



1995 ASSEMBLY BILL 519

August 21, 1995 - Introduced by Representatives PORTER, SERATTI, HAHN and F. LASEE. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 114.136 (1) (a) and 114.136 (2) (b); and **to create** 114.136 (1m)
2 of the statutes; **relating to:** the extraterritorial zoning authority of local units
3 of government for areas near airports.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town or county (political subdivision) that is the owner of an approved airport site may enact zoning ordinances to protect the aerial approaches to such an airport site that is within the political subdivision. The ordinances may regulate the location, height and size of buildings, structures and objects of natural growth both within and outside the borders of the political subdivision for a distance of up to 3 miles from the airport site. The ordinances may be adopted, enforced and administered without the consent of the governing body of any other political subdivision.

This bill changes current law by requiring a political subdivision that adopts an airport site zoning ordinance that applies outside of the boundaries of the political subdivision to obtain approval from the governing body of the political subdivision into which the extraterritorial zoning ordinance extends before the ordinance may take effect.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 114.136 (1) (a) of the statutes is amended to read:

SECTION 1

1 114.136 (1) (a) Any ~~county, city, village or, town or county~~ that is the owner of
2 a site for an airport ~~which~~ that has been approved for such purpose by the
3 appropriate agencies of the state and the federal government may protect the aerial
4 approaches to ~~such~~ the site by ordinance regulating, restricting and determining the
5 use, location, height, number of stories and size of buildings and structures and
6 objects of natural growth in the vicinity of ~~such~~ the site, subject to sub. (1m), and may
7 divide the territory to be protected into several areas and impose different
8 regulations and restrictions with respect to each area. ~~The provisions of such~~ Subject
9 to sub. (1m), the ordinance shall be effective whether the site and the lands affected
10 by ~~such~~ the ordinance are located within or without the limits of ~~such county, the city,~~
11 ~~village or, town or county,~~ and whether or not ~~such~~ the buildings, structures and
12 objects of natural growth are in existence on the effective date of the ordinance. ~~Such~~
13 The regulations, restrictions and determinations are declared to be for the purpose
14 of promoting the public safety, welfare and convenience, and may be adopted,
15 enforced and administered without the any further consent of any other governing
16 body following the adoption of the resolution described in sub. (1m). Any ordinance
17 adopted under this ~~section~~ subsection may be amended from time to time in the same
18 manner as is provided for the adoption of the original ordinance in sub. (2). The
19 authority granted in this section shall be independent and exclusive of any other
20 authority granted in the statutes.

21 **SECTION 2.** 114.136 (1m) of the statutes is created to read:

22 114.136 (1m) EXTRATERRITORIAL APPLICABILITY. If a city, village, town or county
23 that is the sole owner of an airport site adopts an ordinance under sub. (1) (a) to
24 protect the aerial approaches to the site and if the applicability of the ordinance
25 extends into another city, village, town or county, the ordinance may not take effect

1 until the governing body of the city, village, town or county into which the
2 applicability of the ordinance extends adopts a resolution stating its consent to be
3 subject to such an ordinance, and, after a city, village, town or county adopts such a
4 resolution, the amendment or repeal of the resolution may not take effect until the
5 city, village, town or county that owns the airport site approves the amendment or
6 repeal of the resolution.

7 **SECTION 3.** 114.136 (2) (b) of the statutes is amended to read:

8 114.136 (2) (b) ~~The~~ Subject to sub. (1m), the regulations, restrictions and
9 determinations shall include, among other things, provisions for the limitation of the
10 height of buildings, structures and objects of natural growth located not more than
11 3 miles from the boundaries of the airport site. ~~Such~~ The regulations, restrictions
12 and determinations shall specify the maximum permissible height of buildings,
13 structures and objects of natural growth and may specify ~~such~~ the maximum
14 permissible height as a ratio between the permissible maximum height of the
15 building, structure or object of natural growth above the level of the airport site and
16 its distance from the nearest point on the boundary of the airport site. For the
17 purposes of this section, buildings, structures and objects of natural growth shall not
18 be restricted to a height above the level of the airport site which is less than
19 one-thirtieth of its distance from the boundary of the airport site in the case of class
20 I and II airports as classified by the civil aeronautics administration of the ~~United~~
21 States U.S. department of commerce and one-fiftieth of its distance from the
22 boundary of the airport in the case of class III and larger airports as classified by ~~said~~
23 the administration. Provided, however, that a building, structure, or object of
24 natural growth within 3 miles of the airport site may be restricted to a height of 150

1 feet above the airport level, which is defined as the lowest point planned on any
2 runway.

3 (END)