

# **L.O. SIMENSTAD MUNICIPAL AIRPORT OVERLAY ZONING ORDINANCE FREQUENTLY ASKED QUESTIONS**

## **What is an Airport Overlay Zoning Ordinance?**

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

## **Who is initiating this project?**

The Village's Airport Commission is leading the development of the airport overlay-zoning ordinance.

## **What are the benefits of the ordinance?**

Both the Federal Aviation Administration (FAA) and the Wisconsin Bureau of Aeronautics (BOA) strongly encourage public airports to enact overlay zoning ordinances to:

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

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

The boundaries of the overlay-zoning ordinance will encompass the same area as the existing height limitations ordinance, roughly three miles around the airport. This includes property in the Village of Osceola, Town of Farmington, Town of Osceola, and portions of the Town of Franconia in Chisago County, Minnesota. The extent to which this ordinance will affect future development of properties depends on their vicinity to the airport.

## **What is the existing height limitations ordinance?**

The FAA requires public airports to adopt and impose limitations for the height of buildings within the vicinity of an airport. The purpose of the ordinance is to reduce the potential for aviation crashes and property damage near an airport. The Wisconsin BOA created the original height limitations map for the L.O. Simenstad Airport in 1995. The map displays the maximum permitted elevation of buildings within the three-mile jurisdiction of the airport. Additional information can be found under Chapter 69 of the Village of Osceola Zoning Code.

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

The maximum elevation of buildings & vegetation depends on two factors: (1) the existing base elevation of a property and (2) its vicinity to the airport. In general, the further a property is from the airport the higher buildings may be. In general, the maximum height of structures for properties nearest the airport property is at least 35'. The distance increases the further a site is from the airport and the ends of each runway.

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

The existing height limitations ordinance and map will be reviewed as part of this project; however, since the map was created based on BOA regulations/standards, changes are not anticipated. The final overlay-zoning ordinance will be a supplement to the existing height limitations ordinance (Chapter 69 of the Village of Osceola Zoning Ordinance).

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

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

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

Currently both the Village of Osceola and the Town of Osceola are developing comprehensive plans. In order to improve intergovernmental cooperation and better regional land management, this project is being coordinated with the development of these plans to reduce potential incompatible land uses within the vicinity of the airport.

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

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

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

By law, the airport is required to maintain an Airport Layout Plan (ALP). An ALP is a 20-year planning document that guides the growth and development of an airport and is used by decision makers when evaluating projects close to the airport so they can ensure compatible land uses for the ultimate airport development. Potential projects included within the L.O. Simenstad ALP include:

- Primary Runway – extend from 5005' to 5405'
- Turf Runway – extend from 2194' to 2800'
- Expand associated aprons and taxiways

## **When will these projects take place?**

Neither runway extensions are listed within the BOA's five-year Airport Improvement Program (AIP) for construction by 2012. Inclusion in the BOA's five year AIP is required to receive state or federal funding for airport improvement projects. However, inclusion in the AIP does not guarantee the L.O. Simenstad Airport will receive funding for the project or that local matching dollars will be available. The AIP lists, at best, an estimate as to when these projects could take place. Additional environmental studies and approvals would have to occur before construction could take place.

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### **Will this ordinance replace the existing zoning classification of property?**

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

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

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

### **What type of new zoning districts will be created?**

There is no prescribed mandate regarding the number or name of zoning districts. The following five districts represent the professional standard used by communities. These may be modified to fit the individual needs of the L.O. Simenstad Airport.

- Zone 1: Airport District (generally includes all land owned by the airport)
- Zone 2: High Impact Runway Approach & Departure District (generally includes land adjacent to and extending from airport runways)
- Zone 3: Moderate Impact Approach & Departure District (extends from Zone 2 off of each runway end)
- Zone 4: Noise Control/Overflight District (generally includes lands within 1 mile of the airport)
- Zone 5: Height Limitation District (the remaining land within the 3-miles of the airport)

### **How are the district boundaries created?**

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

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

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

**Myth:** Without the Overlay Zoning Ordinance, landowners and developers would be free to develop as they see fit.

**Fact:** Other land use regulations such as height limitations, Town or County zoning, extraterritorial plat review, shoreland zoning, annexation powers, floodplain & wetland regulations, etc. existed prior to the initiation of this project and will continue with or without an airport overlay-zoning ordinance.

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## **Can the zoning ordinance ever be changed?**

The overlay-zoning ordinance provides procedures for appealing zoning decisions and granting variances. Petitions for direct changes to the ordinance will have to be reviewed by the Village of Osceola Airport Commission and approved by the Village Board.

## **Who adopts the final ordinance?**

The Village of Osceola Airport Commission will develop the draft overlay zoning ordinance and map. The final ordinance will be adopted by the Village Board.

## **Who will administer the final ordinance?**

The Village of Osceola will maintain and administer the airport overlay zoning ordinance. Building permits will continue to be issued by the municipality within which the property is located. An additional zoning/compliance permit maybe issued by the Airport Commission as part of the review process, prior to the issuance of a local building permit.

## **What is the timeline for completion of this project?**

It is anticipated that this project could be completed by June 30, 2009.

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

The Village Hall has compiled a list of plan commissioners and elected officials from all of the communities that have land located within the planning area. Members of the mailing list will be given direct notice of any Airport Commission meetings involving the development of the airport overlay-zoning ordinance. In addition, the clerks from each affected community have been asked to post meeting agendas at their administrative buildings. All meetings will be posted following Village procedures. Prior to the adoption of the ordinance, the Airport Commission will hold a public hearing regarding the ordinance. All Airport Commission meetings are open to the public.

## **How can I learn more about the project?**

Contact: Neil Soltis, Village Administrator  
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