

## Land Use Controls and Tools



## Plat and Subdivision Review and Land Use Zoning

- I Municipal planning authorities have a responsibility to review plat and subdivision plans to insure the proper compatible land use around airports.
- I History has shown that most airports will eventually find development encroaching on its boundaries. Wisconsin Statute 114.136 allows public airport owners to establish land use controls within 3 miles of the airport, superseding other zoning limits that might apply. Several publicly owned airports have used this land use control effectively to protect their community and their airport.

*WisDOT Point of Contact  
Megan Stritchko, 608-267-2142*



## Airport Layout Plans

- I An Airport Layout Plan is a 20-year plan for the airport and is initiated and updated by the airport owner. It should show any long-term plans for the airport.
- I It should be considered in any land use decision making.
- I It should be approved by the FAA so they can consider those plans when Notices of Proposed Construction are submitted to them for approval.

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March 2011

# Protecting Your Airport



## Your Role and Your Tools

*You play a vital role in protecting your community airport from encroachment. Here are land use and regulatory tools you can use to protect the land and airspace around your airport.*

## Height Limitation Zoning

*Wisconsin Statute 114.136 gives public airport owners the authority to enforce height limitations on structures within 3 miles of their airport. This zoning protects their airport's airspace and is also a condition of accepting airport improvement grants.*

### Height Limitation Zoning:

- I Enacted and enforced by the public airport owner and extends beyond municipal boundaries (extraterritorial).
- I Places height limitations on structures of all types to assure safe operations to and from the airport.
- I Helps protect your community, and preserves the value of the taxpayer investment made at your airport.

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## Reporting Construction or Alteration to the FAA

*Proponents must notify the Federal Aviation Administration (FAA) of proposed construction or alteration to existing structures in or around a public use airport, in accordance with criteria explained in Code of Federal Regulations (CFR) Title 14, Part 77.9.*

The FAA's Notice Criteria Tool is available online at:

**<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>**

If the Notice Criteria Tool says FAA notification is required, proponents can do that electronically using the FAA's Obstruction Evaluation./Airport Airspace Analysis (OE/AAA) website:

**<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>**

If you have questions or need guidance contact Gary Dikkers.

***WisDOT Point of Contact  
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## Tall Structures

*Wisconsin Statute 114.135 requires that you apply for and receive a permit from the Wisconsin Department of Transportation if:*

- I The top of the structure will be more than 500 feet above the lowest terrain elevation within one statute mile of the structure's base.
- I The structure will be 150 feet or higher and make a slope ratio steeper than 40:1 measured from the nearest boundary of the nearest public use airport.

***Note: This statute does not apply in areas covered by a Height Limitation Zoning Ordinances, unless there is a conflict.***

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## Airport Approach Protection

*State law also supplements existing zoning procedures and land use criteria to protect the approaches to your airport.*

### Did you know:

- I Municipal maps must include publicly owned airports if the municipality is within the airport affected area (3 miles around the airport boundary.)
- I Local zoning authorities are required to notify the publicly owned airport of proposed zoning changes within the airport affected area.
- I Publicly owned airports may protest proposed zoning changes within affected areas verbally or in writing to the zoning authority

Thereafter, the proposed change requires approval by two-thirds of the members of the county or town board, village or city council. This assures full public review and that the change will occur only when there is extraordinary local support for the proposed land use.

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