

Chapter 5 – Measurements and Exceptions

Chapter 5– Setback, Height and Area Measurements and Exceptions

5.0 INTENSITY AND DIMENSIONAL STANDARDS

All development shall be subject to the intensity and dimensional standards set forth in this Chapter. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Code.

(Note: Section 1.7.1 Dodge County Land Use Code - When the provisions of this Code are inconsistent with one another or when the provisions of this Code conflict with provisions found in other adopted ordinances or regulations, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.)

5.1 DWELLINGS AND OTHER PRINCIPAL STRUCTURES

5.2 ACCESSORY STRUCTURES

5.3 LOT AREA STANDARDS

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5.1. DWELLINGS AND OTHER PRINCIPAL STRUCTURES

5.1.1 Street/highway/road/front yard setback for dwellings and other principal structures

Highway, street, road and front yard setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater.

Minimum setback distances for dwellings and other principal structures are provided in Table 5.1-1.

Table 5.1-1: Minimum Setback Distances

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated) (See appendix 1)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

Exceptions:

Essential Service Facilities and Private On-Site Waste Treatment Systems

Surface, overhead, and underground essential service facilities and private on-site waste treatment systems (POWTS), but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

Underground structures not capable of being used as foundations for prohibited above-ground structures may be located within setback lines, provided a setback agreement document requiring such structures to be removed at the owner's expense when required by road improvements is recorded with the Register of Deeds Office.

C-1 General Commercial Zoning District: Within the C-1 General Commercial Zoning District, in existing platted areas that are or previously have been in commercial use, interior lots served by public sanitary sewer shall have no minimum front or street yard. Corner lots shall have no minimum front or street yard on the yard facing the principal street and shall have a minimum 10 foot front or street yard on the yard facing the non-principal street (as the principal street is determined by the Land Use Administrator).

Access or service highways constructed according to plans as approved by the County Highway Committee may be located within highway setback lines. In giving such approval, the County Highway Committee shall consider highway safety and maximum sight distances.

Small Wireless Facilities may be located within the road right-of-way or within the required setback on the condition that the owner of such facilities shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway and on condition the owner of these facilities obtains all applicable road, street or highway permits that are necessary to authorize work within the road, street and highway right-of-way.

5.1.2 Side-yard setback for dwellings and other principal structures

The minimum setback for a dwelling or other principal structure to a side lot line shall be 8 feet.

Exceptions:

Uncovered stairs, ramps, landings, elevators, and fire escapes may project into any yard, but not to exceed 6 foot by 6 foot and shall not be closer than 3 feet to any lot line.

Architectural projections, such as chimney flues, sills, eaves, bay windows, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed 2 feet.

Structures to be used for the housing of animals shall be located a distance equal to not less than $\frac{1}{2}$ the structure height from the side lot lines.

C-1 General Commercial Zoning District: Within the C-1 General Commercial Zoning District, in areas served by public sewer, there shall be no minimum side-yard setback, except where the lot is a corner lot, in which case a minimum side-yard of 8 feet shall be required on that side yard not connected with the principal street yard.

Manure storage structures - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

5.1.3 Rear-yard setback for dwellings and other principal structures

The minimum rear-yard setback for a dwelling or other principal structure shall be 25 feet.

Exceptions:

Uncovered stairs, ramps, landings, elevators, and fire escapes may project into any yard, but not to exceed 6 foot by 6 foot and shall not be closer than 3 feet to any lot line.

C-1 General Commercial Zoning District: Within the C-1 General Commercial Zoning District the minimum rear-yard setback is 10 feet.

Structures to be used for the housing of animals shall be located a distance equal to not less than $\frac{1}{2}$ the structure height from the rear lot lines.

Manure storage structures - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

5.1.4 Railroad Setback for dwellings and other principal structures

Residential and Agricultural Zoning Districts - The minimum setback to a rail road right-of-way line within the Residential and Agricultural Zoning Districts for a dwelling or other principal structure shall be 25 feet.

Commercial Zoning Districts - The minimum setback to a rail road right-of-way line within the Commercial Zoning Districts for a dwelling or other principal structure shall be 10 feet.

Industrial Zoning Districts - The minimum setback to a rail road right-of-way line within the Industrial Zoning Districts for a dwelling or other principal structure shall be 0 feet.

Intersections - At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

5.1.5 Water Setback for dwellings and other principal structures

Unless exempt under Section 6.1(1) of the Dodge County Shoreland Protection Ordinance or reduced under Section 6.1 of the Dodge County Shoreland Protection Ordinance, all structures shall be located a minimum of 75 feet from the Ordinary Highwater Mark of any navigable waters to the nearest part of a building or structure.

5.1.6 Height Requirements for dwellings and other principal structures

R-1, R-2, A-1 and A-2 Zoning Districts - The maximum height of a dwelling or other principal structure located within the R-1, R-2, A-1 and A-2 Zoning Districts shall be 40 feet.

R-3, C-1, C-2, I-1 and I-2 Zoning Districts - The maximum height of a dwelling or other principal structure located within the R-3, C-1, C-2, I-1 and I-2 Zoning Districts shall be 65 feet.

Airport Zoning Ordinance - Principal structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, shall not exceed the maximum airport height regulations.

5.1.7 Lot Coverage for dwellings and other structures

Lot Coverage is that portion of a lot occupied by principal and accessory buildings and decks, but excluding at grade patios, walks and driveways. All structures, in aggregate, shall not exceed the following maximum lot coverage **and accessory building size restrictions**:

R-1 or R-2 Residential Zoning Districts

If the lot is less than one acre in area, no single accessory building shall exceed 1500 square feet in area and the lot coverage shall not exceed 35%.

If the lot is 1-acre or more in area, a single accessory building may exceed 1500 square feet in area and the maximum lot coverage shall not exceed 35%.

R-3 Multi-Family Zoning District - The maximum lot coverage within the R-3 Multi-Family Zoning District shall be 35%

C-1 General Commercial Zoning District - The maximum lot coverage within the C-1 General Commercial Zoning District shall be 100%

C-2 Extensive Commercial Zoning District - The maximum lot coverage within the C-2 Extensive Commercial Zoning District shall be 50%

I-1 and I-2 Industrial Zoning Districts - The maximum lot coverage within the I-1 and I-2 Industrial Zoning Districts shall be 70%

A-1 and A-2 Agricultural Zoning Districts - The maximum lot coverage within the A-1 and A-2 Agricultural Zoning Districts shall be 10%

Exceptions:

Agricultural buildings located within the A-1 and A-2 Zoning Districts associated with an operating farm shall be exempt from the lot coverage provisions.

Ground-mounted solar energy collectors located within the Commercial, Industrial and Agricultural Zoning Districts shall be exempt from the lot coverage provisions of the Code provided the solar facility is designed to comply with the Stormwater management and Erosion Control provisions of this Code.

For existing lot coverage surfaces that were lawfully placed when constructed but that do not comply with the lot coverage area standards in this section, the property owner may maintain, modify, repair, replace or relocate existing lot coverage surface area with similar or different surface area provided that the project does not result in an increase in the percentage of lot coverage surface area that existed on the effective date of this Code. The lot coverage surface area exceptions in this section shall not be construed to supersede other provisions in this Code. All of the other applicable provisions of the Code still apply to new or existing development.

5.1.8 Dwelling Density for dwellings

All dwellings shall be located on a lot and only one dwelling shall be located, erected or moved onto a lot unless multiple dwellings are allowed on a lot in the underlying zoning district and all of the required permits and approvals have been obtained to allow multiple dwellings on said lot.

Exception:

A-1 and A-2 Zoning Districts - Two (2) single family dwellings or one (1) two family dwelling and necessary appurtenant structures shall be allowed to be located on one lot located within the A-1 and A-2 Agricultural Zoning Districts if that lot contains an operating farm.

5.1.9 Other Design Standards For The Residential Zoning Districts

In the residential zoning districts, the design standards in Section 6.2.9 of this Code shall apply to all single-family and two family dwellings and to all manufactured housing units.

5.2. ACCESSORY STRUCTURES

5.2.1 Accessory Uses and Detached Structures

Accessory uses and detached accessory structures are permitted in the rear and side yards only, except they may be located in the street yard on waterfront lots and they may be located in the street yard on lots which are not in platted residential subdivisions.

5.2.2 Time of Establishment for accessory structures

In accord with Section 6.3.2 of this Code, no accessory structure shall be established and no accessory structure shall be allowed on a subject parcel until all required permits and approvals for the principal use or activity have been obtained and the principal structure is under construction or has been established.

5.2.3 Street/highway/road/front yard setback for accessory structures

Highway, street, road and front yard setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater.

Minimum setback distances for accessory structures are provided in Table 5.1-1.

Table 5.1-1: Minimum Setback Distances

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated) (See appendix 1)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

Alley Line:

Accessory structures shall not be closer than 5 feet to any alley line.

Exceptions:

Essential Service Facilities and Private On-Site Waste Treatment Systems

Surface, overhead, and underground essential service facilities and private on-site waste treatment systems (POWTS), but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

Underground structures not capable of being used as foundations for prohibited above-ground structures may be located within setback lines, provided a setback agreement document requiring such structures to be removed at the owner's expense when required by road improvements is recorded with the Register of Deeds Office.

Any fence or gate or fence or gate supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Table 5.1-1.

Residential fences are permitted on property lines, but shall not in any case exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

Security fences are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

C-1 General Commercial Zoning District: Within the C-1 General Commercial Zoning District, in existing platted areas that are or previously have been in commercial use, interior lots served by public sanitary sewer shall have no minimum front or street yard. Corner lots shall have no minimum front or street yard on the yard facing the principal street and shall have a minimum 10 foot front or street yard on the yard facing the non-principal street (as the principal street is determined by the Land Use Administrator).

5.2.4 Side-yard setback for accessory structures

The minimum setback for an accessory structure to the side property line shall be 3 feet.

There are no minimum setback requirements between a dwelling and an accessory structure or between two accessory structures.

Please Note: The Wisconsin uniform dwelling code contains fire separation and dwelling unit construction requirements based on the distance between a dwelling and an accessory building. See Table 321.08 Wisconsin Administrative Code. The owner is responsible for complying with State and Federal laws concerning the construction of all structures. Failure to comply may result in removal or modification of the construction that violates the law or other penalties or costs. For more information, please contact your Town building inspector.

The minimum setback between an accessory structure and any alley line shall be 5 feet.

Exceptions:

Architectural projections, such as chimney flues, sills, eaves, bay windows, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed 2 feet.

Residential fences are permitted on property lines, but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

Security fences are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

Any fence or gate or fence or gate supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Table 5.1-1.

Accessory structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the side lot lines.

Accessory structures that are located within the Agricultural Zoning Districts and that are more than 20 feet in height but less than 40 feet shall be located a minimum of 8 feet from the side lot lines.

Agricultural Structures that are located within the Agricultural Zoning Districts and that are 40 feet in height or greater, shall be required to be located a distance equal to not less than ½ the structure height from the nearest lot line.

Landscaping: Trees, shrubs, flowers, hedges, and other landscape features, and field crops may be located within any required setback, subject to any vision triangle clearance and applicable highway clear sight regulations.

C-1 General Commercial District: Within the C-1 General Commercial District, in areas served by public sanitary sewer, there shall be no minimum side yard, except where the lot is a corner lot, in which case a minimum side yard of 8 feet shall be required on that side yard not connected with the principal street yard.

Manure storage structures - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

5.2.4 Rear-yard Setback for accessory structures

The minimum setback for an accessory structure to the rear lot line shall be 3 feet.

Exceptions:

Accessory structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the rear lot line.

Accessory structures that are located within the A-1 Prime Agriculture and A-2 General Agriculture Zoning District and that exceed 20 feet in height shall be located a minimum 25 feet from the rear lot line.

Residential fences are permitted on property lines, but shall not in any case exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

Security fences are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

Manure storage structures - Manure storage structures shall meet the minimum requirements of DATCP 51.12 Wis. Adm. Code.

5.2.5 Rail Road Setback for accessory structures

Residential and Agricultural Zoning Districts - The minimum setback to a rail road right-of-way line within the Residential and Agricultural Zoning Districts for an accessory structure shall be 25 feet.

Commercial Zoning Districts - The minimum setback to a rail road right-of-way line within the Commercial Zoning Districts for an accessory structure shall be 10 feet.

Industrial Zoning Districts - The minimum setback to a rail road right-of-way line within the Industrial Zoning Districts for an accessory structure shall be 0 feet.

Intersections - At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

5.2.6 **Water setback for accessory structures**

Unless exempt under Section 6.1(1) of the Dodge County Shoreland Protection Ordinance or reduced under Section 6.1 of the Dodge County Shoreland Protection Ordinance, all accessory structures shall be located a minimum of 75 feet from the Ordinary Highwater Mark of any navigable waters to the nearest part of a building or structure.

5.2.7 **Height Requirements for Accessory Structures**

Residential Zoning Districts - The maximum height of an accessory structure within the Residential Zoning Districts shall be 20 feet.

Commercial and Industrial Zoning Districts - The maximum height of an accessory structure within the Commercial and Industrial Zoning Districts shall be 65 feet.

Agricultural Zoning Districts - The maximum height of an accessory structure within the Agricultural Zoning Districts shall be 40 feet.

Accessory structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, shall not exceed the maximum airport height regulations.

Exceptions:

Architectural projections - Zoning District Height limits do not apply to architectural projections, such as belfries, cupolas, spires, domes, monuments, chimneys, or chimney flues.

Special structures - Zoning District Height limits special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, smoke stacks, and flag poles.

Essential services - Zoning District Height limits essential services, including utilities, water towers, electric power and communication transmission lines.

Residential fences are permitted on property lines, but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way.

Security fences are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

Towers, Mobile Service Support Structures, Communication Support Structures and Aerial Projections Towers, mobile service support structures, communication structures and any aerial projections attached to a tower, mobile service support structure or a communication support structure, including but not limited to personal communication service towers, radio and television transmission and relay towers, microwave towers, common-carrier towers, mobile service support structures, cellular telephone towers, alternative tower structures, aerials, and observation towers, are exempt from the zoning district height requirements; however, said structures and any projecting aerial attached to said structures shall not exceed 500 feet in height. These structures shall be located a minimum distance equal to 1/3 the structure height, including the height of any projecting aerial attached to said structures from the side and rear lot line and shall be located in accordance with the minimum setback distances required in Table 5.1-1 for roads. These structures shall be located a minimum distance equal to the height of the structure including the height of any aerial projections attached to the structure from any residential structure. In addition, said structures and any aerial projections attached to said structures

that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance shall not exceed the maximum airport height regulations.

Guy wires and accessory facilities must satisfy all applicable setback requirements for an accessory structure.

Engineered fall zone areas - If an applicant provides the Department with an engineering certification showing that a tower, mobile service support structure, communication support structure, radio and television transmission and relay tower, microwave tower or any other common-carrier tower is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

Agricultural Structures

Silos, grain bins, grain dryers and grain elevators are exempt from the zoning district height requirements within the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts, however, if these agricultural structures exceed 40 feet in height, they shall be required to be located a distance equal to not less than $\frac{1}{2}$ the structure height from the nearest lot line. In addition, if said structures are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, the structures shall not exceed the maximum airport height regulations.

Public or Semi-Public Facilities

Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, governmental offices and stations, may be erected to a height of 65 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height distance.

Wind Energy Systems

Wind Energy systems are exempt from the zoning district height requirements of this Code; However: Wind Energy systems shall comply with the applicable height restrictions in PSC 128.13 Wisconsin Administrative Code and small wind energy systems shall comply with the applicable height restrictions in PSC 128.61 Wisconsin Administrative Code.

Personal wind energy systems shall be restricted to a maximum height of 75 feet.

5.2.8 Lot Coverage

Lot Coverage is that portion of a lot occupied by principal and accessory buildings and decks, but excluding at grade patios, walks and driveways. All structures, in aggregate, shall not exceed the maximum lot coverages listed in Section 5.1.7.

5.2.9 Additional Accessory Use and Structure Standards

The accessory use standards listed in Section 6.3 of this Code shall apply to all accessory use and structures unless otherwise expressly stated.

5.3 LOT AREA STANDARDS

Lots Served by Public Sewer - The minimum lot area for lots served by public sewer shall be 10,000 square feet excluding public right-of-ways and land lying within the bed of lakes, ponds, or streams of navigable waters.

Lots Not Served by Public Sewer - The minimum lot area for lots not served by public sewer shall be 40,000 square feet excluding public right-of-ways land lying within the bed of lakes, ponds, or streams of navigable waters.

Exceptions:

For lots not served by public sewer, soil and site evaluations may require larger lot areas. A lot shall contain sufficient area for a building site and sanitary system without encroaching on environmentally sensitive areas and access to the building site shall not cross an environmentally sensitive area.

Minimum Lot Area For Multi-Family Dwellings - The minimum lot area for multi-family dwellings shall be based on the number of dwelling units located on or to be located on the lot. The minimum lot area requirement as stated above shall be increased as shown in Table 5.3-1 below for lots which contain or will contain a multi-family dwelling.

**Table 5.3-1: Increases in Minimum Lot Area
for Multi-Family Dwellings**

Number of Bedrooms in Each Unit	Minimum Lot Area Per Dwelling Unit (square feet)	
	Public Sewer	On-Site Sewer
3 or more bedrooms	4,000	12,000
2 bedrooms	3,500	10,000
1 bedroom	3,000	8,000

Usable Open Space Requirement – Lots which contain or will contain multi-family dwellings shall provide not less than 500 square feet of usable open space per dwelling unit, plus 100 square feet of additional usable open space for each bedroom over 2 in a dwelling unit.

5.3.1 Maximum Lot Area - There are no maximum lot area requirements.

5.4 LOT WIDTH STANDARDS

Lots Served by Public Sewer - The minimum lot width for lots served by public sewer shall be 80 feet at the building setback line and 80 feet at the Ordinary Highwater Mark of a navigable water way/body.

Lots Not Served by Public Sewer - The minimum lot width for lots not served by public sewer shall be 125 feet at the building setback line and 125 feet at the Ordinary Highwater Mark of a navigable water way/body.

Exceptions:

For lots not served by public sewer, soil and site evaluations may require larger lot areas. A lot shall contain sufficient area for a building site and sanitary system without encroaching on environmentally sensitive areas and access to the building site shall not cross an environmentally sensitive area.

5.5 DENSITY STANDARDS

5.5.1 Residential Zoning Districts - Density standards within the residential zoning districts shall be as shown in Table 5.5-1.

Table 5.5-1: Density Standards in Residential Zoning Districts

District	Sewer Status	Density Standard
R-1	Sewered	4 housing units per 40,000 square feet, or 10,000 square feet per housing unit
	Unsewered	1 housing unit per 40,000 square feet, or 40,000 square feet per housing unit
R-2	Sewered	8 housing units per 40,000 square feet, or 5,000 square feet per housing unit
	Unsewered	2 housing units per 40,000 square feet, or 20,000 square feet per housing unit
R-3	Sewered	8 housing units per 40,000 square feet, or 5,000 square feet per housing unit

5.5.2 A-2 General Agricultural Zoning District - Density standards within the A-2 General Agricultural Zoning District shall be as shown in Table 5.5-2.

Table 5.5-2: Density Standards in A-2 General Agricultural Zoning District

Parent Parcel Total Area (Acres)	Number of New Lots Allowed
Less than 2 acres	0
2 acres up to 40 acres	1
40 acres up to 80 acres	2
80 acres up to 120 acres	3
Over 120 acres	4 (Maximum)

5.5.3 A-1 Prime Agricultural Zoning District - Density standards within the A-1 Prime Agricultural Zoning District shall be as follows:

The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is located shall not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence within the A-1 Prime Agricultural Zoning District. In addition, there shall not be more than 4 dwelling units in nonfarm residences, nor, for a new residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

5.5.4 The number of lots allowed from the existing parent lot and from the base farm tract is based on the presumption that all other applicable standards will be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards. If a proposed lot contains land that is located in more than one zoning district, the most restrictive density standard shall apply. The right to divide land is not assignable or transferable to other property owners. The transfer of title to any property shall not change the rights or restrictions placed on a property under this Section.

- 5.5.5 Calculating Density** - For purposes of calculating density the following areas shall be excluded from the total area of the parent lot: areas lying within the bed of lakes, ponds, or streams; existing dedicated rights-of-way within a site; and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries.
- 5.5.6 Concept Plan Requirements** - A Development Concept Plan may be required by the County for all or part of the subject parent lot even though further division is not planned at the time. Such Plan shall include future road locations as well as the location, number and size of potential lots allowed in the future under the Land Use Code. A Development Concept Plan is recommended if further development is anticipated. The plan will be useful in determining if the current proposed lot layout would be compatible with future lots and if future road right-of-ways need to be reserved.
- 5.5.7 No Further Division Restrictions** - The Committee or the Land Use Administrator shall require that a restriction be placed on the certified survey map for new lots, or an affidavit be recorded with the Dodge County Register of Deeds Office for the new lots on which surveying has been waived by the Committee or the Land Use Administrator, which would specify that no further divisions of the parent lot or the new lots that are created from the parent lot can take place for a period of 15 years after the maximum allowed density on the parent lot is reached. The Committee or the Land Use Administrator may modify or remove the restriction from the certified survey map or the recorded affidavit after five (5) years if approved by the applicable town and if the purpose and intent of the Code would be better served. The town may recommend denial of any request to modify or remove the restriction if the proposal is not consistent with their Comprehensive Plan. The Committee may remove a “no further land division restriction” from a property at any time if the land is rezoned out of an agricultural zoning district.

5.6. HOW TO MEASURE SETBACKS, HEIGHT, AREA

5.6.1 Measurement

Setbacks shall be measured as the minimum horizontal distance between the corresponding lot or property line, the road, street or highway centerline or the road right-of-way line and a line parallel thereto through the nearest point of a building or structure. Where no minimum front, street, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.

For the purposes of this section, the centerline of a road, street or highway shall be the center of the existing surface or pavement, or if there is no pavement, the midpoint between the existing fences or other road, street or highway right-of-way markers indicating the boundaries of the opposite sides of the above.

5.6.2 Front or Street Yard Setback

A yard extending across the full width of a lot, the depth of which shall be measured as the minimum horizontal distance between the existing or proposed street, road or highway centerline and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. The street yard on a double frontage lot shall be the yard on which the principal structure faces and/or is addressed.

At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the centerline of the curved section.

At intersections provided with transitional widening of right-of-way, such transitional widening shall be considered as additional width, and the setback line on the side that is widened shall be increased by an amount equal to the width of the additional right-of-way, or not less than 10 feet, whichever is greater.

5.6.3 Rear Yard Setback

A yard extending across the full width of the lot, the depth of which shall be measured as the minimum horizontal distance between the rear property or lot line and a line parallel thereto through the nearest point of the principal structure. A corner lot will have two side yard setbacks and no rear yard setback. The rear yard on a double frontage lot shall be the yard that is opposite the street yard on which the principal structure faces and/or is addressed.

5.6.4 Side Yard Setback

A yard extending from the street yard to the rear yard of the lot, the width of which shall be measured as the minimum horizontal distance between the nearest point of the principal structure and the corresponding side lot or property line. A corner lot will have two side yard setbacks and no rear yard setback.

5.6.5 Water/River/Stream Setbacks

The setback from any body of water shall be measured as the minimum horizontal distance between the nearest point of the structure in question and the ordinary highwater mark of the water body.

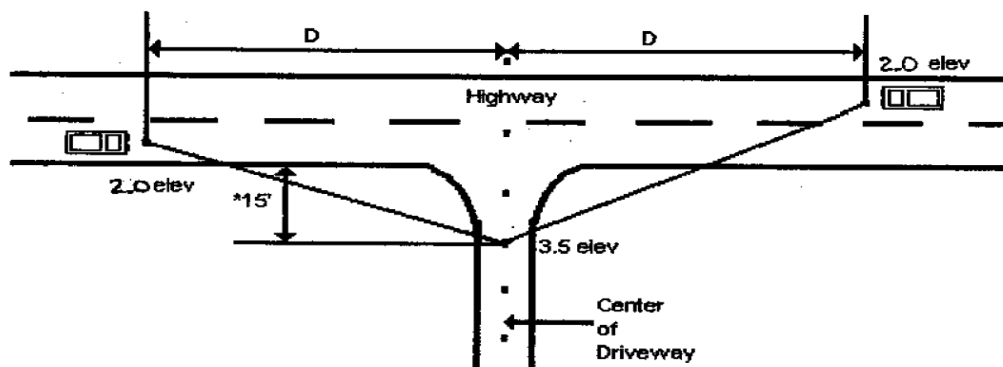
5.6.6 Railroad Grade Setbacks

At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

5.6.7 Vision Triangles

Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections in accord with Chapter 7.08 of the Dodge County Code of Ordinances as shown in the following vision corner diagram. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Table 5.1-1

Chapter 7.08 Dodge County Code of Ordinances (1-23-2019)



DRAWINGS NOT TO SCALE

Vision Corner Diagram

Distance D (ft)	Posted Speed Limit (MPH)
155	25
250	35
360	45
495	55

FIGURE 2

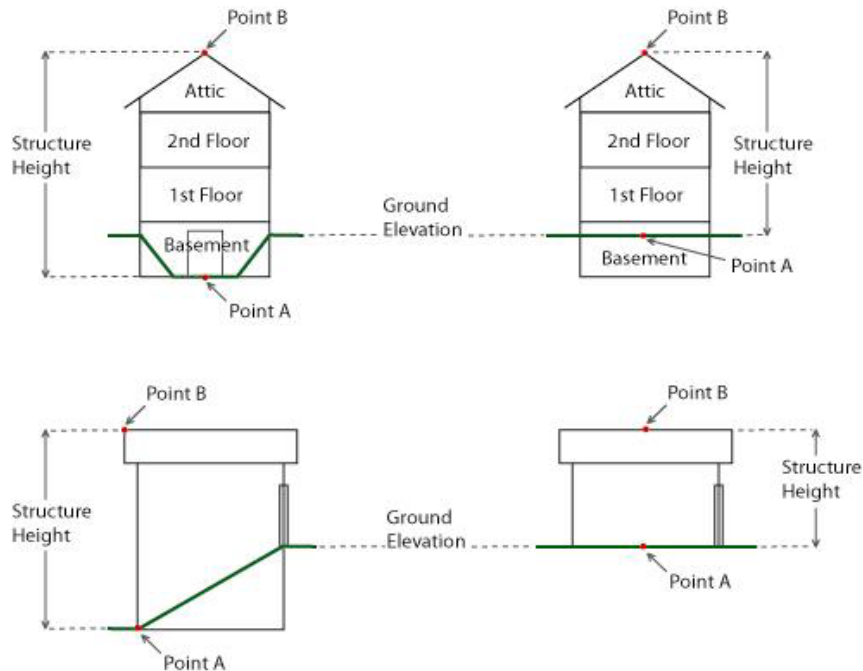
- 5.6.7.a** Distances may be adjusted to fit site conditions to provide the operator of a vehicle on the Major Highway an extra field of view and time to alter the vehicle's speed as necessary in the event a vehicle approaching the intersection on the minor road fails to stop.
- 5.6.7.b** These requirements may not satisfy sight distance requirements at the intersection due to vertical or horizontal curves.
- 5.6.7.c** The vision triangle shall be free of all obstructions including any cut slopes unless approved by the Dodge County Highway Department. If such approval is granted by the Highway Department, a Variance Agreement shall be required and/or a statement regarding any restrictions on the proposed obstruction shall be provided on the plat or certified survey.
- 5.6.7.d** The minimum setback distance from a vision triangle boundary shall be 10 feet. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Table 5.1-1.

5.6.8 Landscaping

Trees, shrubs, flowers, hedges, and other landscape features, and field crops may be located within any required setback, subject to any vision triangle clearance clear sight regulations.

5.6.9 Height Measurement

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



5.6.10 Lot Area

The area contained within the exterior boundaries of a lot excluding the areas lying under public streets and rights-of-way and land under navigable bodies of water.

5.6.11 Lot or Property Line, Front (or Street)

The lot line describing the edge of the lot abutting the street, road or highway right-of-way. A corner lot shall have two front (or street) property lines.

5.6.12 Lot or Property Line, Rear

A lot line, not a front or street lot line, which is parallel or approximately parallel to the front/street lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth. A corner lot shall have two side lot or property lines and no rear lot or property line.

5.6.13 Lot or Property Line, Side

Any lot or property line other than a front (street) or rear lot line. A corner lot shall have two side property or lot lines and no rear property or lot line.

5.6.14 Lot Width

The horizontal distance between side lot lines. Lot width shall be measured at right angles to the lot depth at the road/front setback line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear setback line.

5.7 ACCOMODATIONS FOR THE DISABLED

The Committee or the Land Use Administrator may issue a Land Use Permit that waives specified Land Use Code requirements, if the Committee or Land Use Administrator determines that both of the following conditions have been met:

- 5.7.1** The requested accommodation (i.e. the requested waiver of land use code provisions), or other less-extensive accommodation is necessary to afford persons with disabilities equal access to public accommodations and the minimum accommodations that will give the persons with disabilities adequate relief.
- 5.7.2** The accommodation will not unreasonably undermine the basic purposes the Land Use Code seeks to achieve.
- 5.7.3 Waiver Conditions** - In granting a waiver to specified land use code requirements under this provision, the Committee or the Land Use Administrator may require that the modifications granted to accommodate the disabilities shall be removed after no longer necessary.
- 5.7.4 Affidavit Requirements** - If a waiver is granted under this provision, the applicant shall be required to sign and record an affidavit with the Dodge County Register of Deeds office outlining the conditions and removal procedures associated with allowing accommodations for the disabled.