City of Onalaska three (3) mile jurisdictional boundary as defined below;
- (f) Promote compatible land uses while respecting the physical characteristics of the area, the Airport, and surrounding property within the City of Onalaska's three (3) mile jurisdictional boundary as defined below;
- (g) Promote development in an orderly, planned, cost-effective, and environmentally-sound manner within the City of Onalaska three (3) mile jurisdictional boundary as defined below;
- (h) 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 Airport and by limiting conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of residents located in the vicinity of the Airport within the City of Onalaska three (3)-mile jurisdictional boundary of the AOZD;
- (i) Provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the City of Onalaska three (3)-mile jurisdictional boundary of the AOZD;

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Sec. 13-3-51 Authority and Jurisdiction

The City of Onalaska hereby assumes the authority to administer the La Crosse Airport Zoning Overlay Regulations for those areas within the corporate limits of the City of Onalaska, within the 3 mile jurisdictional boundary of the AOZD as those boundaries now exist and as they are amended in the future. The regulations of the AOZD shall apply to all properties within the three (3) mile jurisdictional boundary identified by the application of Section 114.136 of the Wisconsin Statutes, measured from the La Crosse Regional Airport property lines and to the limits represented by the six (6) independent zones which are defined below as well as the height limitations outlined below.

Sec. 13-3-52 General Provisions

(a) Areas to be Regulated. The AOZD has defined the following areas to be regulated, which may fall within the City of Onalaska jurisdictional boundaries:

(1) Airport Height Zoning District. The boundaries of each district are hereby established as shown on a map dated December 9, 2010 and as it may be amended, entitled *La Crosse Regional Airport Overlay Zoning District Map, La Crosse, Wisconsin*, and the height restrictions are hereby established on a map entitled *Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin* which accompanies it and is hereby adopted as part of this Ordinance. Both the *La Crosse Regional Airport Overlay Zoning District Map* and the *Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin* shall be on file in the office of the City of Onalaska Planning and Zoning Department.

a. The elevation numbers indicated within each contour are hereby established and are made part of this Ordinance. Contour elevation numbers indicated on the *Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse Wisconsin* provide the maximum permissible height above North American Vertical Datum 1988 (NAVD88), which buildings, structures, objects, or vegetation in that contour shall NOT exceed. If the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin indicates "Permit Required" instead of a height, a permit must be obtained, regardless of height. The provisions of the AOZD shall apply to all areas indicated on this Map.

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(2) Airport Overlay Zoning District. All La Crosse Regional Airport Overlay Zones are shown on the *La Crosse Municipal Airport Overlay Zoning District Map* and shall be on file in the office of the City of Onalaska Planning and Zoning Department. These six (6) zones encompass a three (3)-mile radius from the La Crosse Regional Airport property line, as authorized by Wisconsin Statutes. No land use shall be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the La Crosse Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as nearby citizens. The area of La Crosse County, including those areas in the City of Onalaska jurisdictional boundaries is divided into the following zones as shown in **Figure 1** and **Table 1**.

- a. ZONE A-RUNWAY PROTECTION ZONE. Zone A is a trapezoidal shape which includes the area off the end of each runway which is designed to enhance the protection of people and property on the ground.
- b. 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, B2, and B3 and is predicated on a 50:1 approach surface:
 - (i) ZONE B1-The length of Zone B1 extends 3,750 feet from the outer edge of Zone A.
 - (ii) ZONE B2- Zone B2 extends 3,750 feet beyond the outer edge of Zone B1.
 - (iii) ZONE B3-Zone B3 extends from Zone B2 in the 50:1 approach, ending at the 3-mile boundary.
- c. ZONE C-TRANSITIONAL SURFACE. The areas within Zone C are those that extend one thousand fifty (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.
- d. ZONE D- THREE (3) MILE JURISDICTIONAL BOUNDARY. Zone D encompasses the horizontal innermost area, all of which represents the three (3)-mile jurisdictional boundary, as provided for within Wisconsin Statutes Sections 114.135 and 114.136. Zone D is calculated by intersecting a series of three (3)-mile arcs drawn from the outermost property boundaries of the Airport.

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Table 1 Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

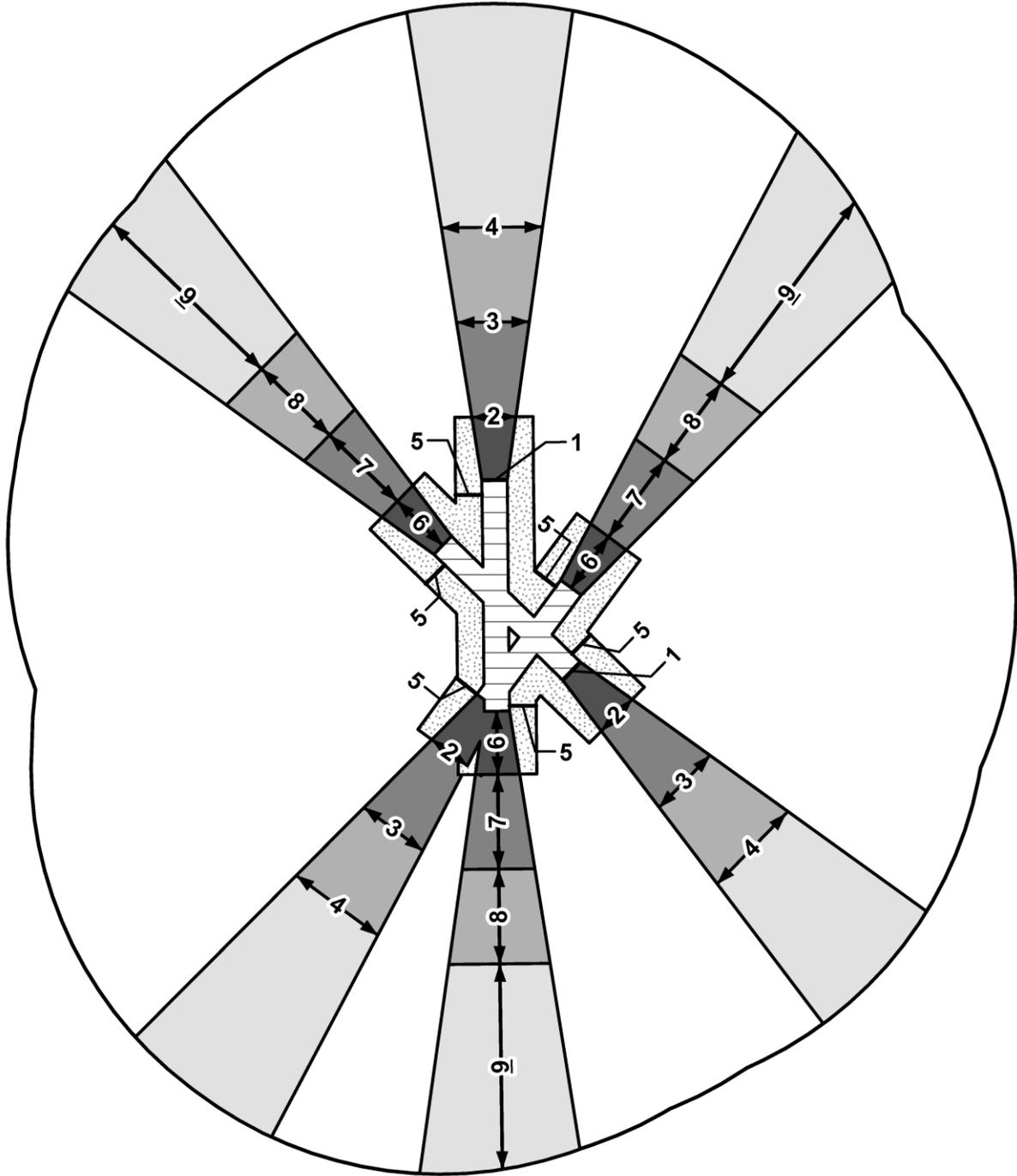
Dimensions in Figure 1	Zone Designation	Runway Dimensional Standards
1	Primary surface width* & Zone A inner width	1,000'
2	Zone A outer width & Zone B1 inner width	1,750'
3	Zone B1 outer width & Zone B2 inner width	2,875'
4	Zone B2 outer width & Zone B3 inner width	4,000'
5	Zone C width from primary surface	1,050'
6	Zone A length	2,000'
7	Zone B1 length	3,750'
8	Zone B2 length	3,750'
9	Zone B3 length	Varies**
	Zone D	3-mile jurisdictional boundary outside of Zones A - B3

*Primary surface width measures 1,000 feet across, or 500 feet on either side of the runway centerline.

**The length and outer width of Zone B3 varies based upon the proximity and angle at which Zone B3 intersects Zone D, which is the 3-mile jurisdictional boundary from Airport property.

Source: Mead & Hunt

Figure 1 Airport Overlay Zones A, B1, B2, B3, C, and D Diagram



Zone Dimensions

- 1 = 1000' 4 = 4000' 7 = 3750'
- 2 = 1750' 5 = 1050' 8 = 3750'
- 3 = 2875' 6 = 2500' 9 = Varies*

Zoning Overlay Districts

- Zone A Zone B1 Zone B2 Zone B3
- Zone C Zone D Primary Surface

* The inner width of Zone B3 is equivalent for each runway end. The length (9) and outer width of Zone B3 varies based upon the proximity and angle at which Zone B3 intersects Zone D, which is the 3-mile jurisdictional boundary from Airport property.

Source: Mead & Hunt

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(b) Compliance. Any development or use within the City of Onalaska jurisdictional boundaries shall be in compliance with the terms of this ordinance, AOZD Regulations and other applicable local, state, and federal regulations.

(c) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies.

(d) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

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

(f) Warning and Disclaimer of Liability. The degree of protection provided by the AOZD Regulations relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes. Therefore, neither the AOZD Regulations or this Ordinance's interpretations thereof does imply that land uses within the vicinity of the La Crosse Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does the AOZD Regulations or this Ordinance create liability on the part of, or a cause of action against the City of Onalaska, any officer or employee thereof, for incidents that may result from reliance on this Ordinance.

(g) Severability. Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable. If any provision of this Ordinance is adjudged unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance.

(h) Repeal. All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Ordinance to the extent of inconsistency only, are hereby repealed.

Sec. 13-3-53 General Standards Applicable to All Permit Required Uses within the City of Onalaska Jurisdictional Boundary of the AOZD

(a) Any development which exceeds the applicable height limitation in the AOZD by more than 10 feet is not authorized. Any development that exceeds the applicable height limitation in the AOZD by 10 feet or less will automatically become a permit required use.

(b) At the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations may be required. This may be done to confirm the accuracy of information supplied by the applicant.

(c) Those Building, Inspection and Zoning Department staff when reviewing a Zoning/Building Site Permit (herein referred to as a Permit) application in the AOZD shall consider the factors listed below:

- (1) Potential to create an undue concentration of people (density);

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- (2) Potential to cause visual obstructions through the creation of smoke, steam, dust, lighting or other unspecified obstruction that would adversely affect 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) Potential to minimize the number and size of detention/retention ponds which may attract wildlife, by designing ponds to drain within 48 hours;
- (5) Potential to create wildlife attractants other than water;
- (6) Potential storage of flammable or hazardous materials as defined by the International Building Code.

Sec. 13-3-54 Airport Overlay Zoning Districts

- (a) The AOZD has defined the following use restrictions which shall be applicable to those areas within the City of Onalaska jurisdictional boundary of the AOZD. Through the use of the *La Crosse Regional Airport Height Zoning Map*, heights of structures and features, both man-made and natural growth, shall be limited.
- (b) The following specific use restrictions and regulations shall also apply:
 - (1) Existing Uses: All existing property uses allowed by the current zoning classifications, within the zones defined by the AOZD and set forth in this Ordinance are allowed to remain, subject to applicable federal, state, and local requirements including height limitations set forth in this Ordinance. This includes the construction of ancillary uses, such as garages, subject to existing local requirements. The AOZD Regulations shall not 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 this AOZD, or which commenced prior to the effective date of the AOZD Regulations, 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 AOZD Regulations. It is further provided that the height limits of the AOZD Regulations shall in NO event be exceeded by more than 10 feet. If a use penetrates the applicable height limitation by 10 feet or less, it must be approved through the permitting process.
 - a. Partial/Complete Destruction or Reconstruction. The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the existing use is reviewed and complies with the La Crosse Regional Airport Height Zoning Map, and is not otherwise prohibited under the City of Onalaska Zoning Code or Code of Ordinances.

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b. Expansion of Existing Uses. Any existing use, as described in this Ordinance, 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 *La Crosse Regional Airport Height Limitations Zoning Map*, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited under the City of Onalaska Zoning Code or Code of Ordinances.

ii. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by 13-3-55(1) of this Ordinance, authorizing such change, replacement, or repair. No such Permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this Ordinance, or than it was when the application for permit was made.

(2) Future Land Use: Any changes in land use, requiring a zoning reclassification are subject to the land use restrictions set forth below and illustrated in **Table 3** titled “Future Land Use Compatibility Chart,” and are to be evaluated with the criteria set forth in the AOZD checklist] is hereby adopted by reference.

a. 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 nearby residents. Permitted Uses, however, shall conform to all Height Restrictions within the AOZD. A Permit and AOZD checklist is NOT required for compliance with this Ordinance.

b. Permit Required Uses are those land uses that shall be permissible following the issuance of a Permit. The Permit, which may include development and use related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Any use exceeding the height limitations by 10 feet or less requires a permit regardless of the type of land use.

c. Not Permitted Uses are those land uses generally considered NOT compatible (incompatible) and/or NOT permitted within a particular zone of the AOZD. Incompatible land uses endanger the health, safety, and welfare of nearby residents and aircraft utilizing the La Crosse Regional Airport.

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(c) Exceptions:

(1) The restrictions contained in this section shall not apply to temporary cranes, temporary lifts, temporary scaffolding, and other similar temporary equipment used for normal and routine construction, provided that a permit with any conditions has been issued by a City of Onalaska Engineer or Building Inspector after obtaining the approval of the La Crosse Regional Airport Director or his/her designee and, if required, the Federal Aviation Administration (“FAA”) as a part of the FAA 7460-1 notification process.

(d) Hazard Marking & Lighting:

(1) All uses must comply with the FAA’s requirements for marking and lighting per the current version of the Advisory Circular 70-7460 Obstruction Marking and Lighting. Additionally, any permit may, if such action is deemed advisable by the La Crosse Regional Airport Management, Wisconsin Department of Transportation Bureau of Aeronautics (“WI DOT BOA”) and/or the FAA, require the owner of a structure or trees, to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the owners expense.

(e) Prohibited Uses in the Airport Overlay Zoning District:

(1) Any use that would exceed the Height Restrictions indicated on *the Height Limitation Zoning Map* by more than 10 feet.

(2) Any use that is not permitted according to **Table 3 – Land Use Compatibility Chart**.

(3) Any use, temporary or permanent, which is determined to create a safety concern for aircraft operations, as defined by the WI BOA, the FAA, or the City of La Crosse, as owners of the Airport.

Table 3 – Land Use Compatibility Chart

Future Land Use Compatibility Chart						
P = Permitted		R = Permit Required			N = Not Permitted	
Land Uses^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Residential Activities						
Single-Family Uses (1 unit per lot)	N	R	R	P	N	P
Multi-Family Uses (Three or more principal dwelling units within a single building on the same parcel) (e.g. apartment, condominium, townhouse-style)						
<i>Low-Rise</i> (2 - 3 Stories) or <i>Mid-Rise</i> (4-12 Stories)	N	R	R	P	N	P
<i>High-Rise</i> (13+ Stories)	N	N	R	P	N	P
Group Living Uses (e.g. assisted living, group care, independent group living, nursing and convalescent home)						
<i>Residential Group Living Units</i> (1 dwelling per lot)	N	R	R	P	N	P
<i>Low-Rise</i> (2 - 3 Stories) or <i>Mid-Rise</i> (4-12 Stories)	N	R	R	P	N	P
<i>High-Rise</i> (13+ Stories)	N	N	R	P	N	P
Manufactured Housing Parks	N	N	R	P	N	P
Commercial Activities						
Eating and Drinking Establishments (e.g. restaurant, cafe, fast food restaurant, bar, nightclub)	N	R	R	P	N	P
General Office/Medical Office/Dental Office Uses (e.g. professional, business, financial, governmental)						
<i>Low-Rise</i> (2 - 3 Stories)	N	R	P	P	R	P
<i>Mid-Rise</i> (4 -12 Levels)	N	N	R	P	N	P
<i>High-Rise</i> (13+ Stories)	N	N	R	P	N	P
Hospitality-Oriented (e.g. hotel, motel, convention center, meeting hall, event facility)						
<i>Low-Rise</i> (2 to 3 Stories)	N	R	P	P	N	P
<i>Mid-Rise</i> (4 to12 Stories)	N	N	P	P	N	P
<i>High-Rise</i> (13+ Stories)	N	N	R	P	N	P
Outdoor Storage and Display-Oriented (e.g. lumber yard, vehicles sale, landscape)	N	R	P	P	R	P
Personal Service-Oriented	N	R	P	P	R	P

Future Land Use Compatibility Chart

P = Permitted R = Permit Required N = Not Permitted						
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
(e.g. retail service, banking facility, laundromat, dry cleaning, beauty salon, funeral home)						
Vehicle Servicing Uses (e.g. full-serve gas station, unattended card key service station, vehicle repair shop, tire sale)	N	R	R	P	N	P
Retail Uses (e.g. sale, lease, or rent of new or used products)						
<i>Small Sales-Oriented</i> (e.g. convenience store, bakery, garden supply, grocery, hardware, or electronics store)	N	R	P	P	R	P
<i>Large Sales-Oriented</i> (e.g. big box store, mall, strip mall)	N	R	R	P	R	P
Surface Passenger Services (e.g. passenger terminal for buses, rail service, local taxi, limousine service)	N	R	P	P	R	P
Industrial/Manufacturing Activities						
Industrial Service Uses (e.g. machine shop, tool repair, towing/vehicle storage, building supply yard, exterminator)	N	R	P	P	R	P
Manufacturing and Production Uses (e.g. manufacturing, processing, fabrication, packaging or assembly of goods)						
<i>General Manufacturing</i> (e.g. manufacturing, assembling or treatment of most articles, materials, or merchandise)	N	R	P	P	R	P
<i>Heavy Manufacturing</i>	N	N	R	R	N	R

Future Land Use Compatibility Chart

Future Land Use Compatibility Chart						
P = Permitted		R = Permit Required			N = Not Permitted	
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
(e.g. concrete/asphalt plant, meat packing plant, wet corn milling, paper mill, ethanol plant, animal feed)						
Mining and Extraction Uses	N	N	N	R	N	R
Salvage Operations (e.g. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	N	R	R	P	N	P
Self-Service Storage Uses (e.g. mini-warehouse, storage facility)	N	P	P	P	R	P
Warehouse/Freight Uses (e.g. major wholesale distribution center, freight storage, railroad switching yard)	N	R	P	P	R	P
Waste-Related Uses (e.g. recycling center, sanitary landfill, waste transfer station, composting, sanitary or water treatment facility)	N	N	N	R	N	R
Wholesale Sales Uses (e.g. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	N	R	P	P	R	P
Institutional Activities						
College and Universities (e.g. public or private college or university, technical college, seminary)	N	N	R	R	N	R

Future Land Use Compatibility Chart

	P = Permitted		R = Permit Required		N = Not Permitted	
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Community Service Uses - (e.g. public, nonprofit, or charitable nature providing a local service to the people such as a library, museum, transit center, senior/community center, police/fire/station)	N	N	R	R	R	R
Daycare Uses - (e.g. childcare center, adult daycare, preschool, after school program)						
<i>Residential Daycare Uses</i> (e.g. in-home adult/child daycare facility)	N	R	R	P	N	P
<i>Institutional Daycare Uses</i> (e.g. childcare center, preschool, after school program, adult daycare)	N	N	R	R	N	R
Detention Facilities (e.g. prison, jail, probation center, halfway house, juvenile detention home)	N	N	R	R	N	R
Educational Facilities						
<i>General Educational Facilities</i> (e.g. public and private elementary, middle, junior, and senior high school including religious, boarding, military)	N	N	R	R	N	R
<i>Specialized Education Facilities</i> (e.g. specialized trade, business, or commercial courses, non-degree granting school)	N	N	R	R	R	R
Hospitals- (e.g. hospital and medical center)	N	N	R	R	N	R
Religious Assembly Uses (e.g. church, temple, mosque, synagogue, eagles/moose/elk lodge)	N	N	R	R	N	R
Infrastructure Activities						
Basic Utility Uses	N	R	R	P	R	P

Future Land Use Compatibility Chart						
	P = Permitted	R = Permit Required	N = Not Permitted			
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
(e.g. utility substation facility electrical substation, water and sewer lift station)						
Communication Transmission Facility Uses (e.g. broadcast, wireless, point to point, or emergency tower and antennae)	N	N	R	R	N	R
Parking Uses (e.g. ground lot, parking structure)	R	P	P	P	P	P
Transportation Uses (e.g. local road, county road, highway, interstate)	R	P	P	P	P	P
Utility Uses (e.g. wind generator, wind farm, solar power generation equipment, water tower, transmission lines)	N	R	R	R	N	R
Agriculture and Open Space Activities						
Agricultural Uses (e.g. commercial cultivation of plants, livestock production)						
<i>Animal or Plant related</i> (e.g. livestock , dairy , horse farm, crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	P	P	P	P	P
<i>Facility-related</i> (e.g. fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	N	N	R	P	N	P
<i>Resident-related</i> (e.g. single-family home or mobile home if converted to real property and taxed)	N	R	R	P	N	P
Water Bodies <i>Man-made resources</i> (e.g. mining or extraction pond, wetland mitigation site)	N	R	R	R	N	R

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P = Permitted R = Permit Required N = Not Permitted						
Land Uses ^{[1][2][3]}	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Wildlife Preservation Areas (e.g. petting zoo, wildlife rehabilitation center, zoo, conservation areas)	N	N	R	R	N	R
Parks and Recreation Activities						
Casino	N	N	R	R	N	R
Commercial Recreational Uses <i>Indoor or Outdoor</i> (e.g. physical fitness center, bowling alley, skating rink, indoor theater, campground, tennis/swimming facility, drive-in theater, skating rink, amphitheater)	N	R	R	R	N	R
Parks (e.g. aquatic, mini, private, sports, neighborhood, school, community)	N	R	R	R	N	R
Specialty Uses (e.g. amusement or theme park, fairground, racetrack, sports arena)	N	N	R	R	N	R

¹ The following information is not an all-inclusive list; however it provides a sample of the types of land uses under each individual land use classification.

² Height limitations set forth in Title 14, Chapter 3, Part 9 of the Code of Ordinances supersede any land use criteria and must be followed first when determining compatibility of development.

³ Any future residential development within Zone A or Zone C is allowed, but is limited to those lots currently zoned for residential use.

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Sec. 13-3-55 Permit Submittal Requirements

(a) For all Permit Required Uses, the AOZD checklist shall be utilized to notify the applicant of their responsibilities as a property owner and will be used by the City of Onalaska Planning and Zoning Department to evaluate the proposed development within the Onalaska jurisdictional boundary of the AOZD and determine if a Permit will be issued. Each applicant shall be responsible to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this Ordinance through the City's authority to implement the Regulations of the AOZD. Applicant (and property owner(s) if different) shall acknowledge by signature their understanding of the mitigation criteria utilizing the AOZD checklist provided by the City or its representative according to Section 56 of this Ordinance.

Sec. 13-3-56 Administration

(a) The City of Onalaska Planning and Zoning Department is authorized to administer this Ordinance and shall have the following responsibilities and powers:

- (1) Approve or conditionally approve Permits that do NOT exceed required height restrictions;
- (2) Inspect any building site or improvement or use of land as required by this Ordinance;
- (3) Maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
- (4) Review and make recommendations to the Council on all zoning map changes and amendments to the text of the Ordinance;
- (5) Oversee the functions of all impacted areas by this Ordinance;
- (6) Require complete and accurate information necessary to make reasonable evaluations of applications;
- (7) Work and communicate with the City of La Crosse as necessary to ensure compatibility with City of La Crosse ordinance 15.19 authorizing Administration of this Ordinance to the City of Onalaska.
- (8) 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;
- (9) 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(s), and are compatible with neighboring uses. The Permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required; and
- (10) Investigate violations and enforce the provisions of this Ordinance.

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(b) Land Use Permit. When required by this Ordinance, a Permit (valid for eighteen (18) months) shall be obtained from the Planning and Zoning Department 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 the AOZD as set forth in this Ordinance shall NOT be exceeded by more than 10 feet. Uses that penetrate height limitations by 10 feet or less require a permit. The Permit (for Permit Required Uses or for Future Uses when specified), which may include development and use related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Said Permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Failure to obtain a Permit when required shall be a violation of this Ordinance. Application for a Permit shall be made to the Planning and Zoning Department upon furnished application forms and shall include the following data:

- (1) Name and address of the applicant, property owner, and contractor-builder;
- (2) An accurate properly dimensioned map drawn to a scale of not less than one inch equals two hundred (200) feet of the property, showing:
 - a. 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; the relationship of the above to the La Crosse Regional Airport, as well as a particular zone(s) of the AOZD; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.
- (3) 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;
- (4) A description of the proposed land use and building materials and landscaping materials;
- (5) 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;
- (6) When the Planning and Zoning Department or Airport Director deems necessary, evidence of submission of a Federal Aviation Administration 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 Permit (as required for Permit Required Uses or for Future Uses when specified). The FAA Form 7460-1 can be found online at <http://forms.faa.gov/forms/faa7460-1.pdf>

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(7) Applicant's signed AOZD checklist accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance; and

(c) Other Permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

(d) Board of Appeals: Appeals shall be made to the City of La Crosse Board of Appeals as set forth in the City of La Crosse Municipal Code, as amended, pursuant to Chapter 15.29 of the City of La Crosse Municipal Code which is available on the City of La Crosse website (www.cityoflacrosse.org) or from the City of La Crosse's City Clerk's office.

Sec. 13-3-57 Amendments

The Common Council may amend or supplement the regulations of this Chapter in the manner provided by law.

Sec. 13-3-58 Fees

Fees for the administration of this Ordinance and zoning permits are established by the City and are intended to cover the reasonable costs of administering this ordinance. Such fees may be in addition to other building and zoning permit fees. When a zoning or a building permit fee is not required for a project but the AOZD checklist is required, a \$30 application fee will be charged.

Sec. 13-3-59 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable state law.

Sec. 13-3-60 Enforcement & Penalties

Any person or persons violating any provision of this Chapter shall be subject to general penalty provisions listed in Section 1-1-7 of this Code of Ordinances. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Planning and Zoning Department.

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Sec. 13-3-61 Definitions

(a) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulation,” the word “regulations” means “these regulations.” A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(1) Accessory Structure or Use. A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use

(2) Air Traffic. (FAA FAR.Sec. 1.1) Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

(3) Airport. (FAA FAR. Sec. 152.3) The La Crosse Regional Airport owned by the City of La Crosse. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.

(4) Airport Elevation. The highest point on the usable landing area of an airport that is measured in feet from mean sea level (MSL).

(5) Airport Environs. The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

(6) Airport Hazard. (FAA FAR. Sec. 152.3) Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.

(7) Airport Layout Plan (ALP). (FAA FAR Sec. 152.3) The plan of an airport that shows the layout of existing and proposed airport facilities.

(8) Airport Master Plan. The La Crosse Regional Airport Master Plan Report.

(9) Airport Overlay Zones. A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and runway protection zones (RPZs) have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports:

a. Zone A: is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.

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b. Zone B1, B2, & B3: reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft that utilize the runway.

c. Zone C: includes those areas that are parallel to the runway pavement and extend 1,050' from the edge of the primary surface.

d. Zone D: encompasses the horizontal surface (innermost area) and the conical surface (outermost area), which make up the three (3)-mile jurisdictional boundary delineated at the La Crosse Regional Airport.

(10) Airport Reference Code (ARC). (FAA Website www.faa.gov) The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

(11) Airport Reference Point (ARP) The latitude and longitude of the approximate center of the airport.

(12) Airport Zoning Permit. A Zoning/Building Site Permit that allows new development or alteration or expansion of a Permit Required Use.

(13) Airside. (FAA Web site www.faa.gov) The portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.

(14) Airspace. (FAA Web site www.faa.gov) The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

(15) Alteration. Any construction which would result in a change in height or lateral dimensions of an existing structure or object.

(16) Applicant. The owner of the land or his/her representative.

(17) Approach Slopes. (FAR Part 77) The ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface.

The various ratios include:

a. 20:1 Ratio: for all utility and visual runways extended from the primary surface a distance of five thousand (5,000) feet.

b. 34:1 Ratio: for all non-precision instrument runways extended from the primary surface for a distance of ten thousand (10,000) feet.

c. 50:1/40:1 Ratio: for all precision instrument runways extended from the primary surface for a distance of 10,000 feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.

(18) Approach Surface: A surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plain view, the perimeters of the approach surface and approach zone coincide.

(19) Aviation Easement: (FAA Web site www.faa.gov) A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

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(20) Building: Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

(21) Building Codes: Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.

(22) Building Height: The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

(23) Commercial Lease: Land uses or activities that involve the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

(24) Compatibility: The degree to which land uses or types of development can coexist or integrate.

(25) Construction: The erection or alteration of any structure or object of either a permanent or temporary nature.

(26) Density: The number of living units per acre.

(27) Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.

(28) Easement: Authorization by a property owner for the use by another and for specified purpose of any designed part of his/her property.

(29) Existing Use: Any use of land lawfully in existence at the time of the effective date of this Ordinance or amendment thereto becomes effective.

(30) Federal Aviation Administration (FAA): A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.

(31) Federal Aviation Regulations (FAR) (FAA FAR): Regulations established and administered by the FAA that govern civil aviation and aviation-related activities:

a. FAR Part 36. (FAA FAR Sec. 36.1) Establishes noise standards for the civil aviation fleet.

b. FAR Part 91. (FAA FAR Sec. 91.1) Pertains to air traffic and general operating rules, including operating noise limits.

c. FAR Part 150. (FAA FAR Sec. 150.1) Pertains to airport noise compatibility planning.

d. FAR Part 161. (FAA FAR Sec. 161.1) Pertains to notice and approval of airport noise and access restrictions.

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e. FAR Part 77. (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace - Part 77 (a) establishes standards to determine obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

(32) General Aviation Airport: Any airport that is not an air carrier airport or military facility.

(33) Growth: Any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.

(34) Height: Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin"; height shall be the highest point of a structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

(35) Industrial, Wholesale Trade, and Storage Uses: A use category that includes:

a. Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.

b. Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

(36) Imaginary Surfaces. (FAA FAR Part 77.25): Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction:

a. Approach Surface: longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.

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b. Conical Surface: extends upward and outward from the periphery of the horizontal surface at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.

c. Horizontal Surface: horizontal plane located one hundred fifty (150) feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

d. Transitional Surface: extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of one hundred fifty (150) feet above the established airport elevation.

(37) Incompatible Land Use (FAA FAR Sec. 150.7): Land use that is typically unable to coexist with aircraft and airport operations.

(38) Instrument Approach Procedure. (FAA Pilot/Coordinator Glossary) A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

(39) Instrument Landing System (ILS) (FAA Pilot/Coordinator Glossary): A precision instrument approach system which normally consists of the following electronic components and visual aids: localizer, glideslope, outer marker, middle marker, and approach lights.

(40) Itinerant Operation: Aircraft takeoff or landing operations that occur from one airport to another and involves a trip of at least twenty (20) miles. Local operations are excluded.

(41) Land Use: Any nonstructural use made of unimproved or improved real estate.

(42) Land Use Compatibility: Land uses that can coexist with an airport and airport related activities.

(43) Lighting and Marking of Hazards to Air Navigation: Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

(44) Lot: A parcel of land described in a recorded plat or deed.

(45) Mitigation: The avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.

(46) Navigation Aids (Navaid): Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

(47) Navigable Airspace: The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off of aircraft.

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(48) Noise Exposure Contours: Lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-night sound level (DNL) is the measurement used to describe community exposure to noise.

(49) Noise Impact: A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

(50) Noise Sensitive Area: Defined as an area where noise interferes with normal activities associated with the use of the area.

(51) Nonconforming Use: Any structure or tree which does not conform to a regulation prescribed in this Chapter, Part 9 or an amendment thereto, as of the effective date of such regulation.

(52) Object: Includes, but is not limited to, above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

(53) Obstacle Free Zone (OFZ): The three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses one hundred fifty (150) feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDSs, the location of which is fixed by function.

(54) Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.

(55) Off-Airport Property: Property that is beyond the boundary of land owned by the airport sponsor (the City of La Crosse).

(56) On-Airport Property: Property that is within the boundary of land owned by the airport sponsor (the City of La Crosse).

(57) Ordinance: Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

(58) Overlay Zone: A mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district.

(59) Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

(60) Permit Required Use: Are those land uses that shall be permissible following the issuance of a 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 La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents.

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(61) Permitted Use: 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 County residents.

(62) Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(63) Primary Runway: The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

(64) Principal Use: The use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

(65) Public Assembly Use: A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. Public assembly use does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

(66) Public Use Airport: A public- or private-owned airport that is open for public use.

(67) Residential and Accommodation Uses: A use category that includes the following:

a. Residential - provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one or more persons. , Tenancy typically last longer than thirty (30) days.

b. Accommodation - characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than thirty (30) days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

(68) Runway: A portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.

(69) Runway Protection Zone (RPZ): An area off the runway end designed to enhance the protection of people and property on the ground.

(70) Runway Safety Area: A defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.

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(71) Structure: Any man-made object with form, shape, and utility that is permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed. Examples include, but are not limited to, roofed and walled buildings, gas or liquid storage tanks, or television dishes.

(72) Structural Alteration: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

(73) Substantial Improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

(74) Tree: Any object of natural growth that shall not exceed the Zoning Height Restrictions. This does not include shrubs, bushes or plants which do not grow to a height of more than twenty (20) feet.

(75) Use: That which is customarily or habitually done, may include seasonal uses, and need not extend to the entire tract of land at the time of the adoption of this Part 9 of Chapter 3 (See also Land Use).

(76) Utility Runway: A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds gross weight or less.

(77) Variance: Authority granted to the owner to use his/her property in a manner that is prohibited by the Zoning Code. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances that are applied to a land parcel can, has, or will cause a hardship to the owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses:

- a. Area Variance: one which does not involve a use that is prohibited by the Zoning Code. Area variances involve matters such as setback lines, frontage requirements, lot-size restrictions, density, density regulations, and yard requirements. Height limitation variances shall not be granted under Part 9 of this Chapter.

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b. Use Variance: one which permits a use of land other than what is prescribed by the Zoning Code. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Chapter. Use variances shall not be granted under Part 9 of this Chapter.

(78) Wetland: Those areas where water is at, near, or above the land surface long enough to support aquatic or hydroponic vegetation and which have soils indicative of wet conditions.

(79) Wildlife Attractants: Any man-made structure, land use practice, or man-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

(80) Wildlife Hazards: Feral or domesticated animals that are associated with aircraft strikes are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.