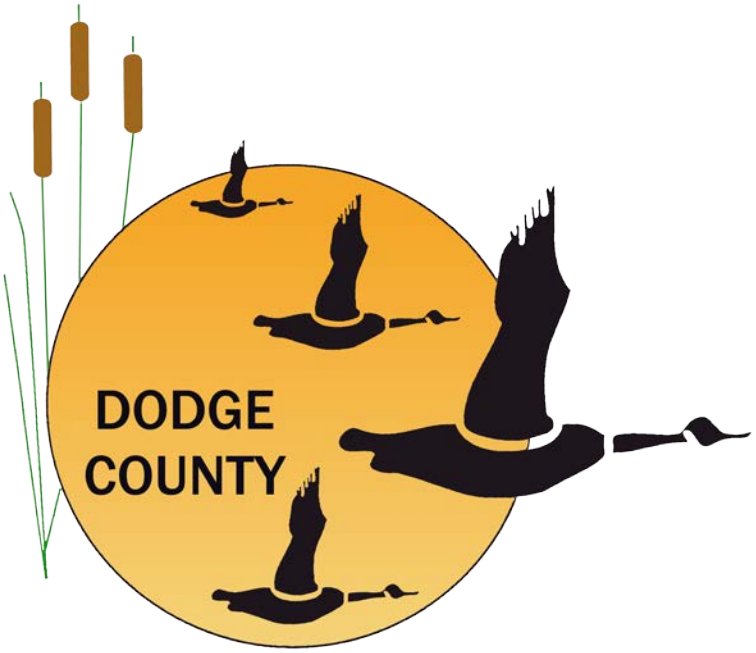
Dodge County Wisconsin



Land Use Code

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Chapter 1 - General Provisions

1.1 TITLE

The regulations of this Land Use Code shall be officially known and cited as the "Land Use Code of Dodge County, Wisconsin," although it may be referred to hereafter as the "this Code" or "the Code."

1.2 AUTHORITY

1.2.1 This Code is adopted pursuant to the enabling authority contained in Wisconsin Statutes (Wis. Stat.) generally, and specifically:

1.2.1.A 59.70(5) (Sanitary Ordinance);
1.2.1.B 59.69, 66.0404, 66.0406; (Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations; Land Spreading Ordinance);
1.2.1.C 59.69 (Zoning Ordinance);
1.2.1.D 59.69 (Highway Setback Ordinance);
1.2.1.E 59.692 (Shoreland Wetland Zoning Ordinance);
1.2.1.F 87.30 (Floodplain Ordinance);
1.2.1.G 236.45 (Subdivision Ordinance); and
1.2.1.H 114.136 (Airport Ordinance); and
1.2.1.I 295.13(1), 59.51, NR 135.32 (Non-Metallic Mining Reclamation Ordinance); and
1.2.1.J 703.115 (Condominiums); and
1.2.1.K 59.693 (Construction site erosion control and stormwater management).
1.2.1.L 59.69, 66.0401, 66.0403 (Wind Energy System Overlay District)

1.2.2 Whenever any provision of this Code refers to or cites a section of the Wisconsin Statutes or Administrative Code and that section is later amended or superseded, the Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 PURPOSE

The purpose of this Code is to promote and protect the public health, safety, peace, comfort, and general welfare while allowing for cost-saving efficiencies. The Code is a comprehensive, unified set of regulations that govern the subdivision of land, the development of land, and the use of land. This Code is adopted for the following particular purposes:

1.3.1 To implement the goals and policies of the Dodge County Comprehensive Plan, approved and adopted by the County Board of Supervisors; as well as other goals and policies adopted by the County Board of Supervisors related to growth and development.

1.3.2 To protect and improve the established community character of Dodge County and the social and economic stability of the existing land uses within the County.

1.3.3 To promote good planning practice and to provide a regulatory mechanism which includes appropriate performance standards for development within the County.

1.3.4 To prevent the adverse impacts of development on sensitive natural resources and the availability of water, water quality, roads and transportation, floodplains, wetlands, areas of shallow soils, and steep slopes in critical areas of the County.

1.3.5 To encourage a more efficient use of land and public services and to reflect changes in technology of land development.

1.3.6 To promote alternative land development practices which will otherwise promote the public health, safety, and general welfare.

1.3.7 To reduce sprawling development that results in the inefficient use of irreplaceable natural resources.

1.4 APPLICABILITY AND JURISDICTION

1.4.1 The provisions of this Land Use Code shall apply to all development and the use of all structures, lands, and waters within the boundaries of Dodge County that lie outside the limits of incorporated cities and villages. In addition, the zoning provisions of this code and the Official Zoning Map shall not include lands within Towns that have not adopted the Zoning Ordinance of Dodge County, Wisconsin.

1.4.2 The following sections of this Code shall only be in effect in those Towns which have adopted the referenced separate Ordinances in accordance with Wis. Stat. Chapter 59.69:

1.4.2.A Highway Setback Overlay District, Section 4.6

1.4.2.B Land Spreading of Petroleum Contaminated Soil Overlay District: Section 4.8

1.4.3 Use of all structures and land owned by the County or by County agencies, departments, districts, or utilities, shall comply with all requirements of this Code, except that the County or County agency, department, district, or utility may be exempt from the provisions of this code when an emergency exists such that it is impossible to submit to the normal procedures and requirements of this Code and quick and instant action is necessary to secure the public health, safety, or welfare. The County Board of Supervisors shall ratify such exemption after-the-fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

1.4.4 No structure, land or water, shall hereafter be used and no structure, or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered without a Land Use Permit and/or a Conditional Use Permit, if required, except as allowed in Section 1.4.4.A through 1.4.4.F, without full compliance with the provisions of this Code and all other applicable County and State Regulations.

1.4.4.A A Land Use Permit shall not be required for incidental repairs and normal maintenance of structures unless such repairs or maintenance are expressly prohibited by this Code. For purposes of this section, “incidental repairs” shall mean repairs that are subordinate and minor in significance. Incidental repairs and normal maintenance repairs are not considered a modification or addition to an existing structure. Incidental repairs and normal maintenance include painting, decorating, paneling, re-roofing, or re-shingling a roof, replacing siding, replacement of doors, windows and other non-structural components.

1.4.4.B A Land Use Permit shall not be required for the temporary signs specifically listed in Section 8.9.2 and 8.9.3.

1.4.4.C A license issued in accord with the provisions of Section 4.2 - Overlay District Provisions Regulating Adult Oriented Establishments shall be required to establish, operate or maintain an adult oriented use within those Towns that have adopted the County Land Use Code.

1.4.4.D A Land Use Permit shall not be required for the construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the project may include limited filling, flooding, draining, dredging, ditching, tiling or excavating provided all of the following apply:

1. The utility is installed totally within the road right-of-way;
2. The Department of Natural Resources has issued all required permits and approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283 Wis. Statutes;
3. The applicable Highway Department has issued all required permits and approvals authorizing the

construction or maintenance work within their respective road right-of-way;
4. The project is conducted in a manner that employs best management practices to infiltrate or otherwise control storm water runoff from the facility;
5. Any significant adverse impacts on the natural environment are mitigated to the maximum practical extent.

1.4.4.E A Land Use Permit and/or a Conditional Use Permit shall not be required for the installation, construction, placement, operation, replacement or maintenance of a small wireless facility unless the small wireless facility is to be located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance.

1.4.4.F A Land Use Permit shall not be required for the construction or maintenance of an open type farm fence that is constructed with posts and wire. All open type farm fencing shall be required to meet the location, height and setback requirements of Section 5.2.3 and 5.2.4 of the Code.

> ***PLEASE NOTE:*** *A land use permit may be required under the Dodge County Floodplain Zoning Ordinance for farm fences that are located within a Floodplain District and which have the potential to obstruct flood flows, such as chain link fences, wood, metal, plastic or composite, solid, lattice or picket type fencing and split rail fencing.*

1.5 OFFICIAL ZONING MAP

1.5.1 Official Zoning Map
The Official Zoning Map designates the location and boundaries of the various zoning districts within Dodge County and is incorporated herein by reference. The Official Zoning Map shall be kept on file in the Department and available for public inspection during normal business hours.

1.5.2 Incorporated by Reference
The Official Zoning Map and all the notations thereon are hereby incorporated by reference and made part of this Code. The signed copy of the Official Zoning Map containing the zoning districts designated at the time of the adoption of this Code shall be maintained without change on file in the office of the County Clerk.

1.5.3 Changes to Map
Changes made in district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Code. Changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Board of Supervisors with an entry on the Official Zoning Map. No amendment to this Code which involves matter portrayed on the Official Zoning Map shall become effective until after such change entries shall be made on the map.

1.5.4 Mapping Disputes

1.5.4.A The Land Use Administrator shall have the authority to interpret the map and determine where the boundaries of the different zoning districts fall, if in dispute.

1.6 INTERPRETATION AND CONFLICT

1.6.1 Meaning and Intent
All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the stated purposes set out in Section 1.3 of this Code.

1.6.2 Text Controls
In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, illustration, or figure, the text shall control.

1.6.3 Authority for Interpretation
The Land Use Administrator is responsible for interpreting the text of this Code in accordance with the standards set forth in this section and applicable Code standards, criteria, and requirements. Disagreements with interpretations of the Land Use Administrator may be appealed to the Board of Adjustment.

1.6.4 Statutory References
All references to state law in this Code refer to Wisconsin Statutes (1997-98), as amended.

1.6.5 References to Other Regulations, Publications, and Documents
Whenever reference is made to a resolution, ordinance, statute, rule, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, rule, regulation, or document, unless otherwise specifically stated.

1.6.6 Computation of Time
Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business days. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next workday.

1.6.7 Delegation of Authority
Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1.7 RELATIONSHIP TO OTHER REGULATIONS AND PRIVATE AGREEMENTS

1.7.1 Conflicts with Other Regulations
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.

1.7.2 Relationship with Private-Party Easements, Covenants, or Agreements
This Code is not intended to interfere with, abrogate, or annul any easements, covenants, or agreements between parties, provided that wherever this Code imposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open space than those that are imposed or required by such easements, covenants, or agreements between parties, the provisions of this Code shall govern. In no case shall the County be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.7.3 Repeal of Inconsistent or Conflicting Provisions
All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Code, to the extent of the inconsistency only, are hereby repealed or modified.

1.8 LIABILITY FOR DAMAGES

This Land Use Code shall not be construed to hold the County or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized in this Code.

1.9 SEVERABILITY

It is the legislative intent of the County Board of Supervisors in adopting this Land Use Code that all provisions shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the County. If any Section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The County Board of Supervisors hereby declares that it would have passed this Code and Section, subsection, sentence, clause and phrase, thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases be declared invalid.

1.10 EFFECTIVE DATE / TRANSITIONAL PROVISIONS

1.10.1 Effective Date

This Code shall be effective on --- March 21, 2000.

1.10.2 Final Approval

1.10.2.A Permits

Any building, structure, or development for which a permit was issued prior to the effective date of this Code may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Code. If construction is not commenced or completed according to the applicable permit terms, the Land Use Administrator may, for good cause shown, grant an extension of up to one year for such construction under the terms of the previously applicable ordinance(s). If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Code.

1.10.2.B Plats

Any subdivision for which a Preliminary Plat or Final Plat was approved prior to the effective date of this Code may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Code. If the subdivision is not completed within the time requirements established by prior ordinance or within any schedule included in the approval of the plat, the Land Use Administrator may grant one extension of not more than one year for the completion of the subdivision under the terms of the previous ordinance(s). If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Code.

1.10.2.C Minor Land Division

Any minor land division for which tentative approval was granted prior to the effective date of this Code may, at the applicant's option, be completed according to the plan and other applicable permits and conditions, even if the division does not fully comply with the provisions of this Code. If the division is not completed within the time requirements established by prior ordinance or within any time schedule included in the approval of the plan, the Land Use Administrator may grant one extension of not more than one year for the completion of the division under the terms of the previous ordinance(s). If the division is not completed within the time required under the original approval or any extension granted, then the division may be completed only in compliance with this Code.

1.10.3 Complete Applications

All projects for which a complete application was submitted and accepted by the County prior to the effective date of this Code shall be exempt from complying with all provisions of this Code, except the development standards of Chapter 8. Such projects shall comply with the standards of Chapter 8 to the maximum extent feasible, so long as application of the standards does not result in substantial hardship or preclude development altogether.

1.10.4 Violations Continue

Any violation under previous ordinances repealed by this Code shall continue to be a violation under this Code and be subject to penalties and enforcement under this Code, unless the use, development, construction, or other activity complies with the provisions of this Code.

1.10.5 Legal Nonconformities Under Previous Ordinances

Any legal nonconformity under any previous ordinances repealed by this Code is also a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous ordinances continues to exist.

Chapter 2 - Administration

2.1 REVIEW AND DECISION-MAKING BODIES

This section sets forth the powers and duties of review and decision-making bodies under the Code. These powers and duties are summarized in Table 2.3.

2.1.1 County Board of Supervisors

The powers and duties of the County Board of Supervisors under this Land Use Code shall be as follows:

2.1.1.A Amendments to the Land Use Code

The County Board of Supervisors shall be responsible for reviewing Land Use Code amendment petitions and for taking the final action to approve or deny such petitions. (See Section 2.3.3)

2.1.1.B Rezonings

The County Board of Supervisors shall be responsible for reviewing rezoning petitions and for taking the final action to approve or deny such petitions. (See Section 2.3.4)

2.1.1.C Planned Unit Developments

The County Board of Supervisors shall be responsible for reviewing Planned Unit Development (PUD) Concept Plans and PUD rezonings and for taking the final action to approve or deny such petitions. (See Section 2.3.7)

2.1.1.D Hardship Relief Petitions

The County Board of Supervisors shall be responsible for reviewing recommendations of the Hearing Officer regarding Hardship Relief Petitions and for taking the final action to implement such recommendations. (See Section 2.3.14)

2.1.2 Planning and Development Committee

2.1.2.A Appointment

The Chairman of the County Board of Supervisors shall appoint a Committee consisting of at least three and no more than six members. The term of each member shall be 2 years. Each member of the Committee shall be a County Board Supervisor and a resident of the County. The County Board Chairman shall be a member of the Committee pro-tem.

2.1.2.B Officers and Rules

The Committee shall adopt bylaws which shall govern the election of officers and all other matters pertaining to the Committee's rules and procedures, in accord with Wis. Stat. Section 59.69(2) (1995-96), as amended.

2.1.2.C Powers and Duties

The powers and duties of the Planning and Development Committee under this Land Use Code shall be as follows:

2.1.2.C.1 Amendments to the Land Use Code

The Committee shall be responsible for reviewing Land Use Code amendment petitions and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 2.3.3)

2.1.2.C.2 Rezonings

The Committee shall be responsible for reviewing rezoning petitions and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 2.3.4)

2.1.2.C.3 Conditional Use Permits

The Committee shall be responsible for reviewing applications for Conditional Use Permits and for taking the final action to approve, approve with conditions, or deny such permits. (See Section 2.3.6)

2.1.2.C.4 Planned Unit Developments
The Committee shall be responsible for reviewing PUD Concept Plans and PUD rezonings and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 2.3.7)

2.1.2.C.5 Minor Land Divisions
The Committee shall be responsible for reviewing applications for Minor Land Divisions that have been referred to the Committee by the Land Use Administrator and for taking the final action to approve, approve with conditions, or withhold approval of these applications. (See Section 2.3.9)

2.1.2.C.6 Major Subdivisions
The Committee shall be responsible for reviewing proposed Major Subdivision Preliminary Plats and Final Plats and for taking the final action to approve, approve with conditions, or deny such proposed plats. (See Section 2.3.10)

2.1.3 Board of Adjustment

2.1.3.A Appointment
The Chairman of the County Board of Supervisors shall appoint a Board of Adjustment with the approval of the County Board, consisting of five members and two alternates, each of whom shall be a resident of the unincorporated portion of the County, and not from the same town. The two alternates shall be appointed for staggered three year terms and the Chairman of the County Board of Supervisors shall annually designate one of the alternate members as the first alternate and the other as second alternate.

2.1.3.B Membership, Rules, and Procedures

2.1.3.B.1 A majority vote of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of any applicant on any matter upon which it is required to pass under this Code, or to effect any variation from the requirements of this Code.

2.1.3.B.2 The Board of Adjustment shall adopt bylaws which shall govern all matters pertaining to its membership, rules, and procedures, consistent with Wis. Stat. Section 59.694 (1995-96), as amended.

2.1.3.C Powers and Duties
The powers and duties of the Dodge County Board of Adjustment under this Land Use Code shall be as follows:

2.1.3.C.1 Interpretations
The Board of Adjustment shall be responsible for interpreting the zoning regulations and boundaries of the zoning districts, upon referral by the Land Use Administrator. (See Section 1.6.3)

2.1.3.C.2 Variances
The Board of Adjustment shall be responsible for authorizing upon appeal in specific cases variances from the terms of the Code that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, and so that the spirit of the Code shall be observed and substantial justice done. (See Section 2.3.12)

2.1.3.C.3 Appeals
The Board of Adjustment shall be responsible for hearing and deciding appeals of orders, requirements, decisions, and determinations made by the Land Use Administrator or the Committee. (See Section 2.3.13)

2.1.3.C.4 Substitutions
The Board of Adjustment shall be responsible for hearing and granting applications for substitution of more restrictive nonconforming uses provided no structural alterations are to be made and the Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application. (See Section 10.2.3)

2.1.3.C.5 Alternates
The first alternate shall act, with full power, only when a member of the Board of Adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the Board of Adjustment refuses to vote because of a conflict of interest or is absent.

2.1.4 Land Use Administrator

2.1.4.A Appointment
The Director of the Department shall appoint a Land Use Administrator.

2.1.4.B Powers and Duties
The powers and duties of the Land Use Administrator under this Land Use Code shall be as follows:

2.1.4.B.1 Interpretations
The Land Use Administrator shall be responsible for interpreting the text of this Code and boundaries of the zoning districts. (See Section 1.6.3)

2.1.4.B.2 Administrative Adjustments - (Deleted on *5-16-2018)*

2.1.4.B.3 Rezonings
The Land Use Administrator shall be responsible for reviewing rezoning petitions and for preparing a report to the Committee recommending approval or denial of such petitions. (See Section 2.3.4)

2.1.4.B.4 Land Use Permits
The Land Use Administrator shall be responsible for reviewing Land Use Permit applications and acting to approve or deny such permits. (See Section 2.3.5)

2.1.4.B.5 Planned Unit Developments
The Land Use Administrator shall be responsible for reviewing PUD Sketch Plans, for advising the petitioner on preparing the Concept Plan application, for reviewing Concept Plan and PUD rezoning petitions, and for reviewing Final PUD Plans. (See Section 2.3.7)

2.1.4.B.6 Certificates of Zoning Compliance
The Land Use Administrator shall be responsible for final inspections of uses after the effective date of this Code, for reviewing requests for Certificates of Zoning Compliance for such uses, and for acting to approve or disapprove such requests. (See Section 2.3.8)

2.1.4.B.7 Minor Land Divisions
The Land Use Administrator shall be responsible for reviewing applications for Minor Land Divisions and for taking the final action to approve, approve with conditions, or withhold approval of such applications. (See Section 2.3.9) At the discretion of the Land Use Administrator, an application for a minor land division may be referred to the Committee for its review.

2.1.4.B.8 Major Subdivisions
The Land Use Administrator shall be responsible for reviewing Sketch Plan applications, for advising the applicant on preparing the proposed Preliminary Plat, and for reviewing proposed Preliminary and Final Plats. (See Section 2.3.10)

2.1.4.B.9 Use Classifications
The Land Use Administrator shall be responsible for reviewing and granting permits for unclassified and unspecified uses, or referring them to the Board of Adjustment. (See Section 6.1.1)

2.1.4.B.10 Condominium Plats
The Land Use Administrator shall be responsible for reviewing and taking final action on a condominium instrument. (See Section 2.3.15)

2.1.4.B.11 Sanitary Provisions
The Land Use Administrator shall be responsible to enforce the Dodge County Sanitary Ordinance.

2.1.4.B.12 Other Matters
The Land Use Administrator shall also have such duties as determined by the County Board of Supervisors, including the following:

2.1.4.B.12.a Enforcement of the Code, including the authority to conduct inspections related to zoning and subdivision enforcement.

2.1.4.B.12.b Keeping copies of each application filed, each plat submitted, and each development permit issued, filed by parcel identification number (PIN) and legal description of the land to which the development permit applies;

2.1.4.B.12.c Providing professional staff assistance to the Board of Adjustment, the Committee and the County Board of Supervisors;

2.1.4.B.12.d Conducting short-term studies and analysis to aid in the orderly development of the County;

2.1.4.B.12.e Engaging in activities designed to improve the development of the County including grant applications and administration; policy analysis and recommendation; and functional planning.

2.1.5 Hearing Officer

2.1.5.A Appointment
A Hearing Officer shall be appointed by the Planning and Development Committee, upon a favorable resolution by the County Board of Supervisors, to review individual Hardship Relief Petitions (See Section 2.3.14)

2.1.5.B Powers and Duties
The Hearing Officer shall be responsible for reviewing Hardship Relief Petitions and for providing recommendations to the County Board of Supervisors as to the merits of such petitions. (See Section 2.3.14)

2.2 COMMON REVIEW AND APPROVAL PROCEDURES

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

2.2.1 Authority to File Applications

Applications under this Chapter may be initiated by (1) all the owners of the property that is the subject of the application; (2) the owners' authorized agents; or (3) any review or Decision-Making Body that does not have final decision-making authority on the matter. When a review or Decision-Making Body initiates action under this Land Use Code, it does so without prejudice toward the outcome.

2.2.2 Application Completeness

An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee. The Land Use Administrator shall make a determination of application completeness within 10 days of application filing. If an application is determined to be incomplete, the Land Use Administrator shall notify the applicant of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.

2.2.2.A (s. 66.10015 (2) (c) Wis. Stats.) An application shall expire not less than 60 days after filing if all of the following apply:

2.2.2.A.1 The application does not comply with the form and content requirements of the Code.

2.2.2.A.2 Not more than 10 working days after filing, the County provides the applicant with written notice of the noncompliance. The notice shall specify the nature of the noncompliance and the date on which the application will expire if the noncompliance is not remedied.

2.2.2.A.3 The applicant fails to remedy the noncompliance's before the date provided in the notice.

2.2.3 Form of Application

Applications required under this Chapter must be submitted in a form and in such numbers as required by the Land Use Administrator. Application forms for procedures that require preapplication meetings will be made available at the time of the preapplication meeting.

2.2.4 Land Use Administrator and Agency Review/Referrals

In conducting required reviews, the Land Use Administrator shall comply with those referral requirements set forth in Wis. Stat. Section 236.12, and shall be authorized to distribute the application and other submittals to other County departments and state and local agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. These referrals shall include cities or villages if a proposed development lies within the extraterritorial plat approval jurisdiction or extraterritorial zoning jurisdiction of the city or village. Comments received from reviewers shall be included in any required report.

2.2.5 Preapplication Meetings

Applicants shall be responsible for scheduling preapplication meetings with the Land Use Administrator when they are required. The purpose of a preapplication meeting is to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives and other pertinent matters before the applicant finalizes the development proposal. Application forms may be made available during preapplication meetings. Staff opinions presented during preapplication meetings are informational only and do not represent a commitment on behalf of Dodge County regarding the acceptability of the development proposal.

2.2.6 Notices

2.2.6.A Content
All notices required under this Code shall comply with the Class I or Class II notice requirements of Wis. Stat. Chapter 985. In addition, all notices required under this Land Use Code must: (1) indicate the time and place of the public hearing or action; (2) describe the property involved by street address or by legal description and nearest cross road; (3) describe the nature, scope and purpose of the application or proposal being advertised; and (4) indicate where additional information can be obtained.

2.2.6.B Written (Mailed) Notice
When the provisions of this Code require that written or mailed notice be provided, the County shall be responsible for preparing and mailing the written notice. The County shall mail notice to all property owners within 300 feet of the subject property boundary, unless otherwise specified in this Code. Ownership information shall be provided by the applicant and obtained from the County Property Description Unit.

2.2.6.C Published Notice
When the provisions of this Code require that notice be published, the County shall be responsible for preparing the content of the notice and publishing the notice in the newspaper of general circulation that has been selected by the County.

2.2.6.D Posted Notice
When the provisions of this Code require that notice be posted on the subject property, the applicant shall (1) post the notice on weatherproof signs; (2) place the signs on the property that is the subject of the application; and (3) ensure that the signs remain in place during the period leading up to the public hearing. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each adjacent street. Signs may be purchased from the County Planning and Development Department.

2.2.6.E Timing of Notices
Unless otherwise expressly provided in state statutes or this Code, notice, when required, shall be mailed or published at least 8 days prior to the hearing or action for changes or amendments to the Code, rezonings, conditional use permits, or appeals to the Board of Adjustment in accordance with Class II notice requirements. For all other actions requiring notice, notice shall be mailed or published at least 7 days prior to the hearing or action in accordance with Class I notice requirements.

2.2.6.F Constructive Notice
Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

2.2.7 Continuation of Public Hearings
A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Land Use Code, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing is announced at the time of the continuance.

2.2.8 Burden of Proof or Persuasion
The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have not been met.

2.2.9 Conditions of Approval
In approving development applications, the decision-making body shall be authorized to impose such conditions upon the premises benefited by the approval as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Dodge County Comprehensive Plan or this Land Use Code, so long as the condition relates to a situation created or aggravated by the proposed use or development and is roughly proportional to its impact.

2.2.10 Protest Petitions
If a proposed rezoning or amendment would make any change in an airport-affected area, as defined under Wis. Stat. Section 62.23(6)(am)1.b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the clerk at least 24 hours prior to the date of the meeting of the Board at which the amendment is to be considered, the amendment shall not be approved except by the affirmative vote of 66 percent of the members of the Board present and voting.

2.2.11 Findings of Fact
Final decisions of all review and decision-making bodies shall be accompanied by written findings of fact based upon the applicable standards and criteria. The findings shall be filed with the Department. In the event of denial, the written findings shall specify the provisions of the County's adopted regulations that the proposal failed to satisfy.

2.2.12 Simultaneous Processing
Whenever two or more forms of review and approval are required under this Code (e.g., a rezoning and a conditional use permit), the applications for those development approvals may, at the option of the applicant, be processed simultaneously, so long as all applicable state and local requirements are satisfied for both applications. However, whenever this Code requires two types of review for the same approval (e.g., a Preliminary Plat and a Final Plat), those two review and approval procedures must be completed as separate steps in the order specified.

2.2.13 Processing Cycles
The Land Use Administrator shall be responsible for timetables for reviewing each type of development application under this Chapter. Processing timetables will be advisory, and failure to meet processing goals will not result in deemed approvals. Timetables may be revised from time-to-time and may include:

2.2.13.A Dates of regular meetings of review bodies and decision-makers;

2.2.13.B Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and

2.2.13.C Schedule and routing of staff and agency reviews.

2.2.13.D State of Emergency – Processing and Scheduling timelines.
In the event a state of emergency is declared by the Dodge County Board of Supervisors in response to a public emergency which poses a continuing and substantial threat to public order, life, health and safety of the citizens of Dodge County, processing and scheduling timetables listed in this Code for all applications shall be temporarily suspended until the emergency is terminated by the Dodge County Board of Supervisors, and failure to meet processing or scheduling timetables specifically listed in this Code will not result in deemed approvals.

2.2.14 Coordination with Towns, Cities, and Villages
Coordination of policies and/or procedural requirements between the County and towns, cities, and villages is encouraged whenever possible in order to further the purposes of this Code. However, no specific actions are required to achieve this coordination unless specified in this Code.

2.2.15 Approval by Affected Town Boards

Approval of proposed amendments to this Code and rezoning petitions by affected town boards shall be pursuant to the procedures set forth in this section.

2.2.15.A Notice to Town Boards
A copy of the notice for a public hearing to be held on an amendment to this Code or rezoning petition shall be mailed by certified or registered mail at least 15 days prior to the date of such hearing to the Town Clerk of each town which is affected by the proposed action and has also approved this Code or the applicable portion thereof. If a proposed rezoning would affect an airport affected area, as defined in Wis. Stat. 62.23(6)(am)1.b., notice also shall be mailed to the owner or operator of the airport bordered by the airport affected area.

2.2.15.B Town Board Approval or Disapproval at Public Hearing Stage

2.2.15.B.1 If a town which has approved this Code and which is affected by the proposed amendment or rezoning disapproves of the action, the town board of such town may file a certified copy of a resolution adopted by such board disapproving of the action with the Committee prior to, at, or within 10 days after the public hearing.

2.2.15.B.2 A town may extend its time for disapproving any proposed amendment or rezoning by 20 days if the town board adopts a resolution and files it with the County Clerk. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the County Clerk.
2.2.15.B.3 If the town boards of a majority of the towns affected file such resolutions disapproving of the proposed amendment or rezoning, the Committee may not recommend approval of the action, without change, but may only recommend approval with change or recommend disapproval.

2.2.15.C Town Board Approval or Disapproval of Adopted Resolutions

2.2.15.C.1 If the amendment or rezoning, as adopted by the Board, makes only the change sought in the petition, and if the petition was not disapproved at or within 10 days after the public hearing by the town boards of a majority of the towns affected, it shall become effective on passage.

2.2.15.C.2 Any other amendment or rezoning adopted by the Board shall be submitted within seven days after adoption in duplicate by the County Clerk by registered mail to the town clerk of each town that has approved this Code in which lands affected by such amendment or rezoning are located. If after 40 days from the date of such adoption a majority of such towns have not filed certified copies of resolutions disapproving such amendment or rezoning with the County Clerk, or if within a shorter time a majority of the towns have filed certified copies of resolutions approving the amendment or rezoning with the County Clerk, the amendment or rezoning shall thereupon take effect.

2.2.16 Application Filing Fees

2.2.16.A Applications must be accompanied by the fee that has been established by the County Board of Supervisors. Fees are not required with applications initiated by a review or decision-making body. Application fees are non-refundable, except that refunds shall be made to applicants who provide written notification to the Land Use Administrator of a withdrawal of an application prior to publication of legal notice and its initial consideration by any decision-making body.

2.2.16.B For applications of a non-routine nature for which the Land Use Administrator expects that the County decision-maker will need to engage paid expertise relating to legal, planning, surveying and/or engineering, design, economic, environmental, tax impact or other issues relevant to the application in order to review decisions, and the costs of legal counsel and court reporting, transcription services for cases deemed to warrant such recording and transcriptions of hearings and meetings shall require an additional deposit. For these applications, the base application fee of shall be supplemented by the required payment by the applicant of a deposit equal to 125% of an estimate established by the Committee of the costs of necessary services. The deposit shall be used to pay all reasonable County review expenses and shall be replenished when the initial

deposit is exhausted. Any excess in the deposit account shall be returned to the applicant when the County actions on the application are complete and all bills have been paid.

2.2.16.C Committee decisions on whether deposits must be made under B) shall be based upon the experience of the Committee with the complexity and potential controversy of similar cases in this County or elsewhere, on the history of the current proposal, if any, and the judgment of the Committee.

2.2.16.D Applicants wishing to question the necessity of or the amount of the required deposit shall be provided an opportunity to do so at a meeting with the Committee. The Committee's decision on the necessity of the amount of a deposit shall be an interim decision appealable to the Circuit Court only after the County has completed its review and made a decision on the application. If the applicant intends to challenge the deposit, the deposit may be made "under protest" to reserve appeal rights.

2.2.17 Use of Existing Requirements (s. 66.10015 (2) Wis. Stats.)

2.2.17.A Except as provided under section 2.2.17.B, if a person has submitted an application for an approval, the County shall approve, deny or conditionally approve the application solely based on existing requirements, unless the applicant and the County agree otherwise. An application is filed under this subsection on the date that the County receives the application.

2.2.17.B If a project requires more than one approval or approvals from one or more political subdivision and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project unless the applicant and the political subdivision agree otherwise.

2.3 SPECIFIC REVIEW AND APPROVAL PROCEDURES

2.3.1 Summary Table of Development Review Procedures

Table 2.3.1 summarizes the development review and approval procedures for all types of applications.

Table 2.3.1: Summary Table of Development Review Procedures

Type of Application	Preapp. Meeting Req'	Review and Decision-Making Bodies					Referral to Affected Towns Required
		Land Use Adminis-trator	Hearing Officer	Planning and Development Committee	County Board of Supervisors	Board of Adjustment	
Amendments to the Code				H; R/R	R/FA		YES
Appeals						H; R/FA	
Certificates of Zoning Compliance		R/FA				APP	
Conditional Use Permits				H; R/FA		APP	
Hardship Relief Petitions			H; R/R		R/FA		
Land Use Permits		R/FA				APP	
PUDs (Preliminary & Final)	YES	R		H; R/R	R/FA		YES
Rezonings		R		H; R/R	R/FA		YES
Major Subdivision	YES	R		H; R/FA			YES
Condominium Plat		R/FA					
Minor Land Division		R/FA or RTC		H (optional); R/FA upon referral)			YES
Variances						H; R/FA	

H Hearing Required
R Review and Report
R/R Review and Recommendation
R/FA Review and Final Action
APP Appeal (includes public hearing)
RTC Refer to Committee

2.3.3 Amendments to the Land Use Code

2.3.3.A Statutory Compliance
These procedures for amendments to this Code are adopted pursuant to the authority granted under Wis. Stat. Section 59.69(5)(e), and shall not be interpreted or enforced in any manner that violates that authority.

2.3.3.B Initiation
A petition for amendment to the Land Use Code may be made by any property owner in the area to be affected by the amendment, by the town board of any town in which the Code is in effect, by any member of the County Board, by the Board of Adjustment, or by the Committee.

2.3.3.C Filing and Referral of Petitions
Petitions for amendments to this Code shall be filed with the County Clerk, who shall refer them to the Committee. Notice of the petition shall be sent to the County Supervisor of any affected district. All petitions referred shall be reported to the County Board at its next succeeding meeting. Such petition shall describe the regulations to be amended and list the reasons justifying the petition.

2.3.3.D Public Hearings

2.3.3.D.1 Written, published, and posted notice of public hearings on text amendments shall be provided pursuant to the general notice provisions of Section 2.2.6. If the petition for an amendment to this Code is for any change in an airport-affected area, as defined in Wis. Stat. 62.23(6)(am)1.b., notice also shall be mailed to the owner or operator of the airport bordered by the airport-affected area.

2.3.3.D.2 Text amendments shall be considered two times per year at a joint public hearing of the Committee and the Board of Adjustment. However, where the Committee determines by a majority vote that the public health, safety, and welfare necessitates, text amendments may be considered at any regularly scheduled meeting of the Committee.

2.3.3.E Committee Review and Recommendation
As soon as possible after the public hearing, but no later than 60 days, the Committee shall make a recommendation to the County Board of Supervisors to approve, modify and approve or disapprove the amendment based on the Approval Criteria of Section 2.3.3(I). If the Committee's action is favorable to approving the requested amendment or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the County Board of Supervisors at its next available meeting with its recommendation. If the Committee recommends disapproval of the amendment, it shall file a report with the County Board of Supervisors at its next available meeting stating the committee's findings and it shall file a resolution effectuating its recommendation to deny the amendment and shall submit the resolution to the Board. Failure of the Committee to hold a public hearing and to act on the petition within the time limits allowed under this section shall constitute a recommendation to the County Board for approval of the amendment.

2.3.3.F County Board of Supervisors Review and Decision
Upon receipt of the Committee's report, the County Board of Supervisors may enact the ordinance as drafted or with amendments, or it may deny the amendment based upon the criteria in Section 2.3.3.I, or it may refuse to deny the amendment as recommended by the Committee in which case it shall re-refer the petition to amend the code and the Committee's resolution to deny the amendment back to the Committee with directions to draft an ordinance to effectuate the approval of the amendment and to submit the ordinance back to the County Board of Supervisors which may then approve or reject the ordinance based on the Criteria in Section 2.3.3.I.

2.3.3.G Protest Petitions
If a valid protest petition is filed against a proposed amendment, the procedures of Section 2.2.10 shall apply.

2.3.3.H Adoption by Ordinance
Land Use Code amendments shall be approved in the form of ordinances.

2.3.3.I Approval Criteria
Recommendations and decisions on Land Use Code amendments shall be based on consideration of the following criteria:

2.3.3.I.1 Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

2.3.3.I.2 Whether the proposed amendment is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Code;

2.3.3.I.3 Whether the proposed amendment will protect the health, safety, or general welfare of the general public; and

2.3.3.I.4 Whether the proposed amendment will result in significant adverse impacts on the natural environment, including air, water, stormwater management, wildlife and vegetation.

2.3.3.J Approval by Affected Town Boards
Approval of amendments to this Code by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

2.3.4 Rezonings

2.3.4.A Statutory Compliance
These procedures for rezoning petitions are adopted pursuant to the authority granted under Wis. Stat. Section 59.69(5)(e), and shall not be interpreted or enforced in any manner that violates that authority.

2.3.4.B Initiation
A petition for rezoning may be made by any property owner in the area to be affected by the rezoning, by the town board of any town wherein the Code is in effect, by any member of the County Board, or by the Committee. The petition shall describe the premises to be rezoned, list the reasons justifying the petition, specify the proposed use, and have attached the following:

2.3.4.B.1 Plot plan drawn to an appropriate scale showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 300 feet of the subject property boundary.

2.3.4.B.2 Owners names and addresses of all properties lying within 300 feet of the area proposed to be rezoned, or to the second tier of adjacent properties, whichever is greater.

2.3.4.B.3 Evidence of town approval of the requested rezoning, where required.

2.3.4.B.4 Additional information as required by the Committee or the County Board of Supervisors.

2.3.4.C Filing and Referral of Petitions
Petitions for rezonings shall be filed with the Land Use Administrator, who shall immediately refer them to the County Clerk and the County Board Supervisor of any affected district. All petitions referred shall be reported to the County Board at its next succeeding meeting.

2.3.4.D Land Use Administrator Review and Report
The Land Use Administrator shall review each rezoning petition within 10 days of the receipt of the application to determine if the application is complete. The Land Use Administrator shall notify the applicant of the application completeness/incompleteness within 10-days of the receipt of the application. If a determination of application completeness is not made within 10 days of receipt of the application the application shall be considered complete.

2.3.4.D.1 If the petition is determined to be complete, the Land Use Administrator shall forward the petition to the committee.

2.3.4.D.2 If the petition is determined to be incomplete, the Land Use Administrator shall notify the petitioner of the application deficiencies and no further action shall be taken on the petition until the required information is submitted and the petition is determined to be complete.

2.3.4.D.3 The Land Use Administrator shall review each complete petition in light of the approval criteria of Section 2.3.4(I) and shall provide a report to the Committee recommending approval or denial of the petition. Failure of the Land Use Administrator to provide a report to the Committee shall constitute a recommendation for approval of the petition.

2.3.4.E Committee Review and Recommendation
The Committee shall hold a public hearing on the rezoning petition within 60 days of the date of the receipt by the Department of a complete application.

The 60 day time limit in which to hold the public hearing may be extended by agreement with the applicant. The 60 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.3.4.F for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within

30 days of the date of determination by the Committee that the public notice requirements in Section 2.3.4.F were not met or within the time limit as extended by the written agreement with the applicant.

As soon as possible after the public hearing but no later than 60 days after the public hearing, the Committee shall make a recommendation to the County Board of Supervisors either approving, modifying and approving or disapproving the rezoning petition based on the approval criteria of Section 2.3.4.I of the Code unless the time is extended by written agreement with the applicant. If the Committee's action is favorable to approving the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the County Board of Supervisors at its next available meeting with its recommendation. If the Committee after its public hearing recommends disapproval of the petition, it shall file a report with the County Board of Supervisors at its next available meeting stating the committee's findings and it shall file a resolution effectuating its recommendation to deny the petition with its reasons for denial and shall submit the resolution to the Board. Failure of the Committee to hold a public hearing and to act on the petition within the time limits allowed under this section shall constitute a recommendation to the County Board for approval of the petition.

2.3.4.E.1 State of Emergency – Processing and Scheduling timelines for Public Hearings.
In the event a state of emergency is declared by the Dodge County Board of Supervisors in response to a public emergency which poses a continuing and substantial threat to public order, life, health and safety of the citizens of Dodge County, processing and scheduling timetables for public hearings shall be temporarily suspended until the emergency is terminated by the Dodge County Board of Supervisors, and failure to meet processing or scheduling timetables will not result in deemed approvals. An agreement with the applicant to suspend the public hearing beyond the 60-day time limit shall not be required during a state of emergency.

2.3.4.F Notice of Public Hearings
Notice of public hearings on rezoning petitions shall be provided in accord with the applicable Wisconsin State Statute and pursuant to the general notice provisions of Section 2.2.6.

2.3.4.G County Board of Supervisors Review and Decision
Upon receipt of the Committee's report, the County Board of Supervisors may enact the ordinance as drafted or with amendments, or it may deny the petition to rezone the property based upon the criteria in Section 2.3.4.I, or it may refuse to deny the petition as recommended by the Committee in which case it shall refer the petition and the resolution to deny the amendment back to the Committee with directions to draft an ordinance to effectuate the approval of the petition and to report the ordinance back to the County Board of Supervisors which may then enact or reject the ordinance based on the Criteria in Section 2.3.4.I.

2.3.4.H Protest Petitions
If a valid protest petition is filed against a proposed rezoning, the procedures of Section 2.2.10 shall apply.

2.3.4.I Approval Criteria
In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the proposed zoning district and shall approve the rezoning petition only if it finds that:

2.3.4.I.1 Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

2.3.4.I.2 Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;

2.3.4.I.3 The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;

2.3.4.I.4 The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;

2.3.4.I.5 The proposed rezoning is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Code;

2.3.4.I.6 The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure;

2.3.4.I.7 The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result; and

2.3.4.I.8 For all proposed rezoning petitions that will remove land from the A-1 Prime Agricultural Zoning District, the following additional findings shall be made:

2.3.4.I.8.a The land is better suited for a use not allowed in the A-1 Prime Agricultural Zoning District;

2.3.4.I.8.b The rezoning is substantially consistent with the Dodge County Comprehensive Plan and Farmland Preservation Plan;

2.3.4.I.8.c The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use;

2.3.4.J Approval by Affected Town Boards
Approval of rezoning petitions by affected town boards shall occur pursuant to the procedures set forth in Section 2.2.15.

2.3.4.K A-1 Prime Agricultural District Rezoning Reports
The County must submit a report on A-1 Prime Agricultural District rezoning's to the Department of Agriculture, Trade and Consumer Protection by March 1 of each year along with a map showing the acres rezoned.

2.3.5 Land Use Permits

2.3.5.A Applicability
No structure, land, or water shall be used and no structure, or part thereof shall be located, erected, moved, reconstructed, extended, converted or structurally altered, except for normal repairs of existing structures, without a Land Use Permit, and without full compliance with the provisions of this Code and all other applicable County and State regulations.

2.3.5.B Filing
All Land Use Permit applications shall be submitted to the Land Use Administrator upon forms provided by the Planning and Development Department.

2.3.5.C Submittal Requirements
Applications for a Land Use Permit shall include the following:

2.3.5.C.1 Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or contractor;

2.3.5.C.2 Description of the subject site by parcel identification number (PIN), lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of occupants or employees of the structure; and the zoning district within which the subject site lies;

2.3.5.C.3 Scaled drawing showing dimensions of the lot and locations of buildings from the lot lines, center line of abutting highways, existing and proposed road access points, and the ordinary highwater mark of any abutting water course; and

2.3.5.C.4 Location of any existing or proposed on-site sewage systems and any private or public water supply systems;

2.3.5.C.5 Additional information as may be required by the Committee or the Land Use Administrator.

2.3.5.D Review and Decision Procedure
The Land Use Administrator shall review each permit application and approve, withhold, or deny within 30 days based on the Approval Criteria of Section 2.3.5(E). Any permit issued in conflict with the provisions of this Code shall be null and void.

2.3.5.E Approval Criteria
Upon receipt of a complete application, the Land Use Administrator shall issue a Land Use Permit unless he finds that the development, as proposed, will not comply with one or more provisions of this Code, the Dodge County Comprehensive Plan, or other applicable County or State regulations.

2.3.5.F Effective Date of the Permit
Land Use Permits shall be effective beginning on the date of approval, and shall remain effective for the period indicated on the permit.

2.3.5.G Appeals
Appeals of Land Use Permit decisions shall be made to the Board of Adjustment.

2.3.5.H Expiration of Approval
All Land Use Permits shall expire within one year or at such alternative time specified in the approval unless:

2.3.5.H.1 The land use permit is renewed, for a period not to exceed one year provided the original land use permit has not expired and the project that was authorized by the land use permit conforms to the provisions of the Code in effect at the time the request for renewal is submitted to the Department. Requests for renewal of a land use permit shall be submitted to the Land Use Administrator for review and approval prior to the expiration date of the land use permit.

2.3.5.I Modifications/Revisions to a Land Use Permit
A request to modify or revise an existing valid land use permit issued by this Department may be submitted to the Department for review prior to the expiration of said existing land use permit. The request to modify or revise the permit shall be submitted to the Department along with a revised site plan and revised building/construction plans for the proposed modification or revision. No construction shall begin on the revised or modified portion of the structure until approval has been obtained by the Department. The proposed modification or revision shall conform to the provisions of the Code in effect at the time the request for modification/revision is submitted for review.

2.3.6 Conditional Use Permits

In this subsection:
"Conditional use" means a use allowed under a conditional use permit, special exception or other special zoning permission issued by a county, but does not include a variance.

"Substantial Evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses are found to be in accordance with the purpose and intent of this Code and the approval criteria provided in Section 2.3.6.F.

2.3.6.A Procedure
All Conditional Use Permit applications shall be submitted to the Land Use Administrator upon forms provided by the Department. The applicant must demonstrate that the application and all requirements established by the County relating to the conditional use permit request are or will be satisfied and are supported by substantial evidence. Applications for a conditional use permit shall include the following:

2.3.6.A.1 Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all property owners of record within 300 feet of the subject property boundary;

2.3.6.A.2 Description of the subject site by parcel identification number (PIN), lot, block, ~~and~~ recorded subdivision and address of the site;

2.3.6.A.3 A written narrative of the proposed project, including the type of project being proposed, the proposed hours of operation, the number of employees, the present and future building plans, outside lighting, sanitary facilities, parking arrangements, landscaping plans, proposed signs, provisions for utilities, soil erosion control and stormwater management control plans, and any other information pertinent to the proposed project;

2.3.6.A.4 Scaled drawing (or a drawing with all dimensions shown), showing the dimensions of the lot and locations of buildings from the lot lines, center line of abutting roads, existing and proposed road access points, the ordinary highwater mark of any abutting water course, the location of any existing or proposed private onsite wastewater treatment system (POWTS) and any private or public water supply, parking lot size and location, exterior light locations, and any other structures pertinent to the proposed project. In addition, for applications involving filling and grading, detailed drawings showing the depth, total area being disturbed and the location of any fill shall be submitted;

2.3.6.B Land Use Administrators Review and Recommendation
The Land Use Administrator shall review each conditional use permit application within 10 days of the receipt of the application to determine if the application is complete. The Land Use Administrator shall notify the applicant of the application completeness/incompleteness within 10-days of the receipt of the application. If a determination of application completeness is not made within 10 days of receipt of the application the application shall be considered complete.

2.3.6.B.1 If the application is determined to be complete, the Land Use Administrator shall forward the application to the committee.

2.3.6.B.2 If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

2.3.6.B.3 The Land Use Administrator shall review each complete application in light of the approval Criteria of Section 2.3.6.F and shall provide a report to the Committee recommending approval, approval with conditions or denial of the application. Failure of the Land Use Administrator to provide a report to the Committee shall constitute a recommendation for approval of the application.

2.3.6.C Public Hearing

Public hearings for conditional use permit applications shall be held within 60 days of receipt by the Department of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of Section 2.2.6. In addition, the Land Use Administrator shall notify all property owners within 300 feet of the subject property boundary as listed by the applicant in the original application of the time, date and subject matter of the hearing. Furthermore, the Land Use Administrator shall notify the County Highway Department and/or the State Department of Transportation for any development within 500 feet of an existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within l,000 feet of an existing or proposed interchange or turning lane right-of-way and request a recommendation for proposed projects within their jurisdiction. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

The 60 day time limit in which to hold the public hearing may be extended by agreement with the applicant. The 60 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.2.6 for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Committee that the public hearing notice requirements in Section 2.2.6 were not met or within the time limit as extended by the written agreement with the applicant.

2.3.6.C.1 State of Emergency – Processing and Scheduling timelines for Public Hearings.

In the event a state of emergency is declared by the Dodge County Board of Supervisors in response to a public emergency which poses a continuing and substantial threat to public order, life, health and safety of the citizens of Dodge County, processing and scheduling timetables for public hearings shall be temporarily suspended until the emergency is terminated by the Dodge County Board of Supervisors, and failure to meet processing or scheduling timetables will not result in deemed approvals. An agreement with the applicant to suspend the public hearing beyond the 45-day time limit shall not be required during a state of emergency.

2.3.6.D Committee Review and Decision

2.3.6.D.1 The Committee shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 60 days after the public hearing based on the general approval criteria listed in 2.3.6.F unless the time is extended by greement with the applicant. Failure of the Committee to take final action within 60 days after the public hearing or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.

2.3.6.D.2 If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Code or those imposed by the Committee, the Committee shall grant the conditional use permit.

2.3.6.D.3 The requirements and conditions must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer or renewal.

2.3.6.D.4 The applicant must demonstrate that the application and all requirements of the Code relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

2.3.6.D.5 The Committee decision to approve or deny the permit application must be supported by substantial evidence.

2.3.6.E Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic, highway access, and the performance standards, shall be required of all conditional uses, except as modified by this Section 2.3.6.

2.3.6.F General Approval Criteria for Conditional Use Permits
Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met and the applicant agrees to meet the conditions specified in the Code, and those imposed by the Committee:

2.3.6. F.1 The proposed use complies with all applicable provisions of this Code;

2.3.6. F.2 The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

2.3.6. F.3 The proposed use will not be significantly detrimental to the public health, safety and welfare unless the use is a public necessity;

2.3.6. F.4 The proposed use will not cause a substantial decrease in value of other property in the neighborhood in which it is to be located;

2.3.6.F.5 Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

2.3.6.F.6 Adequate assurances of continuing maintenance have been provided;

2.3.6.F.7 Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent;

2.3.6.F.8 The proposed use will not be located in any hazard areas, including floodplains, floodways, etc., unless any potential danger is mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources.

2.3.6.G Conditions
The Committee may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Any condition imposed by the Committee must be related to the purpose of the Code and be based on substantial evidence. The requirements and conditions must be reasonable and, to the extent practicable, measurable. Violation of any of these conditions shall be deemed a violation of this Code.

2.3.6.G.1 Type of shore cover;

2.3.6.G.2 Increased setback and yards;

2.3.6.G.3 Specified sewage disposal and water supply facilities;

2.3.6.G.4 Landscaping and planting screens;

2.3.6.G.5 Hours of operation;

2.3.6.G.6 Operational control;

2.3.6.G.7 Sureties;

2.3.6.G.8 Deed restrictions,

2.3.6.G.9 Locations of piers, docks, parking and signs; or

2.3.6.G.10 The permit's duration, transfer or renewal requirements;

2.3.6.G.11 Type of construction; or

2.3.6.G.12 Any other requirement necessary to fulfill the purpose and intent of this Code.

2.3.6.H Additional Information

In evaluating each application, the Committee may request assistance from other local, county, state or federal agencies. Also, in order to secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information:

2.3.6.H.1 A plan of the area showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative covers.

2.3.6.H.2 Location of buildings, parking areas, traffic access, driveways, walkways, open space, landscaping, signs, and lighting;

2.3.6.H.3 Plans for buildings, sewage disposal facilities, water supply systems, and arrangement of operations;

2.3.6.H.4 Other pertinent information necessary to determine if the proposed use meets the requirements of this Code.

2.3.6.I Expiration of Conditional Use Permits

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, however, the County may impose conditions such as the permit's duration, transfer or renewal, in addition to any other conditions specified in the Code.

2.3.6.I.1 The decision of the Committee to approve or conditionally approve a Conditional Use Permit request shall expire one year after the decision is filed with the Department or at such alternative time specified in the approval unless:

2.3.6.I.1.a Construction has been diligently pursued;

2.3.6.I.1.b A Certificate of Zoning Compliance has been issued;

2.3.6.I.1.c. The use is established; or

2.3.6.I.1.d The Conditional Use Permit is renewed, for a period not to exceed one year.

2.3.6.I.2 A Conditional Use Permit also shall expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

2.3.6.J Appeals

If the Committee denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694(10) Wis. Stats.

2.3.7 Planned Unit Developments

2.3.7.A Purpose
Planned Unit Development (PUD) review provides a process for reviewing self-contained development applications, containing not less than 40 contiguous acres, which are not on the bed of a lake or stream, under one ownership or control, with a range of residential densities and/or a mix of residential and non-residential uses, and featuring more innovative and efficient layout and design than would be possible through strict application of other zoning districts. PUDs may be allowed in all zoning districts except the A-1 Prime Agricultural and Wetland Districts and the Floodplain Overlay District.

2.3.7.B Review Procedures
PUDs are approved in two steps. The first step involves review and approval of a rezoning application to the PUD district and an accompanying Concept Plan. The second step involves review and approval of a Final PUD Plan for the development.

2.3.7.B.1 Sketch Plan and Preapplication Meeting
Petitioners shall attend a preapplication meeting and present a Sketch Plan of the proposed PUD in a format established by the Land Use Administrator. The Land Use Administrator and other County administrative staff will meet with the petitioner, review the Sketch Plan, and discuss the goals and policies of the County's Comprehensive Plan, the requirements of this Code, and any other matters that will assist the petitioner in preparing the PUD Concept Plan.

2.3.7.B.2 Concept Plan and PUD Rezoning
A Concept Plan is a generalized land use plan and development envelope for the area proposed to be included within a PUD district. It is required as a means of allowing early review of a proposed PUD before substantial planning work has been undertaken and before substantial expenses have been incurred. A Concept Plan must be processed and approved concurrently with a rezoning to a PUD district.

2.3.7.B.2.a Application Filling
The Concept Plan and the PUD rezoning petition shall be submitted to the Land Use Administrator.

2.3.7.B.2.b Contents
A Concept Plan must cover all of the land area to be included in the PUD and identify the type, total amount, and location of all development to occur within the PUD (dwelling units and nonresidential floor area); a proposed plan for pedestrian and vehicular circulation within and leading to the PUD; the proposed densities of population in residential areas; a public utility plan if public utilities are proposed or required; a stormwater management plan; and a plan showing the location of recreation spaces, parks, schools and other public or community uses.

2.3.7.B.2.c Land Use Administrator Referral, Review, and Recommendation
The Land Use Administrator may request review and comments from other County staff and Departments. The Land Use Administrator shall review the Concept Plan and PUD rezoning petition, along with written comments provided by administrative staff and reviewing departments, and prepare a Staff Report to the Planning and Development Committee.

2.3.7.B.2.d Committee Review and Decision
After receiving the staff report, the Committee shall hold a public hearing on the proposed Concept Plan and PUD rezoning petition. The hearing shall receive written, published, and posted notice pursuant to the general notice provisions of Section 2.2.6. Following the public hearing, the Committee shall recommend that the County Board of Supervisors approve or deny the rezoning and PUD Concept Plan, based on the Approval Criteria in Section 2.3.7(C).

2.3.7.B.2.e County Board of Supervisors Review and Decision
After receiving and reviewing the Committee's recommendation, the County Board shall vote to approve or deny the proposed Concept Plan and PUD rezoning petition, based on the Approval Criteria in Section 2.3.7(C).

2.3.7.B.3 Final PUD Plans
Final PUD Plan approval shall be required before the issuance of any permit for construction within the PUD district.

2.3.7.B.3.a Petitions for Final PUD Plan approval shall be submitted to the Land Use Administrator.

2.3.7.B.3.b Final PUD Plans shall include the following materials:

2.3.7.B.3.b.i A map showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings, soil erosion control plan, stormwater management plan, and the metes and bounds description of all dedicated areas and lots.

2.3.7.B.3.b.ii A proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings.

2.3.7.B.3.b.iii A proposed deed or deeds to land determined by the County to be needed for public elementary and intermediate school purposes.

2.3.7.B.3.c The Land Use Administrator shall review the petition to determine whether the petition meets all of the applicable requirements of this Land Use Code and the approved Concept Plan, and prepare a Staff Report to the Committee with his determination.

2.3.7.B.3.d After receiving the staff report, the Committee shall hold a public hearing on the Final PUD Plan. Following the public hearing, the Committee shall approve the Final PUD Plan if the Final PUD Plan meets all of the applicable requirements of this Land Use Code and the approved Concept Plan.

2.3.7.B.3.e When the Final PUD Plan and deed of dedication have been approved by the Committee as being in conformity with this section and with any changes or requirements of the Committee, and it has been determined that the petitioner has complied with the requirements of Chapter 7 whether or not it is a subdivision, the Final PUD Plan shall be approved for recordation and recorded. Thereafter, no modification may be made to the plan except by an amended plan submitted as an original plan under the requirements of this section.

2.3.7.C Approval Criteria
PUD Concept Plans, Rezonings, and Final Plans may be approved by the Board only if they find that all of the following criteria have been met:

2.3.7.C.1 The proposed PUD is consistent with the County's Comprehensive Plan.

2.3.7.C.2 The PUD is necessary to address a unique situation or represents a substantial benefit to the County, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards.

2.3.7.C.3 The proposal is not significantly different from surrounding land uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical.

2.3.7.C.4 The facilities and services (including sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, roads and transportation, and schools, as applicable) will be available to serve the subject project while maintaining adequate levels of service to existing development.

2.3.7.C.5 The same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district, or variances.

2.3.7.C.6 The total number of dwelling units per acre does not exceed the maximum number of units which would be allowed by the underlying base zoning for the land included within the PUD.

2.3.7.C.7 The uses on a Final PUD Plan are as shown on the approved Concept Plan.

2.3.7.C.8 A soil erosion control plan and a stormwater management plan have been approved.

2.3.7.C.9 The location of all structures and designated building envelopes on a Final PUD Plan are as shown on the approved Concept Plan. Building envelopes will be protected by adequate covenants, running with the land, conveyances, or dedications. The proposed location and arrangement of structures will not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures will be protected where necessary by adequate covenants, running with the land, conveyances, or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in a PUD, except where the PUD abuts another zoning district, in which case the standards pertaining to the abutting zoning district shall apply. However, every dwelling shall have access to a public street, court, walkway or other area dedicated to a public use and no single family dwelling (except a town house or semi-detached dwelling) and no addition to any single family dwelling shall be erected within a distance of less than 16 feet from any other single family dwelling.

2.3.7.C.10 The owner will bond himself and his contractors to make the required improvements within a reasonable length of time.

2.3.7.D Effect of Concept Plan Approval

A Concept Plan setting forth specific uses, densities, and locations shall be approved concurrently with a PUD rezoning. No Concept Plan may be approved without a PUD rezoning, and no PUD rezoning petition may be approved until a Concept Plan for the development has been approved. Approval of a Concept Plan shall constitute acceptance of the uses, development intensities and general layout proposed for the PUD development. The Concept Plan shall govern the preparation of the required Final PUD Plans.

2.3.7.E Additions to a PUD

Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application was filed and all of the requirements of this section shall apply except the minimum acreage requirement of 40 acres.

2.3.7.F Expiration of PUD Plans

2.3.7.F.1 Concept Plan

All provisions of a PUD Concept Plan that differ from the previous zoning district (prior to the PUD rezoning) shall expire and be of no further force and effect if a complete Final PUD Plan application for the PUD or a phase of the PUD has not been submitted within one year of the date of the Concept Plan approval by the Board. If the PUD is to be developed in phases, a phasing plan with expiration dates shall be approved as part of the Concept Plan approval. Once any applicable expiration dates pass without approval of a Final PUD Plan, the Concept Plan shall be deemed to include only the uses, dimensional standards, and other provisions of this Code applicable to the prior zoning district. In the event of an expiration, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds and initiate action to rezone the property to a zoning classification that is consistent with the County's Comprehensive Plan.

2.3.7.F.2 Final PUD Plan

The right to develop in accordance with an approved Final PUD Plan shall expire and be of no further effect if all development shown on the approved Final Plan is not completed within three years of the date of Final PUD Plan approval or within any deadline set forth in the Final PUD Plan, whichever is greater. Once such date has passed, the Final PUD Plan shall be deemed to include only the uses, dimensional standards, and other provisions of this Code applicable to the property under the prior zoning district. If approval expires, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds and shall initiate action to rezone the property to a zoning classification that is consistent with the County's Comprehensive Plan.

2.3.8 Certificates of Zoning Compliance

2.3.8.A Applicability
No building, or addition thereto, constructed after the effective date of this Code, and no addition, alteration, reconstruction, extension, enlargement, conversion, or structural alteration to a previously existing building, shall be occupied or used for any purposes unless a Certificate of Zoning Compliance has been issued.

2.3.8.B Filing
Every application for a Land Use Permit or Conditional Use Permit shall be deemed a request for a Certificate of Zoning Compliance. The Land Use Administrator upon request may issue a Certificate of Zoning Compliance.

2.3.8.C Review and Decision Procedure
The Land Use Administrator shall review each request and approve or deny within 30 days based on the Approval Criteria of Section 2.3.8(D). Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Code. Any Certificate of Zoning Compliance issued in conflict with the provisions of this Code shall be null and void.

2.3.8.D Approval Criteria
No Certificate of Zoning Compliance for a building or portion thereof constructed after the effective date of this Code shall be issued until construction is substantially completed, and the premises have been inspected and certified by the Land Use Administrator to be in conformity with the plans and specifications upon which the Land Use Permit or Conditional Use Permit was issued.

2.3.8.E Issuance of Certificates for Nonconforming Uses
Any person, firm, or corporation having a legal or equitable interest in a property which is nonconforming as to standards may request a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was an allowed use at the time it originated and was made nonconforming by the adoption of this Code or amendment thereto. After verifying that the use in question is in fact a nonconforming use, the Land Use Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

2.3.8.F Effective Date of the Permit
Certificates of Zoning Compliance shall be effective beginning on the date of approval.

2.3.8.G Appeals
Appeals of Certificate of Zoning Compliance decisions shall be made to the Board of Adjustment.

2.3.9 Minor Land Divisions

2.3.9.A Applicability
An applicant may propose to divide land into not more than 4 parcels or building sites where the act of division creates not more than 4 parcels within a period of 5 years, whether done by the original owner or a successor owner, by use of a letter of intent, sketch map, and Certified Survey Map.

2.3.9.B Letter of Intent
The subdivider shall submit to the Land Use Administrator a letter of intent that shall specify:

2.3.9.B.1 The name and address of the owner of the property under consideration.

2.3.9.B.2 The name and address of the subdivider.

2.3.9.B.3 The name of the surveyor who will be doing the work.

2.3.9.B.4 The names and addresses of all prospective buyers.
2.3.9.B.5 The location and size of the property.

2.3.9.B.6 The parcel identification number (PIN);

2.3.9.B.7 The present use of the land.

2.3.9.B.8 The intended future use of the land.

2.3.9.B.9 The zoning district the land is located within.

2.3.9.B.10 The estimated timetable of development.

2.3.9.B.11 A soil erosion control plan and stormwater management plan, if applicable.

2.3.9.C Sketch Map
Accompanying the letter of intent, the subdivider shall submit a sketch map at a scale of 1" = 200' or other appropriate scale. The Committee or the Land Use Administrator may require that 2-foot contour maps prepared by a registered surveyor or engineer be the basis of the sketch map in flood plain areas. More than one sketch map may be used to show the required information but they shall be of the same scale and no one map shall be larger than 8 1/2" X 11". Each submission shall include all contiguously owned land except the sketch need not show more than 10 times the area of the intended certified survey. This sketch map shall show the following information:

2.3.9.C.1 North arrow, date and scale.

2.3.9.C.2 Reference to a section corner.

2.3.9.C.3 Approximate dimensions of the parcels and easements.

2.3.9.C.4 The location of existing buildings, water wells, sewerage systems, watercourses, drainage ditches and other features pertinent to proper division.

2.3.9.C.5 Setback or building lines required by any approving agency.

2.3.9.C.6 The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.

2.3.9.C.7 The location of existing and proposed driveways and distances to the nearest adjoining driveways on both sides of the proposed site.

2.3.9.D Additional Information

2.3.9.D.1 The Committee or the Land Use Administrator may require contour maps and individual lot soil and site evaluations prior to tentative approval where limiting conditions are suspected.

2.3.9.D.2 The Committee or the Land Use Administrator may require a proposed land division layout of all or part of the contiguously owned land even though division is not planned at the time.

2.3.9.E Tentative Approval

Pending submission of the Certified Survey Map, the Committee or the Land Use Administrator may grant tentative approval based on the letter of intent, sketch map, town approval or recommendation, acceptable results of soil tests, and the Approval Criteria of Section 2.3.9(H). Where, in the judgment of Committee, or the Land Use Administrator, literal interpretation of the approval criteria or standards provided in Chapter 7 of this Code would result in exceptional or undue hardship, the Committee or the Land Use Administrator may waive or modify any requirements to the extent deemed necessary to relieve the exceptional or undue hardship. Such relief shall be granted without detriment to the public good, impairment of the purpose and intent of this Land Use Code, or conflict with the County Comprehensive Plan. Tentative approval shall assure final approval if the Certified Survey Map is submitted within 12 months of the tentative approval date by the committee and the Certified Survey Map is substantially the same plan and all requirements for division are met.

2.3.9.F Certified Survey Map

2.3.9.F.1 Procedure

The subdivider shall cause a Certified Survey Map to be prepared in accordance with this Section, and shall submit such map along with the surveyor's checklist for land information review, the individual lot soil and site evaluations and any other applicable information or documentation required by the Land Use Administrator or the Committee as a condition of approval of the letter of intent to the Department. The map shall be reviewed by the Land Use Administrator for conformance with this Code and all ordinances, rules, regulations, plans, and plan components that affect it. The Land Use Administrator shall approve, approve conditionally, or reject the map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in a written statement forwarded to the subdivider. If the map is approved, the Land Use Administrator shall so certify on the face of a copy of the map and return it to the submitter.

2.3.9.F.2 Requirements

2.3.9.F.2.a General

A certified survey map shall be prepared by a registered land surveyor and shall comply in all respects with the requirements of Wis. Stat. Section 236.34. The minor land division may be exempted from the improvements requirements set forth in Chapter 7 of this Code but shall comply with the design standards of Chapter 7 and the development standards of Chapter 8 of this Code.

2.3.9.F.2.b Additional Information

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

2.3.9.F.2.b.i Date of map preparation;

2.3.9.F.2.b.ii Graphic scale;

2.3.9.F.2.b.iii Names and addresses of the owner, subdivider and surveyor;

2.3.9.F.2.b.iv Parcel identification number

2.3.9.F.2.b.v All existing buildings, watercourses, drainage ditches, road access and other features pertinent to proper division;

2.3.9.F.2.b.vi Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands;

2.3.9.F.2.b.vii Acreage included in each parcel, excluding road rights-of-way. If the survey map crosses a municipal boundary line, the acreage included in each portion of the parcel that is located in each municipality shall be shown on the map.

2.3.9.F.2.b.viii The regional floodplain boundaries as designated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) dated April 2010.

2.3.9.F.2.b.ix Ordinary highwater mark of lakes, ponds, or streams;

An ordinary highwater mark of lakes, ponds and streams shall be shown on the certified survey map in accord with s. 236.025 Wis. Statutes, as determined by the Department of Natural Resources/pursuant to law, or shall be shown as "approximate" on the survey. If the ordinary high water mark is approximated, the location shall be a point on the bank to which the presence and action of the water is so continuous as to leave a distinct mark. Such approximate ordinary high water mark must be labeled "for reference only".

Public trust information – Any plat or CSM which includes lots or out-lots that go to the water's edge must include the following statement: "Any land below the ordinary highwater mark of a lake of navigable stream is subject to the public trust in navigable waters that is established under article IX, Section 1 of the State Constitution."

2.3.9.F.2.b.x Location of individual lot soil tests, as required by Comm. 83.09 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the map;

2.3.9.F.2.b.xi Setbacks or building lines; and

2.3.9.F.2.b.xii All lands reserved for future public acquisition.

2.3.9.F.2.b.xiii Location of the wetland boundary, as designated on the Wetlands Inventory Maps published by the Wisconsin Department of Natural Resources Bureau of Water Regulation and Zoning, dated September 19, 1994 or as amended or by a qualified delineator. When the delineation is by a private delineator, a copy of the delineation report must be included, along with a letter of concurrence/approval by the Wisconsin Department of Natural Resources and the U S Army Corps of Engineers where applicable;

2.3.9.F.2.b.xiv Location of the highway/road/street right-of-way line and the required building setback line from the highway/road/street and the highway access locations;

2.3.9.F.2.b.xv The site address (if one is already assigned to the lot);

2.3.9.F.2.b.xvi Register of Deeds 3" X 3" recording area in the upper right hand corner of the first page;

2.3.9.F.2.b.xvii Where the Land Use Administrator finds that additional information is required to review the Certified Survey Map relative to a particular problem presented by a proposed development, he shall have the authority to request in writing, such information from the subdivider.

2.3.9.F.2.c Dodge County Ground System
Where the map is located within a quarter section the corners of which have been relocated, monumented and coordinated, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Dodge County Ground (or in the absence thereof the Wisconsin State plane coordinate) of

the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

2.3.9.F.2.d Certificates
The surveyor shall certify on the map that he has fully complied with all the provisions of this Code. The Committee or the Land Use Administrator shall certify approval on the face of the map.

2.3.9.G through 2.3.9.G.10 Deleted on November 9, 2010; See Section 2.3.15

2.3.9.H Approval Criteria
The Committee or the Land Use Administrator may grant tentative approval of Minor Land Divisions only after considering whether:

2.3.9.H.1 The proposal complies with all applicable provision of this code.

2.3.9.H.2 Facilities and services (including sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, schools, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

2.3.9.H.3 Any construction of a new public access road will comply with town road standards;

2.3.9.H.4 The proposed division is not located within an environmental protection area, unless any hazard can be mitigated, as certified by a professional geologist or engineer;

2.3.9.H.5 Approval has been recommended by the town board.

2.3.9.I Recordation
The subdivider shall record the map with the County Register of Deeds within 30 days of its approval, after the certificates of the town and Land Use Administrator and the surveyor are placed on the map.

2.3.9.J Land Divisions Within Extraterritorial Plat Approval Jurisdictions
When land to be divided through the Minor Land Division process lies within 1 ½ miles of the corporate limits of a fourth class city or village or within 3 miles of all other cities, and the city or village has adopted extraterritorial subdivision authority, the subdivider shall proceed through the Minor Land Division process specified above, except:

2.3.9.J.1 Approving agencies include the village plan commission or village board, or city plan commission or common council, town board, County Land Use Administrator and the Committee and the subdivider must comply with the land division ordinances of these agencies.

2.3.9.J.2 The subdivider may not proceed with the installation of any improvements as may be required by a town board, village board, or city council in the matters over which they have jurisdiction until the Land Use Administrator or the Committee has received and approved or conditionally approved the Minor Land Division.

2.3.9.J.3 All improvement requirements, specified by the town board, village board, common council, County, or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the Certified Survey Map.

2.3.10 Major Subdivisions

2.3.10.A Applicability
The Major Subdivision procedures of this section shall apply to the following:

2.3.10.A.1 All land divisions resulting in 5 or more lots, or where the act of division creates 5 or more lots within a period of 5 years whether done by the original owner or a successor owner; and

2.3.10.A.2 All additional divisions of parcels created through the Major Subdivision process.

2.3.10.A.3 This section expressly applies to any subdivision created by a condominium instrument.

2.3.10.B Sketch Plan and Preapplication Meeting
Applicants shall schedule and attend a preapplication meeting before filing an application for a Preliminary Plat. The applicant shall present a Sketch Plan of the proposed subdivision at the time of the meeting in the format established by the Land Use Administrator. Sketch plans will be reviewed by staff in a work session format and not in a public hearing. Within 10 days of the preapplication meeting, the reviewing officials shall confer with the applicant or provide a report for the purpose of discussing any matters that will assist the applicant in preparing the Preliminary Plat. If a Preliminary Plat is not submitted within 180 days of the preapplication meeting, applicants must schedule and attend another preapplication meeting before submitting applications.

2.3.10.C Preliminary Plat

2.3.10.C.1 Application Filing
Preliminary Plat applications shall be submitted to the Land Use Administrator.

2.3.10.C.2 Preparation of the Preliminary Plat
The Preliminary Plat shall be prepared in accordance with Chapter 236, Wisconsin Statutes and Chapter 7 of this Code. The subdivider or the subdivider's agent shall be required to submit an electronic copy of the Preliminary Plat and 4 copies of the plat that are capable of clearly legible reproduction, to this Department along with a complete major land division application and the applicable application fees at least 60 days prior to the meeting of the Committee at which action is desired. The subdivider shall also be required to submit the Preliminary Plat to the applicable approving agencies in accord with Chapter 236.12(2)(a) Wisconsin Statutes and to the State Department of Administration – State Plat Review Department in accord with Chapter 236.12(2)(ac) Wisconsin Statutes.

2.3.10.C.3 Land Use Administrator's Review and Recommendation
Upon receipt of a complete preliminary plat application, the Land Use Administrator shall review each proposed Preliminary Plat in light of the Approval Criteria of Section 2.3.10(C)(10), and the comments received from approving and objecting agencies. Based on the results of those reviews, the Land Use Administrator shall recommend approval, approval with conditions, or denial of the application to the Committee. Failure of the Land Use Administrator to make a recommendation within 90 days of his receipt of the complete Preliminary Plat application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

2.3.10.C 4 Committee's Review and Decision

2.3.10.C.4.a The Committee shall hold a public hearing on the Preliminary Plat application, which shall receive written and published notice pursuant to the general notice provisions of Section 2.2.6. Following the public hearing, the Committee shall by majority vote approve, approve conditionally, or reject the Preliminary Plat based on the Approval Criteria of Section 2.3.10(C)(8). Where, in the judgment of Committee, literal interpretation of the approval criteria or standards provided in Chapter 7 of this Code would result in exceptional or undue hardship, the Committee may waive or modify any requirements to the extent deemed necessary to relieve the exceptional or undue hardship. Such relief shall be granted without detriment to the public good, impairment of the purpose and intent of this Land Use Code, or conflict with the County Comprehensive Plan.

2.3.10.C.4.b The Committee shall take its final action within 90 days of the date of filing of the Preliminary Plat with the Land Use Administrator, and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Committee to act within 90 days or within the time as extended by agreement with the subdivider shall constitute an approval.

2.3.10.C.4.c One copy of the Plat shall be returned to the subdivider with the date and action endorsed on it; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Department's permanent file.

2.3.10.C.5 Effect on Final Plat Approval
If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, any approval authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

2.3.10.C.6 Technical Disputes
As a means of resolving technical disputes between the applicant's licensed or registered professionals and the County, such disputes may be referred to the appropriate state department for a recommendation.

2.3.10.C.7 Expiration of Preliminary Plat Approval
An approved Preliminary Plat shall expire and be of no further force and effect if a complete Final Plat application for the subdivision or a phase of the subdivision has not been submitted within 36 months of the Preliminary Plat approval by the Committee. If the subdivision is to be developed in phases, a phasing plan shall be approved as part of the Preliminary Plat approval. If approval expires, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds.

2.3.10.C.8 Approval Criteria
A Preliminary Plat may be approved by the Planning and Development Committee after considering whether:

2.3.10.C.8.a The proposed subdivision furthers the goals and policies of the County's Comprehensive Plan;

2.3.10.C.8.b The proposed subdivision complies with the standards and design requirements of this Code;

2.3.10.C.8.c The proposed subdivision has made adequate provision for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

2.3.10.C.8.d The proposed subdivision has made adequate provision for sewage disposal which complies with federal, state and local laws and regulations;

2.3.10.C.8.e The proposed subdivision can be accommodated within the school district in terms of the school's capacity to accept the estimated number of additional students;

2.3.10.C.8.f The proposed subdivision is compatible with the soil and topographical conditions of the site;

2.3.10.C.8.g The location of the proposed subdivision is suitable for development at this time and will not result in a premature subdivision or a scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

2.3.10.C.8.h A driveway access permit has been issued or a letter has been received indicating that such a permit will be issued;

2.3.10.C8.i The subdivider has, to the maximum extent feasible, taken every effort to mitigate the impact of the proposed subdivision on public health, safety and welfare;

2.3.10.C.8.j The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state and local laws and regulations; and

2.3.10.C.8.k The proposed subdivision has an approved soil erosion control plan and stormwater management plan.

2.3.10.D Final Plat
After approval of a Preliminary Plat, a Final Plat application for the subdivision may be submitted.

2.3.10.D.1 Application Filing
Final Plat applications shall be submitted to the Land Use Administrator along with a Final Plat application form furnished by the Department.

2.3.10.D.2 Preparation of Final Plat
The Final Plat shall be prepared in accordance with Chapter 236, Wisconsin Statutes and Chapter 7 of this Code. The subdivider or the subdivider's agent shall be required to submit an electronic copy of the Final Plat and 4 copies of the plat that are capable of clearly legible reproduction, to this Department along with a complete Final Plat application and the applicable application fees at least 60 days prior to the meeting of the Committee at which action is desired. The subdivider shall also be required to submit the Final Plat to the applicable approving agencies and to the State Department of Administration – State Plat Review Department in accord with Chapter 236.12 Wisconsin Statutes.

2.3.10.D.3 Land Use Administrator's Action
The Land Use Administrator shall review each Final Plat application and shall provide the committee his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and shall recommend that the Committee approve, approve with conditions or deny the Final Plat, based on the Approval Criteria of Section 2.3.10(D)(5). The recommendation shall be made part of the record of the proceeding at which the final plat is being considered.

2.3.10.D.4 Committee's Review and Decision
The Committee shall review each Final Plat application and shall, within 60 days of the date of filing of the Final Plat with the Department, unless the time is extended by agreement with the subdivider, act to approve or deny the Final Plat, based on the Approval Criteria of Section 2.3.10(D)(5). If a plat is rejected, the reasons therefore shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons supplied to the subdivider. If the approving authority fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the plat by the clerk of the authority which has failed to act.

Approval of the plat shall be conditioned upon compliance with the ordinance that was in effect when the preliminary plat was submitted. If an ordinance is revised while the plat is moving through the review process, the new requirements can not be applied to the final plat.

2.3.10.D.5 Approval Criteria
The Committee may approve a Final Plat only if the Committee determines that the Final Plat substantially complies with the approved Preliminary Plat and includes all corrections and conditions imposed by the Committee during their approval of the Preliminary Plat; and complies with this Code and all other ordinances, rules, regulations, plans, and plan components which may affect it.

2.3.10.D.6 Partial Platting
The Final Plat may, if permitted by the Committee, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time. Approval of a Final Plat for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for one year from the date of such Final Plat approval.

2.3.10.D.7 Submission Timing
If the Final Plat is not submitted within 36 months of the last required approval of the Preliminary Plat, the Committee may refuse to approve the Final Plat or may extend the time for submission of the final plat.

2.3.10.D.8 Recordation
After the Final Plat has been approved by the Committee and required improvements either installed or a contract and sureties insuring their installation is filed, the Land Use Administrator shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds within 12 months after the last approval and 36 months from the first approval.

2.3.10.D.9 Expiration of Approval
If the approved Final Plat is not recorded with the County Register of Deeds within 12 months after the last approval and 36 months from the first approval, the Final and Preliminary Plats shall expire and be of no further effect.

2.3.10.E Replats

2.3.10.E.1 Procedure
When an applicant proposes to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stat. Sections 236.36 through 236.44. The subdivider or person wishing to replat, shall then proceed as specified in Sections 2.3.10(C) and (D) above.

2.3.10.E.2 Notice Required
The Land Use Administrator shall schedule a public hearing before the Committee when a Preliminary Plat of a replat of lands within the County's jurisdiction is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 300 feet of the exterior boundaries of the proposed replat.

(2.3.11 A through D Deleted on 12-18-07)

(2.3.11.E through G deleted on 5-20-08)

2.3.12 Variances
In this subsection, an "Area Variance" means a modification to a dimensional, physical, or locational requirements such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment under this subsection and a "Use Variance" means an authorization by the Board of Adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable code.

2.3.12.A Use Variances Prohibited
No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

2.3.12.B Application Filing
Applications for variances shall be submitted to the Land Use Administrator.

2.3.12.C Public Hearing Notice
Notice of the public hearing shall be published and mailed pursuant to the general notice provisions of Section 2.2.6.

2.3.12.D Review and Action
The Board of Adjustment shall hold a public hearing on each variance application and, following the public hearing, act to approve, approve with conditions, or deny the variance based on the Approval Criteria of Section 2.3.12(E).

A Board of Adjustment decision regarding a variance application for a development located within the Floodplain Overlay District shall be sent to the Regional Office within 10 days of the decision;

2.3.12.E Approval Criteria
No variance to the provisions of this Code shall be granted by the Board of Adjustment unless it finds a reasonable factual basis for all the following facts and conditions and so indicates in the minutes of its proceedings.

2.3.12.E.1 There are exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this Code should be amended.

2.3.12.E.2 The granting of the variance will not have an adverse impact upon the public health, safety, morals or the welfare of the community or surrounding properties.

2.3.12.E.3 The special circumstances and conditions are such that the strict application of provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property.

2.3.12.E.4 The granting of the variance is the minimum necessary to relieve the applicant of the practical difficulties and exceptional and undue hardship in the use of the land or building.

2.3.12.E.5 For a "Use Variance" that strict compliance with the provisions of this Code would leave the property owner with no reasonable use of the property in the absence of a variance;

2.3.12.E.6 For an "Area Variance" that strict compliance with the provisions of this Code would unreasonably prevent the property owner from using the property owners property for a permitted purpose or would render conformity with the Code unnecessarily burdensome;

2.3.12.E.7 A variance may not be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction error, economic gain, self-created hardship or where the property is presently a non-conforming use.

2.3.12.F Burden of Proof
In all circumstances, a property owner bears the burden of proving that the "unnecessary hardship" as it is used in subsections 2.3.12.E.5 and 2.3.12.E.6 is present and is based on conditions that are unique to the property, rather than considerations personal to the property owner and that the unnecessary hardship was not created by the property owner.

2.3.12.G Expiration of Approval
Any decision or order issued by the Board of Adjustment requiring the Land Use Administrator to issue a permit shall expire after one year after the decision is filed with the Department or at such alternative time specified in the approval process unless:

2.3.12.G.1 The applicant or appellant has filed a land use permit application with the Department for the applicable project within such time, provided, that the time may be extended when so specified by the Board of Adjustment.

2.3.12.G.2 Construction has been diligently pursued;

2.3.12.G.3 The land use permit is renewed, for a period not to exceed one year; or

2.3.12.G.4 A Certificate of Zoning Compliance has been issued.

2.3.12.H A variance granted under this subsection runs with the land.

2.3.13 Appeals

2.3.13.A Standing to Appeal
Appeals from the decision of any review and decision-making body may be made by any person aggrieved or their agent, or by an officer, department, board, or bureau of the County, or by any affected town board.

2.3.13.B Timing
Such appeals shall be filed with the Planning and Development Department or the review and decision-making body from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the review and decision-making body.

2.3.13.C Format of Appeal
All appeals shall be in writing and on such forms as shall be prescribed by the decision-making body and accompanied by the appropriate filing fee. Every appeal shall state, at a minimum, what provision(s) of the Code is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the appellant.

2.3.13.D Appeals from Land Use Administrator's or Committee's Decision
Appeals of decisions of the Land Use Administrator or Planning and Development Committee shall be made to the Board of Adjustment, unless otherwise provided for in this Code. The Board of Adjustment shall hold a public hearing on each appeal and, following the public hearing, act to approve or deny the appeal. Written and published notice for public hearings on appeals shall be provided pursuant to the general notice requirements of Section 2.2.6. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Land Use Administrator or the Committee, or to decide in favor of the appellant on any matter upon which it is required to pass under this Code. Upon reaching a decision in an appeal, the Board of Adjustment shall notify the appellant(s) and the Committee within 10 working days after taking final action on an appeal.

2.3.13.E Appeals From Board of Adjustments' Decisions
Any further appeal of decisions made by the Board of Adjustment shall be made to the courts, as provided by law, unless otherwise provided for in the Code.

2.3.13.F Appeals of County Board of Supervisors' Decisions
Appeals of decisions of the County Board of Supervisors shall be made to the courts, as provided by law.

2.3.14 Economic Hardship/Takings Relief Provisions

2.3.14.A Hardship Relief Petition

Any applicant for development, after a final decision on his development application is rendered by the Land Use Administrator, the Committee, Board of Adjustment, or County Board of Supervisors, may file a Hardship Relief Petition with the Land Use Administrator seeking relief from any regulations in this Code on the basis that the denial of the permit has created a substantial economic hardship, depriving the applicant of all reasonable use of his property.

2.3.14.A.1 Affected Property Interest

The Hardship Relief Petition must provide information sufficient for the Land Use Administrator and the County Corporation Counsel to determine that the petitioner possesses a protectable interest in property under Article I, Section 13 of the Wisconsin Constitution and the Fifth Amendment to the United States Constitution.

2.3.14.A.2 Economic Hardship Taking Standard

For purposes of this Code, a substantial economic hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the permit has resulted in a denial of all reasonable economic use of the property, Dodge County may provide the petitioner with relief from applicable zoning regulations.

2.3.14.A.3 Time for Filing Notice of Petition and Petition

No later than 15 calendar days from final action by the County Board of Supervisors or other County review authority on any development application, the petitioner shall file a notice of petition in writing with the Land Use Administrator. Within 25 days of filing of a notice of petition, the petitioner shall file a Hardship Relief Petition with the Land Use Administrator.

2.3.14.A.4 Information to be Submitted with Hardship Relief Petition

2.3.14.A.4.a The Hardship Relief Petition must be submitted on a form prepared by the Planning and Development Department, and must be accompanied at a minimum by the following information:

2.3.14.A.4.a.i Name of the petitioner and parcel identification number;

2.3.14.A.4.a.ii Name and address of the current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.

2.3.14.A.4.a.iii Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;

2.3.14.A.4.a.iv Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;

2.3.14.A.4.a.v Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of petition;

2.3.14.A.4.a.vi All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of petition;

2.3.14.A.4.a.vii The assessed value of and ad valorem taxes on the property for the previous 3 years;

2.3.14.A.4.a.viii All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;

2.3.14.A.4.a.ix All listings of the property for sale or rent, price asked and offers received, if any, during the period of ownership or interest in the property;

2.3.14.A.4.a.x All studies commissioned by the petitioner or agents of the petitioner within the previous 3 years concerning feasibility of development or utilization of the property;

2.3.14.A.4.a.xi For income producing property, itemized income and expense statements from the property for the previous three years;

2.3.14.A.4.a.xii Evidence and documentation of improvements, investments, or expenditures for professional and other services related to the property made during the past three years; and

2.3.14.A.4.a.xiii Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.

2.3.14.A.4.b The Land Use Administrator or Hearing Officer may request additional information reasonably necessary, in his opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable economic use constituting a substantial economic hardship.

2.3.14.5 Failure to Submit Information
In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

2.3.14.6 Preliminary Determination of Substantial Economic Hardship
Prior to any review by a Hearing Officer appointed pursuant to Section 2.1.5(A) and based on an analysis of documents and information submitted by the petitioner, the Land Use Administrator and County Corporation Counsel shall make a determination whether the petitioner has made a prima facie case that the subject property has been subject to a denial of all reasonable economic use that amounts to a substantial economic hardship.

2.3.14.6.a If a determination is made that a prima facie case has not been established, then the Land Use Administrator and County Corporation Counsel shall deny the petition. Such determination shall be made within 30 days of the filing of a Hardship Relief Petition and submission of all information required by the Land Use Administrator and County Corporation Counsel necessary to make such determination. Any appeal of such decision shall be made in accordance with the provisions of Section 2.3.13 of this Code.

2.3.14.6.b If a determination is made that the petitioner has established a prima facie case that the subject property has been subject to a denial of all reasonable economic use that amounts to a substantial economic hardship, the Land Use Administrator and County Corporation Counsel shall recommend to the County Board of Supervisors that a Hearing Officer be appointed pursuant to Section 2.3.14(B).

2.3.14.B Appointment of Hearing Officer
Within 30 days following a preliminary determination of substantial economic hardship and upon a favorable resolution by the County Board of Supervisors, the Planning and Development Committee shall appoint a Hearing Officer to review information submitted by the petitioner, to hold a hearing to determine whether there is an affected property interest, and whether a substantial economic hardship has been created as a result of a final action on the application.

2.3.14.B.1 Qualifications of the Hearing Officer
Every appointed Hearing Officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate-related disciplines sufficient to allow an understanding, analysis, and application of the economic hardship standard contained in this Code. Prior to appointment, the Hearing Officer shall submit a statement of no potential or actual conflict of interest.

2.3.14.B.2 Hearing Officer Compensation/Hearing Costs
The Hearing Officer shall be compensated at his normal rate for professional services of a similar nature plus all travel and incidental expenses including staff support as necessary. The petitioner shall be responsible for paying all costs associated with the Hearing Officer and conduct of the hearing. The petitioner shall deposit in advance with the County a fee to cover the cost of the economic hardship hearing as estimated by the Land Use Administrator and shall make periodic payments at the direction of the Land Use Administrator to replenish the hearing fee fund if the initial fee is exhausted. If the Hearing Officer shall determine and render a final decision that the petitioner has presented evidence sufficient to demonstrate a substantial economic hardship, he may apportion up to one-half the cost of the hearing to Dodge County.

2.3.14.B.3 Notice and Scheduling of Hearings
Notice and scheduling of hearings shall be carried out in accord with Section 2.2.6 of this Code.

2.3.14.B.4 Testimony at Hearings
The Hearing Officer shall allow an opportunity during the hearing for the appellant and any member of the public to offer either written or oral testimony regarding the proposal under consideration.

2.3.14.B.5 Application of the Economic Hardship Taking Standard
In applying the economic hardship standard in Section 2.3.14(A)(2) above, the Hearing Officer shall consider among other items the following information or evidence.

2.3.14.B.5.a Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;

2.3.14.B.5.b Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and

2.3.14.B.5.c Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer;

2.3.14.B.6 Burden of Proof
The petitioner shall have the burden of proving by a preponderance of the evidence that the denial of the application creates a substantial economic hardship under the standard provided in Section 2.3.14(A)(2).

2.3.14.B.7 Findings of the Hearing Officer
The Hearing Officer shall, on the basis of the evidence and testimony presented, make the following specific findings. Such findings shall be included as part of its report and recommendations to the County Board of Supervisors, as set forth below:

2.3.14.B.7.a Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;

2.3.14.B.7.b Whether the petitioner has a protectable interest in property;

2.3.14.B.7.c The market value of the property considering the existing regulations;

2.3.14.B.7.d The market value of the property under the proposed use;

2.3.14.B.7.e Whether there exists a feasible alternative use that could provide a reasonable economic use of the property;

2.3.14.B.7.f The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;

2.3.14.B.7.g Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;

2.3.14.B.7.h Whether, in the opinion of the Hearing Officer, the denial of the application would create a substantial economic hardship as defined in Section 2.3.14(A)(2).

2.3.14.B.8 Decision and Recommendations of the Hearing Officer

2.3.14.B.8.a The Hearing Officer, based upon the evidence and testimony presented, shall render a decision as to the merits of the Hardship Relief Petition.

2.3.14.B.8.b If the Hearing Officer finds that the denial of the petition would create a substantial economic hardship, he shall make recommendations to the County Board of Supervisors regarding additional relief to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the Hearing Officer may consider include, but are not limited to, the following:

2.3.14.B.8.b.i A rezoning of the property to a more appropriate classification, issuance of a variance, approval of a development plan, or other appropriate land-use regulatory action that will enable the petitioner to realize a reasonable economic return on the property.

2.3.14.B.8.b.ii An opportunity to transfer density or cluster development on other property;

2.3.14.B.8.b.iii A waiver of permit fees;

2.3.14.B.8.b.iv Development finance assistance;

2.3.14.B.8.b.v Approval of development on some portion of the property; and

2.3.14.B.8.b.vi Acquisition of all or a portion of the property at market value.

2.3.14.B.8.c The report and recommendation shall be submitted to the County Board of Supervisors and mailed to the petitioner within 30 days following conclusion of the hardship hearing.

2.3.14.B.8.d The decision of the Hearing Officer shall not become final until the County Board of Supervisors shall have acted on the recommendations within 120 days of the close of the economic hardship hearing as provided in Section 2.3.14(C). Provided, however, that the County Board of Supervisors may extend this period upon a finding that due to the size and complexity of the development or proposal and similar factors that additional review time is necessary.

2.3.14.C Review and Consideration of the Recommended Relief by County Board of Supervisors

The County Board of Supervisors shall review the report and recommendations of the Hearing Officer and approve or disapprove the relief suggested therein or additional relief as deemed appropriate within 120 days following receipt of the Hearing Officer's report, except as provided in Section 2.3.14(B)(8)(d). The County Board of Supervisors may hold a public hearing and provide notice as provided in this Code. Only new testimony and evidence shall be presented at any public hearing held pursuant to this section. The County Board of Supervisors may adopt any legally available incentive or measure reasonably necessary to offset any substantial economic hardship as defined in Section 2.3.14(A)(2) and may condition such incentives upon approval of specific development plans.

2.3.14.D Time Limits/Transferral of Incentives

Any incentives adopted by the County Board of Supervisors pursuant to this section may run with the land and may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of the development approval as provided in this Code.

2.3.15 Condominium Plats

2.3.15.A Intent
It is the intent of this section to regulate condominiums as they relate to zoning and division of land for the purpose of establishing a condominium plat.

2.3.15.B Condominium Plat Application
The developer shall submit to the Land Use Administrator a condominium plat application, condominium instrument and the applicable application fees for review and approval.

2.3.15.C Condominium Plats
A condominium instrument to be filed for record shall meet the applicable requirements of Chapter 703 of the Wisconsin Statutes. Condominium Plats can not be used to create lots, out lots, or other lots for buildings or sale. Condominium Plats can not be used to create public streets, alleys or ways, or to dedicate any area to the public. Condominium Plats can not be used to alter any area previously dedicated to the public. Condominium Plats can not be used to subdivide land, nor to convey interest in land.

2.3.15.D Approval
A review of a condominium instrument by the county shall be completed within 10 working days after submission of the condominium instrument and if the review is not completed within this period, the condominium instrument shall be approved for recording.

2.3.15.D.1 A condominium instrument may be rejected only if it fails to comply with the applicable requirements of s. 703.095, 703.11(2)(a), (c) and (d), 703.11(3), 703.275 (5) and 703.28 (1m) of the Wisconsin Statutes or if the surveyor's certificate under s. 703.11(4) of the Wisconsin Statutes is not attached to or included in the condominium plat.

2.3.15.D.2 If the condominium instrument is rejected, the reason shall be stated in a written statement forwarded to the developer. If the condominium instrument is approved, the person performing the review of the condominium instrument shall certify approval for recording in writing, accompanied by his or her signature and title.

2.3.15.D.3 Approval for recording of a condominium instrument under this section shall not constitute approval for any other purposes such as the division of land or for zoning purposes.

Chapter 3 – Zoning District Regulations

3.1 RESIDENTIAL DISTRICTS

3.1.1 General Purpose/Intent

The districts contained in this section are created for the following general purposes:

3.1.1.A To provide appropriately located areas for residential development that are consistent with the Dodge County Comprehensive Plan and with standards of public health and safety established by this Development Code;

3.1.1.B To ensure adequate light, air, privacy and open space for each dwelling;

3.1.1.C To protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;

3.1.1.D To protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards;

3.1.1.E To provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and

3.1.1.F To ensure the provision of public services and facilities needed to accommodate planned population densities.

3.1.2 List of Districts and Specific Purpose Statements

The following residential districts are hereby created with the following specific purposes:

3.1.2.A R-1 Single Family-Residential
The purpose of the R-1 Single-Family Residential District is to promote generally exclusive low-density, single-family residential areas and accommodate uses appropriate to serving residential development, subject to appropriate standards.

3.1.2.B R-2 Two-Family Residential
The purpose of the R-2 Two-Family Residential District is to promote medium-density residential areas and accommodate uses appropriate to serving that development, subject to appropriate standards.

3.1.2.C R-3 Multi-Family Residential
The purpose of the R-3 Multi-Family Residential District is to promote high-density residential areas and accommodate uses appropriate to serving multi-family residential development subject to appropriate standards.

3.2 COMMERCIAL DISTRICTS

3.2.1 General Purpose/Intent

The districts contained in this section are created to:

3.2.1.A Provide appropriately located areas consistent with the Comprehensive Plan for a full range of office, retail commercial, and service commercial uses needed by Dodge County's residents, businesses and workers;

3.2.1.B Strengthen the County's economic base, and provide employment opportunities close to home for residents of the County and surrounding communities;

3.2.1.C Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

3.2.1.D Minimize the impact of commercial development on abutting residential districts;

3.2.1.E Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

3.2.1.F Ensure the provision of adequate off-street parking and loading facilities; and

3.2.1.G Provide sites for public and semipublic uses needed to complement commercial development.

3.2.2 List of Districts and Specific Purpose Statements
The following commercial districts are hereby created with the following specific purposes:

3.2.2.A C-1 General Commercial
The purpose of the C-1 General Commercial District is to promote compact commercial areas for smaller retail service and office uses that facilitate pedestrian, rather than vehicular, circulation and encourage shopping for a variety of goods and services, subject to appropriate standards.

3.2.2.B C-2 Extensive Commercial
The purpose of the C-2 Extensive Commercial District is to promote commercial areas for larger retail, wholesale, service, and office uses, and outdoor sales lots, and other such uses which primarily depend upon vehicular access and constitute single destinations, subject to appropriate standards.

3.3 INDUSTRIAL DISTRICTS

3.3.1 General Purpose/Intent

The districts contained in this section are created to:

3.3.1.A Provide appropriately located areas consistent with the Comprehensive Plan for a full range of industrial uses needed by Dodge County's residents, businesses and workers;

3.3.1.B Strengthen the County's economic base, and provide employment opportunities close to home for residents of the County and surrounding communities;

3.3.1.C Create suitable environments for various types of industrial uses, and protect them from the adverse effects of incompatible uses;

3.3.1.D Minimize the impact of industrial development on abutting residential districts;

3.3.1.D.1 Ensure that the appearance and effects of industrial buildings and uses are harmonious with the character of the area in which they are located;

3.3.1.D.2 Ensure the provision of adequate off-street parking and loading facilities; and

3.3.1.D.3 Provide sites for public and semipublic uses needed to complement industrial development.

3.3.2 List of Districts and Specific Purpose Statements

The following industrial districts are hereby created with the following specific purposes:

3.3.2.A I-1 Light Industrial District
The purpose of the I-1 Light Industrial District is to promote an area for uses of a light industrial nature, including manufacturing, warehousing, wholesaling, storage, and transportation, which generally do not produce offensive smoke, odors, noise, health hazards, or frequent traffic congestion, subject to appropriate standards.

3.3.2.B I-2 Industrial District
The purpose of the I-2 Industrial District is to promote areas for manufacturing and other industrial or non-industrial uses which may produce smoke, odors, noise, health hazards, traffic congestion, or might otherwise be considered offensive by a significant portion of the population, subject to appropriate standards.

3.4 AGRICULTURAL DISTRICTS

3.4.1 General Purpose/Intent

The districts contained in this section are created to:

3.4.1.A Provide appropriately located areas consistent with the Comprehensive Plan for a full range of agricultural uses needed by Dodge County's residents, businesses and workers;

3.4.1.B Promote an area for land uses of an agricultural nature on lands best suited to agriculture;

3.4.1.C Provide for the proper location and regulation of manufacturing, warehousing, and other activities that are dependent upon or closely allied to the agricultural industry and require location in close proximity thereto;

3.4.1.D Strengthen the County's economic base, and provide employment opportunities close to home for residents of the County and surrounding communities;

3.4.1.E Create suitable environments for various types of agricultural uses, and protect them from the adverse effects of incompatible uses;

3.4.1.F Provide sites for public and semipublic uses needed to complement agricultural development.

3.4.2 List of Districts and Specific Purpose Statements

The following agricultural districts are hereby created with the following specific purposes:

3.4.2.A A-1 Prime Agricultural District
The purpose of the A-1 Prime Agricultural District is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland, allow participation in the state's farmland preservation program, and accommodate changing practices in the agricultural industry, subject to appropriate standards.

3.4.2.B A-2 General Agricultural District
The purpose of the A-2 General Agricultural District is to promote areas for agriculture which are transitional, allowing for the expansion of urban areas, limited rural residential development, and the conversion of agricultural land to other related uses, subject to appropriate standards.

3.5 Deleted (June 16, 2009)

3.6 USE TABLE

Table 3.6-1 below sets forth the uses allowed within the relevant zoning district. The abbreviations used in the table are described as follows:

3.6.1 Allowed Uses
An "A" in a cell indicates that a use category is allowed by-right in the respective zoning district. Allowed uses are subject to all other applicable regulations of this Code, including the Development Standards set forth in Chapter 8.

3.6.2 Conditional Uses
A "C" in a cell indicates that a use category is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Section 2.3.6.

3.6.3 Committee Option
An "O" in a cell indicates that a use category can be either an allowed use or conditional use at the option of the Committee. If, in the opinion of the Committee, the proposed use sufficiently meets the standards and criteria listed in the Code for such use, then the proposed use can be considered an allowed use and no conditional use permit shall be required.

3.6.4 Numerical References
The numbers contained in the Additional Regulations are references to additional standards and requirements that apply to the use type listed. Standards referenced in the Additional Regulations column apply in all zoning districts unless otherwise expressly stated.

3.6.5 Use Categories/Use Types
The use categories listed in Table 3.6-1 are described in Chapter 3. In some cases, specific uses are listed in the table. The use categories are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that allow the broader classification. If a use type is not listed, then the Land Use Administrator shall, upon the request of any interested party and pursuant to the procedures set forth in Section 2.1.4.B.9 make a determination within which use category, if any, such use type should be included.

3.7 A-1 Prime Agricultural Zoning District
This Section sets forth the allowed uses and the conditional uses in the A-1 Prime Agricultural Zoning District along with the additional restrictions that apply to uses within this zoning district in accordance with Wisconsin Statutes Chapter 91.

3.7.1 Allowed Uses

3.7.1.A Agricultural uses, except animal confinement facilities.

3.7.1.B Accessory uses, meaning any of the following uses on a farm:

3.7.1.B.1 A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use;

3.7.1.B.2 An activity or business operation that is an integral part of, or incidental to, an agricultural use;

3.7.1.B.3 A farm residence;

3.7.1.B.4 A home occupation;

3.7.1.C Existing nonfarm single family dwellings and existing lots of record located within the A-1 Prime Agriculture Zoning District that were legally established or permitted by the County for non-farm residential use prior to ***June 28, 2010*****.**

3.7.1.D Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use.

3.7.1.E Transportation, utility, communication, or other uses that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

3.7.1.F Undeveloped natural resource and open space areas.

3.7.1.G Personal wind energy systems.

3.7.2 Conditional Uses

3.7.2.A Livestock facilities with 500 or more animal units that meet the siting standards in Wis. Adm. Code ch. ATCP 51, and other animal confinement facilities;

3.7.2.B Agriculture-related uses;

3.7.2.C Governmental, institutional, religious, or nonprofit community uses that qualify under Wis. Stats. 91.46 (5);

3.7.2.D New nonfarm single family residences and duplexes or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy if all of the following apply:

3.7.2.D.1 The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence;

3.7.2.D.2 There will 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;

3.7.2.D.3 The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

3.7.2.D.3.a Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence;

3.7.2.D.3.b Significantly impair or limit the current or future agricultural use of other protected farmland.

3.7.2.E Nonfarm residential clusters if all of the following apply:

3.7.2.E.1 The parcels on which the nonfarm residences would be located are contiguous;

3.7.2.E.2 If all of the nonfarm residences were constructed, each would satisfy the requirements for a nonfarm residence under sub. 3.7.2.D.

3.7.2.F Non-metallic mineral extraction that qualify under Wis. Stats. 91.46 (6);

3.7.2.G Oil and gas exploration or production that is licensed by the department of natural resources under subch. II of ch. 295.

3.7.2.H Transportation, communications, pipeline, electric transmission, utility, wind energy systems, or drainage uses that qualify under Wis. Stats. 91.46 (4).

3.7.3 Rezoning Land out of the A-1 Prime Agricultural Zoning District

Land may be rezoned out of the A-1 Prime Agricultural Zoning District if done in accordance with Section 2.3.4.I of this Code.

3.7.4 Conditional Use Permits

The Committee may authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for those conditional uses listed under Section 3.7.2 of this Code after review and a public hearing, provided that such conditional uses are in accordance with Section 2.3.6 of this Code and Wis. Stats. 91.46.

Table 3.6-1 Use Table

Uses	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-2	Description	Reference
Residential Uses:									6.1.2	
Household Living:									6.1.2-A	
1. Single Family Residential Use	A	A	A	C	C	C	C	A		5.2.1,6.2.8,6.2.9
2. Two Family Residential Use		A	A	C	C			C		6.2.8,6.2.9
3. Multi-Family Residential Use, 3 to 7 Units			A	C						6.2.9
4. Multi-Family Residential Use, 8 or more Units			C	C						6.2.9
5. Mobile Home Parks and Trailer Courts			C					C		6.2.7,6.2.8 6.2.9
Group Living:									6.1.2-B	
1. Group Living Facility, 8 or Fewer Residents	A	A	A						6.1.2-B,3,a	6.2.6,6.2.9
2. Group Living Facility, 9 or More Residents	C	C	A						6.1.2-B,3,b	6.2.6,6.2.9
3. Nursing Homes			C		C				6.1.2-B,3,c	6.2.6,6.2.9
4. Seasonal Housing for Farm Workers								C	6.1.2-B,3,d	6.2.6,6.2.8 6.2.9
5. Senior Assisted Living	C	C	C	C	C				6.1.2-B,3,e	6.2.6,6.2.9
6. Treatment Facilities			C	C	C				6.1.2-B,3,f	6.2.6,6.2.9
7. Prisons								C	6.1.2-B,3,g	6.2.6,6.2.8 6.2.9
8. Homeless Shelters			A	C	C				6.1.2.B.3.h	6.2.6
Institutional, Public and Semi-Public Uses:									6.1.3	
Aviation:									6.1.3-A	
1. Airports, Landing Fields and Hangers						C	C	C		
2. Seaplane Landing Basins					C			C		
Cemeteries	C	C	C	C	C			C	6.1.3-B	
Cultural Institutions	C	C	C	A	A			C	6.1.3-C	
Hospitals			C		C			C	6.1.3-D	
Parks and Open Space:									6.1.3-E	
1. Fairgrounds					C			C		
2. Golf Courses	C	C	C		C			C		
3. Nature and Hunting Preserves								C		
4. Parks, Trails and Playgrounds	C	C	C	C	C	C	C	C		
Public Assembly Areas:									6.1.3-F	
1. Community Center	C	C	C	A	A			C		
2. Conference, Convention and Exhibit Hall				C	A			C		
3. Other Public Assembly Areas	C	C	C		C			C		
4. Town Hall					A		C	C		
Religious Institutions	C	C	C	C	C	C		C	6.1.3-G	
Safety Services	C	C	C	A	A	A	A	C	6.1.3-H	
Schools	C	C	C	C	C			C	6.1.3-I	
Utilities, Basic	A	A	A	A	A	A	A	A	6.1.3-J	

Table 3.6-1 Use Table

Uses	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-2	Description	Reference
Commercial Uses:									6.1.4	
Casinos or other Gambling and Wagering Establishments					C				6.1.4.S	
Adult Oriented Establishments					A	A	A		6.1.4.A	4.2
Animal Sales and Services:									6.1.4-B	
1. Animal Hospitals and Shelters				C	C	C		C	6.1.4-B,2,a	6.2.4
2. Horse Boarding and Riding Facilities					C			C	6.1.4-B,2,b	6.2.4
3. Kennels					C			C	6.1.4-B,2,c	6.2.4
4. Pet Shops				A	A					
Day Care Facilities									6.1.4-C	
1. General				C	C	C	C		6.1.4-C,3,a	6.2.5
2. Large Family	C	C	C					C	6.1.4-C,3,b	6.2.4,6.2.5
3. Limited	A	A	A					A	6.1.4-C,3,c	6.2.5
Eating and Drinking Establishments:									6.1.4-D	
1. Restaurants				A	A				6.1.4-D,3,a	
2. Restaurants with Bars				C	C				6.1.4-D,3,b	
3. Restaurants with Drive-Thru Service					A				6.1.4-D,3,c	
4. Taverns				C	C	C		C	6.1.4-D,3,d	6.2.4
Financial Institutions:									6.1.4-E	
1. Automatic Teller Machines				A	A	C	C			
2. With Drive-Thru Services				C	A					
3. Without Drive-Thru Services				A	A					
Food and Beverage Sales:									6.1.4-F	
1. Beer and Liquor Stores				A	A					
2. Convenience Stores					A	C				
3. Fruit and Vegetable Markets				A	A			C		6.2.4
4. Roadside Stands Under 250 Square Feet					A			A		
5. Roadside Stands Over 250 Square Feet					A			C		6.2.4
6. With Drive-Thru Service				C	A			C		6.2.4
7. All Other				A	A					
Landscaping Businesses					C	A	A	C	6.1.4-G	6.2.4
Lumber Yards and Building Supplies					C	A	A		6.1.4-H	
Office Businesses and Professional:									6.1.4-I	
1. General Businesses				A	A					
2. Home Occupations	O	O	O	O	O	O	O	O		6.2.4,6.3.4
3. Medical and Dental Clinics				A	A					
4. Professional Offices and Studios	C	C	C	A	A			C		6.2.4
5. Radio and Television Stations				A	A	C	C			
6. Utility Companies				C	A	C	A	C		6.2.4
7. Veterinary Clinics				C	A			C		6.2.4
Personal Services				A	A				6.1.4-J	
Recreation and Entertainment, Indoor, Except Adult				A	A				6.1.4-K	

Table 3.6-1 Use Table

Uses	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-2	Description	Reference
Recreation and Entertainment, Outdoor:									6.1.4-L	
1. Bait Shops				C	A			C		6.2.4
2. Boat Launches	C	C	C		C			C		6.2.4
3. Entertainment and Recreation Except Adult				C	C					
4. Golf Driving Ranges					C			C		6.2.4
5. Marinas					A			C		6.2.4
6. Shooting Ranges					C			C		6.2.4
7. Ski Hills and/or Lodges					C			C		6.2.4
8. Game Farm and Shooting Preserves								C		
Retail Sales and Services:									6.1.4-M	
1. General Retail				A	A			C		6.2.4
2. Auction Services				C	C			C		6.2.4
3. Using Outdoor Display				C	A					
4. With Drive - Thru Service				C	A					
5. All Other				A	A					
Service and Repair Businesses				A	A	A	A	C	6.1.4-N	6.2.4
Telecommunications:									6.1.4-O	4.9
1. Offices				A	A	C	C			
2. Radio Broadcast Service Facility and Television Towers					C	C	C	C		4.9; 6.2.4
3. New mobile service support structure and facilities	C	C	C	C	C	C	C	C		4.9; 6.2.4
4. Class 1 Mobile Service Collocation	C	C	C	C	C	C	C	C		4.9; 6.2.4
5. Class 2 Mobile Service Collocation	A	A	A	A	A	A	A	A		4.9
Vehicles and Equipment:									6.1.4-P	
1. Car Washes					A	C	C		6.1.4-P,3,a	
2. Commercial Parking Areas			A	A	A	A	A		6.1.4-P,3,b	
3. Gas Stations and Mini-Marts				C	A	A	A		6.1.4-P,3,c	
4. Machinery and Equipment Sales and Storage					C	C			6.1.4-P,3,d	
5. Mobile Home Sales and Rental					A				6.1.4-P,3,e	
6. Motor Vehicle Sales and Rental					A				6.1.4-P,3,f	
7. Vehicle and Equipment Testing						C	C	C		6.2.4
Visitor Accommodations:									6.1.4-Q	
1. Bed and Breakfasts								C	6.1.4-Q,3,a	6.2.4
2. Campgrounds					C			C	6.1.4-Q,3,b	6.2.3,6.2.4
3. Hostels					C			C	6.1.4-Q,3,c	6.2.4
4. Hotels				A	A				6.1.4-Q,3,d	
5. Motels, Resorts and Tourist Courts					A			C	6.1.4-Q,3,e	6.2.4
6. Recreational Vehicle Parks					A			C	6.1.4-Q,3,f	6.2.3,6.2.4
Wholesale Sales					C	A	A		6.1.4-R	

Table 3.6-1 Use Table

Uses	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-2	Description	Reference
Industrial Uses:									6.1.5	
Accessory Retail Sales						A	A	C	6.1.5-A	
Industrial Services:									6.1.5-B	
1. Agricultural Services						C	C	C		
2. Machinery and Equipment Repair					C	A	A	C	6.1.5-B,3,b	
3. Automobile, Truck and Motorcycle Repair					C	A	A	C	6.1.5.B.3.b	
4. Printing and Publishing				A	A	A	A			
5. Propane Gas Distributors					C	C	C		6.1.5-B,3,d	
6. Sawmills							C	C		
7. Agricultural Trucking Companies						A	A	C		
8. All Other						C	C			
Manufacturing and Production:									6.1.5-C	
1. Animal Feed Preparation						A	A	A	6.1.5-C,3,a	
2. Fertilizer Production						C	C			
3. Food Processing						C	C			
4. Manufacturing of Hazardous Materials							C			
5. Manufacturing Other Than Conditional Uses in the I-2 District						C	A			
6. Power Generation and Transmission					C	C	C	C	6.1.5-C,3,f	
7. Wind Energy Systems	C	C	C	C	C	C	C	C		4.11
8. Personal Wind Energy Systems meeting the requirements of Section 4.11.2.B.1	A	A	A	A	A	A	A	A		4.11.2.B.1
Resource Extraction and Processing:									6.1.5-D	
1. Borrow Pits							C	C		
2. Mineral Resource Processing							C	C		
3. Oil and Coal Refineries							C			
4. Quarrying and Mineral Extraction							C	C		
5. Soil and Peat Removal								C		
Warehousing and Transportation:									6.1.5-E	
1. Contractor's Offices and Storage Yards						A	A	C		
2. Feed Mills, Granaries and Elevators						C	A	C		
3. Food Storage Warehouses						A	A			
4. Freight Yards						A	A			
5. Outdoor Storage Areas					C	C	C	C		
6. Road Maintenance Equipment Storage						A	A	C		
7. Self-Service Storage					C	A	A	C	6.1.5-E,3,g	
8. Transportation Terminals					A	A	A		6.1.5-E,3,h	
9. Trucking Companies						A	A	C		
10. Warehousing Except Conditional Uses in the I-2 District					C	A	A			
11. All Other						C	C			

Table 3.6-1 Use Table

Uses	R-1	R-2	R-3	C-1	C-2	I-1	I-2	A-2	Description	Reference
Waste Related Uses:									6.1.5-F	
1. Disposal of Sewage, Rubbish or Offal							C	C		
2. Incinerators							C			
3. Recyclables Collection				C	C	A	A			
4. Recyclables Processing						C	A			
5. Salvage and Junk Yards							C	C		
6. Sanitary Landfills							C	C		
7. Sewage Treatment Facilities							C	C		
8. All Other						C				
Agricultural Uses:									6.1.6	
Animal Confinement Facilities:									6.2.11	
1. General Livestock								C	6.2.11	
2. Fur Farms								C	6.2.11	
3. Stockyards and Livestock Sales					C			C	6.2.11	
4. Agricultural Trucking Companies						A	A	C		
5. Wedding/Events Facility within an existing rehabilitated agricultural structure								C		
Aquatic Species Raising								A	6.1.6-B	
General Farming	A	A	A	A	A	A	A	A	6.1.6-C	
Harvesting of Wild Crops	C	C	C		A	C	C	A	6.1.6-D	
Horticulture:									6.1.6-E	
1. Greenhouses					A	C	C	A		
2. Plant Nurseries					A	A	C	A		
3. Tree Nurseries								A		
Open Space	A	A	A	A	A	A	A	A	6.1.6.F	
Miscellaneous Uses:										
General:										
1. Accessory Structures	A	A	A	C	C	C	C	A		6.3
2. Off-Street Parking and Loading			A	A	A	A	A			8.2
Water Oriented:										
1. Boathouses	A	A	A	A	A	A	A	A		
2. Dams and Flowages	C	C	C	C	C	C	C	C		
3. Filling, Grading, Dredging, Draining, Ditching, Tiling and, Excavating	A	A	A	A	A	A	A	A		8.3
4. Watercourse Relocation	C	C	C	C	C	C	C	C		
5. Wildlife Ponds – Located outside of a shoreland/wetland or floodplain area;	A	A	A	A	A	A	A	A		

Legend:
R-1 Single Family Residential
R-2 Two Family Residential
R-3 Multi-Family Residential
C-1 General Commercial
C-2 Extensive Commercial
I-1 Light Industrial
I-2 Industrial
A-2 General Agriculture

A Allowed
C Conditional
O Committee Option

Chapter 4– Overlay Zoning District Regulations

4.1 GENERAL

The overlay zoning districts of this chapter are intended to apply in combination with the underlying base zoning districts to impose regulations and standards in addition to those required by the base districts. The requirements of an overlay district shall apply whenever they are in conflict with and are more stringent than those in the base district. The following overlay districts are hereby created:

4.2 Overlay District Provisions Regulating Adult Oriented Establishments

4.3 Floodplain Overlay District (Deleted on January 19, 2010 See Dodge County Floodplain Ordinance)

4.4 Environmental Protection Overlay District

4.5 Airport Overlay District (Deleted on 10/18/2011, See Dodge County Airport Zoning Ordinance)

4.6 Highway Setback Overlay District

4.7 Planned Unit Development Overlay District

4.8 Land Spreading of Petroleum Contaminated Soil Overlay District

4.9 Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations

4.10 Deleted on April 19, 2011, See Dodge County Sanitary Ordinance

4.11 Wind Energy System Overlay District

4.12 Non-Metallic Mining Reclamation Overlay District – Deleted September 5, 2017

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SECTION 4.2 –OVERLAY DISTRICT PROVISIONS REGULATING ADULT ORIENTED ESTABLISHMENTS

4.2.1 GENERAL

4.2.1.A FINDINGS AND PURPOSE

Several studies have documented the significant adverse secondary effects on surrounding communities caused by adult oriented establishments. The County Board has considered the following studies:

- *Crime-Related Secondary Effects of Sexually-Oriented Businesses* by Richard McCleary finding that criminal activity is higher near adult oriented establishments.

- Report by Beaumont, Texas City Planning Department finding that criminal activity is higher at adult oriented establishments.

- Report by Cleveland, Ohio Police Department showing higher rates of crime in areas near adult oriented establishments.

- Report by Los Angeles, California Department of City Planning concluding that crime rates are higher in areas of concentrated adult oriented establishments.

- Report by City of Toledo, Ohio finding that adult oriented establishments account for a disproportionate amount of crime, particularly adult oriented establishments featuring live entertainment.

- Report by City of Austin, Texas finding that crime rates are higher where adult oriented businesses are concentrated.

- Report by Tucson, Arizona Police Department Investigative Services detailing the widespread presence of bodily fluids present in adult oriented establishment viewing booths.

- *Effects of Adult Entertainment Businesses on Residential Neighborhoods* prepared by the El Paso Department of Planning Research & Development showing increased sexual dangers for children, pornography in the schools, exposure of minors to adult entertainment, declining property values, and public drunkenness associated with adult oriented establishments.

- Letter from Thomas O'Loughlin, Chief of Milford Massachusetts Police, indicating the increased rates of crime when adult oriented establishments locate near businesses serving alcohol.

- *Do "Off-Site" Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence* by Richard McCleary and Alan Weinstein concluding that adult oriented establishments that sell products solely for off-site use cause significant crime- related secondary effects.

- *Study of Calls for Service to Adult Entertainment Establishments which Serve Alcoholic Beverages* by Fulton County Georgia Police Department explaining the increased risk of crime when adult oriented establishments are permitted to serve alcoholic beverages.

- *Rural Hot Spots: The Case of Adult Businesses* by Richard McCleary explaining that although most studies regarding adult oriented establishments are conducted in urban settings, the results can be translated to rural areas.

- *Testimony of* SB3348 by Richard McCleary recommending regulations physically separating employees from patrons and prohibiting touching in order to reduce the risk of patron-employee assault.

The County Board recognizes these negative secondary effects and also recognizes that the presence of alcohol in adult oriented establishments causes further undesirable behavior.

The County Board believes that the experiences and studies of other communities set forth above are relevant in addressing the secondary effects of adult oriented establishments in Dodge County.

The regulations in this Overlay District are not aimed at the content of any speech. Rather, these Overlay District regulations have the purpose and effect of controlling the negative secondary effects of adult oriented establishments while avoiding regulation of content.

These Overlay District regulations are not intended to prohibit adult oriented establishments from operating in Dodge County. These provisions are only intended to regulate their location and manner of operation while providing a reasonable opportunity for such establishments to exist. The Overlay District regulations are also intended to regulate the proximity of adult oriented establishments to certain sensitive land uses.

The County Board concludes:

(a) All adult oriented establishments regulated by this Overlay District have adverse secondary impacts.

(b) The adverse secondary impacts of adult oriented establishments tend to diminish if such establishments are governed by content-neutral regulations.

(c) The consumption of alcoholic beverages on the premises of an adult oriented establishment exacerbates the negative secondary effects of such establishments.

(d) Chapter 59 of the Wisconsin Statutes grants the County authority to adopt an ordinance regulating adult oriented establishments.

4.2.1.B APPLICABILITY

4.2.1.B.1 The jurisdiction of the Overlay District Provisions Regulating Adult Oriented Establishments shall include those areas that are subject to the County Land Use Code regulations contained within this Code.

4.2.2 DEFINITIONS

Adult Oriented Establishment shall include, but is not limited to, "adult bookstores," "adult motion picture theatres," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect. An Adult Oriented Establishment also includes the physical location from which adult entertainment is broadcast.

Adult Bookstore means a retail establishment that has:

(1) As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:

(a) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or

(b) Sexually oriented devices, as defined in this section

(2) As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.

(3) Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually oriented devices, as defined in this section:

(i) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies and/or sexually oriented devices;

(ii) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;

(iii) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;

(iv) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental;

(v) The above factors shall be considered along with all other factors and available information.

(4) Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:

(i) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;

(ii) Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;

(iii) The square footage of the separate room where such described videotapes are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed; and

(iv) The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.

Adult Cabaret means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.

Adult Entertainment means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing
to reveal "specified anatomical areas."

Adult Mini-Motion Picture Theater means a commercial establishment with one or more adult mini motion picture booths where:

(1) A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein; or

(2) A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.

(3) Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which

are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:

(i) Restricted access to the business establishment or portions thereof where viewing booths are located by persons less than eighteen (18) years of age.

(ii) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.

(iii) The above factors shall be considered along with other available information.

Adult Motion Picture Theater means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Customer means any person who:

(1) is allowed to enter an Adult Oriented Establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or

(2) enters an Adult Oriented Establishment and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

(3) is a member of and on the premises of an Adult Oriented Establishment operating as a private club.

Employee means any person who renders any service whatsoever to the customers of an Adult Oriented Establishment or who works in or about an Adult Oriented Establishment and who receives compensation for such service or work from the operator, or owner of the Adult Oriented Establishment or from the customers therein.

Licensee means a person in whose name a license to operate an Adult Oriented Establishment has been issued, as well as any and all individuals listed as applicants, owners or licensees on the application for a license.

Nudity or A State of Nudity means:

(1) The appearance of a human bare buttock, vulva, anus, anal cleft with less than a full opaque covering, male genitals, female genitals or female breast; or

(2) A state of dress which fails to completely and opaquely cover a human buttock, vulva, anus, male genitals, female genitals or any part of the female breast or breasts that is situated below a point immediately above the top of the areola of the female breast.

Operates or Causes to be Operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated an Adult Oriented Establishment whether or not that person is an owner, part owner, licensee, or manager of the establishment.

Operator means an individual who is in control of the premises and operations of an Adult Oriented Establishment.

Patron means a customer.

Person means an individual, proprietorship, partnership, corporation, association or other legal entity.

Premises means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Sexually Oriented Device means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Specified Anatomical Areas means:

(1) Less than completely and opaquely covered:

(i) Human genitals, pubic region; or

(ii) Showing the areola or nipple of a female breast.

(2) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activities means simulated or actual:

(1) Showing of human genitals in a state of sexual stimulation or arousal;

(2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;

(3) Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast;

(4) Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above.

Transfer of Ownership or Control of an Adult Oriented Establishment means and includes any of the following:

(1) The sale, lease or sublease of the Adult Oriented Establishment;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment or a trust, gift, or other similar legal device which transfers the ownership or control of the establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

4.2.3 ADMINISTRATION

4.2.3.A LICENSE

(1) Except as provided in subsection (5) and (6) below, from and after the effective date of these Overlay District regulations, no adult oriented establishment shall be operated or maintained in any area subject to the Dodge County Land Use Code without first obtaining a license to operate issued by Dodge County. Licenses under this Overlay District may only be granted for adult oriented establishments that comply with all standards in this Overlay District and in the Dodge County Land Use Code.

(2) A license may be issued for only one (1) adult oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation which desires to operate more than one adult oriented establishment must have a license for each.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) It shall be unlawful for any entertainer, employee or operator to knowingly work in or to knowingly perform any service directly related to the operation of any adult oriented establishment which does not have a valid license pursuant to these regulations.

(5) Nothing in this Overlay District shall be construed as to permit material or performances prohibited by Wis. Stat. § 944.21.

(6) Adult Oriented Establishments lawfully operating prior to the effective date of this Overlay District or amendments thereto shall be exempt from obtaining a license under this Section.

4.2.3.B APPLICATION FOR A LICENSE

(1) Any person, partnership, or corporation desiring to secure a license shall make application to the Department. The application shall be filed with and dated by the Department.

(2) The application for a license shall be upon a form provided by the Department. An applicant for a license, interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(a) The name (including all aliases) and date of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.

(b) Written proof that any person required to be named under paragraph (2)(a) is at least eighteen (18) years of age.

(c) A description of the activities to be conducted on the premises. If any booth, room or cubicle for private viewing of any adult entertainment is intended, a sketch or other adequate description of the premises is required.

(d) The address of the adult oriented establishment to be operated by the applicant.

(e) Whether any person required to be named under paragraph (2) (a) is currently operating, or has previously operated, in this or any other County, City, or State under an adult-oriented

establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(f) If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.

(g) The applicant shall submit documentation from a licensed person or firm to show that the structure to be used for the adult-oriented establishment complies with all applicable building, plumbing, electrical, fire, and health codes.

(3) No application will be considered unless it is complete. An application will be considered complete if it is submitted in the required number and form, incudes all mandatory information and is accompanied by the applicable fee. The Land Use Administrator shall make a determination of application completeness within ten (10) days of the application filing. If an application is determined to be incomplete, the Land Use Administrator shall notify the applicant of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days of receiving notice of the deficiencies, the application shall be considered withdrawn. Within thirty (30) days of receiving a complete application for a license, the Land Resources and Parks Department shall make a decision to approve, withhold, or deny the application for a license unless the time is extended by agreement with the applicant. Failure of the Land Resources and Parks Department to act within thirty (30) days of receiving a complete application or within the time as extended by agreement with the applicant shall constitute an approval.

(4) Whenever an application is withheld or denied, the Land Resources and Parks Department shall advise the applicant in writing of the reasons for such action. The applicant may request a review of the denial pursuant to Chapter 68 of the Wisconsin Statutes, as amended from time to time.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant’s refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant’s refusal to submit to or cooperate with any investigation required by these Overlay District provisions shall be grounds for denial of the application.

4.2.3.C STANDARDS FOR ISSUANCE OF LICENSE

(1) To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

i. The applicant shall be at least eighteen (18) years of age.

ii. The applicant shall not have been found to have previously violated these Overlay District Provisions within five (5) years immediately preceding the date of application.

iii. The applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offence of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person has been duly pardoned.

(b) If the applicant is a corporation:

i. All officers, directors, shareholders, and agents required to be named under these Overlay District Provisions are at least eighteen (18) years of age.

ii. Neither the corporate applicant nor any officer, director, or shareholder required to be named under these Overlay District provisions shall have been found to have previously violated these Overlay District provisions within five years immediately preceding the date of application.

iii. No officer, director, shareholder or agent required to be named under these Overlay District provisions, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.

(c) If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:

i. All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.

ii. Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of these Overlay District provisions within five (5) years immediately preceding the date of application.

iii. No applicant or person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.

(d) The proposed location for the adult-oriented establishment must be in a zoning district that permits adult-oriented establishments under the Dodge County Land Use Code.

(2) Prior to granting the license, the Department shall determine whether the applicant complies with all applicable restrictions on location and has substantially complied with all applicable provisions of this Overlay District.

4.2.3.D FEES

(1) A license fee shall be submitted with the application for the license in the amount specified in the Dodge County Fee Schedule Ordinance.

4.2.3.E DISPLAY OF LICENSE

(1) The license shall be displayed in a conspicuous, public place in the adult oriented establishment.

4.2.3.F RENEWAL OF LICENSE

(1) Every license issued pursuant to this Overlay District will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Land Resources and Parks Department. The application for renewal shall be filed in duplicate and dated by the Land Resources and Parks Department. A copy of the application for renewal shall be distributed promptly by the Land Resources and Parks Department to the operator. The application for renewal shall be on a form provided by the Land Resources and Parks Department and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(2) A license renewal fee in the amount specified in the Dodge County Fee Schedule Ordinance shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty in an amount specified in the Dodge County Fee Schedule Ordinance shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires.

(3) If any law enforcement agency in Dodge County is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Department.

4.2.4 LOCATION

(1) No adult oriented establishment shall be located:

(a) Within 1,000 feet of an existing residential zoning district as defined in the Dodge County Land Use Code.

(b) Within 500 feet of an existing adult oriented establishment.

(c) Within 1,000 feet of any pre-existing school, church, park, playground, or day care center.

(d) Within 500 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.

(2) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult oriented establishment, to the nearest property line of another adult oriented establishment, school, place of worship, park, playground, day care center or residential zoning district or establishment selling or dispensing fermented malt beverages or intoxicating liquor.

4.2.5 HOURS OF OPERATION

(1) No adult oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, or between the hours of 2:30 a.m. and 8 a.m. on Saturdays and Sundays.

4.2.6 PHYSICAL LAYOUT OF ADULT ORIENTED ESTABLISHMENT

(1) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock, or other control-type devices. Each booth, room, or cubicle shall be viewable from the public area of the adult oriented establishment.

(2) Every booth, room, or cubicle shall meet the following construction requirements:

(a) Each booth, room, or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.

(b) Each booth, room, or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room, or cubicle.

(c) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured, and easily cleanable.

(d) The floor must be light colored, non-absorbent, smooth textured, and easily cleanable.

(e) The lighting level of each booth, room, or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(3) Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of a booth, room, or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.

4.2.7 ALCOHOLIC BEVERAGES

(1) The sale, use, or consumption of any alcoholic beverages, fermented malt beverages, or intoxicating liquors on the premises of an adult oriented establishment is prohibited.

4.2.8 RESPONSIBILITIES OF THE OPERATOR

(1) If an employee commits an act or omission constituting a violation of any provisions of this Overlay District, either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Any such act shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

(2) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment.

(3) The operator shall maintain the premises in a clean and sanitary manner at all times.

(4) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.

(5) No operator or employee in an Adult Oriented Establishment shall appear, or knowingly allow another to appear in a state of nudity, unless the person is an employee who, while in a state of nudity, is on a stage (on which no customer is present) and is: (1) at least six (6) feet from any customer (hereinafter called “unenclosed performance stage”) or (2) physically separated from customers by a wall or partition composed of solid glass or light-transmitting plastic, or substantially equivalent material extending from the floor of the performance stage to at least five (5) feet above the level of the performance stage, but such that would permit physical contact between customers and such employee (hereinafter called “enclosed performance stage”).

(6) No operator or employee in an Adult Oriented Establishment while in a state of nudity in an Adult Oriented Establishment shall receive direct pay or gratuity from any patron or shall knowingly allow another operator or employee, while in a state of nudity in an Adult Oriented Establishment to receive direct pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any operator or employee, while that operator or employee is in a state of nudity in an Adult Oriented Establishment. Such gratuity or pay may be provided to such operator or employee through a tip receptacle, located more than six (6) feet from the nearest point of the performance stage where such operator or employee is in a state of nudity, or may be paid to an operator or employee that is not in a state of nudity, as part of the customer’s bill.

(7) No operator or employee in an Adult Oriented Establishment while in a state of nudity in an Adult Oriented Establishment shall touch a customer or the clothing of a customer and no operator or employee in an Adult Oriented Establishment shall knowingly allow another operator or employee, while in a state of nudity in an Adult Oriented Establishment to touch a customer or the clothing of a customer.

(8) No operator or employee in an Adult Oriented Establishment shall knowingly allow a customer to touch an operator or employee appearing in a state of nudity or to touch the clothing of the employee.

4.2.9 ADMINISTRATIVE PROCEDURE AND REVIEW

(1) The Overlay District regulations shall be administered by the Land Resources and Parks Department.

(2) Chapter 68 of the Wisconsin Statutes, as amended from time to time, shall govern the review regarding the granting, denial, renewal, non-renewal, revocation, or suspension of a license under this Overlay District. If an owner appeals the non-renewal, revocation, or suspension of a license, that owner will be granted a temporary license applicable while the appeal is pending.

4.2.10 EXCLUSIONS

(1) All public and private schools, as defined in Chapter 115 of the Wisconsin Statutes, are exempt from obtaining a license hereunder when instructing pupils in sex education as part of the curriculum.

(2) Licensed medical care facilities are exempt from obtaining a permit when engaged in the providing of medical care or sex education.

4.2.11 PENALTIES AND PROSECUTION

(1) Any person, partnership, or corporation found to have violated this Overlay District shall have any license obtained hereunder revoked.

(2) In addition to the revocation of a permit issued under this Overlay District, any person who shall violate any provision of this Overlay District or who shall fail to obtain a license as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than fifty ($50.00) dollars nor more than five hundred ($500.00) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Overlay District shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Overlay District.

4.2.12 SEVERABILITY

(1) If any provision of this Overlay District is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this Overlay District.

(2) If any provision of this Overlay District is declared an invalid exercise of home rule, such provision shall be incorporated into the Dodge County Land Use Code as if originally enacted therein.

4.2.13 ENFORCEMENT

(1) Personnel of the Dodge County Sheriff's Department or any other law enforcement agency shall have the authority to enter any adult oriented establishment to inspect the premises and enforce this Overlay District. Such inspections shall be limited to public areas and may only be conducted during business hours.

(2) The Dodge County Land Use Administrator or his/her designee shall have the primary responsibility for enforcing all provisions of this Overlay District. The Land Use Administrator or his/her designee are hereby empowered to cause any building, other structure, or tract of land to be inspected and examined for suspect or potential violations of this Overlay District after proper notification. If permission to enter the property is withheld, the Land Use Administrator, or his/her designee may seek a court order to require inspection of the property.

4.2.14 DISCONTINUATION OF OPERATION

(1) Any discontinuation in the operation of an adult oriented establishment for a period of twelve (12) months or more shall cause the license to lapse and become void. A license holder whose license has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of new licenses.

4.2.15 REVOCATION, SUSPENSION, AND NON-RENEWAL OF LICENSE

(1) A license issued under this Overlay District may be suspended or revoked for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(b) The operator, entertainer, or any employee of the operator, violates any provision of this Overlay District or any rule or regulation adopted by the County Board pursuant to this Overlay District; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Planning, Development and Parks Committee finds that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(c) The operator becomes ineligible to obtain a license.

(d) Any cost or fee required to be paid by this Overlay District is not paid.

(e) Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult oriented establishment.

(f) Any operator, employee, or entertainer sells, furnishes, gives, or displays, or causes to be sold, furnished, given, or displayed to any minor any adult oriented entertainment or adult oriented material.

(2) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(3) Any operator whose license is revoked and who seeks to obtain a new license under this Overlay District must apply for a license or permit according to the new license application provisions set forth in this Overlay District and must meet the standards for the issuance of a new license as set forth in this Overlay District. No location or premises for which a license has been revoked shall be used as an adult oriented establishment for six (6) months from the date of revocation.

4.2.16 EFFECTIVE DATE

(1) These Overlay District Provisions Regulating Adult Oriented Establishments shall take effect and be in force upon its passage and publication as required by law.

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4.3 FLOODPLAIN OVERLAY DISTRICT

Deleted on January 19, 2010; See Dodge County Floodplain Ordinance for floodplain regulations.

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4.4 ENVIRONMENTAL PROTECTION OVERLAY DISTRICT

4.4.1 General

4.4.1.A Purpose
The primary purpose of the Environmental Protection Overlay District is to promote the public health, safety, and general welfare by providing for uses compatible with protecting, preserving, and enhancing significant natural areas within the County, such as wooded areas of environmental importance, significant archaeological sites, slopes in excess of 12 percent, soil depths less than 60 inches, or other areas in which the public has interest in preserving or protecting.

4.4.1.B Applicability
The provisions of the Environmental Protection Overlay District shall be applicable in those towns which have adopted the County Zoning Ordinance in accordance with the provisions granted by sections 59.97, 59.971, 59.99, 87.30, and 144.26 of the Wisconsin Statutes.

4.4.2 Development Standards

4.4.2.A Off-Street Parking Requirements
Development in the Environmental Protection Overlay District shall comply with the off-street parking requirements of Section 8.2 of this Code.

4.4.2.B Tree-Cutting Regulations
Development in the Environmental Protection Overlay District shall comply with the tree-cutting regulations of Section 8.4.2 of this Code.

4.4.2.C Steep Slope Regulations
Development in the Environmental Protection Overlay District shall comply with the following steep slope regulations:

4.4.2.C.1 On slopes of 12 percent to 20 percent:

4.4.2.C.1.a An erosion control plan shall be submitted and approved before any development is started.

4.4.2.C.1.b A storm water management plan shall be submitted and approved before any development is started.

4.4.2.C.1.c No driveways shall be constructed that are in excess of a 10 percent grade.

4.4.2.C.1.d Density shall be limited to 1 dwelling unit per 2 acres on lots not served by public sewer.

4.4.2.C.2 No development shall occur on slopes in excess of 20 percent:

4.4.2.D Shallow Soil (less than 60 inches to bedrock) Regulations
Development in the Environmental Protection Overlay District shall comply with the following regulations:

4.4.2.D.1 On-site sanitary systems shall comply with Comm 83 sanitary requirements.

4.4.2.D.2 Animal confinement facilities shall be prohibited in these areas.

4.4.2.D.3 Residential density shall be limited to 4 dwelling units per acre in publicly sewered areas.

4.4.2.E Water Bodies and Water Course Regulations
Development in the Environmental Protection Overlay District shall comply with the following regulations:

4.4.2.E.1 Intermittent Streams and Drainageways

4.4.2.E.1.a A minimum setback of 20 feet is recommended on each side of any intermittent drainageway.

4.4.2.E.1.b Fertilizer should not be applied within 20 feet of each side of any intermittent drainageway.

4.4.2.E.1.c Natural vegetation within 20 feet of each side of any intermittent drainageway should not be cultivated or otherwise disturbed.

4.4.2.E.2 Shoreland Areas of Navigable Waterbodies

4.4.2.E.2.a Not more than 30 percent of the natural vegetation shall be cleared within 50 feet of the ordinary highwater mark of any navigable waterbody.

4.4.2.E.2.b A minimum setback of 300 feet is required from the ordinary highwater mark of any currently undeveloped natural lake.

4.4.2.E.2.c Not more than 5 percent of the natural vegetation may be cleared within 300 feet of the ordinary highwater mark of any currently undeveloped natural lake.

4.4.2.F Woodlot Regulations
Development in the Environmental Protection Overlay District shall comply with the following regulations:

4.4.2.F.1 Density shall be limited to 1 dwelling unit per 5 acres on wooded lots not served by public sewer.

4.4.2.F.2 Non-residential development shall be avoided on wooded lots to the maximum extent feasible.

4.4.2.G Archaeological Sites Regulations
Proposed developments that will impact historic or burial sites inside or outside of the Environmental Protection Overlay District shall require the notification of the State Historical Society and their approval of development plans where specific laws protect such areas.

4.4.2.H Proposed Public Lands
Proposed uses on proposed public lands shall be referred to the public agency interested in acquiring that particular parcel of land so that they may decide to offer to purchase the property or sign off on future acquisition.

4.4.3 Intensity and Dimensional Requirements

All development in the Environmental Protection Overlay District shall be subject to the intensity and dimensional standards set forth in Chapter 5 of this Code.

4.4.4 Allowed Uses
The uses allowed within the Environmental Protection Overlay District shall be any use allowed in the underlying zoning district, unless specifically prohibited by this section of this Code.

4.4.5 Conditional Uses

The uses allowed upon issuance of a Conditional Use Permit as provided in Section 2.3.6, and issuance of a Department of Natural Resources permit, where required, within the Environmental Protection Overlay District shall be any use conditionally allowed within the underlying zoning district unless specifically prohibited by this section of this Code.

4.5 AIRPORT OVERLAY DISTRICT

DELETED ON OCTOBER 24, 2011, SEE DODGE COUNTY AIRPORT ZONING ORDINANCE

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4.6 HIGHWAY SETBACK OVERLAY DISTRICT

4.6.1 General

4.6.1.A District Established
The County Board of Supervisors finds that, in order to promote the public safety, general welfare, and convenience, it is necessary that highway setback lines be established in Dodge County outside the limits of incorporated cities and villages, along all public highways, and at the intersections of highways with highways and highways with railways. A Highway Setback Overlay District is thereby established.

4.6.1.B Applicability
The provisions of the Highway Setback Overlay District shall be applicable in those towns that have adopted the Dodge County Highway Setback Ordinance in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes. The provisions of the Highway Setback Overlay District shall not apply to structures that are located beyond 200 feet from the road, street or highway centerline. Where a highway, street or road is located on a city or village boundary, this District is not intended to be effective on the side within the city or village; nor on the side within another county, where the highway is located on a county boundary.

4.6.1.C Center Line Measurement
For purposes of this Section 4.6, the center line shall be the center of the surfacing or pavement or, if there is no surfacing or pavement, the midpoint between the existing fences or other highway markers indicating the boundaries of the opposite sides of the above.

4.6.2 Structures Prohibited Within Setback Lines

4.6.2.A No new structure or part thereof shall be placed, erected or structurally altered within 200 feet of the centerline of any highway, except as allowed under Section 4.6.2.B, without a Land Use Permit and without full compliance with the provisions of this code and all other applicable County regulations. All structures shall be located in accord with the minimum setbacks listed in Sections 5.1.1, 5.2.3 and Table 5.1-1 of this code except as provided for in Section 4.6.4 B.

4.6.2.B A Land Use Permit shall not be required for the installation, construction, placement, operation, replacement or maintenance of a small wireless facility unless the small wireless facility is to be located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance.

4.6.3 Existing Nonconforming Structures

The regulations pertaining to existing nonconforming structures set forth in Chapter 10 of this Code shall apply in the Highway Setback Overlay District.

4.6.4 Required Setback Distances and Modifications

4.6.4.A General Required Setbacks
Except as otherwise provided, the distances from the center line or highway right-of-way line to the setback line applicable to the various classifications of highways as defined in Chapter 12 shall be as provided in Sections 5.1.1 or 5.2.3 and Table 5.1-1.

4.6.4.B Measurements and Exceptions

4.6.4.B.1 The setback measurements and exceptions provided in Sections 5.1.1 and 5.2.3 shall apply within the Highway Setback Overlay District.

4.6.4.B.2 Signs that are located within a Town that has not adopted the County's Land Use Code shall be located not less than 35' from the centerline of a road, street or highway or 2 feet behind the road right-of-way, whichever distance is greater, unless said sign is an official traffic control sign, informational sign or a directional sign erected by the federal, state or local unit of government. Signs that are located within a Town that has adopted the County's Land Use Code shall be subject to the minimum highway setback distances as provided in Section 8.9.2.

4.6.4.B.3 Fences shall not exceed a height of 4 feet within the street yard setback and shall not be located closer than 2 feet to any public right-of-way.

4.6.4.C Other Requirements

4.6.4.C.1 Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Code prior to such improvement, the setback distance shall be that applicable to the latter classification.

4.6.4.C.2 The County Board of Supervisors may, upon recommendation of the Planning, Development and Parks Committee, designate a section of a street or town road "urbanized," thereby qualifying that section for reduced setbacks.

4.7 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

4.7.1 General

4.7.1.A Purpose
The Planned Unit Development (PUD) Overlay District is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development and other community goals by:

4.7.1.A.1 Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;

4.7.1.A.2 Allowing greater freedom in selecting the means to provide access, light, open space and design amenities;

4.7.1.A.3 Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and

4.7.1.A.4 Requiring compliance with development standards that reflect the high level of public investment in adjoining lands.

4.7.1.B Applicability
The provisions of the Planned Unit Development Overlay District shall be applicable in those towns that have adopted County zoning and in the Shoreland Wetland Overlay District in accordance with the authority granted by sections 59.97, 59.971, 59.99, 87.30, and 144.26 of the Wisconsin Statutes.

4.7.1.C Developer's Statement of Intent
Each application for approval of a PUD Concept Plan shall include a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Code and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable development regulations.

4.7.1.D Review and Approval Procedures
The review and approval procedures for PUDs are set forth in Section 2.3.7.

4.7.2 Development Standards

The standards of this Section 4.7.2 shall apply to all PUDs unless otherwise expressly provided.

4.7.2.A Prohibited Zoning Districts
PUDs are permitted in all zoning districts except the A-1 Prime Agricultural, WL Wetland, Environmental Protection Overlay, and Floodplain Overlay Districts.

4.7.2.B Density
The maximum residential density permitted within a PUD shall be that of the zoning district(s) in which the PUD is located.

4.7.2.C Landscaping
Unless otherwise expressly provided in this Code, PUDs shall be subject to the landscaping and buffer regulations of Section 8.6.

4.7.2.D Minimum Common Open Space Requirements
All PUDs that include residential dwelling units shall provide at least 700 square feet of common open space per dwelling unit. No credit shall be granted for private open space.

4.7.2.E Minimum Size
A PUD shall contain a minimum of 40 contiguous acres of land under one ownership or control, unless a smaller size is approved by the County Board of Supervisors as part of the PUD Concept Plan approval process. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application were filed and all of the requirements of this article shall apply except the minimum acreage requirement of 40 acres.

4.7.2.F Parking
Unless otherwise expressly provided in this Code, PUDs shall be subject to the off-street parking and loading standards of Section 8.2.

4.7.2.G Setbacks
Setbacks shall be provided in accordance with the underlying zoning district standards unless another minimum setback is expressly approved as part of the PUD approval.

4.7.2.H Signs
Unless otherwise expressly provided in this Code, PUDs shall be subject to the sign regulations of Section 8.9.

4.7.2.I Subsequent Development and Construction
Unless otherwise specified in the original approval of the PUD, once initial construction is complete, all subsequent development and construction shall be governed by the underlying zoning district regulations.

4.7.2.J Development Standards and Modifications
Unless otherwise expressly allowed by this section and approved by the County Board of Supervisors during the PUD approval process, PUDs shall be subject to all applicable standards of this Code, including those of the underlying base zoning district. In order to approve modifications of otherwise applicable standards, the County Board of Supervisors must find that:

4.7.2.J.1 Deviations from applicable base district or subdivision design standards that otherwise would apply are justified by compensating public benefits of the PUD; and

4.7.2.J.2 The PUD includes adequate provisions for utilities services and emergency vehicle access.

4.8 LAND SPREADING OF PETROLEUM CONTAMINATED SOIL OVERLAY DISTRICT

4.8.1 General

4.8.1.A Purpose and Intent

The purpose of the Land Spreading of Petroleum Contaminated Soil Overlay District is to promote the health, safety, property, value, aesthetics, and general welfare of the County by ensuring the effective regulation and restriction of petroleum contaminated soils in Dodge County. It is the general intent of the County, through this Overlay District to:

4.8.1.A.1 Regulate and restrict the spreading of petroleum contaminated soils on lands and waters of the County;

4.8.1.A.2 Further regulate and restrict area coverage and density, so as to stabilize and protect property values;

4.8.1.A.3 Prevent water pollution or other objectionable influences detrimental to the public health, safety, comfort, or general welfare of the immediate neighborhood or community;

4.8.1.A.4 Protect spawning grounds, fish, and aquatic life, and otherwise further the appropriate use of land and conservation of natural resources;

4.8.1.A.5 Preserve and promote the beauty of the County; and

4.8.1.A.6 Implement the Dodge County Comprehensive Plan and plan components.

4.8.1.B Applicability

The requirements of the Land Spreading of Petroleum Contaminated Soil Overlay District shall apply to all lands and waters within the unincorporated parts of those towns that have adopted the Dodge County Land Spreading of Petroleum Contaminated Soil Ordinance in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes.

4.8.2 Administration

4.8.2.A Conditional Use Permit Required

In addition to complying with the development standards of Section 4.8.3, land spreading of petroleum contaminated soil shall require a Conditional Use Permit issued pursuant to Section 2.3.6.

4.8.2.B Procedure

Applications for Conditional Use Permits for land spreading of petroleum contaminated soil shall be made to the Land Use Administrator. Such applications shall include where applicable:

4.8.2.B.1 Names, addresses, and phone numbers of the landowner and other responsible party.

4.8.2.B.2 Description of the subject site by lot, block, and recorded subdivision or by metes and bounds, parcel identification number, and address of the subject site;

4.8.2.B.3 Volume of contaminated soil to be land spread.

4.8.2.B.4 Results of an analysis showing the concentration of contaminants in the soil to be land spread.

4.8.2.B.5 Start date and period of time over which land spreading will take place.

4.8.2.B.6 Statement that applicant intends to comply with Department of Natural Resources regulations Chapters 518 and 718 and submit written closure report.

4.8.2.B.7 Certification that the site has not been previously used as a land spreading site.

4.8.2.B.8 Soil boring logs that show the separation distance to groundwater and bedrock.

4.8.2.B.9 Notification of all abutting and adjoining property owners, and notification of local governments regarding trucking routes.

4.8.2.B.10 Limitation on seasonal spreading, if any.

4.8.2.B.11 Erosion control methods to be used.

4.8.2.B.12 Financial responsibility declaration.

4.8.2.B.13 Additional information as may be required by the Committee or other boards, commissions or officers of the County.

4.8.2.C Notification
The applicant shall notify the Department at least 2 working days prior to land spreading petroleum contaminated soil. The Land Use Administrator may enter the subject property at any reasonable time to conduct on-site inspections to determine if all conditions applied to the Conditional Use Permit have been met. The Department shall also be notified 2 working days prior to taking closure soil samples and shall be permitted to be present when such samples are taken.

4.8.2.D Review and Approval
In reviewing a Conditional Use Permit for land spreading of petroleum contaminated soil, the Committee shall evaluate the proposed use based upon the General Approval Criteria for Conditional Use Permits in Section 2.3.6(B), and also shall consider whether:

4.8.2.D.1 Safe and healthful conditions will be maintained;

4.8.2.D.2 Water pollution, including sedimentation, will be prevented or controlled;

4.8.2.D.3 The site is suitable for the proposed use based upon existing topographic and drainage features, direction of slope, soil type, and vegetation cover;

4.8.2.D.4 The site is suitable for the proposed use based upon the location of adjacent floodplains and flood ways of rivers or streams;

4.8.2.D.5 The site is suitable for the proposed use based upon existing or future water sources;

4.8.2.D.6 The proposed use will be compatible with neighboring uses in terms of odors, noise, vibration, health hazards, or possibility of accident.

4.8.3 Development Standards
Land spreading sites and land spreading of petroleum contaminated soil shall be subject to the following restrictions:

4.8.3.A No person shall deposit, on lands located in Dodge County, soil which was removed from property located outside of Dodge County which is contaminated by petroleum products. This restriction does not limit landfills located in Dodge County that are properly licensed for the disposal or remediation of petroleum contaminated soils from accepting petroleum contaminated soils from outside of Dodge County.

4.8.3.B There shall be no land spreading of numbers 4 and 6 fuel oil, waste oil and sludges, or hazardous wastes of any kind.

4.8.3.C No land spreading shall be allowed:

4.8.3.C.1 On floodplains.

4.8.3.C.2 On fields with drain tiles.

4.8.3.C.3 Within 100 feet of wetlands.

4.8.3.C.4 Within 300 feet of a ditch, drainageway, or body of water.

4.8.3.C.5 Within 500 feet of a private water supply.

4.8.3.C.6 Within 1,200 feet of a public water supply.

4.8.3.C.7 Within 500 feet of any residence, unless written consent is obtained from the resident and property owner. This distance may be reduced for the residence of the property owner on whose land contaminated soil is spread.

4.8.3.C.8 On slopes exceeding 6 percent.

4.8.3.D Land spreading sites can only receive one application of petroleum contaminated soil, and shall not be eligible for land spreading of other forms of waste.

4.8.3.E Applicant must follow State guidelines on maximum spreading thickness based on contamination concentrations and must follow all requirements of NR718 and NR518 unless County standards are more restrictive.

4.8.3.F Contaminated soil shall be mixed with underlying native soil within 48 hours of application.

4.8.3.G The site shall be planted as soon as practical after land spreading, but shall not be planted with a crop intended for human consumption prior to submittal of a closure report.

4.8.3.H The County reserves the right to require a performance bond prior to the issuance of a conditional use permit.

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4.9 MOBILE TOWER SITING AND RADIO BROADCAST SERVICE FACILITY OVERLAY DISTRICT REGULATIONS

4.9.1 General

4.9.1.A Purpose

The purpose of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations is to regulate the following:

4.9.1.A.1 The siting and construction of any new mobile service support structure and facilities;

4.9.1.A.2 The substantial modification of an existing support structure and mobile service structure and mobile service facility (Class 1 Collocation);

4.9.1.A.3 The collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities (Class 2 Collocation).

4.9.1.A.4 The siting, placement, construction or modification of radio broadcast service facilities.

4.9.1.B Intent

The intent of the Mobile Tower Siting and Radio Broadcast Service Facility Overlay District Regulations are:

4.9.1.B.1 To encourage the construction and location of mobile service facilities, mobile service support structures and radio broadcast service facilities in areas where the adverse impact on the environment, the community and the citizens of Dodge County is minimized.

4.9.1.B.2 To maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as the Dodge County's police, fire, and emergency response network quickly, effectively and efficiently.

4.9.1.B.3 To provide a process of obtaining the necessary permits for mobile service facilities, support structures and radio broadcast service facilities while at the same time protecting the legitimate interests of the citizens of Dodge County.

4.9.1.B.4 To encourage the use of alternative support structures, collocation of new antennas on existing support structures, and construction of support structures with the ability to locate three (3) or more providers.

4.9.1.B.5 To promote the public health, safety and general welfare of the Citizens of Dodge County with the minimum practical regulation that is necessary to accomplish this objective.

4.9.1.C Applicability and Exemptions

4.9.1.C.1 The requirements of the Mobile Tower Siting and Radio Broadcast Services Overlay District Regulations shall apply to all towers, antennas, and other communication facilities in unincorporated parts of those towns which have adopted the Dodge County Land Use Code in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes.

4.9.1.C.2 Towers and antennas that are under 70 feet in height and are owned and operated by federally-licensed amateur radio station operators or are receive-only antennas shall be exempt from these regulations.

4.9.1.C.3 Towers and antennas for which a permit has been properly issued by the County or a town with zoning jurisdiction prior to the effective date of this Code shall not be required to meet the requirements of this Code.

4.9.1.C.4 These overlay district regulations are not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, the regulations in this overlay district are not intended to regulate satellite dishes or antennas whose regulation is prohibited by Section 59.69(4d) or its successor sections of the Wisconsin State Statutes or as permitted by Federal Law.

4.9.1.C.5 Mobile services providing public information coverage of news events of a temporary or emergency nature are exempt from these regulations.

4.9.1.C.6 These overlay district regulations are not intended to regulate small wireless facilities as defined in 66.0414 (1)(u) Wis. Stats.

4.9.1.D Principal or Accessory Use
Towers and antennas may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

4.9.1.E Definitions
All definitions contained within s. 66.0404(1), 66.0406(1) and 66.0414(1) Wisconsin Statutes are hereby incorporated in this Overlay District by reference.

4.9.2 Administration

4.9.2.A Permit Requirements

4.9.2.A.1 A conditional use permit shall be required for new support structures and facilities and for a Class 1 Collocation.

4.9.2.A.2 A land use permit shall be required for a Class 2 Collocation.

4.9.2.A.3 A conditional use permit shall be required for the placement, construction, or modification of radio broadcast service facilities.

4.9.2.B Application process for new mobile service support structures and facilities and for Class 1 Collocations.

4.9.2.B.1 All conditional use permit applications for new mobile service support structures and facilities and for Class 1 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a conditional use permit for new mobile service support structures and facilities and for Class 1 Collocation projects shall include the following:

4.9.2.B.1a The name, and business address of, and the contact individual for, the applicant.

4.9.2.B.1b The location of the proposed or affected support structure.

4.9.2.B.1c The location of the proposed mobile service facility.

4.9.2.B.1d If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

4.9.2.B.1e If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

4.9.2.B.1f If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile support structure that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

4.9.2.B.2 Completed Applications
If an applicant submits an application to the Department for a conditional use permit to engage in an activity described in this section of the Code, which contains all of the information required under this section, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

4.9.2.B.3 County Responsibilities
Within 90 days of receipt of a complete application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 90 day period.

4.9.2.B.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

4.9.2.B.3b The Land Use Administrator shall review each complete application in light of the approval Criteria of Section 2.3.6.F and shall provide a report to the Committee recommending approval, approval with conditions or denial of the application. Failure of the Land Use Administrator to provide a report to the Committee shall constitute a recommendation for approval of the application.

4.9.2.B.3c Public hearings for conditional use permit applications shall be held within 45 days of receipt by the Department of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of Section 2.2.6. In addition, the Land Use Administrator shall notify all property owners within 300 feet of the subject property boundary of the time, date and subject matter of the hearing. Furthermore, the Land Use Administrator shall notify the County Highway Department and/or the State Department of Transportation for any development within 500 feet of an existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within l,000 feet of an existing or proposed interchange or turning lane right-of-way and request a recommendation for proposed projects within their jurisdiction. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.2.6 for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Committee that the public hearing notice requirements in Section 2.2.6 were not met or within the time limit as extended by the written agreement with the applicant.

4.9.2.B.3.d Committee Review and Decision
The Committee shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 15 days after the public hearing based on the general approval criteria listed in 2.3.6.F of the Code subject to the limitations in this overlay district unless the time is extended by written agreement with the applicant. Failure of the Committee to take final action within 90 days of the receipt of a complete application or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.
4.9.2.B.3.d.1 Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses, subject to the limitations in this overlay district.

4.9.2.B.3.d.2 The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 4.9.2.B.1f.

4.9.2.B.3.d.3 The Department shall notify the applicant, in writing, of the Committee's final decision. If the decision is to disapprove the application, the Department shall include with the written notification substantial evidence which supports the decision.

4.9.2.B.3.d.4 A party who is aggrieved by the final decision of the Committee under this subsection, may bring an action in circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

4.9.2.B.4 Factors Considered in Granting a Conditional Use Permits
The Committee shall consider the following factors in determining whether to issue a permit, although the Committee may waive or reduce the burden on the applicant of one or more of these criteria if the Committee concludes that the intent of this Code is better served thereby.

4.9.2.B.4.a Height of the proposed tower;

4.9.2.B.4.b Proximity of the tower to residential structures;

4.9.2.B.4.c Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users.

4.9.2.B.4.e Proposed ingress and egress; and

4.9.2.B.4.f Availability of suitable existing towers and other structures.

4.9.2.B.5 Availability of Suitable Existing Towers or Other Structures
The Committee may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 4.9.2.B.1f. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

4.9.2.B.5.a No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

4.9.2.B.5.b Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

4.9.2.B.5.c Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4.9.2.B.5.d The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

4.9.2.B.5e The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are economically burdensome.

4.9.2.B.5.f The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4.9.2.C Application Process for Class 2 Collocation

4.9.2.C.1 All land use applications for Class 2 Collocation projects shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a Class 2 Collocation project shall include the following:

4.9.2.C.1.a The name, and business address of, and the contact individual for, the applicant.

4.9.2.C.1.b The location of the proposed or affected support structure.

4.9.2.C.1.c The location of the proposed mobile service facility.

4.9.2.C.2 Completed Applications

If an applicant submits an application to the Department for a land use permit to engage in a Class 2 collocation, which contains all of the information required under this subsection, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

4.9.2.C.3 County Responsibilities

Within 45 days of receipt of a complete application, the Land Use Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the 45 day period.

4.9.2.C.3a Review the application to determine whether the proposed project complies with all applicable aspects of the Code, subject to the limitations in this section. If the application is determined to be incomplete, the Land Use Administrator shall notify the developer/applicant of the application deficiencies and no further action shall be taken on the application until the required information is submitted and the application is determined to be complete.

4.9.2.C.3.b Make a final decision whether to approve or disapprove the application.

4.9.2.C.3.c Notify the applicant, in writing, of its final decision.

4.9.2.C.3.d If the application is approved, issue the applicant the relevant permit.

4.9.2.C.3.e If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

4.9.2.C.3.f A party who is aggrieved by the final decision of the Land Use Administrator under this subsection, may bring action in the circuit court of the County in which the proposed activity, which is the subject of the application, is to be located.

4.9.2.D. Application process for the placement, construction or modification of a radio broadcast facility

4.9.2.D.1 A conditional use permit application for the placement, construction or modification of a radio broadcast facility shall be submitted to the Land Use Administrator upon forms provided by the Department. The application, review and decision procedures for the conditional use permit shall be in accord with Section 2.3.6 of the Land Use Code.

4.9.3 Development Standards

4.9.3.A General Design Requirements

4.9.3.A.1 Towers shall be painted with alternate bands of aviation orange and white paint in accordance with standards listed in Chapter 3, Marking Guidelines, of the FAA Federal Advisory Circular 70/7460-1, Obstruction, Marking and Lighting and subsequent revisions. The tower owner shall also be responsible for repainting when the color changes noticeably or its effectiveness is reduced by scaling, oxidation, chipping, or layers of contamination.

4.9.3.A.2 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

4.9.3.A.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4.9.3.A.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

4.9.3.A.5 Towers and antennas shall not be used for displaying any advertising.

4.9.3.A.6 No tower shall exceed 500 feet in height.

4.9.3.B Federal Requirements

All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

4.9.3.C Accommodations of Other Users (Co-location)

4.9.3.C.1 Any proposed communication tower and tower site shall be designed, structurally, electrically and in all respects, to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least three additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

4.9.3.C.2 The holder of a permit for a tower shall allow co-location for at least three additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

4.9.3.D Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a permit is required; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby.

4.9.3.D.1 Communication towers and projecting aerials shall be located a minimum distance equal to the height of the tower from any residential structure.

4.9.3.D.2 Communication towers, including but not limited to radio and television transmission and relay towers, aerials, and observation towers, are exempt from the zoning district height requirements, however, no tower or any projecting aerial attached to the tower shall exceed 500 feet in height.

4.9.3.D.3 Guy wires, and accessory facilities must satisfy all applicable setback requirements of Chapter 5 of this Code.

4.9.3.D.4 Communication towers and projecting aerials shall be located a minimum distance equal to 1/3 the structure height from the side and rear lot line.

4.9.3.D.5 Communication towers and projecting aerials shall be located in accordance with the minimum setback distances required in Section 5.1.2.E for roads.

4.9.3.D.6 Communication towers that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance shall not exceed the maximum airport height regulations.

4.9.3.D.7 Setback Exception: Application of Set Back Fall Zone.
If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, 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.

4.9.3.E Security Fencing
Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

4.9.3.F Landscaping
Tower facilities shall be landscaped with a buffer of plant material that effectively screens the base of the tower and the supporting facilities from direct view of the tower site from an adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the security fencing. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

4.9.3.G Removal of Abandoned Antennas and Towers
Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. In such circumstances, the following shall apply:

4.9.3.G.1 The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove said antenna and/or tower, including all supporting equipment and building(s), within 90 days of receipt of notice from the Land Use Administrator notifying the owner of such abandonment. If removal to the satisfaction of the Land Use Administrator does not occur within said 90 days, the Land Use Administrator may remove and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

4.9.3.G. 2 The applicant for a permit under this section shall submit a copy of a signed agreement between the property owner and the owner of the tower, antenna(s), and supporting equipment and building(s), detailing requirements for abandonment and subsequent removal based on the provisions of Section 4.9.3(G)(1). This agreement shall contain provisions binding said agreement on future property owner(s) and future owner(s) of a tower, antenna, and all supporting equipment and building(s).

4.9.3.H Limitations
With regard to an activity described in this Overlay District, the County may not do any of the following:

4.9.3.H.1 Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

4.9.3.H.2 Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

4.9.3.H.3 Enact an ordinance prohibiting the placement of a mobile service structure in particular locations within the County.

4.9.3.H.4 Charge a mobile radio service provider any recurring fee for an activity described in Section 4.9.2.B or 4.9.2.C.

4.9.3.H.5 Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

4.9.3.H.6 Disapprove an application to conduct an activity described under Section 4.9.2.B based solely on aesthetic concerns.

4.9.3.H.7 Disapprove an application to conduct a Class 2 collocation on aesthetic concerns.

4.9.3.H.8 Enact an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

4.9.3.H.9 Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the County which fall into disuse. There is a rebuttable presumption that a surety requirement of $20,000.00 or less complies with this paragraph.

4.9.3.H.10 Prohibit the placement of emergency power systems**.**

4.9.3.H.11 Require the mobile service support structure be placed on property owned by the County.

4.9.3.H.12 Disapprove an application based solely on the height of the mobile service structure or on whether the structure requires lighting.

4.9.3.H.13 Condition approval of such activities on the agreement of the structure or mobile service facility to provide space on or near the structure for the use of or by the County at less than the market rate, or to provide the County with other services via the structure or facilities at less than the market rate.

4.9.3.H.14 Limit the duration of any permit that is granted under this Overlay District.

4.9.3.H.15 Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

4.9.3.H.16 Disapprove an application based on an assessment by the County of the suitability of other locations for conduction the activity.

4.9.3.H.17 Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

4.9.3.H.18 Consider an activity a substantial modification if a greater height is necessary to avoid interference with an existing antenna.

4.9.3.H.19 Consider an activity a substantial modification if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by Cable.

4.9.3.H.20 Limit the height of a mobile service support structure to under 200 feet.

4.9.3.H.21 Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the County in connection with the County's exercise of its authority to approve the application.

4.9.3.H.22 Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the County to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a County or an entity in which a County has governance, competitive, economic, financial or other interest.

4.9.4 Effective Date of the Permit

4.9.4.A Conditional use permits and land use permits granted for mobile service support structures and facilities, class 1 collocation projects and class 2 collocation projects under Section 4.2.9.A.1 and 4.9.2.A.2 of this overlay district shall not expire.

4.9.4.B Conditional use permits granted for radio broadcast facilities under Section 4.2.9.A.3 shall expire one year after its effective date or at such alternative time specified in the approval process unless construction has been diligently pursued, a Certificate of Zoning Compliance has been issued, the use established or the conditional use permit is renewed for a period not to exceed one year. A conditional use permit shall also expire upon termination of the project or if the rights granted by the permit are discontinued for 180 consecutive days.

4.11 WIND ENERGY SYSTEM OVERLAY DISTRICT

4.11.1 General

4.11.1.A Statutory Authority
These overlay district regulations are adopted pursuant to Wisconsin State Statutes Section 59.69, 66.0401 and 66.0403 and Wisconsin Administrative Code PSC 128.

4.11.1.A.1 Whenever any provision of the overlay district regulations refer to or cites a section of the Wisconsin State Statutes or Administrative Code and that section is later amended or superseded, the overlay district regulations shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

4.11.1.B Purpose and Intent
The purpose and intent of this Overlay District is to promote and protect the health, safety and general welfare of the people and Communities within Dodge County by providing for the effective regulation of wind energy system facilities in Dodge County under the authority granted by the Wisconsin Statutes.

4.11.1.C Applicability
The jurisdiction of this Wind Energy System Overlay District shall include those areas that are subject to the Dodge County Land Use Code regulations contained within this Code.

4.11.1.D Principal or Accessory Use
A WES may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a WES on such lot. For purposes of determining whether the installation of a WES complies with setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the WES may be located on leased parcels or easements within such lots. Wind energy systems that are constructed and installed in accordance with the provisions of this Code shall not be deemed to constitute the expansion of a nonconforming use or structure.

4.11.1.E Indemnification
The operator of a wind energy system facility shall defend, indemnify and hold harmless the County and Town and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the wind energy system facility without limitation, whether said liability is premised on contract or on tort.

4.11.2 Administration

4.11.2.A Wind Energy Systems
All applicable rules, regulations, and laws as set forth in the Wisconsin State Statutes, Sections 66.0401 and 66.403, and the Wisconsin Administrative Code, Chapter PSC 128, are hereby adopted by reference and made a part of this section as if fully set forth herein.

4.11.2.B Permits
No WES shall be constructed, located, installed, reconstructed, enlarged, or relocated, including the placement of additional buildings or other supporting equipment used in connection with said WES, without first obtaining a Land Use Permit and a Conditional Use Permit, except as allowed under Subsection 4.11.2.B.1, and without full compliance with the provisions of this Code and all other applicable County and State requirements. The Committee may authorize the Land Use Administrator to issue a Land Use Permit for a WES after a Conditional Use Permit is issued pursuant to the procedures set forth in Subsection 2.3.6 of this Code and this subsection.

4.11.2.B.1 Exception:
A single "Personal Wind Energy System" (PWES) that is for use by the individual land owner on which the PWES is to be located, that is 75 feet or under in total height, and that has a nameplate capacity of less than 5 kilowatts may be located on a lot with a County Land Use Permit. No Conditional Use Permit will be required for a single PWES meeting these requirements. The location of two or more PWESs on a lot, the location of a PWES that exceeds 75 feet in total height or that has a nameplate capacity greater than 5 kilowatts and/or the location of any other wind energy system on a lot shall require a land use permit and conditional use permit in accordance with Subsection 4.11.2.B

4.11.2.B.2 Conditional Use Permit Applications
Applications for Conditional Use permits under this section shall be submitted to the Department in accordance with Subsection 2.3.6. The contents of the application shall include all applicable information required under PSC 128.30 Wis. Adm. Code. The exemptions listed under PSC 128.60 shall apply to an application that is submitted for a small wind energy system.

4.11.2.B.3 Land Use Permit Applications
Applications for Land Use permits under this section shall be submitted to the Department in accordance with Subsection 2.3.5. The contents of the application shall include all applicable information required under PSC 128.30 Wis. Adm. Code. The exemptions listed under PSC 128.60 shall apply to an application that is submitted for a small wind energy system.

4.11.2.C Effective Date of Permits
Land Use Permits and Conditional use permits shall be effective beginning on the date of approval and shall remain effective for the period indicated on the permit.

4.11.2.D Preservation of Rights
The transfer of title to any property shall not change the rights and duties under this Code.

4.11.3. Requirements
4.11.3.A All wind energy systems shall meet or exceed the applicable rules, regulations and laws as set forth in the Wisconsin State Statutes, Sections 66.0401 and 66.0403, the Wisconsin Administrative Code, Chapter PSC 128, the Federal Aviation Administration (FAA) regulations and any other applicable Federal, State and County regulations.

4.11.3.B In accord with the authority granted under Section 66.0401(4)(f)(2), Wisconsin Statutes, the County may deny an application for a wind energy system, that has a nominal capacity of at least one megawatt, if the proposed site of the wind energy system is located in an area primarily designated for future residential or commercial development as shown on the County's Future Land Use Map which was adopted as part of the County's comprehensive plan.

4.12 NON-METALLIC MINING RECLAMATION OVERLAY DISTRICT

Deleted, September 5, 2017

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

5.4 LOT WIDTH STANDARDS

5.5 DENSITY STANDARDS

5.6 HOW TO MEASURE SETBACKS, HEIGHT, AREA

5.7 ACCOMODATIONS FOR THE DISABLED

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 - Nonresidential Uses	 --- ---	 200 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 ½ 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 ½ 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 - Nonresidential Uses	 --- ---	 200 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 ½ 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.

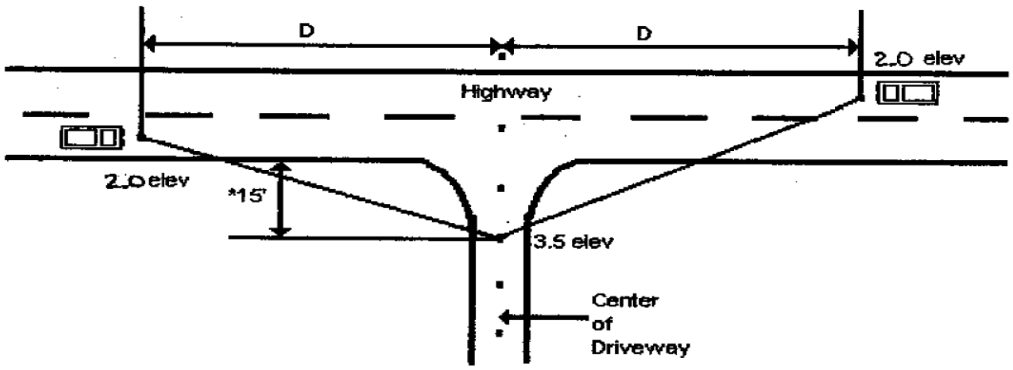
5.6.6 Railroad Grade Setbacks

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.

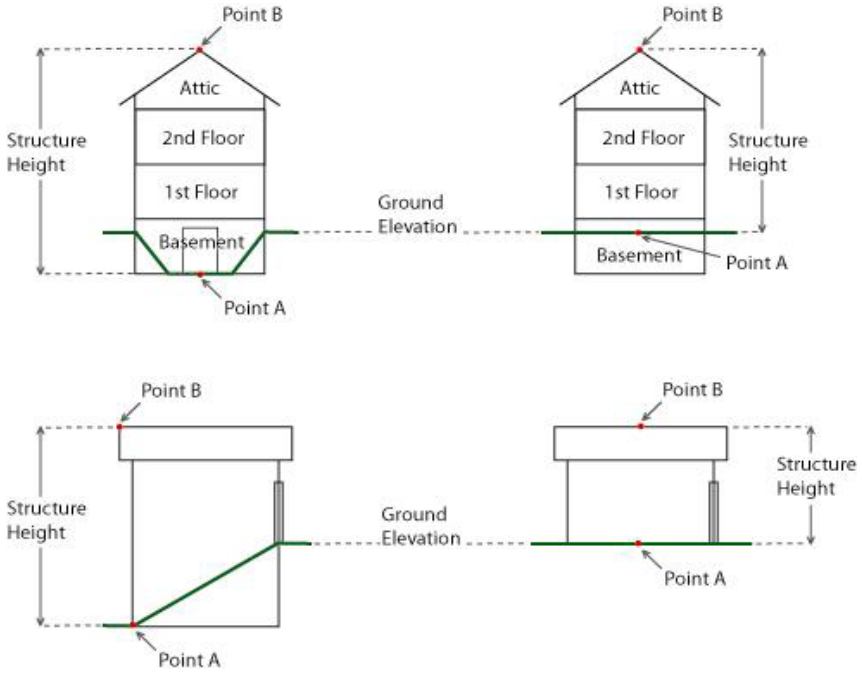
5.6.7.d The minimum setback distance from a vision triangle boundary shall be 10 feet. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Table 5.1-1.

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 it's 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.

Chapter 6 – Use Regulations

6.1 USE CLASSIFICATIONS

6.1.1 General

6.1.1.A Purpose and Applicability
Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Land Use Administrator shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title, based on the considerations set forth in Section 6.1.1(E) below. The Land Use Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Land Use Administrator's decision may be appealed, as provided by Section 2.3.13.

6.1.1.B Uses Not Classified
Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Code text amendment, as provided by Section 2.3.3.

6.1.1.C Basis for Classifications
Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

6.1.1.D Principal Use Characteristics
Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

6.1.1.E Criteria for Categorizing Principal Uses
The following criteria shall be utilized to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

6.1.1.E.1 The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

6.1.1.E.2 The relative amount of site area or floor space and equipment devoted to the activity;

6.1.1.E.3 Relative amounts of sales from each activity;

6.1.1.E.4 The customer type for each activity;

6.1.1.E.5 The relative number of employees in each activity;

6.1.1.E.6 Hours of operation;

6.1.1.E.7 Building and site arrangement;

6.1.1.E.8 Vehicles used with the activity;

6.1.1.E.9 The relative number of vehicle trips generated by the use;

6.1.1.E.10 Signs;

6.1.1.E.11 How the use advertises itself; and

6.1.1.E.12 Whether the activity is likely to be found independent of the other activities on the site.

6.1.1.F Developments with Multiple Principal Uses
When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

6.1.1.G Accessory Uses
Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

6.1.1.H Use of Examples
The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category, because the actual activity on the site matches the description of the Retail Sales and Service category.

6.1.2 Residential Uses

6.1.2.A Household Living

6.1.2.A.1 Characteristics
Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis.

6.1.2.A.2 Accessory Uses
Accessory uses commonly associated with Household Living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants' vehicles. Home Occupations and Accessory Dwelling Units are accessory uses that are subject to additional regulations (See Section 6.3).

6.1.2.A.3 Examples
Uses include living in single-family dwellings, both detached and attached (e.g., town homes), duplexes, triplexes, fourplexes, and other multi-dwelling structures, retirement center apartments; manufactured housing; mobile home parks and trailer courts (also see Section 6.2.7); and other structures with self-contained dwelling units.

6.1.2.A.4 Exceptions
Lodging in a dwelling unit where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Visitor Accommodations category.

6.1.2.B Group Living

6.1.2.B.1 Characteristics
Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may not also reside at the site. Also, see Section 6.2.6.

6.1.2.B.2 Accessory Uses
Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

6.1.2.B.3 Examples
The Group Living category includes the following specific uses:

6.1.2.B.3.a Small Group Living Facility
A residence for up to 8 unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living activities. The restriction to 8 individuals shall include both residents and caretakers, if any.

6.1.2.B.3.b Large Group Living Facility
Any residence for more than 8 unrelated individuals, and any residence for up to 8 unrelated individuals that does not meet the definition of "Seasonal Housing for Farm Workers," "Senior Assisted Living Facility" or "Small Group Living Facility."

6.1.2.B.3.c Nursing Home
Any facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician. These facilities are designed for older adults who need health supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided. Surgical and emergency medical care are not allowed.

6.1.2.B.3.d Seasonal Housing for Farm Workers
Temporary residences occupied for less than 180 days by individual farmworkers or families participating in the harvesting of agricultural crops.

6.1.2.B.3.e Senior Assisted Living
A residential care facility designed primarily for senior citizens with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided.

6.1.2.B.3.f Treatment Facilities
Residences for up to 8 persons some or all of whom are receiving on-site medical or psychological treatment.

6.1.2.B.3.g Prisons
Places where persons convicted or accused of crimes are confined.

6.1.2.B.3.h Homeless Shelter - A facility set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support. Permitted services may include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided.

6.1.2.B.4 Exceptions

6.1.2.B.4.a Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Visitor Accommodations category.

6.1.2.B.4.b Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Household Living.

6.1.3 Institutional, Public, and Semi-Public Uses

This classification includes uses of an institutional nature and serving a public need, such as churches, hospitals, schools, libraries, museums, post offices, police and fire stations, public utilities, and other public services.

6.1.3.A Aviation

6.1.3.A.1 Characteristics

Aviation uses include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Aviation facilities may be improved or unimproved.

6.1.3.A.2 Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities.

6.1.3.A.3 Examples

Examples include airports, seaplane landing basins, and helicopter landing facilities.

6.1.3.A.4 Exceptions

Private airstrips or helicopter landing facilities that are accessory to another use are considered accessory uses.

6.1.3.B Cemetery

6.1.3.B.1 Characteristics

Cemeteries are lands used or intended to be used for the burial of human remains and dedicated for cemetery purposes.

6.1.3.B.2 *Accessory Uses*

Accessory uses may include parking and offices. Also, cemetery purposes may include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

6.1.3.C Cultural Institution

6.1.3.C.1 Characteristics

Cultural Institutions are public or nonprofit institutions displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences.

6.1.3.C.2 Accessory Uses

Accessory uses may include parking, offices, and storage areas.

6.1.3.C.3 Examples

Examples include libraries, museums, art galleries, and performing arts centers.

6.1.3.D Hospitals

6.1.3.D.1 Characteristics

Hospitals include uses providing medical, surgical, or emergency care to patients and offering overnight care.

6.1.3.D.2 Accessory Uses
Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

6.1.3.D.3 Examples
Examples include medical centers and hospitals.

6.1.3.D.4 Exceptions

6.1.3.D.4.a Medical clinics that provide care where patients are generally not kept overnight are classified as Office, Business and Professional.

6.1.3.D.4.b Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as Treatment Facilities.

6.1.3.E Parks and Open Space

6.1.3.E.1 Characteristics
The Parks and Open Space use category includes public and semi-public uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Private parks and private open space uses are not included within this classification.

6.1.3.E.2 Accessory Uses
Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

6.1.3.E.3 Examples
Examples include fairgrounds, golf courses, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves, and wildlife ponds.

6.1.3.E.4 Exceptions
Golf driving ranges are classified as Recreation and Entertainment, Outdoor.

6.1.3.F Public Assembly Areas

6.1.3.F.1 Characteristics
Public Assembly uses include spaces of a public, nonprofit, or commercial nature for the periodic gathering of large numbers of people for specific events or shows. Activities may be of a spectator nature.

6.1.3.F.2 Accessory Uses
Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities.

6.1.3.F.3 Examples
Examples include community centers, conference centers, convention centers, exhibit halls, stadiums, sports arenas, coliseums, auditoriums, other public assembly areas, and town halls.

6.1.3.F.4 Exceptions

6.1.3.F.4.a Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Visitor Accommodations category.

6.1.3.F.4.b Theaters are classified as Recreation and Entertainment, Indoor.

6.1.3.F.4.c Recreation or entertainment uses conducted on a continuous basis are classified as Indoor or Outdoor Recreation and Entertainment Uses.

6.1.3.G Religious Institutions

6.1.3.G.1 Characteristics
Religious Institutions primarily provide meeting areas for religious activities.

6.1.3.G.2 Accessory Uses
Accessory uses include Sunday school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

6.1.3.G.3 Examples
Examples include churches, temples, synagogues and mosques, but not associated schools or day care facilities.

6.1.3.H Safety Services

6.1.3.H.1 Characteristics
Safety Services are uses that protect public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.

6.1.3.H.2 Accessory Uses
Accessory uses include offices and parking.

6.1.3.H.3 Examples
Examples include fire stations, police stations, and emergency medical and ambulance stations.

6.1.3.I Schools

6.1.3.I.1 Characteristics
This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

6.1.3.I.2 Accessory Uses
Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

6.1.3.I.3 Examples
Examples include public and private day-time schools, boarding schools, and military academies.

6.1.3.I.4 Exceptions

6.1.3.I.4.a Preschools are classified as Day Care uses.

6.1.3.I.4.b Business and trade schools are classified as Personal Service.

6.1.3.J Utilities, Basic

6.1.3.J.1 Characteristics
Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have employees at the site. This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, communication signals, or other similar services on a local level. Services may be public or privately provided.

6.1.3.J.2 Accessory Uses
Accessory uses may include control, monitoring, data, or transmission equipment.

6.1.3.J.3 Examples
Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water, sewer lines, and storm sewer pipes and lift stations, natural gas distribution systems and television cables.

6.1.3.J.4 Exceptions

6.1.3.J.4.a Services where people are generally present are classified as Office, Business or Professional, or Safety Services.

6.1.3.J.4.b Utility offices where employees or customers are generally present are classified as Office, Business or Professional.

6.1.3.J.4.c Bus barns are classified as Warehousing and Transportation.

6.1.4 Commercial Uses

6.1.4.A Adult Oriented Establishments
See Section 4.2 - Dodge County, Wisconsin, Overlay District Provisions Regulating Adult Oriented Establishments.

6.1.4.B Animal Sales and Service

6.1.4.B.1 Characteristics
Animal Sales and Service uses involve the selling or boarding of animals on a commercial basis.

6.1.4.B.2 Examples
The Animal Sales and Service category includes the following specific uses.

6.1.4.B.2.a Animal Hospitals and Shelters
Establishments where small animals receive medical and surgical treatment or where animals are confined while awaiting placement. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming of animals is included if incidental to the use.

6.1.4.B.2.b Horse Boarding and Riding Facility
Facilities for the care and exercise of horses and related equestrian activities, including facilities for instruction in horseback riding, including rings, stables and exercise areas.

6.1.4.B.2.c Kennels
Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, and incidental medical care.

6.1.4.B.2.d Pet Shops

6.1.4.B.3 Exception
Veterinary offices are classified as Office, Business and Professional.

6.1.4.C Day Care

6.1.4.C.1 Characteristics
Day Care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Also see Section 6.2.5.

6.1.4.C.2 Accessory Uses
Accessory uses include offices, recreation areas, and parking.

6.1.4.C.3 Examples
Day Care includes the following categories.

6.1.4.C.3.a Day Care, General
Non-medical care and supervision of 7 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults.

6.1.4.C.3.b Day Care, Large Family
A state-licensed family care home serving 7 to 12 children at one time where care, protection, and supervision are regularly provided in the caregiver's home for periods of less than 24 hours per day while parents or guardians are away. The number of children served shall include children of the caregiver who are at home.

6.1.4.C.3.c Day Care, Limited
Non-medical care and supervision of 6 or fewer persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults.

6.1.4.C.4 Exceptions
Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

6.1.4.D Eating and Drinking Establishments

6.1.4.D.1 Characteristics
Eating and Drinking Establishments include businesses serving prepared food or beverages for consumption on or off the premises.

6.1.4.D.2 Accessory Uses
Accessory uses may include food preparation areas, offices, and parking.

6.1.4.D.3 Examples
Eating and Drinking Establishments include the following categories.

6.1.4.D.3.a Restaurants
Businesses serving prepared food and non-alcoholic beverages for consumption on or off the premises.

6.1.4.D.3.b Restaurants with Bars
Businesses serving prepared food and beverages, including alcoholic beverages, for consumption on or off the premises.

6.1.4.D.3.c Restaurants with Drive-Through Service
Restaurants that include service from a building to persons in vehicles through an outdoor service window.

6.1.4.D.3.d Taverns
Businesses serving alcoholic beverages for consumption on the premises.

6.1.4.E Financial Institutions

6.1.4.E.1 Characteristics
Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities. Automatic teller machines may be either principal or accessory uses.

6.1.4.E.2 Accessory Uses
Accessory uses may include automatic teller machines, offices, and parking.

6.1.4.E.3 Examples
Examples include banks, credit unions, and check-cashing centers. Financial Institutions include the following categories:

6.1.4.E.3.a Automatic Teller Machines

6.1.4.E.3.b Financial Institutions with Drive-Through Service

6.1.4.E.3.c Financial Institutions without Drive-Through Service

6.1.4.E.4 Exceptions
Financial Institutions shall not include bail bond brokers.

6.1.4.F Food and Beverage Sales

6.1.4.F.1 Characteristics
Retail sales of food and beverages for off-site preparation and consumption.

6.1.4.F.2 Accessory Uses
Accessory uses may include offices, gasoline sales, parking, and food preparation areas.

6.1.4.F.3 Examples
Typical uses include groceries, beer and liquor stores, delicatessens, convenience stores, fruit and vegetable markets, and roadside stands. Food and Beverage Sales includes the following categories:

6.1.4.F.3.a Food and Beverage Sales with Drive-Through Service.

6.1.4.F.3.b Food and Beverage Sales without Drive-Through Service.

6.1.4.F.4 Exceptions
Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Eating and Drinking Establishments.

6.1.4.G Landscaping Businesses

6.1.4.G.1 Characteristics
Commercial sale of plants and related lawn and garden materials that normally would include decorative structures and materials, packaged fertilizer, decorative stone, and related materials.

6.1.4.G.2 Accessory Uses
Accessory uses may include offices, outdoor storage yards, equipment storage buildings, and parking.

6.1.4.G.3 Exceptions
Tree and plant nurseries and greenhouses devoted primarily to raising plants rather than on-site retail sales are classified as horticulture.

6.1.4.H Lumberyards and Building Supplies

6.1.4.H.1 Characteristics
This classification includes lumberyards and retailing, wholesaling, or rental of building supplies and equipment. This classification includes tool and equipment sales or rental establishments. Establishments may have indoor or outdoor storage areas.

6.1.4.H.2 Accessory Uses
Accessory uses may include offices, parking, and storage areas.

6.1.4.H.3 Examples
Examples include building supply yards and lumberyards.

6.1.4.H.4 Exception
Establishments exclusively devoted to retail sales of paint and hardware are classified as Retail Sales and Services.

6.1.4.I Office, Business and Professional

6.1.4.I.1 Characteristics
Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, insurance, or financial services.

6.1.4.I.2 Accessory Uses
Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

6.1.4.I.3 Examples
Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, insurance agencies, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; veterinary offices; medical and dental clinics and laboratories; and blood-collection facilities.

6.1.4.I.4 Exceptions

6.1.4.I.4.a Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

6.1.4.I.4.b Contractors and others who perform services off-site are included in the Warehousing and Transportation category if equipment and materials are stored on the site and/or fabrication, services, or similar work is carried on at the site.

6.1.4.J Personal Service

6.1.4.J.1 Characteristics
Personal Service businesses provide services of a personal nature.

6.1.4.J.2 Accessory Uses
Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale and parking.

6.1.4.J.3 Examples
Examples may include photographic studios; photocopy and blueprint services; hair cutting and styling, tanning, and personal care services; business, martial arts; dance or music classes; taxidermists; mortuaries; business or trade schools; seamstresses and tailors; shoe repair shops; laundry and dry cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises); and self-service laundries.

6.1.4.K Recreation and Entertainment, Indoor (except Adult)

6.1.4.K.1 Characteristics
Indoor Recreation and Entertainment Businesses provide indoor entertainment activities for consumers.

6.1.4.K.2 Accessory Uses
Accessory uses may include offices, storage of goods, and parking.

6.1.4.K.3 Examples
Examples include bowling alleys, ice rinks, game arcades, pool halls, dance halls, indoor firing ranges, theaters, health clubs, gyms, membership clubs, and lodges.

6.1.4.K.4 Exceptions
Casinos and other gambling, gaming, and wagering establishments are classified as Adult Entertainment.

6.1.4.L Recreation and Entertainment, Outdoor

6.1.4.L.1 Characteristics
Outdoor Recreation and Entertainment uses are generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors, but may take place in a number of structures that are arranged together in an outdoor setting.

6.1.4.L.2 Accessory Uses
Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

6.1.4.L.3 Examples
Examples include bait shops, boat launches, marinas, riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, outdoor firing ranges, and ski hills and lodges.

6.1.4.L.4 Exceptions

6.1.4.L.4.a Golf courses are classified as Parks and Open Space.

6.1.4.L.4.b Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Public Assembly Areas.

6.1.4.M Retail Sales and Service

6.1.4.M.1 Characteristics
Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.

6.1.4.M.2 Accessory Uses
Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

6.1.4.M.3 Examples
Examples include stores selling, leasing, or renting consumer, home and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, indoor plants, printed material, stationary and videos; wineries; and auction services.

6.1.4.M.4 Exceptions

6.1.4.M.4.a The sale of animals is classified as Animal Sales and Service.

6.1.4.M.4.b The sale of food or beverages for consumption on the premises is classified as Eating and Drinking Establishments.

6.1.4.M.4.c The sale of food or beverages for consumption off premises is classified as Food and Beverage Sales.

6.1.4.M.4.d The sale of outdoor plantings and related accessory items is classified as Landscaping Businesses.

6.1.4.M.4.e Lumber yards and other building material sales that sell to contractors as well as retail customers are classified as Lumberyards and Building Supplies.

6.1.4.M.4.f Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as Vehicles and Equipment.

6.1.4.N Service and Repair Businesses

6.1.4.N.1 Characteristics
Service and Repair Businesses provide product repair or services for consumer and business goods.

6.1.4.N.2 Accessory Uses
Accessory uses may include offices, storage of parts or other goods, or manufacture or repackaging of goods for on-site sale and parking.

6.1.4.N.3 Examples
Examples include repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; locksmith; and upholsterer.

6.1.4.N.4 Exceptions
Repair and service of consumer motor vehicles, motorcycles, light and medium trucks, and industrial or agricultural vehicles and equipment, is classified as Industrial Service.

6.1.4.O Telecommunications

6.1.4.O.1 Characteristics
Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission systems.

6.1.4.O.2 Accessory Uses
Accessory uses may include transmitter facility buildings.

6.1.4.O.3 Examples
Examples include broadcast towers, communication towers, point-to-point microwave towers, and all FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

6.1.4.O.4 Exceptions

6.1.4.O.4.a Receive-only antennas and amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator are not included in this category.

6.1.4.O.4.b Radio and television studios are classified as Office, Business and Professional.

6.1.4.O.4.c Radio and television broadcast facilities that are public safety facilities are classified as Utilities, Basic.

6.1.4.P Vehicle and Equipment

6.1.4.P.1 Characteristics
Vehicle and Equipment facilities include a broad range of uses for the sale, rental, and/or maintenance of motor vehicles and related equipment. Large parking areas and outdoor storage areas may be included with these uses.

6.1.4.P.2 Accessory Uses
Accessory uses may include incidental repair and storage, offices, and sales of parts and/or tires.

6.1.4.P.3 Examples
Vehicle and Equipment includes the following categories:

6.1.4.P.3.a Car Wash
Washing, waxing or cleaning of automobiles or similar light vehicles.

6.1.4.P.3.b Commercial Parking Area
Commercial Parking Areas provide parking that is not accessory to a specific use, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking Area. In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

6.1.4.P.3.c Gas Station and Mini-Mart
Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; and prepared food and beverages for off-site consumption. Vehicle repairs may be allowed as a conditional use. Body and fender work or repair of heavy trucks or vehicles are excluded from this use classification.

6.1.4.P.3.d Machinery and Equipment Sales and Storage
Outdoor storage areas and/or buildings used for the sale of machinery and equipment used in agriculture, construction, or other occupations. Incidental storage and maintenance may also be provided on site.

6.1.4.P.3.e Mobile Home Sales and Rental
Sale or rental of mobile homes for occupation off-site, including incidental storage and incidental maintenance.

6.1.4.P.3.f Motor Vehicle Sales and Rental
Sale or rental of all-terrain vehicles, automobiles, motorcycles, snowmobiles, trucks, tractors, boats, and similar equipment, including incidental storage and incidental maintenance.

6.1.4.P.3.g Vehicle and Equipment Testing

6.1.4.P.4 Exceptions
Repair and service of vehicles and equipment; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

6.1.4.Q Visitor Accommodation

6.1.4.Q.1 Characteristics
Visitor Accommodation facilities provide lodging where tenancy may be arranged for periods of less than 30 days.

6.1.4.Q.2 Accessory Uses
Accessory uses may include restaurants, offices, parking, and recreational uses, including swimming pools.

6.1.4.Q.3 Examples
Visitor Accommodation includes the following categories.

6.1.4.Q.3.a Bed and Breakfast
A dwelling unit or accessory building within which bedrooms are available for paying guests on a less than monthly basis, the rental of which includes at a minimum a daily breakfast meal provided to the guest by the landlord.

6.1.4.Q.3.b Campground
An area provided for camping in tents, camping vehicles, or recreational vehicles on a less than monthly basis, which may include shower and restroom facilities, outdoor cooking facilities, electrical and water hookups, and recreational facilities. Also see Section 6.2.3.

6.1.4.Q.3.c Hostels
A dwelling unit or accessory building available for paying guests on a less than monthly basis that provides at least sleeping accommodations and sanitary facilities.

6.1.4.Q.3.d Hotels
Establishments offering 10 or more rooms as lodging on a less than weekly basis to guests, with eating and drinking service and a dining room where meals are served. Hotels offer individual lodging for traveling guests, with rooms generally designed for single-family units or business travelers lodging independently, and parking provided in a central location remote from individual rooms. Hotels may include time share projects.

6.1.4.Q.3.e Motels, Resorts, and Tourist Courts
Establishments offering lodging on a less than weekly basis. This classification may include incidental eating or drinking service. This classification provides a land use category for establishments offering individual lodging for traveling guests, with rooms generally designed for single-family units or business travelers lodging independently, and associated parking provided convenient to the room.

6.1.4.Q.3.f Recreational Vehicle Parks
Facilities similar to campgrounds are offered for rent on a less than monthly basis for use by recreational vehicles. Also see Section 6.2.3.

6.1.4.Q.4 Exceptions

6.1.4.Q.4.a Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Household Living.

6.1.4.Q.4.b Lodging where the residents do not meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Group Living.

6.1.4.R Wholesale Sales

6.1.4.R.1 Characteristics
Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

6.1.4.R.2 Accessory Uses
Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

6.1.4.R.3 Examples
Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food and clothing.

6.1.4.R.4 Exceptions

6.1.4.R.4.a Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Services.

6.1.4.R.4.b Firms that are primarily storing goods with little on-site business activity are classified as Warehousing and Transportation.

6.1.4.S Casino or other Gambling, Gaming or Wagering Establishments

6.1.4.S.1 Characteristics

A casino or other gambling, gaming or wagering establishment means any establishment, room or rooms, wherein or whereon gaming is done. Gaming is defined as the dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game. Gambling means to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, pari-mutuel, or any other form of wagering. This does not include games played in private homes or residences for prizes or games operated by charitable or educational organizations that have been approved by the State.

6.1.4.S.2 Accessory Uses

Accessory uses may include eating and drinking establishments, visitor accommodation facilities, offices, an attached single family residence and parking.

6.1.4.S.3 Examples

Casinos, Horse Racing or Dog Racing Establishments, Gaming Establishments.

6.1.5 Industrial Uses

6.1.5.A Accessory Retail Sales
Factory outlets and similar retail sales outlets to sell products manufactured on the premises are allowed on manufacturers' sites.

6.1.5.B Industrial Service

6.1.5.B.1 Characteristics
Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

6.1.5.B.2 Accessory Uses
Accessory activities may include retail sales, offices, parking and storage. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

6.1.5.B.3 Examples
Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; sawmills; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

Industrial Services include the following categories:

6.1.5.B.3.a Agricultural Services

6.1.5.B.3.b Machinery and Equipment Repair
This includes the repair of agricultural and construction equipment, automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. Generally, the customer does not wait at the site while the service or repair is being performed.

6.1.5.B.3.c Printing and Publishing

6.1.5.B.3.d Propane Gas Distributors
This classification includes outlets for the sale and distribution of gases, including propane.

6.1.5.B.3.e Sawmills

6.1.5.B.4 Exceptions
Contractors and others who perform services off-site are included in the Office, Business and Professional, category, if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on at the site. If major equipment and materials are stored at the site, or fabrication or similar work is carried out on the site, then these uses are categorized in Warehousing and Transportation.

6.1.5.C Manufacturing and Production

6.1.5.C.1 Characteristics
Manufacturing and Production firms are involved in the 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 consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

6.1.5.C.2 Accessory Uses
Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

6.1.5.C.3 Examples
Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.

Manufacturing and Production includes the following categories:

6.1.5.C.3.a Animal Feed Preparation
The manufacturing and processing of food for animals off-premises. Animal feed preparation businesses shall comply with the Operational Compatibility Standards listed in Section 8.5 of this Code.

6.1.5.C.3.b Fertilizer Production

6.1.5.C.3.c Food Processing

6.1.5.C.3.d Manufacturing of Hazardous Materials

6.1.5.C.3.e Manufacturing Other than Conditional Uses in the I-2 District

6.1.5.C.3.f Power Generation and Transmission
Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, transportation or communication utilities, and similar facilities of commercial or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification. Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines, and gas compressor and transfer stations.

6.1.5.C.4 Exceptions

6.1.5.C.4.a Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Services.

6.1.5.C.4.b Manufacture and production of goods from composting organic material is classified as Waste Related uses.

6.1.5.D Resource Extraction and Processing

6.1.5.D.1 Characteristics
Resource extraction and processing includes mining extraction, and/or processing of mineral or aggregate resources from the ground, and the removal of peat or soil, for off-site use.

6.1.5.D.2 Accessory Uses
Accessory uses may include storage, sorting, stockpiling, or transfer off-site of the mined material, and may include concrete batching, crushers and asphalt production.

6.1.5.D.3 Examples
Examples include mining; oil, gas, or geothermal drilling; oil or coal refineries; borrow pits; mineral resource processing; quarrying and mineral extraction; and soil and peat removal.

6.1.5.E Warehousing and Transportation

6.1.5.E.1 Characteristics
Warehousing and Transportation firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

6.1.5.E.2 Accessory Uses
Accessory uses may include offices, truck fleet parking, and maintenance areas.

6.1.5.E.3 Examples
Examples include: contractor's offices and storage yards; feed mills, granaries, and elevators; separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; self-service storage; and the stockpiling of sand, gravel, or other aggregate materials.

Warehousing and Transportation includes the following categories:

6.1.5.E.3.a Contractor's Offices and Storage Yards

6.1.5.E.3.b Feed Mills, Granaries, and Elevators

6.1.5.E.3.c Food Storage Warehouses

6.1.5.E.3.d Freight Yards

6.1.5.E.3.e Outdoor Storage Areas

6.1.5.E.3.f Road Maintenance Equipment Storage

6.1.5.E.3.g Self-Service Storage
Self-service storage uses provide separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These uses are also called mini-warehouses. Accessory uses may include living quarters for a resident manager or security and leasing offices.

6.1.5.E.3.h Transportation Terminals
Transportation terminals include passenger terminals for regional bus and rail service, and bus and rail passenger stations for subregional service, such as mass transit stops and park-and-ride facilities. Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

6.1.5.E.3.i Trucking Companies

6.1.5.E.3.j Warehousing Except Conditional Uses in the I-2 District

6.1.5.E.4 Exceptions

6.1.5.E.4.a Contractor's offices that do not include storage yards are classified as Offices, Business and Professional.

6.1.5.E.4.b Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Related uses.

6.1.5.F Waste-Related Use

6.1.5.F.1 Characteristics
Waste-Related uses are those uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste-Related uses also include uses that receive hazardous wastes from others.

6.1.5.F.2 Accessory Uses
Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

6.1.5.F.3 Examples
Examples include land-spreading of waste, sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage, recycling collection points, salvage and junk yards, and hazardous-waste collection sites.

6.1.6 Agricultural Uses

6.1.6.A Animal Confinement Facilities

6.1.6.A.1 Characteristics
This classification includes establishments where animals are fed, confined, and maintained, where crops or forage growth is not maintained in the area of confinement, where a majority of the crops or forage used to feed the animals is not grown on the same property. Such uses generate heavy regular truck traffic transporting animals to and from the confinement area. Livestock sales may also occur from the property.

6.1.6.A.2 Accessory Uses
Accessory uses must meet the definition of s. 91.01(1), Stats. and may include offices, parking, and storage areas that are incidental to the agricultural use of the farm.

6.1.6.A.3 Examples
Animal Confinement includes the following categories:

6.1.6.A.3.a General/Animal Confinement Facility
Facilities for the confinement, feeding, and maintenance of large numbers of animals, meeting the definition of Animal Confinement Facility, as defined in Chapter 12.

6.1.6.A.3.b Fur Farms
Facilities for raising or harboring fur-bearing animals for breeding, slaughter, or pelting, as defined in Chapter 12.

6.1.6.A.3.c Stockyards and Livestock Sales
Facilities for the confinement, feeding, maintenance, and sale of livestock.

6.1.6.B Aquatic Species Raising

6.1.6.B.1 Characteristics
This classification includes facilities for procreation and raising of lowland animals, fowl, or fish, or the raising of aquatic plant species, as defined in Chapter 12.

6.1.6.B.2 Accessory Uses
Accessory uses may include cages, pens, processing facilities, parking, and storage areas.

6.1.6.B.3 Examples
Aquatic Species Raising may include the raising of waterfowl, minnows, and other lowland plant and animal species.

6.1.6.B.4 Exceptions
Raising of fur-bearing lowland animal species is considered a fur farm, and classified in the Animal Confinement Facilities category.

6.1.6.C General Farming

6.1.6.C.1 Characteristics
Agriculture includes activities that primarily involve raising, producing, or keeping plants or animals, as defined in Chapter 12.

6.1.6.C.2 Accessory Uses
Accessory uses include dwellings for proprietors and employees of the use, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

6.1.6.C.3 Examples
Examples include breeding or raising of fowl or other animals; dairy farms; stables; farming, orchards; vineyards; truck gardening; and forestry.

6.1.6.C.4 Exceptions

6.1.6.C.4.a Processing of animal or plant products are classified as Manufacturing and Production.

6.1.6.C.4.b Plant and tree nurseries and greenhouses are classified as Horticulture.

6.1.6.C.4.c Storage of non-agricultural products is classified as Warehousing and Transportation.

6.1.6.D Harvesting of Wild Crops

6.1.6.D.1 Characteristics
This classification includes the harvesting of plant products that occur naturally on land or water.

6.1.6.D.2 Examples
Harvesting of wild crops may include seeds, nuts, berries, grains, flowers, fungi, and similar products.

6.1.6.D.3 Exceptions
The removal of soil or peat is classified as Resource Extraction and Processing.

6.1.6.E Horticulture

6.1.6.E.1 Characteristics
Horticulture uses include the raising of flowers, ornamental trees, and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures.

6.1.6.E.2 Accessory Uses
Accessory uses may include offices and parking for employees of the use.

6.1.6.E.3 Examples
Typical uses include greenhouses, plant nurseries, and tree nurseries.

6.1.6.E.4 Exception
Plant and tree nurseries that are oriented toward retail sales are classified as Landscaping Businesses.

6.1.6.F Open Space Use

6.1.6.F.1 Characteristics:
This category includes any lot or area of land or water essentially unimproved and used for agricultural use. Typical agricultural open space uses include plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products. The open space use category does not allow for the construction of any principal structures.

6.1.6.F.2 Accessory Uses
Accessory uses include recreational activities that do not require a developed site, including hiking, horseback riding, picnicking, bird watching and bicycling. The open space use category does not allow the construction of accessory structures.

6.1.6.F.3 Exceptions
Soil conservation practices, erosion control structures, diversions and terraces used for erosion control may be included in this category.

6.2 USE STANDARDS

6.2.1 Adult Oriented Establishments
All adult oriented establishments shall be subject to the licensing requirements in the Dodge County, Wisconsin, Overlay District Provisions Regulating Adult Oriented Establishments.

6.2.2 Camping
No lot or parcel of land shall be used for camping unless the owner of the lot or parcel has received the required permits and approvals to allow a campground or recreational vehicle park use on said lot or parcel.

6.2.3 Campgrounds and Recreational Vehicle Parks

All campgrounds or recreational vehicle parks shall be subject to the following standards:

6.2.3.A The minimum size of a campground or recreational vehicle park shall be 5 acres.

6.2.3.B The maximum number of campsites or recreational vehicles shall be 15 per acre.

6.2.3.C Minimum dimensions of a campsite or recreational vehicle site shall be 25 feet wide by 40 feet long.

6.2.3.D Each campsite or recreational vehicle site shall be separated from other recreational vehicle sites or campsites by a yard not less than 15 feet wide.

6.2.3.E There shall be one and one-half automobile parking spaces for each recreational vehicle site and one for each campsite.

6.2.3.F In addition to the dimensional requirements set forth in Chapter 5 of this Code, there shall be a minimum yard setback of 40 feet from all exterior lot lines of the campground or recreational vehicle park.

6.2.3.G The campground or recreational vehicle park shall conform to the requirements of Chapter 178, Wisconsin Administrative Code, as amended.

6.2.3.H The screening provisions for mobile home parks set forth in Section 6.2.7(J) shall be met.

6.2.4 Conditional Commercial Development in the A-2 District
Any commercial development conditionally allowed in the A-2 District shall be subject to the following standards:

6.2.4.A The development shall be appropriately screened from any adjoining road or property.

6.2.4.B Traffic generated, lights, noise, or hours of operation shall not have a significant adverse impact on opposite or abutting property owners.

6.2.5 Day Care Centers
All day care centers shall comply with all applicable County, municipal, and state regulations, including Chapters Comm. 60, and HFS 45 and 46, Wisconsin Administrative Code.

6.2.6 Group Living
All group living facilities shall be subject to the following standards:

6.2.6.A Twenty-four-hour supervision shall be provided by qualified staff at all group living facilities.

6.2.6.B The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed 1 person per 200 square feet of living space.

6.2.6.C All group living facilities shall be located so as to provide convenient access to grocery and other retail stores and other commercial services, public transportation access points, and public recreation facilities.

6.2.6.D If active and continuous operations are not carried on for a period of 12 consecutive months in a group living facility that was approved pursuant to this Code, the group living facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use permit.

6.2.6.E Group living structures shall be compatible with the character of the surrounding neighborhood.

6.2.6.F All group living facilities shall comply with all applicable County, municipal, and state regulations, including Chapters HFS 70, 82, 83, and 88, Wisconsin Administrative Code.

6.2.7 Manufactured Home Community

Manufactured Home Communities, are allowed as conditional uses within the R-3 and A-2 districts. In granting a Conditional Use Permit for the development or improvement of a manufactured home community the Committee shall make the following determinations:

6.2.7.A The minimum size of a manufactured home community, shall be 10 acres.

6.2.7.B The maximum number of manufactured homes in a manufactured home community shall be 8 per acre.

6.2.7.C Minimum dimensions of a manufactured home site within a manufactured home community shall be 50 feet wide by 100 feet long. Each site shall be clearly delineated on plans submitted to the department.

6.2.7.D All drives, parking areas, and walkways shall be hard-surfaced.

6.2.7.E In addition to all applicable intensity and dimensional requirements set forth in Chapter 5 of this Code, there shall be a minimum yard setback of 40 feet at all lot lines of the manufactured home community to any structure located within the community.

6.2.7.F A manufactured home community shall conform to the requirements of Chapters SPS 320 and SPS 326 Wisconsin Administrative Code.

6.2.7.G No manufactured home site within a manufactured home community shall be rented for a period of less than 30 days.

6.2.7.H Each manufactured home basic unit shall be located on a site so that there is at least a 10-foot clearance between basic units. A “basic unit” means a manufactured home without a hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

6.2.7.H.1 No basic unit shall be located closer than 10 feet to any building such as a pump house, the office building for the community, a laundry building or a recreational buildings, except a garage or accessory structure belonging to the site or manufactured home community occupant;

6.2.7.H.2 No basic unit shall be located closer than 10 feet to any street within the community.

6.2.7.I There shall be 2 paved automobile parking spaces for each manufactured home.

6.2.7.J Unless adequately screened by existing vegetative cover, the manufactured home community shall be screened by:

6.2.7.J.1 A temporary planting of fast growing materials capable of reaching a height of 15 feet or more, such as hybrid poplar; and

6.2.7.J.2 A permanent evergreen planting, such as white or Norway Pine, the individual trees to be such in number and so arranged that within 10 years they will have formed a screen equivalent to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

6.2.7.K Streets. Streets shall conform to the minimum widths specified in COMM 26. The streets shall be paved and maintained in good condition and shall be designed in accordance with Town Road Standards.

6.2.7.L Unless otherwise exempted or waived, erosion control plan approval under Section 7.3 of the Code shall be required and all site erosion control provisions of Section 7.9.5 shall apply to the development of a manufactured home community.

6.2.7.M Unless otherwise exempted or waived, stormwater management plan approval under Section 7.9.3 of the Code shall be required and all stormwater management provisions of Section 7.9.6 shall apply to the development of a manufactured home community.

Section 6.2.8 was deleted on June 28, 2010

6.2.9 Residential Development

6.2.9.A Design Standards
The following design standards shall apply to all single-family and two-family dwellings, and all manufactured homes.

6.2.9.A.1 Exterior Materials
All dwellings shall have exterior siding and roofing that, in color, materials, and appearance, is compatible with the predominant materials in use on surrounding dwellings, or, if there is no predominance, is compatible with the exterior siding and roofing material commonly in use on residential dwellings in the community as a whole. The exterior walls of all structures, other than accessory structures, shall have a nonmetallic finish.

6.2.9.A.2 Front Steps
The front steps to all dwellings shall be permanently installed and shall be constructed of concrete, masonry, or wood materials.

6.2.9.A.3 Foundation
A manufactured home used or intended to be used as an individual's place of habitation shall be placed on and shall be anchored or securely attached to an excavated and backfilled foundation that is enclosed by a permanent perimeter enclosure of masonry or concrete wall construction.

6.2.9.A.4 Dwelling Area
A dwelling or manufactured home shall contain a minimum of 400 square feet of dwelling area. The dwelling area for this section shall be calculated using the outside dimensions of the dwelling or manufactured home. A deck or a patio shall not be included in the calculation of dwelling area.

6.2.9.B Front Yards in Residential Districts
(Deleted on August 18, 2020)

6.2.9.C Maximum Dwelling Unit Occupancy
Occupancy by persons living as a single household in a dwelling unit shall have a minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant to a maximum of 20. In no case shall a dwelling unit be occupied by more than 20 persons.

6.2.9.D Temporary Residential Occupancy During Construction
A legal existing residential structure located on a lot may be temporarily occupied by the owner of the lot during the construction of a new residential structure on the same lot. The temporary residential use of the existing residence shall be discontinued within 1 month of the issuance of a certificate of compliance letter for the new residential structure by the Department and the existing residence shall be removed within 6 months of the issuance of the certificate of compliance letter by the Department. Failure to vacate the existing residence and/or failure to remove the residence within the timelines stated above shall be considered a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

6.2.10 Deleted on June 16, 2009; (Pond and Wetland Scrape provisions moved to the shoreland overlay district)

6.2.11 Animal Confinement Facilities

In granting a conditional use permit for an animal confinement facility in the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts the rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 shall apply. All applicable rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 are hereby adopted by reference and made part of this section as if fully set forth herein.

6.3 ACCESSORY USES AND STRUCTURES

6.3.1. Allowed Uses
Allowed uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, clearly incidental, and subordinate to, the principal uses allowed in zoning districts. Examples of accessory uses and structures are provided in Section 6.1. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

6.3.2 Time of Establishment
No accessory use shall be established, and no accessory structures 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.

6.3.3 Dimensional and Operational Standards
The standards of this section shall apply in all districts unless otherwise expressly stated.

6.3.3.A Maximum Building Size
All structures, in aggregate, shall not exceed Maximum Lot Coverage's as shown in Table 5.1.1-1. Agricultural buildings shall be exempt from the lot coverage provisions of the Code.

6.3.3.B Height
The maximum height of accessory buildings or structures shall not exceed 20 feet except as allowed under Section 5.1, 5.1.2.N, 5.2.3.H.5 and 5.2.4.

6.3.3.C Setbacks
See Chapter 5, except that private accessory structures that are less than 10 feet in height and contain less than 120 square feet of floor area shall be setback no less than 3 feet from the rear property line when located within the required rear setback area.

6.3.3.D Operation
Accessory structures shall be constructed, maintained, and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, electrical interference, and glare from artificial illumination or from reflection of natural light.

6.3.3.E Prohibited Uses

6.3.3.E.1 Accessory structures shall not be used for any business, trade or industry unless said use is allowed in the underlying zoning district and all of the required permits and approvals have been obtained to establish and operate said business, trade or industry within said accessory structure.

6.3.3.E.2 Accessory structures shall not be used for human habitation or occupancy and shall not be used as a temporary or permanent residence, lodging facility, boarding quarters, office space or facility, or for temporary or permanent sleeping or living quarters unless said use is allowed in the underlying zoning district and all of the required permits and approvals have been obtained to establish and operate said use within said accessory structure.

6.3.4 Home Occupations

6.3.4.A Where Allowed
Home Occupations that comply with the regulations of this section may be allowed in any zoning district in which residences are allowed if reviewed and approved in accordance with the provisions of this Code. Home Occupations are not allowed in rental quarters.

6.3.4.B Allowed Uses
The regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited.

6.3.4.C Prohibited Uses

6.3.4.C.1 Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts shall be prohibited.

6.3.4.C.2 Home occupations involving farm or domestic animals shall be prohibited.

6.3.4.C.3 Such occupations as barbering, beauty shops, schools, real estate brokerage or photographic studios shall be prohibited.

6.3.4.D Size
No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation.

6.3.4.E Employees
No nonresident employees are allowed with a home occupation. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

6.3.4.F Resident Operator
The operator of a home occupation shall be a full-time resident of the dwelling unit.

6.3.4.G Retail Sales
Retail sale of goods on the premises shall be prohibited.

6.3.4.H Signs
Home occupations shall be limited to nameplate signs, not exceeding 4 square feet on one side or 8 square feet total.

6.3.4.I Exterior Appearance
Other than the allowed signs, there shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Home occupations shall not involve any exterior alteration that would affect a substantial change in the residential character of the building.

6.3.4.J Professional Offices
Professional Offices shall be permitted as home occupations only where such office use is conducted solely by a member or members of the occupant family entirely within the residence and incidental to the residential use of the premises.

6.3.4.K Number
No more than one home occupation may be conducted on a single site.

6.3.4.L Off-Street Parking
At least one off-street parking space shall be provided for the home occupation.

6.3.5 Pet and Animal Regulations

6.3.5.A In platted residential subdivisions, no animals other than household pets shall be allowed.

6.3.5.B In all zoning districts, household pets shall be allowed provided that not more than 4 dogs are kept on any one premise, except for an authorized kennel. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to 8 months.

Fencing Requirements for Outdoor Swimming Pools, Spas and Hot Tubs

6.4 Fencing Requirements for Outdoor Swimming Pools, Spas and Hot Tubs
Private outdoor swimming pools, spas and hot tubs shall be enclosed in accord with the fencing requirements of Section 6.4.2 of this Code.

6.4.1 Exception:
Portable swimming pools which are not permanently installed; which do not require water filtration, circulation, and purification; which do not exceed 18 inches in depth; which do not exceed a water surface area of 100 square feet; and which do not require braces or supports, shall not be subject to the pool fencing requirements of Section 6.4.2.

6.4.2 Fencing and Safety Feature Requirements – Swimming Pools, Spas and Hot tubs
The following safety features are required for all private outdoor swimming pools, spas and hot tubs:

6.4.2.1 In the case of an in ground pool, one of the following requirements shall be met:

a. There shall be erected and maintained a wall or a good quality safety fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
b. A safety pool cover that:
    1) Provides a continuous connection between the cover, pool surface and any deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
    2) Is mechanically operated so that the cover cannot be drawn open or retracted without the use of a key or switch and key or touch pad with a personal code;
    3) Is installed with track, rollers, guards, guides or other accessories in accord with the manufacturers specifications and requirements;
    4) Bears an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.

6.4.2.2 In the case of an above ground pool, one of the following requirements shall be met:

a. There shall be erected and maintained a good quality safety fence of not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
b. The total wall height of the pool and surrounding deck/railing must be at least six feet above yard grade, or
c. A locked safety cover that:
    1. Provides a continuous connection between the cover, pool surface and any deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
    2. Is operated so that the cover cannot be opened or retracted without the use of a key or switch and key or touch pad with a personal code;
    3. Is installed with track, rollers, guards, guides or other accessories in accord with the manufacturers specifications and requirements;
    4. Bears an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.

6.4.2.3 In the case of a spa or hot tub, a locked safety cover meeting the applicable state building code requirements or the spa or hot tub must be completely enclosed in a structure with locking windows and doors. The safety cover shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.

6.4.2.4 In the case of a spa or hot tub, a locked safety cover meeting the applicable state building code requirements or the spa or hot tub must be completely enclosed in a structure with locking windows and doors.

6.4.2.5 Safety fencing must be so constructed as not to have voids, holes or openings larger than 1 ¾ inches in any dimension.

6.4.2.6 Every gate or other opening in the fence enclosing the pool or yard (including spa and hot tub safety covers) except an opening to the dwelling or other building shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool, spa or hot tub. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and they shall be kept securely closed at all times when the pool is not in actual use.

6.4.3 **Location of Outdoor Swimming Pools**. A swimming pool located outside of a building shall be located a minimum of 10 feet from the principal structure, a minimum of 3 feet to any property line, a minimum of 15 feet from any alley line, a minimum of 15 feet from an in ground private onsite wastewater treatment component (i.e. leach field, mound, at-grade component etc.) and in accord with the minimum road setback requirements listed in Table 5.1-1 of the Code. No pool and the area extending 10 feet outside of the pool may be located under any overhead electrical service or power transmission line.

6.4.4 **Compliance with State and Federal Requirements**. The owner is responsible to locate, construct, operate and maintain all swimming pools, spas and hot tubs in compliance with the applicable State and Federal rules, regulations and requirements. In the event of any conflict between the provisions of this Code and any provision of state or federal law or requirement, rule or regulation, the provision imposing the higher standard or the more restrictive requirement shall be controlling.

Chapter 7 – Subdivision Design and Improvements

7.1 GENERAL

7.1.1 Applicability

The regulations of this chapter apply to all land divisions in Dodge County except those lands within incorporated municipalities, including, but not limited to, Major Subdivisions, Minor Land Divisions, replats, any other divisions of land for any purpose within Dodge County, and the preparation of plat maps and certified survey maps and other maps provided for by Wis. Stat. Chapter 236. All subdivisions and land divisions and any part thereof lying within the unincorporated parts of the County shall be made and all plat maps and certified survey maps shall be prepared and presented for approval as provided for in this Code. This chapter also expressly applies to the review and approval of a condominium instrument under Subsection 2.3.15..

7.1.2 Purpose and Intent

The purpose of this chapter is to regulate and control the division of land in Dodge County, except those lands within incorporated municipalities, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the County. It is the specific intent of this chapter to regulate the division of land so as to:

7.1.2.A Obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

7.1.2.B Lessen congestion in the streets and highways;

7.1.2.C Further the orderly layout and appropriate use of land;

7.1.2.D Secure safety from fire, panic and other dangers;

7.1.2.E Provide adequate light and air;

7.1.2.F Prevent the overcrowding of land;

7.1.2.G Avoid undue concentration of population;

7.1.2.H Facilitate adequate provision for housing, transportation, water, sewerage, schools, parks, playgrounds, and other public requirements.

7.1.2.I Secure safety from flooding, water pollution, disease and other hazards;

7.1.2.J Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

7.1.2.K Control erosion, sedimentation, and other pollution of surface and subsurface waters;

7.1.2.L Preserve natural vegetation and cover and promote the natural beauty of the County;

7.1.2.M Restrict building sites on floodplains, wetlands, areas covered by poor soils or in other areas poorly suited for development;

7.1.2.N Facilitate the further division of larger tracts into smaller parcels of land;

7.1.2.O Ensure adequate legal description and proper survey monumentation of subdivided land;

7.1.2.P Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the County, and in general to facilitate enforcement of County development standards as set forth in the adopted County comprehensive plan, adopted plan components, and this Code.

7.1.3 Exemptions
The regulations of this chapter shall not apply to any of the following:

7.1.3.A Creation or realignment of a public right-of-way by a public agency.

7.1.3.B Creation or realignment of leases or easements.

7.1.3.C Adjustment of the boundary line or the transfer of land between 2 adjoining property owners that does not result in the creation of any additional parcels or reduce any lot below specified minimum lot size required by this Code or other applicable regulations.

7.1.3.D Carrying out an order of any court or dividing land as a result of an operation of law.

7.1.3.E Creation of a lien, mortgage, deed of trust, or any other security instrument.

7.1.3.F Creation of a security or unit of interest in any investment trust regulated under the laws of Wisconsin or any other interest in an investment entity.

7.1.3.G Conveying an interest in oil, gas, minerals, or building materials that is severed from the surface ownership of real property.

7.1.4 Standard Drawings and Standard Specifications
All improvements and construction shall conform to all applicable standards and specifications of this Code.

7.1.5 Compliance
No person, firm, or corporation shall divide any land located within the jurisdictional limits of this Code which results in a Major Subdivision, Minor Land Division, or a replat as defined herein; and no such Major Subdivision, Minor Land Division, or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with the purpose and intent of this chapter, all requirements of this chapter, and:

7.1.5.A Provisions of Wis. Stat. Chapter 236;

7.1.5.B Chapter 8, Development Standards, of this Code;

7.1.5.C Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;

7.1.5.D Rules of the Wisconsin Department of Transportation, Division of Highways, relating to safety of access and the preservation of the public interest and investment in the highway systems if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street;

7.1.5.E Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, setting water quality standards, preventing and abating pollution, and regulating development within floodplain and shoreland areas;

7.1.5.F Comprehensive plans or components of such plans prepared by state, regional, County, or municipal agencies duly adopted by the County Board of Supervisors; and

7.1.5.G All applicable federal, state, County, and local regulations, including zoning, sanitary, subdivision, building, and official mapping ordinances.

7.1.6 Suitability of the Land for Subdividing

No land shall be subdivided that is found to be unsuitable for its proposed use by the Committee or the Land Use Administrator for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the County. The Committee or the Land Use Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Committee or the Land Use Administrator may affirm, modify, or withdraw its determination of unsuitability. See also Section 8.4.5, "Natural Hazard Areas."

7.1.7 Development Agreements

In connection with any Major Subdivision approval, the Committee shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of not more than 10 years, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public or the environment.

If the subdivider's project will be constructed in phases, the amount of any surety bond or other security shall be limited to the phase currently being constructed. The governing body may not require the subdivider to provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

7.1.8 Cooperative Exercise

Any city, village, town, county, or regional planning commission may, pursuant to Wis. Stat. Section 66.30, agree with any other city, village, town, county, or regional planning commission for the cooperative exercise of the authority to approve or review plats.

7.1.9 Land Dedication and Fees-in-Lieu

7.1.9.A Public Ways

Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway, or other public way which has been designated in the comprehensive plan or comprehensive plan component of Dodge County, the public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on the plan or plan component and as set forth in Section 7.6.

7.1.9.B Parks, Recreation and Open Space

7.1.9.B.1 Where a tract of land to be subdivided for residential development contains land indicated in whole or in part as a site for a public park, recreation area, or open space in the Dodge County Park, Outdoor Recreation and Open Space Plan, the land shall be dedicated to the County if the County desires to acquire the land. The amount of land dedicated for parks or recreation purposes under this section shall be in an amount equal to one-tenth of an acre of land for every 10 dwelling units. However, where the Dodge County Park, Outdoor Recreation and Open Space Plan calls for a larger tract of land than would be set aside if the above standard was applied, the subdivider shall reserve the excess land for acquisition by the County for a period not to exceed 3 years. Land to be dedicated or reserved for public acquisition for parks, recreation and open space shall be retained in its natural condition unless otherwise directed by the Committee.

7.1.9.B.2 Where a development abuts a public use area such as a park, lake, stream, hunting grounds, or public recreational area, the subdivider, at the option of the Committee, shall provide a pedestrian access easement not less than 20 feet wide connecting such public area with a public street. If it is deemed to be in the public interest by the Committee to reserve additional area for public access, the subdivider shall reserve for acquisition by the County a tract of land adjacent to a public use area or elsewhere at the request of the Committee. Such tract shall be reserved for a period of 3 years from the date of recordation of the plat or Certified Survey Map and, if not acquired within that time, it shall be released for disposal by the owner. Land so reserved must be shown on

the Final Plat or on the Certified Survey Map. The reservation period shall not be extended unless arranged otherwise with the subdivider.

7.1.9.B.3 No building development is permitted on sites reserved for public acquisition during the period of reservation.

7.1.9.C Fee-in-Lieu of Required Dedication of Parks and Recreation Lands

7.1.9.C.1 General
Where the application of the standards for dedication of lands would result in a site too small to be usable as determined by the Committee, or if the applicable plan calls for such site to be located elsewhere, or if a suitable site cannot be properly located in the development as determined by the Committee, payment of a fee-in-lieu of dedication of land shall be required for each new dwelling unit created, pursuant to this section. The determination regarding whether there is to be a dedication of land or a fee rests with the Committee.

7.1.9.C.2 Exemptions and Waivers
A parcel of land of 35 acres or more that is used for agricultural purposes and will continue to be used as such for a period of at least 5 years by the owner or buyer is exempt from the park fee. Parcels to be used for non-residential purposes are also exempt. If the town where a parcel is located has adopted a land division ordinance and collects a park and recreation fee, then the fee requirement in this Code shall be waived.

7.1.9.C.3 Amount of Payment
The amount of the payment shall be the product of:

7.1.9.C.3.a The amount of land to be dedicated, as required by Section 7.1.9(B) above; and

7.1.9.C.3.b The number of residential dwelling units proposed.

7.1.9.C.4 Time of Payment
The fee shall be paid prior to approval of the Certified Survey Map or the Final Plat for each phase (Block of Lots) of development.

7.1.9.C.5 Use of Funds
All payments shall be placed in a separate non-lapsing fund with the County to be used exclusively for the acquisition and development of land and for capital improvements for the County parks and County recreation programs.

7.1.9.D Design Standards for Dedicated Public Lands
The following specifications shall apply to public lands dedicated for parks and recreation purposes under the provisions of this section.

7.1.9.D.1 Contiguity
The dedicated land shall form a single parcel of land, except where the Committee determines that 2 parcels or more would be in the public interest and determines that a connecting path or strip of land is in the public interest; such path shall not be less than 20 feet wide.

7.1.9.D.2 Shape
If the dedicated land is to be used for recreational activities, the shape of the dedicated parcel of land shall be appropriate for such activities.

7.1.9.D.3 Location
Dedicated land shall be located so as to serve the recreation and open space needs of the subdivision for which the dedication was made.

7.1.9.D.4 Access
Public access to the dedicated land shall be provided either by a joining street frontage or public easement to the dedicated parcel. The easement shall be at least 20 feet wide so that maintenance equipment will have reasonably convenient access to the land.

7.1.9.D.5 Usableness
Dedicated land shall be useable for recreation. Wetlands may be considered useable for recreational purposes. Where the Committee determines that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that is not useable for recreation may be dedicated as open space.

7.1.9.D.6 Plans
Municipal and County plans shall be taken into consideration when evaluating land proposals for dedication.

7.1.10 Improvements
Before final approval of any plat located within the County's jurisdiction, the subdivider shall install street and utility improvements as provided in this chapter. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the County agreeing to install the required improvements and shall file with the contract a bond meeting the approval of the County Corporation Counsel or a certified check in an amount equal to 125 percent of the estimated cost of the improvements, the estimate to be made by the Committee, as a guarantee that such improvements will be completed by the subdivider or his subcontractor not later than one year from the date of recording of the plat, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

7.1.10.A Contractors and Subcontractors
Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the appropriate jurisdiction.

7.1.10.B Governmental Units
Governmental units to which these bond and contract provisions apply may file, in lieu of the contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

7.1.10.C Survey Monuments
Before final approval of any plat within the County's jurisdiction, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

7.1.10.D Compliance with Local Requirements
Before final approval by the County, the subdivider of land in unincorporated areas shall give evidence that he has complied or will comply with all street and utility improvement requirements of the town in which the land being platted is located and of the municipality if the land being platted is within the extraterritorial plat approval jurisdiction of a municipality.

7.1.11 Construction

7.1.11.A Commencement
No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved.

7.1.11.B Permits
No Land Use or Conditional Use Permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

7.1.11.C Plans
The following plans and accompanying construction specifications may be required by the Committee before construction or installation of improvements is authorized:

7.1.11.C.1 Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

7.1.11.C.2 Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

7.1.11.C.3 Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

7.1.11.C.4 Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

7.1.11.C.5 Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.

7.1.11.C.6 Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, vines, shrubs and trees.

7.1.11.C.7 Additional special plans or information as required.

7.1.11.D Inspection
The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the municipality to provide for adequate inspection. Authorized inspectors shall inspect and approve all completed work and shall submit inspection reports to the Land Use Administrator. All such reports shall be approved prior to approval of the Final Plat or release of the sureties.

7.2 BLOCKS

7.2.1 General
The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control, and safety of street traffic; and the limitations and opportunities of topography.

7.2.2 Length
Blocks in residential areas shall not generally be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors.

7.2.3 Pedestrian Ways
Pedestrian ways of not less than 10 feet in width may be required between rear lot lines where deemed necessary by the Committee to provide safe and convenient pedestrian circulation between individual lots, streams, lakeshores, parklands, or other public areas, or may be required near the center and entirely across any block over 900 feet in length where deemed necessary by the Committee to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

7.2.4 Width
Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the use contemplated and the area zoning restrictions.

7.2.5 Utility Easements
All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles. See also Section 7.7.5, “Easements.”

7.3 LOTS

7.3.1 General
The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. Applicants shall refer to the development standards of Chapter 8 and shall apply them in the layout of subdivisions in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

7.3.2 Lot Area and Dimensions
Area and dimension of lots shall conform to the requirements of the underlying zoning district, and in areas not served by sewer shall, in addition, conform to the requirements of the State Department of Commerce. In areas where County zoning is not in force, the minimum size for lots not served by public sewer shall be 40,000 square feet excluding street rights-of-way with 125 feet of width at the building setback line, and, for lots served by public sewer, 10,000 square feet excluding street rights-of-way with 80 feet of width at the building setback line.

7.3.3 Side Lot Lines
Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

7.3.4 Double Frontage and Reverse Frontage Lots
Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

7.3.5 Access
Every lot shall front or abut on a public street for a distance of at least 20 feet.

7.3.6 Depth
Lots shall have a minimum average depth of 100 feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and loading required by the use contemplated and the area zoning restrictions.

7.3.7 Width
The minimum lot width for lots not served by public sewer shall be 125 feet of width at the building setback line, and, for lots served by public sewer, shall be 80 feet of width at the building setback line.

7.3.8 Corner Lots
Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.

7.3.9 Lands Lying Between the Meander Line
Lands lying between the meander line, established in accordance with Section 236.20 (2) (g) of the Wisconsin Statutes, and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Section 236.16 (4) of the Wisconsin Statutes.

7.4 GRADING AND SURFACING

7.4.1 Grading

7.4.1.A Cut and filled lands shall be graded to a maximum slope of 1:4, or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

7.4.1.B After the installation of temporary block corner monuments by the subdivider and approval of street grades by the municipality, the subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Committee. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

7.4.1.C Where electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities. Earth fill piles, mounds of dirt, or construction materials shall not be stored on such easements.

7.4.2 Surfacing

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the County. The surfacing shall be done in accordance with plans and standard specifications approved by the Committee.

7.5 MONUMENTS

7.5.1 Compliance with State Statutes Required

The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. Section 236.15.

7.5.2 Waiver

The Committee may waive the placing of monuments required under Wis. Stat. Section 236.15 (b), (c), and (d) for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

7.6 STREETS

7.6.1 Street Arrangement

In any new subdivision the street layout shall conform to the arrangement, width, and location indicated on the Comprehensive Plan or Comprehensive Plan component of Dodge County. The street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, topography, bearing capacity and erosion potential of the soil, such natural features as streams and tree growth, public convenience and safety, the proposed use of the land to be served by such streets, anticipated traffic volume, and the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

7.6.1.A Arterial Streets

Arterial streets shall be arranged to provide ready access to centers of employment, governmental activity, shopping centers, recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways insofar as practicable, and shall be continuous and in alignment with existing or planned streets with which they are to connect.

7.6.1.B Collector Streets

Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to mass transportation systems

and special traffic generators such as schools, churches, shopping, and other concentrations of population and to the arterial streets into which they feed.

7.6.1.C Minor Streets
Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

7.6.1.D Relation to Soil and Water Resources
Street, block, and lot layouts shall be adjusted to the capacity of the soil and water resources and shall be designed to least disturb the existing terrain, flora, fauna, and water regimen and to meet all of the use, site, sanitary, floodplain, and shoreland regulations of this Code.

7.6.1.E Proposed Streets
Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Committee, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.

7.6.1.F Arterial Street and Highway Protection

7.6.1.F.1 Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

7.6.1.F.2 In addition, to ensure public safety, the Committee shall have the authority to impose limits on the number of roads and driveways accessing County highways, to impose distance limits for any driveways near County highway intersections, and to require that driveways onto County highways are spaced appropriately. A Dodge County Highway access permit shall be obtained from the Dodge County Highway Department, where applicable, prior to the approval of a minor land division letter of intent, a preliminary plat, a final plat or a certified survey map, and prior to the issuance of a conditional use permit or a land use permit by this Department.

7.6.1.F.3 Driveway access permits shall be required from the appropriate jurisdiction, where applicable, prior to granting tentative approval of a minor land division letter of intent, preliminary plat approval, or the issuance of a conditional use permit or land use permit.

7.6.1.G Stream or Lake Shores
Stream or lake shores shall have 66 feet of public access platted to the low water mark at intervals of no more than one-half mile, or as agreed to or otherwise provided in Wis. Stat. Section 236.16 (3).

7.6.1.H Reserve Strips
Reserve strips shall not be allowed on any plat to control access to streets or alleys, except where control of such strips is placed with the appropriate jurisdiction.

7.6.1.I Means of Access
A means of access shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Committee. Dead-end alleys shall not be approved, and alleys shall not connect to a major arterial or collector highway.

7.6.1.J Street Names
Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

7.6.1.K Street Lamps
The subdivider shall install hooded street lamps along all streets proposed to be dedicated, of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Committee. The owners within the subdivision shall be required to pay for the maintenance of the street lamps and the cost of the electricity.

7.6.1.L Street Signs
The subdivider shall install, at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the responsible municipality.

7.6.1.M Island Plats
Where a subdivision is proposed on an island, roadways serving vehicle traffic are not required. Islands are hereby defined to be bodies of land surrounded by a permanent body of water and in no way connected to other land bodies by access suitable for vehicle traffic.

7.6.2 Limited Access Highway and Railroad Right-of-Way Treatment
Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

7.6.2.A Residential Development
When residential lots within the proposed subdivision back upon right-of-way of an existing or proposed limited access highway or railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."

7.6.2.B Commercial and Industrial Development
Commercial and industrial districts shall have provided on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad, but not less than 150 feet, for the appropriate use of the land between such streets and highway or railroad.

7.6.2.C Streets Parallel to a Limited Access Highway
Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial or collector street which crosses the railroad or highway, shall be located at a minimum distance of 250 feet from the highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

7.6.2.D Minor Streets
Minor streets immediately adjacent and parallel to arterial streets and highways and to railroad rights-of-way shall be avoided.

7.6.2.E Sales of Land Abutting Private Way
No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road.

7.6.3 Street Design Standards
The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development plan, or, if no width is specified therein, the minimum widths shall be as shown in Tables 7.6.3-1 and 7.6.3-2. These widths generally exceed the minimum town road design standards set forth in section 86.26 of the Wisconsin Statutes. Both urban and rural arterial street sections are for standard arterial streets only. Cross sections for freeways, expressways, and parkways shall be based upon detailed engineering studies. The Committee may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than 150 feet (measured at the front or street setback line). If the average lot width is in excess of 150 feet the subdivider may conform to the rural street section standards.

Table 7.6.3-1: Urban Street Section - Minimum Widths

Type of Street or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Streets	120 feet	120 feet	Dual 36 feet (24 foot median)
Collector Streets	80 feet	80 feet	48 feet
Minor Streets (1,000 feet or more)	70 feet	70 feet	40 feet
Minor Streets (less than 1,000 feet in length), Cul-de-sacs, and Frontage Streets	60 feet	60 feet	38 feet
Alleys	25 feet	25 feet	20 feet
Pedestrian Way	10 feet	10 feet	5 feet

Table 7.6.3-2: Rural Street Section - Minimum Widths

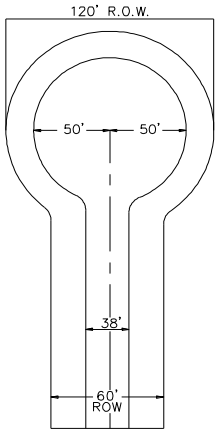
Type of Street or Way	R.O.W. Width To Be Reserved	R.O.W. Width To Be Dedicated	Pavement Width
Arterial Street	120 feet	120 feet	Dual 24 feet, two 5-foot outside shoulders, 4-foot inside shoulders (20 foot median)
Collector Streets	80 feet	80 feet	24 feet, two 5-foot outside shoulders
Minor Streets	66 feet	66 feet	24 feet, two 4-foot outside shoulders

7.6.3.A Cul-de-Sac-Streets

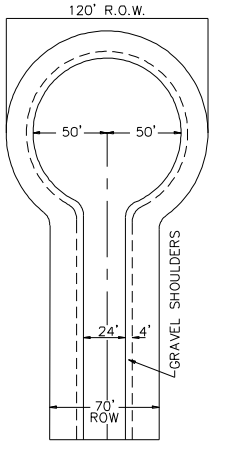
Cul-de-sac streets designed to have an end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 50 feet.

Diagram 7.6.3-1
Cul-de-Sac Island Detail

Urban Street Section



Rural Street Section



7.6.3.B Street Grades

7.6.3.B.1 Unless necessitated by exceptional topography subject to the approval of the Committee, the maximum centerline grade of any street or public way shall not exceed the following:

7.6.3.B.1.a Arterial streets: 6 percent.

7.6.3.B.1.b Collector streets: 8 percent.

7.6.3.B.1.c Minor streets, alleys, and frontage streets: 10 percent.

7.6.3.B.1.d Pedestrian ways: 12 percent, unless steps of acceptable design are provided. If the pedestrian way must comply with the Americans with Disabilities Act, the maximum grade shall be no more than 8 percent.

7.6.3.B.1.e The grade of any street shall in no case exceed 12 percent or be less than 0.5 percent.

7.6.3.B.2 Intersections must be approached on all sides by grades not to exceed 4 percent for a distance of at least 50 feet, unless exceptional topography would prohibit these grades.

7.6.3.B.3 If a proposed street is to enter an arterial and it is deemed a hazardous entrance by the appropriate jurisdiction, the subdivider shall correct the potential hazard through an agreement with the governing body or relocate the proposed entrance to a more suitable location.

7.6.3.B.4 Street grades shall be established wherever practicable so as to avoid excessive grading, the uncontrolled removal of ground cover and tree growth, and general leveling of the topography.

7.6.3.C Radii of Curvature

7.6.3.C.1 When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on the centerline of not less than the following:

7.6.3.C.1.a Arterial streets and highways: 500 feet.

7.6.3.C.1.b Collector streets: 300 feet.

7.6.3.C.1.c Minor streets: 100 feet.

7.6.3.C.2 A tangent at least 500 feet in length shall be provided between reverse curves on arterial and collector streets.

7.6.3.D Half Streets
Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets shall be avoided where possible.

7.6.3.E Rural Street Sections
When permanent rural street sections have been approved by the Committee the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Committee.

7.6.4 Street Intersections
Streets shall intersect each other at right angles if topography and other limiting factors of good design permit.

7.6.4.A Number of Streets
The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.

7.6.4.B Number of Intersections
The number of intersections along major streets and highways shall be held to a minimum.

7.6.4.B.1 Minor and collector streets may not empty into state and federal highways at intervals less than 1,300 feet and into arterials less than 1,000 feet. They shall be in alignment with existing and planned streets entering the highways from the opposite side. Street connections with state or federal highways require the approval of the Wisconsin Department of Transportation.

7.6.4.B.2 Street connections with county highways require the approval of the Dodge County Highway Department. For street connections with county highways, at intersections on minor and collector streets which are not in alignment, the distance between streets opening up on opposite or the same sides of any existing or proposed streets shall meet the minimum spacing requirements of Chapter 7.08(3) of the Dodge County, Wisconsin Code of Ordinances

Note: Chapter 7.08(3)(e) Dodge County Wisconsin Code of Ordinances

7. A new road, in addition to the spacing requirements to adjacent driveway access point in 6. Above, must be at least
   1,000 feet for Rural CTH
   500 feet for Semi-urban CTH
   400 feet for Urban CTH
   250 feet for Local CTH
   From the nearest adjacent road which enters onto the same side of the CTH in questions. Where possible, roads should not be staggered, creating "T" intersections, but connect with another road on the other side of the highway.

7.6.4.B.3 Street connections with town roads require the approval of the applicable town.

7.6.4.C Minor Streets
Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 600 feet of each other, measured along the centerline of the arterial or collector street, then the adjoinment across the major or collector street shall be continuous.

7.6.4.D Vision Clearance Triangles
Vision clearance triangles shall be required at the intersection of all streets, roads, and highways. See Section 5.7.7.

7.6.5 Sidewalks, Pedestrian Connections, and Trails

7.6.5.A General
To the maximum extent feasible, all subdivisions shall provide pedestrian linkages, including bikeways, to parks, schools, adjacent developments, and existing and proposed trails as depicted in the Dodge County Park, Outdoor Recreation and Open Space Plan.

7.6.5.B Site Amenities
Major Subdivision plans shall include site amenities that enhance pedestrian safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include, but are not limited to, bike racks, drinking fountains, canopies, and benches.

7.6.5.C Sidewalks

7.6.5.C.1 The subdivider shall construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Committee may allow the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of 100 feet or more fronting on the street. It may also waive the construction of sidewalks where rural road sections have been approved by the Committee and on all collector and minor streets that serve lots having an average width of 150 feet or more fronting on the

street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Committee.

7.6.5.C.2 Wider than standard sidewalks may be required by the Committee in the vicinity of schools, commercial areas, and other places of public assemblage; and the Committee may require the construction of sidewalks in locations other than required under the preceding provisions of this section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

7.7 UTILITIES AND EASEMENTS

7.7.1 Water Service

7.7.1.A General Requirement

No Final Plat shall be approved by the Committee unless or until a practical water supply system is available for the lots within that subdivision. Water service that is provided to every lot or parcel by a community or collective water supply and distribution system is encouraged. Efficient expansion of existing service areas is also favored. Water supplies shall be treated, as necessary, by methods acceptable to the Wisconsin Department of Natural Resources.

7.7.1.B Costs

The subdivider shall assume the cost of installing all water mains 6 inches in diameter or less in size. If greater than 6-inch diameter water mains are required, the excess cost of such mains over and above the cost of a 6-inch main shall be borne by the applicable town or special district.

7.7.1.C Development Standards

Any water supply system for a proposed Major Subdivision or Minor Land Divisions shall meet the following conditions and requirements:

7.7.1.C.1 There shall be sufficient water quantity, quality, dependability, and pressure to provide an appropriate supply of water for the type of subdivision proposed, as determined by the review of an applicant's water supply plan and/or other documents submitted to the Plat Review Officer.

7.7.1.C.2 When any point of the perimeter of a proposed subdivision is within one-half mile of a centralized water supply system and extension of such system is available to serve the proposed subdivision, all lots in the subdivision shall connect to such system. This provision shall apply to all phases of a multi-phase development, if any portion of the multi-phase development is within one-half mile of a centralized water supply system. The determination of whether a project shall be treated as independent or part of a multi-phase development shall be made by the Committee, who shall consider the following factors in making their decision:

7.7.1.C.2.a Whether the proposed project has been described in the past as part of a multi-phase development;

7.7.1.C.2.b Whether the proposed project requires the construction of access or infrastructure in contiguous land or future developments in order to achieve full compliance with the requirements of this Code; and

7.7.1.C.2.c Whether access to and/or through the proposed project is designed in such a manner as to provide access to future development on other parcels.

7.7.1.C.3 When all points on the perimeter of a proposed subdivision are located more than one-half mile from a centralized water supply system, the subdivision shall require by deed restriction or otherwise in a manner satisfactory to the Committee, as a condition of sale of each lot within the proposed subdivision, that on-site water supply systems shall be installed by the purchaser of the lot at the time of the construction of the principal building and before it is occupied.

7.7.1.C.4 All proposed Major Subdivisions or Minor Land Divisions within the Residential, Commercial, or Industrial zoning districts are required to connect to a centralized water supply system, if such a system is available.

7.7.1.C.5 Where County, town, or municipal plans indicate that the construction or extension of a centralized water supply system may serve a proposed subdivision within 5 years, the Committee shall require the installation of capped water mains and house connections.

7.7.1.C.6 Centralized water treatment and distribution systems shall be sized hydraulically to meet the initial and future demands of the proposed subdivision, and over-sizing of lines may be required for likely extensions. Such systems shall be sized hydraulically for maximum day plus fire demands or peak hour, whichever is greater. Maximum day demand shall be assumed to be as 3 times average day demand and maximum hour demand shall be assumed to be 6 times average day demand. In addition, new centralized water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of 6 hours or a maximum day demand plus the required fire demand for the specified duration. In addition, proposed centralized water supply systems shall be required to meet such other design and construction characteristics as the Committee may, from time to time, establish and as have been established by any water and sanitation district or water district in which the proposed subdivision would be located.

7.7.1.C.7 Applicants proposing subdivisions that would utilize existing centralized water treatment and distribution systems shall provide, prior to approval of a Preliminary Plat, evidence in writing of the willingness of the owner of the system to provide potable water in a quantity, quality and pressure, on an uninterrupted basis, adequate to serve the present and future needs of the proposed subdivision.

7.7.1.C.8 The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Committee.

7.7.1.D Private Water Supply Systems

Applicants proposing subdivisions that would not utilize existing centralized water treatment and distribution systems shall provide evidence from a reputable laboratory that the water available to the proposed subdivision meets all applicable state and federal drinking water standards or that it can and will be subject to established water treatment methods that will allow it to meet such standards.

7.7.2 Sanitary Sewage Disposal Systems

7.7.2.A General Requirements

7.7.2.A.1 No division of land shall be approved by the Committee or the Land Use Administrator unless or until an approved method of sanitary sewage disposal, other than a holding tank, is available for the lots within that subdivision or land division. Sewage disposal facilities that are provided for all lots within a Major Subdivision by a community or centralized sewage disposal system, and efficient expansion of existing service areas, are encouraged.

7.7.2.A.2 All premises intended for human occupation or occupancy shall be provided with a public sewer, private sewage system, or other approved method of sewage disposal.

7.7.2.A.3 All provisions of Chapter Comm. 81 through 85, Wisconsin Administrative Code, as they presently exist or as they may be hereafter amended are hereby adopted by reference and made part of this Code.

7.7.2.B Costs

The subdivider shall assume the cost of installing all sanitary sewers 8 inches in diameter or less in size. If greater than 8-inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost borne by the municipality or sewer district responsible for the sewage system.

7.7.2.C Development Standards

Any sanitary sewage disposal system for a proposed Major Subdivision or Minor Land Division shall meet the following conditions and requirements:

7.7.2.C.1 When any point of the perimeter of a proposed Major Subdivision or Minor Land Division is within one-half mile of a centralized sanitary sewer system and an extension of such system is available to serve the proposed subdivision, all lots in the subdivision shall connect to such system. This provision shall apply to all phases of a multi-phase development, if any portion of the multi-phase development is within one-half mile of a centralized sanitary sewer system. The determination of whether a project shall be treated as independent or part of a multi-phase development shall be made by the Committee, who shall consider the following factors in making their decision:

7.7.2.C.1.a Whether the proposed project has been described in the past as part of a multi-phase development;

7.7.2.C.1.b Whether the proposed project requires the construction of access or infrastructure in contiguous land or future developments in order to achieve full compliance with the requirements of this Code; and

7.7.2.C.1.c Whether access to and/or through the proposed project is designed in such a manner as to provide access to future development on other parcels.

7.7.2.C.2 All proposed Major Subdivisions or Minor Land Divisions within the Residential, Commercial, or Industrial zoning districts are required to connect to a centralized sanitary sewer system, if and when such a system is available.

7.7.2.C.3 Public sewage collection, treatment, and disposal facilities shall be required in subdivisions with a net density greater than one dwelling unit per one-half acre of residential land, and may be required by the Committee in other subdivisions where soil tests reveal soil or other conditions unsuitable for on-site individual sewage disposal systems.

7.7.2.C.4 Where County, town, or municipal plans indicate that the construction or extension of sewage collection lines may serve a proposed subdivision within 5 years, the Committee shall require the installation of capped sanitary sewer mains and house connections in addition to the installation of temporary on-lot sewage disposal systems.

7.7.2.C.5 All proposed subdivisions that do not meet the above criteria shall provide on-lot disposal systems prior to approval of a final plat. Whenever on-lot sewage disposal systems are proposed, the subdivider shall require by deed restrictions or otherwise in a manner satisfactory to the Committee as a condition of sale of each lot within such subdivision that on-lot sewage disposal facilities be installed by the purchaser of the lot at the time that the principal building is constructed and before it be occupied. Such on-lot sewage disposal systems shall comply with the sewage disposal system requirements contained in this Code and with all other County and Wisconsin statutes governing the construction of such systems.

7.7.2.C.6 No sewer system shall be approved that will, or may have significant potential to, contaminate wells located adjacent to or within 50 feet of the subdivision or development.

7.7.3 Electric and Street Lighting Systems

The subdivider shall install such electric service and distribution system and such street lighting as shall be determined by the Committee in accordance with the following standards:

7.7.3.A Electrical service shall be in place to all lots within the subdivision prior to Final Plat approval.

7.7.3.B Each lot within the subdivision shall have electrical service available.

7.7.3.C Electrical lines shall be installed underground, unless the applicant or utility can demonstrate that undergrounding is not feasible.

7.7.3.D Street lighting shall comply with Section 7.6.1(K) of this Code.

7.7.3.E Street lamp poles shall be of a design compatible with the neighborhood and type of development proposed.

7.7.3.F Electrical distribution lines shall be installed in a manner so as to ensure that electrical service will be available to all phases of the plat and to adjacent lands where development may occur.

7.7.4 Underground Utilities

7.7.4.A Telephone lines, electric lines, cable television lines, telecommunications lines, and other similar utility services shall be placed underground unless the applicant or utility can demonstrate that undergrounding is not feasible. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities, and shall be subject to all other applicable County, town, and State regulations.

7.7.4.B Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. Electric transmission and distribution feeder lines, communication long distance trunk and feeder lines, and necessary appurtenances thereto may be placed above ground. Such facilities shall be placed within easements or public streets, as herein provided, or upon private easements or rights-of-way provided for particular facilities.

7.7.4.C The provisions of this section shall not apply to existing facilities or subdivisions platted prior to the adoption of this Code.

7.7.5 Easements

7.7.5.A Utility Easements

The Committee may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

7.7.3.B Drainage Easements

Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate easement shall be provided as may be required by the Committee. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Committee, and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval of the Committee. See also Section 7.9, “Stormwater Management and Soil Erosion Control.”

7.8 CURBS AND GUTTERS

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Committee. This requirement may be waived where rural road sections have been approved by the Committee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

7.9 STORMWATER MANAGEMENT / SOIL EROSION CONTROL

7.9.1 Purpose and Intent; County Jurisdiction

The purpose of this section is to set forth requirements for land development and land disturbing activities to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction, in order to diminish the threats to public health, safety, welfare, and the natural resources of Dodge County. This section is intended to regulate construction site erosion and stormwater management under the authority granted in Wis. Stat. Section 59.693. This section is intended to regulate land disturbing activities throughout the county associated with a major subdivision, minor land division or a condominium development project. In addition, this section is also intended to regulate land disturbing activities on lands within Towns that have adopted the Dodge County Land Use Code and on those lands within the unincorporated areas of the County that lie within the following distances from the ordinary highwater mark of navigable waters as defined in Wis. Stat. Chapter 144.26(2)(d): 1,000 feet from a lake, pond, or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater whether or not the activity is associated with a subdivision development project. The location of the stormwater management and erosion control provisions within this chapter shall not in anyway limit its jurisdiction to areas within subdivisions. This section is not intended to limit activity or land divisions otherwise permitted under this Code.

7.9.2 Applicability, Exemptions, and Waivers

7.9.2.A Construction Site Erosion Control

Unless otherwise exempted or waived, erosion control plan approval under Section 7.9.3 shall be required, and all construction site erosion control provisions of Section 7.9.5 shall apply, to all land disturbing activity, whether or not the activity is associated with a subdivision, that meet any of the following criteria:

7.9.2.A.1 Disturbs 2,000 square feet or more of total land surface area;

7.9.2.A.2 Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

7.9.2.A.3 Disturbs 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel; including the placement, repair, or removal of any underground pipe, utility, or other facility within the cross-section of the channel at flow capacity;

7.9.2.A.4 Involves excavation or filling, or a combination of excavation and filling, on slopes of 12 percent or greater; or

7.9.2.A.5 Other land disturbing activities, including the installation of access drives, that the Committee determines to have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

7.9.2.B Stormwater Management

Unless otherwise exempted or waived, stormwater management plan approval under Section 7.9.3 shall be required, and all stormwater management provisions of Section 7.9.6 shall apply, to all land development activity, whether or not the activity is associated with a subdivision, that meet any of the following criteria:

7.9.2.B.1 Divides an existing parcel into 5 separate parcels of 5 acres each or less in total area within a common plan of development;

7.9.2.B.2 Involves the construction of any new public or private roads;

7.9.2.B.3 Results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development; or

7.9.2.B.4 Other land development activities, including access drives, that the Land Use Administrator determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area.

7.9.2.C Exemptions

7.9.2.C.1 The following sites shall be exempt from all of the requirements of this section, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation hazard:

7.9.2.C.1.a All activities directly relating to the planting, growing, and harvesting of agricultural crops.

7.9.2.C.1.b Land disturbing activities exclusively subject to federal or State approval and enforcement, except as may voluntarily become subject to this Code through adopted memorandums of understanding or other, similar cooperative mechanisms.

7.9.2.C.1.c Usual and customary site investigation and surveying activities undertaken prior to submittal of an application for preliminary subdivision approval, provided such activity shall not disturb more than 5,000 square feet of land area.

7.9.2.C.2 The construction of one- and two-family residential buildings on lots outside subdivisions, except those on slopes of 12 percent or greater, those sites with soil depths to bedrock of 60 inches or less, and sites with high water table shall be exempt from the construction site erosion control provisions of this section only.

7.9.2.C.3 Any proposal that is designed and/or certified by the Land Conservation Department as part of a soil conservation or water pollution control project shall comply with all of the requirements of this section, but may be exempted from obtaining a permit, providing a financial guarantee, or paying a fee.

7.9.2.C.4 Any road construction or other land disturbing or land development activity by the County, or any municipality within the County shall comply with all of the requirements of this section, but shall be exempted from any fees and financial guarantee requirements.

7.9.2.D Waivers

7.9.2.D.1 The Land Use Administrator shall waive any or all of the requirements of this section if the Land Use Administrator determines that:

7.9.2.D.1.a The site or activity in question will have no appreciable off-site impact; or

7.9.2.D.1.b Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

7.9.2.D.1.c The specific requirement is not necessary for a particular site to ensure compliance with the erosion and stormwater management requirements of Subsections 7.9.5 and 7.9.6.

7.9.2.D.2 Any waiver granted shall comply with the general requirements under Subsection 7.9.5(A) relating to construction site erosion control and under Subsection 7.9.6(A) relating to stormwater management.

7.9.3 Erosion Control and Stormwater Management Plans

7.9.3.A General

For properties for which erosion control or stormwater management plans are required, no construction or land-disturbing activity of any kind shall begin until issuance of the required Land Use Permit.

7.9.3.B Authorization for Entry Onto Site

The applicant shall submit a completed application on a form provided by the Land Use Administrator. By submitting an application, the applicant is authorizing the Land Use Administrator to enter upon the site to obtain information needed to administer this section.

7.9.3.C Technical Standards
All erosion control and stormwater management plans and best management practice designs prepared under this subsection shall comply with the technical standards and specifications described in Section 7.9.7.

7.9.3.D Application Requirements
To request a Land Use Permit, the following information shall be submitted to the Land Use Administrator:

7.9.3.D.1 A completed application form;

7.9.3.D.2 The applicable fee(s);

7.9.3.D.3 An erosion control plan in accordance with Subsection 7.9.5 for those land disturbing activities that meet any of the applicability criteria in Subsection 7.9.2(A); and

7.9.3.D.4 A stormwater management plan in accordance with Subsection 7.9.6 for those land development activities that meet any of the applicability criteria of Subsection 7.9.2.(B); or the documentation required under Subsection 7.9.6(B) related to a regional stormwater management plan.

7.9.4 Plan Review Procedures

7.9.4.A Applications for Less Than One Acre of Disturbed Area

7.9.4.A.1 The procedures under this subsection shall apply to applications which meet all of the following criteria:

7.9.4.A.1.a Meet one of the applicability criteria under Subsection 7.9.2(A) relating to construction site erosion control;

7.9.4.A.1.b Disturb less than one acre in total land surface area; and

7.9.4.A.1.c Do not meet any of the applicability criteria under Subsection 7.9.2(B) relating to stormwater management.

7.9.4.A.2 Within 20 working days of receipt of a completed application form, fee, and final erosion control plan, the Land Use Administrator shall:

7.9.4.A.2.a Determine if the requirements of this section have been met, including Subsection 7.9.5(D)(1) relating to the requirements of a final erosion control plan;

7.9.4.A.2.b Determine if more information or additional review is needed; and

7.9.4.A.2.c Notify the applicant in writing of the results of these determinations.

7.9.4.A.3 The Land Use Administrator may request comments from the Land Conservation Department and other agencies or units of government within the 20-day review period. If this is done, the Land Use Administrator shall notify the applicant that additional comments are being requested and shall have 20 working days from the receipt of those comments to notify the applicant of the results of the review.

7.9.4.A.4 If all of the applicable requirements of this section have been met, the Land Use Administrator shall issue a Land Use Permit or schedule the application for review by the Committee. If the requirements of this section have not been met, the Land Use Administrator shall notify the applicant of the changes necessary to meet the requirements.

7.9.4.A.5 For any resubmittal of plans and supporting information by the applicant, the Land Use Administrator shall have 20 working days from the date of receipt to review the resubmitted information in accordance with this subsection.

7.9.4.A.6 If the Land Use Administrator fails to act within the timelines stated in this subsection, the submitted documents shall be deemed approved.

7.9.4.B All Other Applications

7.9.4.B.1 The procedures under this subsection shall apply to all applications that meet at least one of the applicability criteria under Section 7.9.2, but do not meet all of the criteria under Subsection 7.9.4(A) for erosion control plans for less than one acre.

7.9.4.B.2 Within 20 working days of receipt of a completed application form, fee, and applicable erosion control and/or stormwater management plan(s), the Land Use Administrator shall:

7.9.4.B.2.a Determine if the requirements of this section have been met, including Subsection 7.9.5(D)(2) and/or Subsection 7.9.6(D)(7) relating to the required contents of final erosion control and stormwater management plans; and

7.9.4.B.2.b In all other respects, the procedures established in Section 7.9.4(A)(2) shall be followed.

7.9.5 Erosion Control Plan Requirements

7.9.5.A General Requirement
An erosion control plan shall ensure, to the maximum extent feasible, that soil erosion, siltation, sedimentation and other off-site impacts from land disturbing activities are minimized.

7.9.5.B Guiding Principles
To satisfy the requirements of this section, all proposed land disturbing activities shall, to the extent practical:

7.9.5.B.1 Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

7.9.5.B.2 Minimize the loss of trees and other natural vegetation and the size of the disturbed area;

7.9.5.B.3 Minimize, through project phasing and proper construction sequencing, the time the disturbed soil surface is exposed; and

7.9.5.B.4 Emphasize the use of erosion control measures that prevent soil detachment and erosion rather than trying to intercept its transport or repair damage done.

7.9.5.C Specific Requirements
The following minimum requirements shall be met on all sites subject to the requirements of this section and shall be addressed in the erosion control plan submitted by the applicant, if applicable. The Land Use Administrator is authorized to exceed the minimum requirements stated below for any site determined to have a high risk of soil erosion or significant impact on an environmentally sensitive area.

7.9.5.C.1 Access Drives and Tracking
Each site shall have a stable access drive(s) and parking area(s) of sufficient dimensions and design to prevent erosion of the drive and soil from being tracked or washed onto public or private roadways. All non-paved access drives shall be designed so that stormwater runoff from adjacent areas does not flow down the drive surface. Culverts shall be sized for calculated peak flows produced by the 10-year, 24-hour design storm and shall meet all other State and local requirements relating to road access.

7.9.5.C.2 Diversion of Upslope Runoff
Any site with significant runoff from upslope-land area, rooftops, or other surfaces that drains across the proposed land disturbance shall be diverted around the disturbed area if possible. Any diversion of upslope runoff shall be done in a manner that prevents erosion of the flow path and the outlet.

7.9.5.C.3 Cut and Fill Slopes
Any cuts and fills shall be planned and constructed to minimize the length and steepness of slope, and stabilized in accordance with the technical standards of Section 7.9.7.

7.9.5.C.4 Open Channels
Any open channels shall be designed and constructed to carry the calculated peak flows for a 10-year, 24-hour design storm, and stabilized in accordance with the technical standards of Section 7.9.7.

7.9.5.C.5 Inlet Protection
All inlets to storm drains, culverts, and other stormwater conveyance systems shall be protected from siltation until final site stabilization.

7.9.5.C.6 Outlet Protection
All outlets for site dewatering and stormwater conveyance systems, including pipe or open channels entering a stormwater management facility, shall be protected from erosion through channel lining or other stabilization measures.

7.9.5.C.7 Site Erosion Control
Measures shall be taken, using temporary best management practices approved for overland and channel flow conditions, to minimize sediment leaving the site during the construction phase, such as: diversions, silt fence, straw bales, downspout extenders, sediment traps, etc. All temporary best management practices shall be maintained until the site is stabilized.

7.9.5.C.8 Dirt and Dust
To the maximum extent feasible, all appropriate measures shall be taken to keep dirt and dust from being transported off-site onto public rights-of-way.

7.9.5.C.9 Site Dewatering
Water pumped from the site shall be treated by sediment basins or other approved measures to prevent soil erosion and water pollution.

7.9.5.C.10 Waste and Material Disposal
All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried off-site by runoff or wind.

7.9.5.C.11 Topsoil
Enough topsoil from the disturbed area must be saved to ensure that a minimum of 4 inches is reapplied for all areas to be seeded or sodded. If adequate topsoil does not exist on the site to meet this requirement, it shall be imported.

7.9.5.C.12 Soil Stockpiles
Soil stockpiles shall be located no closer than 75 feet from lakes, streams, wetlands, ditches, drainage ways, curbs/gutters or other stormwater conveyance system, unless otherwise approved by the Land Use Administrator. Measures shall be taken to minimize erosion and runoff from any soil stockpiles that will likely remain for more than 5 working days. Any soil stockpile that remains for more than 30 days shall be covered or treated with stabilization practices such as temporary or permanent seeding and mulching.

7.9.5.C.13 Sediment Cleanup
All off-site sediment deposits occurring as a result of construction work or a storm event shall be cleaned up by the end of each day. Flushing shall not be allowed.

7.9.5.C.14 Final Site Stabilization and Re-vegetation
All disturbed areas shall be treated with stabilization measures such as seeding, mulching, erosion netting, matting, sodding, etc. within 3 working days of final grading. Large sites shall be treated in stages as final grading is completed in each stage. Any soil erosion that occurs after final grading and/or the application of stabilization measures must be repaired and the stabilization work redone. Permanent re-vegetation of the site, including, at a minimum, seeding and mulching, shall be required within 14 days of project/construction completion.

7.9.5.C.15 Temporary Site Stabilization
For any disturbed area that remains inactive for greater than 7 working days, or where grading work extends beyond the permanent seeding deadlines established by the Committee, the Land Use Administrator may require the site to be treated with temporary stabilization measures such as temporary seeding and/or mulching in addition to other erosion control measures as part of an approved erosion control plan.

7.9.5.C.16 Removal of Practices
When the disturbed area has been stabilized by permanent vegetation or other means, temporary best management practices such as silt fences, straw bales and sediment traps shall be removed and these areas stabilized.

7.9.5.D Erosion Control Plan Contents

7.9.5.D.1 Sites of Less than One Acre of Total Disturbance
The following shall be the minimum requirements for items to be included in an erosion control plan:

7.9.5.D.1.a A scaled drawing of the site with a north arrow, delineation of the proposed land disturbance, existing and proposed buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, and other structures within 50 feet of the proposed land disturbance;

7.9.5.D.1.b The direction and steepness of slopes before and after the proposed land disturbance;

7.9.5.D.1.c A description and location of all temporary best management practices proposed to be used to minimize off-site impacts during the construction phase;

7.9.5.D.1.d A description and location of all permanent best management practices proposed to be used to stabilize the site within 3 days following construction; and

7.9.5.D.1.e The name, address and day time phone number of the person(s) charged with installing and maintaining all best management practices and thus subject to the enforcement provisions of Chapter 11 of this Code.

7.9.5.D.1.f Other information determined to be necessary by the Land Use Administrator to ensure compliance with the requirements of this section.

7.9.5.D.2 Sites of One Acre or Greater in Total Disturbance
The following shall be the minimum requirements for items to be included in an erosion control plan:

7.9.5.D.2.a Existing Site Map and Data
A map and supporting data of existing site conditions at a scale of one inch equals no more than 100 feet showing the following items on the site and within 50 feet in each direction of the site:

7.9.5.D.2.a.i Ownership boundaries and other references that will accurately identify site location;

7.9.5.D.2.a.ii Site topography at a contour interval not to exceed 2 feet;

7.9.5.D.2.a.iii Location and name, if applicable, of all lakes, streams and other water bodies as defined on a 7.5 minute topographic map published by the U.S. Geological Survey;

7.9.5.D.2.a.iv Location and name, if applicable, of all other channels, ditches, and other water courses or areas of channelized flow;

7.9.5.D.2.a.v Location and name, if applicable, of all wetlands, as defined on the official wetland zoning maps at the Planning and Development Department and as defined under federal jurisdiction and definition;

7.9.5.D.2.a.vi Boundaries of shoreland zones, 100-year floodplains, flood fringes and floodways, as defined on the official shoreland and floodplain zoning maps at the Planning and Development Department;

7.9.5.D.2.a.vii Boundaries and soil symbol for each soil mapping unit, as published in the Soil Survey of Dodge County. This item may be on a separate map at smaller scale showing key locations of proposed land disturbing or land development activity;

7.9.5.D.2.a.viii Location and description of trees and other vegetative cover types;

7.9.5.D.2.a.ix Location, dimensions and contributing watershed area delineations and flow calculations for all existing stormwater drainage systems and natural flow paths or channels entering and/or leaving the site;

7.9.5.D.2.a.x Locations and dimensions of any buildings, roads, parking areas, fence lines, access lanes, rock outcrops, tile drains, utilities and other physical features or structures;

7.9.5.D.2.a.xi Location and support documentation for any well currently located on the site and/or delineation of any regulatory setback distances of other wells, as stated in Wisconsin Administrative Code NR 811 and 812;

7.9.5.D.2.a.xii Locations and dimensions of any easements, right-of-ways, building setbacks or other restrictions;

7.9.5.D.2.a.xiii Location of environmentally sensitive area boundaries, as defined by the Environmental Protection Overlay District; and

7.9.5.D.2.a.xiv Any other existing site information that the Land Use Administrator determines to be necessary to ensure compliance with the requirements of this section.

7.9.5.D.2.b Site Development Plan
A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

7.9.5.D.2.b.i Locations and dimensions of all proposed land development and land disturbing activities, including proposed cuts, fills and 2 foot contours of final grade;

7.9.5.D.2.b.ii Locations and dimensions of all temporary soil stockpiles, the estimated length of time they will exist and any applicable erosion control method;

7.9.5.D.2.b.iii Locations and dimensions of all temporary best management practices necessary to meet the requirements of this Code;

7.9.5.D.2.b.iv Location, dimensions, supporting flow calculations and stabilization plans for the proposed construction or the modification of any open channels;

7.9.5.D.2.b.v A construction schedule, including the sequence and anticipated starting and completion date for each construction step and the installation of best management practices needed to meet the requirements of this Code;

7.9.5.D.2.b.vi Description of maintenance responsibilities for temporary best management practices;

7.9.5.D.2.b.vii The name(s) and daytime phone number(s) of the person(s) charged with the responsibility of installing and maintaining all best management practices. All persons so designated shall be subject to the enforcement provisions of Chapter 11 should they fail to ensure compliance with this section.

7.9.5.D.2.b.viii Location and description of individual trees greater than 6 inches in diameter at 4 feet above existing mean ground level, that are proposed to be lost and plans for replacement;

7.9.5.D.2.b.ix Description of site re-vegetation and stabilization plans, including seeding mixtures, fertilizer, rates of application, time schedule and maintenance responsibilities until the grass and/or other plants are well established;

7.9.5.D.2.b.x Detailed drawings, including profiles, cross sections, and other information determined to be necessary by the Land Use Administrator to ensure compliance with the requirements of this section; and

7.9.5.D.2.b.xi Certification, from a professional engineer registered in the State of Wisconsin, that all computations and designs included in the final erosion control plan have been reviewed and approved as being in accordance with the requirements of this section. Identification information of the engineer must also be included for contact during the plan review process.

7.9.6 Stormwater Management Plan Requirements

7.9.6.A General Requirements

A stormwater management plan prepared in accordance with this section shall maintain, as nearly as practical, the site's natural drainage patterns and assumed pre-development annual runoff volumes and peak flows. In addition, measures shall be taken to prevent or minimize the pollution of surface waters and groundwater resources, damage to downstream property and local flooding as a result of permanent stormwater discharges from the proposed land development.

7.9.6.B Exception - Regional Stormwater Management Plans

7.9.6.B.1 In lieu of submitting a stormwater management plan for an individual site, an applicant may submit documentation of the following:

7.9.6.B.1.a A regional stormwater management plan that includes the entire area of the proposed land development activity, and is prepared in accordance with the general requirements of 7.9.6(A) and the regional stormwater management planning guidelines adopted by the Committee;

7.9.6.B.1.b Certification, by a professional engineer registered in the State of Wisconsin, that any stormwater management practice(s) planned to treat the runoff from the area of the proposed land development as part of a regional stormwater management plan, has been constructed in accordance with the technical standards and specifications under Section 7.9.7, if applicable; and

7.9.6.B.1.c Documentation that there is an entity with the legal obligation for operation and maintenance of the stormwater management facility.

7.9.6.B.2 Upon determination by the Land Use Administrator that all of the conditions of Subsection 7.9.6(B)(1) have been met, the application shall be deemed as meeting the stormwater management planning requirements of this section.

7.9.6.C Guiding Principles

To satisfy the requirements of this section, all proposed land development activities shall, to the extent practical:

7.9.6.C.1 Be planned and implemented in a manner that best fits the terrain of the site, avoiding steep slopes and other environmentally sensitive areas;

7.9.6.C.2 Preserve natural drainage patterns, trees and other vegetative cover;

7.9.6.C.3 Reserve natural depressions, groundwater recharge areas, and the infiltration capacity of native soils;

7.9.6.C.4 Utilize natural or constructed vegetated swales for stormwater conveyance and attenuation;

7.9.6.C.5 Minimize impervious surfaces and have them drain to vegetated areas; and

7.9.6.C.6 Reserve adequately sized areas to allow for detention of flows and treatment of pollutants from stormwater before being discharged from the site.

7.9.6.D Specific Requirements and Performance Standards

Except where provided for under Subsection 7.9.6(B), all land development activities subject to the provisions of this subsection shall provide on-site stormwater management practices and facilities and meet the following minimum requirements:

7.9.6.D.1 Stormwater Quantity

The post-development volume and peak flow discharge rates of stormwater runoff shall not exceed the calculated pre-development discharge rates for both the 2 year, 24-hour and the 10 year, 24-hour design storms in accordance with the standards in Subsection 7.9.7(1).

7.9.6.D.2 Stormwater Quality
Stormwater runoff shall be treated to remove, on an average annual basis, a minimum of 80 percent of the total estimated suspended solids load. To achieve this level of control, stormwater best management practices shall be designed to accommodate, at a minimum, the runoff volume resulting from 1.5 inches of rainfall over a 4 hour period. Any best management practice that relies on ponding runoff and settling the suspended solids shall be designed for particles which are 5 microns or larger in size.

7.9.6.D.3 Protection of Wetlands
Stormwater discharges shall minimize the hydrologic changes and pollutant loadings to wetlands, to the extent practical, in order to preserve their functional values. All discharges to wetlands shall require the same protection as Subsections (1) and (2), unless otherwise approved by the Land Use Administrator and in accordance with technical guidelines approved by the Committee.

7.9.6.D.4 Protection of Groundwater

7.9.6.D.4.a Stormwater discharges shall prevent the introduction of pollutants in the groundwater at concentrations that may exceed groundwater preventive action limits or enforcement standards established by the Department of Natural Resources in Wisconsin Administrative Code NR 140. Pretreatment shall be provided for all stormwater management facilities that may, in the opinion of the Land Use Administrator, violate this subsection.

7.9.6.D.4.b Stormwater structures shall not be installed that meet the definition of an injection well under Wisconsin Administrative Code NR 812.05.

7.9.6.D.4.c Stormwater ponds and infiltration devices shall not be located closer to water supply wells than allowed by the Department of Natural Resources in Wisconsin Administrative Code NR 811 and NR 812.

7.9.6.D.4.d If a wellhead protection plan has been approved for any area included in the proposed land development, the Land Use Administrator shall consult with the appropriate authority to ensure compliance with any recommendations or regulations contained in that plan.

7.9.6.D.5 Flooding
All stormwater management facilities shall have the capacity to safely handle the calculated peak flow rates for a 100-year, 24-hour design storm without structural failure, bank erosion, loss of freeboard or other problems. At a minimum, an emergency spillway must be provided to carry these flows. Additional control measures may be required if the Land Use Administrator determines that the proposed land development activity has a high risk of creating or compounding downstream flooding or chronic wetness problems.

7.9.6.D.6 Soil Investigations
Soil profile investigations shall be conducted at each site proposed for the construction of a stormwater management facility. Each excavation shall extend a minimum of 3 feet below the proposed bottom of the facility or any component of the facility, such as infiltration trenches. An adequate number of excavations shall be conducted to examine all soil types present in the immediate area of the proposed facility. Each soil investigation site shall be located on the site development plan, under Subsection 7.9.6(D) along with the elevation, to the nearest tenth of a foot, of the original ground surface. A soil tester, certified in the State of Wisconsin, is required to log the soil profile and groundwater elevation(s). The Land Use Administrator may require an inspection of the soil profile.

7.9.6.D.7 Stormwater Management Plan Contents
The following shall be the minimum requirements for items to be included in a stormwater management plan:

7.9.6.D.7.a Existing Site Map and Data
The requirements for the existing site map and data are listed under Subsection 7.9.5(D)(2)(a).

7.9.6.D.7.b Site Development Plan
A site development plan, using the same map scale as the existing site map, shall include the following map items and supporting documentation:

7.9.6.D.7.b.i Locations and dimensions of all proposed land development activities, including proposed cuts, fills and 2 foot contours;

7.9.6.D.7.b.ii Delineation and labeling of all proposed impervious areas and accompanying area computations;

7.9.6.D.7.b.iii Location of all proposed stormwater conveyance systems and grade stabilization structures, including grade lines, cross-sections, flow/velocity computations based on a 10-year 24-hour design storm, and the delineation of proposed subwatersheds for each reach. For watershed areas that extend outside of the boundaries of the site map, other scaled maps may be used;

7.9.6.D.7.b.iv Location of all proposed stormwater management facilities, including plan views, cross-sections, profiles, inlet/outlet and other detail drawings and supporting flow computations;

7.9.6.D.7.b.v Summary of hydrologic and hydraulic computations prepared to meet the requirements of Subsection 7.9.6(D) and for the design of all stormwater management facilities. All major assumptions used in developing input parameters shall be clearly stated, and all geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s);

7.9.6.D.7.b.vi Results of investigations of soils and groundwater required under Subsection 7.9.6(D)(6), including location and elevation of each investigation site, for the placement and design of stormwater management facilities;

7.9.6.D.7.b.vii Location(s) and dimensions of all proposed easements or other methods used to ensure the preservation of flow paths and adequate access for maintenance purposes;

7.9.6.D.7.b.viii Certification, from a professional engineer registered in the State of Wisconsin, that all calculations and designs included in the stormwater management plan have been reviewed and approved as being in accordance with the requirements of this section.

7.9.6.D.7.b.ix Identification information for the contact person during the plan review process, the construction supervisor, and the engineer that will certify construction of all stormwater management facilities;

7.9.6.D.7.b.x For sites where changes are proposed in stormwater flow paths, or where proposed stormwater discharges may otherwise have a significant negative impact on downstream property owner(s), the Land Use Administrator may require the applicant to obtain written authorization or complete other legal arrangements with the affected property owner(s) and shall require the recording of all flowage easements; and

7.9.6.D.7.b.xi Other items deemed necessary by the Land Use Administrator to ensure compliance with the requirements of this section.

7.9.7 Technical Standards and Specifications

7.9.7.A Hydrologic and Hydraulic Computations

7.9.7.A.1 All computations of runoff volumes and peak flow rates used in the development of erosion control and stormwater management plans in accordance with this section shall be based on the principles of Technical Release 55 (TR-55), “Urban Hydrology for Small Watersheds," published by the Natural Resources Conservation Service (NRCS), United States Department of Agriculture, June 1986 revision. The design storms for Dodge County that are needed to determine compliance with this section are as follows:

Table 7.9.7-1: Storm Events

24-Hour Storm Event	
2 year	2.8 inches
5 year	3.5 inches
10 year	4.0 inches
25 year	4.6 inches

7.9.7.A.2

7.9.7.A.3 All computations of pre-development conditions as required under Subsection 7.9.6(D)(1) shall use those TR-55 runoff curve numbers assigned for a "good" level of land management for each land cover type. For lands where the pre-development land use was cropland, the following TR-55 curve number values shall be used:

7.9.7.A.3.a	Soil Hydrologic Group	A	B	C	D
7.9.7.A.3.b	NRCS Runoff Curve Number	54	68	76	80

7.9.7.A.4 All velocity and peak flow computations for open channels and storm sewer pipe flows shall be based on Mannings Formula.

7.9.7.A.5 Flow routing, culvert design and other related hydraulic computations used to design stormwater management facilities shall be based on standard applicable engineering formulas.

7.9.7.B Best Management Practice Design Standards

The design of all best management practices used to meet the requirements of this section shall comply with the following technical standards:

7.9.7.B.1 The Wisconsin Construction Site Best Management Practice Handbook, published by the Wisconsin Department of Natural Resources;

7.9.7.B.2 Chapter IV of the Field Office Technical Guide, published by the United States Department of Agriculture, Natural Resource Conservation Service; and

7.9.7.B.3 Other technical standards adopted by the Committee.

7.9.7.C Construction Specifications

The construction or installation of all best management practices and other structures shall comply with all the construction specifications adopted by the Committee, including standard seeding or sodding deadlines for site stabilization.

7.9.7.D Availability
Copies of all technical standards and specifications adopted by the Committee shall be available for review and distribution through the Planning and Development Department. Fees may be charged for copies of these items in accordance with the fee schedule.

7.9.7.E Future Revisions or Updates
The technical standards and specifications referenced in this section are made a part of this section and shall be updated periodically in order to keep current with field experiences, research, technological advances, and the development of related technical standards by other agencies and units of government. Any future revision or update of the technical standards or specifications incorporated herein are also made part of this section unless otherwise acted upon by the Committee.

7.9.8 Nonconforming Lots
All legal existing nonconforming lots shall be subject to the applicable nonconforming lot provisions set forth in Chapter 10.5 of this Code.

Chapter 8 – Development Standards

8.1 GENERAL

8.1.1 Applicability
The regulations of this chapter apply to all development in Dodge County subject to this Code, except that occurring on lands within incorporated municipalities.

8.1.2 Purpose and Intent
The purpose of this chapter is to regulate and control the development of land in Dodge County, except those lands within incorporated municipalities, in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the County. It is the specific intent of this chapter to regulate the development of land so as to:

8.1.2.A Obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

8.1.2.B Lessen congestion in the streets and highways;

8.1.2.C Provide adequate and orderly parking facilities where required by the public;

8.1.2.D Secure safety from fire, panic and other dangers;

8.1.2.E Provide adequate protection from detrimental operational conditions;

8.1.2.F Prevent the overcrowding of land;

8.1.2.G Protect the rural character and quality of life from unwarranted intrusion;

8.1.2.H Provide direction for approved development relative to protection of natural resources, parking and loading facilities, landscaping and buffering, exterior lighting, and signs;

8.1.2.I Preserve natural vegetation and cover and promote the natural beauty of the County; and

8.1.2.J Promote the protection of historic and scenic sites of value to the residents of Dodge County.

8.1.3 Compliance
No person, firm, or corporation shall develop any land located within the jurisdictional limits of this Code without compliance with the purpose and intent and all requirements of this chapter.

8.1.4 Waivers

8.1.4.A Waivers shall not be available from the filling, grading, lagooning, or dredging regulations of Section 8.3.

8.1.4.B The Planning, Development and Parks Committee may waive any or all of the other requirements of this chapter, not including the filling, grading, lagooning, or dredging regulations, if the Committee determines that:

8.1.4.B.1 The site or activity in question will have no appreciable off-site impact;

8.1.4.B.2 Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or

8.1.4.B.3 The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.

8.1.4.C Any property for which a waiver from the requirements of this chapter is granted shall comply with all other requirements of this Code.

8.2 OFF-STREET PARKING AND LOADING REQUIREMENTS

8.2.1 Applicability

8.2.1.A New Development

The off-street parking and loading standards of this section shall apply to any new building constructed and to any new use established. However, within the C-1 General Commercial District, there shall be no minimum parking requirements in existing platted areas that are, or previously have been, in commercial use.

8.2.1.B Expansions and Alterations

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing + expansion) must equal at least 75 percent of the minimum ratio established in the Off-Street Parking Schedules of this section.

8.2.1.C Change of Use

Off-street parking and loading must be provided for any change of use or manner of operation that would, based on the Off-Street Parking and Loading Requirements, result in a requirement for more parking or loading spaces than the existing use.

8.2.2 Off-Street Parking Requirements

8.2.2.A Off-Street Parking Schedule

Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Table 8.2.2-1.

Table 8.2.2-1 Off Street Parking

USE	MINIMUM PARKING REQUIRED
Residential Uses	
• Single family dwellings	2 spaces per unit
• Multi-family dwellings	
○ Studio Apt.	1 space per unit
○ 2, 3 or more bedrooms	2 spaces per unit
• Rooming, Boarding Houses or dormitories	1 space for each 2 rooms
• Group Living	1 space per 2 beds
• Manufactured Home Community	2 spaces for each mobile home plus one space for each 200 square feet of non-storage floor area for office, laundry facilities, recreation room etc.
• Housing for the elderly	1 space for each 2 dwelling units
• Fraternity and sorority	1 space for each 2 residents
• Hotels, Motels	1 space per room, plus 1 space per 3 employees on the largest work shift
Office and Professional Uses	
• Medical and dental offices	4 spaces for each doctor engaged at the clinic or office, plus 1 space for each two employees
• Professional and business offices other than medical or dental	2 spaces for each 500 square feet of gross floor space

Institutional, Public, Semi-Public Uses	
• Hospital	1 space per 2 beds plus 1 space per employee on the largest work shift
• Religious Institutions	1 space per 50 square feet of seating/assembly area
Schools	
• Elementary and middle schools	1 space for each two employees, plus 1 space for each classroom
• High schools and colleges	1 space for each ten students based on design capacity of the school, plus one space for each two employees
Assembly, Recreational and Similar Uses	
• Private Clubs	1 space for each 4 seats or 1 space for each 200 square feet of gross floor area , whichever is greater
• Restaurants, night clubs, bars, taverns	1 space for each 4 seats in public rooms plus 1 space for each 2 employees
• Theaters	15 spaces for the first 100 seats plus one additional space for each 3 seats
• Bowling Alleys	3 spaces for each alley
• Stadiums and arenas	1 space for each 4 seats
• Public, private and commercial parks, campgrounds, and recreational areas	1 space for each campsite or picnic area
• Golf driving ranges	1 space for each tee
Libraries, Community Centers and other Public Buildings	1 space for each 500 square feet of gross floor area in the building plus one space for each employee
Retail and Commercial	
• Business, commercial or personal service establishments	1 space per 250 feet of gross floor area plus, where applicable, 1 space for each 1000 square feet of lot or ground area outside buildings used for any type of sales or display
• Commercial Shopping Centers	1 space for each 150 square feet of non-storage floor area
• Marinas	1 space for each boat berth plus 1 space for each 2 employees
• Auto Service station or repair shop	2 spaces plus 4 spaces for each service bay
• Bus, Railroad or other transportation terminal	1 space for each 400 square feet of non-storage floor area, plus 1 space for each 2 employees
• Animal Hospitals, shelters and kennels	1 space per 400 square feet
• Horse Boarding and riding facilities	1 space per 5 stalls and 3 loading areas
• Day Care Facilities	1 space per 6-person capacity
Industrial	
• All uses in industrial districts not otherwise listed	1 space for each employee on peak shifts plus 1 space for each company vehicle operating from the premises
• Self-Storage Facilities	1 space per 8 storage units

8.2.3 Off-Street Loading Requirements
In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

8.2.4 Rules for Computing Requirements
The following rules apply when computing off-street parking requirements:

8.2.4.A Multiple Uses
Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

8.2.4.B Fractions
When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less shall be rounded down to the next lower whole number and any fraction of more than one-half shall be rounded up to the next higher whole number.

8.2.4.C Area Measurements
Unless otherwise specifically noted, all square footage-based parking and loading standards must be computed on the basis of gross floor area.

8.2.4.D Occupancy- or Capacity-Based Standards
For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

8.2.4.E Unlisted Uses
Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Land Use Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use.

8.2.5 Location

8.2.5.A General
Except as otherwise expressly provided in this section, required off-street parking spaces shall be located on the same lot as the principal use.

8.2.5.B Setbacks

8.2.5.B.1 In a Commercial or Industrial district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or vision triangles.

8.2.5.B.2 Off-street parking or storage of vehicles, travel trailers, or motor homes shall not be permitted within any front or street setback area, provided that off-street parking may be permitted within that portion of any setback used for driveway access to required off-street parking areas. Storage of mobile homes is not permitted.

8.2.6 Off-Street Parking Alternatives
The Planning, Development and Parks Committee shall be authorized to approve alternatives to providing the number of off-street parking spaces required by the Off-Street Parking Schedules in accordance with this subsection.

8.2.6.A Violations
Violations of approved alternative parking plans constitute a violation of this Code and will be subject to the enforcement and penalty provisions of Chapter 11.

8.2.6.B Off-Site Parking
The Planning, Development and Parks Committee may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

8.2.6.B.1 Ineligible Activities
Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

8.2.6.B.2 Location
No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle bus service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or remote parking shuttle bus service is provided.

8.2.6.B.3 Zoning Classification
Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

8.2.6.B.4 Agreement for Off-Site Parking
In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must guarantee the use of the off-site parking area for at least 10 years. An attested copy of the agreement between the owners of record must be submitted to the Land Use Administrator for recordation in form established by the County Corporation Counsel. Recordation of the agreement must take place before issuance of a Land Use Permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with the Off-Street Parking Schedules (see Section 8.2.2). No use shall be continued if the parking is removed unless substitute parking facilities are provided. The Land Use Administrator shall be notified at least 60 days prior to the termination of a lease for off-site parking.

8.2.6.C Shared Parking
The Planning, Development and Parks Committee may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

8.2.6.C.1 Location
Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

8.2.6.C.2 Zoning Classification
Shared parking areas require the same or a more intensive zoning classification than required for the use served.

8.2.6.C.3 Shared Parking Study
Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning, Development and Parks Committee that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning, Development and Parks Committee and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

8.2.6.C.4 Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Land Use Administrator for recordation in a form established by the County Corporation Counsel. Recordation of the agreement must take place before issuance of a Land Use Permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (see Section 8.2.2).

8.2.6.D Other Eligible Alternatives

The Planning, Development and Parks Committee may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Planning, Development and Parks Committee that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality design as well as strict compliance with otherwise applicable off-street parking standards.

8.2.7 Use of Off-Street Parking Areas

Required off-street parking areas are to be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

8.2.8 Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

8.2.8.A Number of Spaces

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking requirements.

Table 8.2.8-1: Required Accessible Parking for Physically Handicapped Persons

Total Parking Spaces Provided	Minimum Total Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000

8.2.8.B Minimum Dimensions

All parking spaces reserved for persons with disabilities shall have at least an 8 foot wide access aisle abutting the designated parking space.

8.2.8.C Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

8.2.8.D Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

8.2.9 Parking Design Standards

8.2.9.A Markings

Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked as follows: Each required off-street parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times, except during periods of snow. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

8.2.9.A.1 Each required off-street parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times, except during periods of snow. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

8.2.9.B Surfacing and Maintenance

All off street parking areas shall be graded and surfaced so as to be dust-free and properly drained at all times. Parking areas designated, located, and reserved for use by persons with physical disabilities shall be paved.

8.2.9.C Dimensions

All parking spaces shall be at least 10 feet in width by not less than 20 feet in depth.

8.2.9.D Access to Parking Areas

8.2.9.D.1 All off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. An alley may be used for access to off-street parking, and a 20 foot credit may be granted for required back-up space.

8.2.9.D.2 When an off-street parking area does not abut a public street, there shall be provided an access drive not less than 24 feet in width for 2-way traffic, connecting the off-street parking area with a public street. The access drive shall be paved in the manner required for off-street parking lots. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around shall be provided.

8.2.9.D.3 Entrances and exits are subject to the approval of the County Highway Department. All driveways shall be at least 26 feet from the point of curvature at intersections unless this requirement is waived by the County Highway Department.

8.2.9.F Off-Street Parking Area Landscaping, Buffering, and Screening

Off-street parking areas shall be landscaped, buffered, and screened in accordance with the standards of Section 8.6.

8.3 FILLING, GRADING, DREDGING, DRAINING, DITCHING, TILING AND EXCAVATING

Filling, grading, dredging, draining, ditching, tiling and excavating may be permitted only in accordance with the erosion control and stormwater management provisions of Section 7.9 of the Dodge County Land Use Code, the applicable provisions of the Dodge County Shoreland Protection Ordinance, the applicable provisions of the Dodge County Floodplain Zoning Ordinance and other state and federal laws where applicable, and only when done in a manner to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction , in order to diminish the threats to public health, safety, welfare and the natural resources of Dodge County.

8.3.1.A PERMIT REQUIRED
Unless specifically exempted or waived by a provision of this Code, a land use permit is required for filling, grading, dredging, draining, ditching, tiling and excavating that meets any of the following criteria:

8.3.1.A.1 Disturbs 2,000 square feet or more of total land surface area;

8.3.1.A.2 Involves excavation or filling, or a combination of excavation and filling in excess of 400 cubic yards of material;

8.3.1.A.3 Disturbs 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel;

8.3.1.A.4 Involves excavation or filling, or a combination of excavation and filling on slopes of 12% or greater;

8.3.1.A.5 Involves tiling for agricultural purposes; or

8.3.1.A.6 Other land disturbing activities, including the installation of access drives that the Committee or Land Use Administrator determines to have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

8.3.1.B Exemptions

8.3.1.B.1 The following sites shall be exempt from all of the requirements of this section, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation hazard:

8.3.1.B.1.a All activities directly relating to the planting, growing, and harvesting of agricultural crops except as required under Subsection 8.3.1.A.5.

8.3.1.B.1.b Land disturbing activities exclusively subject to federal or state approval and enforcement, except as may voluntarily become subject to this Code through adopted memorandums of understanding or other, similar cooperative mechanisms.

8.3.1.B.1.c Usual and customary site investigation and surveying activities undertaken prior to submittal of an application for preliminary subdivision approval, provided such activity shall not disturb more than 5,000 square feet of land area.

8.3.1.B.1.d The construction of one- and two-family residential buildings on lots outside subdivisions, except those on slopes of 12 percent or greater, those sites with soil depths to bedrock of 60 inches or less, and sites with high water table shall be exempt from the construction site erosion control provisions of subsection 7.9.5 of this Code.

8.3.1.B.1.e Any proposal that is designed and/or certified by the Land Conservation Department as part of a soil conservation or water pollution control project shall comply with all of the requirements of this section, but may be exempted from obtaining a permit, providing a financial guarantee, or paying a fee.

8.3.1.B.1.f Any road construction or other land disturbing or land development activity by the County, or any municipality within the County shall comply with all of the requirements of this section, but shall be exempted from any fees and financial guarantee requirements.

8.4 Deleted (June 16, 2009) (Natural Resource Protection – Tree and Vegetation removal provisions moved to Shoreland Overlay District, remaining provisions deleted)

8.5 OPERATIONAL COMPATIBILITY STANDARDS

8.5.1 Glare

8.5.1.A From Glass

Mirror or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street or adjacent property unless an applicant submits information demonstrating to the satisfaction of the Committee that use of such glass would not significantly increase glare visible from adjacent streets or property or pose a hazard for moving vehicles.

8.5.1.B From Industrial Operations

Glare from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

8.5.2 Heat and Humidity

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

8.5.3 Noise

8.5.3.A General Standard

No activity or operation subject to this Code shall exceed the maximum permitted sound levels as set forth below at the property line of the receiving premises, except as may be provided in this section.

Table 8.5.3-1: Maximum Sound Pressure Levels

Source of Sound and Time	Premises Receiving Sound/Sound Level db(A)		
	Residential	Commercial/ Institutional	Industrial
Residential			
Day	55	60	60
Night*	50	50	50
Commercial/Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night	50	50	60

* Night shall mean the hours between 10:00 p.m. and 7:00 a.m.

8.5.3.A.1 Measurement Point

In Industrial districts, the sound pressure level shall be measured at the Industrial district boundaries for uses and activities located in an Industrial district. In other districts, the sound shall be measured at the lot line of the property on which the sound is generated.

8.5.3.A.2 Measuring Equipment

The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standard Association.

8.5.3.B Additional Standards For Specific Operations and Activities

8.5.3.B.1 Outdoor Paging Systems

Such systems shall not be permitted within 1,000 feet of any Residential or Agricultural zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, public, or semi-public use property line. This standard shall not apply to face-to-face drive-up teller windows or remote teller systems at financial institutions, pharmacies, and similar uses where cashiers and customers have direct face-to-face contact, where

drive aisles are adjacent to the primary structure, and where the remote appliance is located under an awning attached to the primary building.

8.5.3.B.2 Refuse Collection/Loading
No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside, or within 500 feet of a residential zoning district.

8.5.3.B.3 Truck/Rail Loading
No truck or rail loading area established after the effective date of this Code shall be allowed within 250 feet of a residential lot, unless within a fully enclosed building.

8.5.3.B.4 New Construction or Additions
All new construction or additions in excess of 5,000 square feet that are planned to house any stationary machinery, device, or equipment that will create noise that exceeds 60 db(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise level reductions up to 15 db(A) more than normal construction or to 55 db(A) at the property line abutting any residential development.

8.5.3.B.5 Exemptions
The following operations and activities are exempted from the limitations of this section:

8.5.3.B.5.a Publicly owned airports;

8.5.3.B.5.b Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police; and

8.5.3.B.5.c Noises resulting from authorized public activities such as parades, fireworks displays, sports events, racing, musical productions, and other activities approved by the appropriate jurisdiction.

8.5.3.B.5.d Railroads

8.5.4 Vibration
No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than 3 minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m., or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

8.5.5 Operational/Physical Compatibility
The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

8.5.5.A Hours of operation and deliveries;

8.5.5.B Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;

8.5.5.C Placement of trash receptacles;

8.5.5.D Location of loading and delivery areas;

8.5.5.E Location, intensity, and hours of illumination;

8.5.5.F Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;

8.5.5.G Additional landscaping and buffering;

8.5.5.H Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way;

8.5.5.I Preservation of natural lighting and solar access;

8.5.5.J Ventilation and control of odors and fumes; and

8.5.5.K Dust-control paving.

8.5.6 Evidence of Compliance
The Land Use Administrator shall require such evidence of ability to comply with appropriate performance standards, mitigation measures, and conditions as set forth in this section, as he deems necessary prior to issuance of a Land Use Permit or Conditional Use Permit.

8.6 LANDSCAPING AND BUFFERING

8.6.1 Purpose
This section sets out the minimum landscaping, buffering, and screening requirements for development within Dodge County. The purpose of these regulations is to provide attractive views from roads and adjacent properties; to screen from view visually unattractive uses; to require screening between incompatible land uses; and to protect the health, safety, and welfare of the community through the reduction of noise, air and visual pollution.

8.6.2 Applicability
The landscaping and buffer requirements of this section shall apply to the following developments, except as otherwise expressly allowed or limited in this section or chapter:

8.6.2.A New non-residential buildings or uses;

8.6.2.B Multi-family residential projects of 10 or more units, or that include open space areas, conservation areas, or other “common” or undeveloped areas; and

8.6.2.C Mobile home parks, campgrounds, resort cabins, and guest lodges.

8.6.3 Exemption
Development of a single-family or two-family dwelling, or a multiple-family dwelling of 9 or fewer units, on individual lots not a part of an approved development plan, and residential or agricultural accessory buildings, shall be exempt from the requirements of this section.

8.6.4 Landscaping Requirements

8.6.4.A All land uses subject to the requirements of this Section 8.6 shall install at least one tree and 5 shrubs for every 500 square feet of lot area covered by impervious surfaces, excluding parking lots. This landscaping shall be in addition to any parking lot landscaping or street landscaping required by this Chapter. Trees shall be no closer than 7 feet from any structure and shall be installed with at least 55 square feet of non-paved area around the trunk.

8.6.4.B Planting beds shall contain a combination of living and non-living materials. Living materials shall comprise no less than 50 percent of the required planting beds.

8.6.4.C Plant materials shall be located where they will be visible from public streets and sidewalks.

8.6.4.D Exposed foundations that are not screened by the required landscaping shall be painted, finished with a decorative veneer, have earth mounded against them, or utilize some other method to screen the view of the exposed foundation.

8.6.4.E Any existing trees protected within the site limits of disturbance shall be credited against this landscaping requirement.

8.6.5 General Landscaping Design Standards

8.6.5.A Aesthetic Enhancement Requirements
Landscaping shall enhance the aesthetic quality of the property by adding color, texture, and visual interest while obscuring views of unsightly areas and uses. All areas not covered by parking, drives, streets, or structures shall be improved with landscape elements in accordance with this section.

8.6.5.B Coordination
Projects shall be designed to coordinate with adjacent or nearby development projects. Landscaping shall consider the positive aspects of the landscaping style and plant materials utilized in surrounding developments.

8.6.5.C Plant Materials

8.6.5.C.1 Existing Plant Materials

8.6.5.C.1.a Healthy, existing trees shall be incorporated into the landscape to the maximum extent feasible. ~~(*See* Section 8.4.2.)~~

8.6.5.C.1.b Design of the landscape shall consider retained, existing trees with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to or greater than the radius of the drip line of the tree. Depending on the age and species of the tree to be retained, a larger area may be required. ~~(*See also* Section 8.4.2.)~~

8.6.5.C.2 Species Mix
Tree species variation is required for all landscaping required under this section. Species variation shall increase with the number of trees proposed.

8.6.5.C.3 Plant Sizes
At the time of installation, plants shall be no smaller than the following:

8.6.5.C.3.a	Large or Shade Trees:	4 inch caliper
8.6.5.C.3.b	Small or Ornamental Trees:	3 inch caliper
8.6.5.C.3.c	Evergreen Trees:	6 feet tall
8.6.5.C.3.d	Shrubs:	5 gallon
8.6.5.C.3.e	Vines or Ground Covers:	1 gallon

Plant size may need to exceed these minimums in order to meet special buffering or screening requirements. Individual species' growth rates and patterns shall be considered when choosing the installation size of plants. Additional tree plantings beyond those required by this section are exempt from the minimum size requirements.

8.6.5.C.4 Plant Quality
All plant material shall meet the American Association of Nurserymen specifications for Number 1 grade.

8.6.5.C.5 Plant Quantity

See Sections 8.6.4 and 8.6.6 for the quantity of landscaping required for each specific use category subject to this section.

8.6.5.C.6 Plant Arrangement

8.6.5.C.6.a Plants shall be clustered in strategic areas rather than spread thinly around the site or planting area.

8.6.5.C.3.b Trees shall be planted to allow for maximum growth in height and shape without the need for pruning in excess of that needed to maintain the health of the plant.

8.6.5.C.3.c Trees with a mature height of more than 25 feet shall not be planted under utility lines.

8.6.5.C.3.d Plants that will exceed 6 inches in height shall not be planted within 3 feet of a fire hydrant.

8.6.5.D Location of Required Landscaping

8.6.5.D.1 All required landscaping, except street trees, shall be located outside of any adjacent right-of-way unless a waiver is received from the appropriate jurisdiction.

8.6.5.D.2 All required landscaping elements shall be located on the property it serves. Landscaping located on adjacent properties shall not count toward the landscaping requirements of this section.

8.6.5.E Irrigation
Newly installed landscapes may include an automated sprinkler system with individual drip lines for non-turf areas.

8.6.5.F Maintenance
Trees, shrubs, fences, walls, irrigation improvements, and other landscape features shall be considered elements of the project. The land owner, successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

8.6.5.F.1 Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, or mulching, in accordance with acceptable horticultural practices; and

8.6.5.F.2 The regular maintenance, repair, or replacement, where necessary, of any landscaping or landscape structures required by this section.

8.6.6 Interior Parking Lot Landscaping Requirements

8.6.6.A Applicability
The interior parking lot landscaping standards of this section shall apply to all off-street parking lots containing 5 or more off-street parking spaces. They shall not apply to Vehicle/Equipment Storage or Sales lots.

8.6.6.B Relationship to Other Landscaping Standards
Landscaping provided to meet the bufferyard standards of this section shall not be counted towards meeting a project's interior parking lot landscaping requirements.

8.6.6.C Planting Area
At least 10 percent of the area of off-street parking lots shall be devoted to landscape planting areas.

8.6.6.D Terminal Islands
Landscaped terminal islands shall be provided at the end of each parking row. Terminal islands shall have minimum interior dimensions of 5 feet in width and 15 feet in length. At least one tree shall be provided within each terminal island. All other tree planting areas shall have a minimum width of 7 feet.

8.6.6.E Divider Medians

Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be 5 feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be 8 feet.

8.6.6.F Plant Units

8.6.6.F.1 Shade trees shall be provided within the interior of off-street parking areas in accordance with the following table:

Table 8.6.6-1: Minimum Required Shade Trees

Number of Parking Spaces Provided	Minimum Required Tree Planting
0 – 9	None required
10 – 100	1 tree per 10 spaces
101 +	1 tree per 15 spaces

8.6.6.F.2 Each parking space within an off-street parking area shall be located within 40 feet of a tree (measured from the tree trunk to the outer perimeter of the parking space).

8.6.6.F.3 All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with ground cover or other appropriate landscape treatment, in accordance with Section 8.6.5. No turf shall be allowed within interior parking lot landscape areas.

8.6.7 Bufferyards

8.6.7.A General

Landscape buffers, or "bufferyards," shall be required around the boundary of new developments subject to the provisions of this Section 8.6 to provide a visual screen along public streets, to separate adjacent incompatible land uses, and to screen and soften the detrimental impacts of incompatible uses. Boundary bufferyards may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression, or other purposes.

8.6.7.B Applicability

Bufferyards shall be provided abutting street rights-of-way and parcels abutting developing sites in accordance with the standards of this subsection. Bufferyard requirements shall apply to new property development and any substantial expansion of existing structures which are adjacent to different zoning districts. For purposes of this section, substantial expansion of existing structures shall be defined based on the following table:

Table 8.6.7-1: Substantial Expansion of Existing Structures

When Existing Structure Is... (Sq.Ft.)	A Substantial Expansion Is...
0 - 1,000	50% or greater
1,001 - 10,000	40% or greater
10,001 - 25,000	30% or greater
25,001 - 50,000	20% or greater
50,001 and larger	10% or greater

8.6.7.C Exceptions

8.6.7.C.1 The bufferyard requirements of this section shall not apply to new development or substantial expansions of existing structures that are adjacent to existing uses of a similar character.

8.6.7.C.2 Bufferyards requirements shall not apply to individual developments exempt under Section 8.6.3.

8.6.7.D Relationship to Other Landscaping Standards

Landscaping provided to meet the interior parking lot landscaping standards of this section shall not be counted towards meeting a project's bufferyard requirements.

8.6.7.E Buffer Width

The minimum width of required landscape buffers shall be as follows:

Table 8.6.7-2: Minimum Required Bufferyard Widths

Developing Use (Classification)	Street Right-of-Way Width (Ft)			Abutting Parcel (Zoning)	
	100+ [1]	61-100 [1]	60 or less [2]	Res [3]	Nonres
Multi-Family	25	20	10	10	5
Commercial	25	20	10	15 [4]	5
Industrial	25	20	10	10 [4]	5
Public and Semi-Public	25	20	10	10 [4]	5

[1] Buffer width measured from back of curb. Landscape buffer includes 5-foot sidewalk.
[2] Buffer width measured from back of sidewalk.
[3] Buffer requires 24-inch box trees planted no more than 15 feet on center.
[4] A solid masonry or concrete wall with a maximum height of 6 feet may be provided to screen nonresidential uses from adjoining residential zoning districts. Walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed 32 inches in height.

8.6.7.F Buffer Width Reductions

Buffer width may be reduced by the Land Use Administrator when necessary to accommodate unique site conditions or physical constraints, provided that such reduction is offset by greater buffer widths in non-constrained areas, such that the average buffer width complies with the minimum width requirement. No reduction in width shall be allowed below 50 percent of the required minimum.

8.6.7.G Structures Within Required Buffer

No structure shall be permitted within a required buffer other than a wall, fence, or earth berm. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

8.6.7.H Plant Material

Unless otherwise expressly stated, a minimum of one shrub shall be provided per 3 linear feet of landscape buffer. A minimum of one tree shall be provided per 25 linear feet of landscape buffer. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 8.6.5.

8.6.8 Screening Requirements

8.6.8.A Parking Areas

8.6.8.A.1 All off-street parking areas serving non-residential uses and containing 5 or more spaces shall be screened from view of all adjacent residential districts by a solid, decorative wall made of concrete, wood, or masonry. The fence or wall shall have a maximum height of 6 feet, except that the height of a wall adjoining a required front setback in a residential district shall not exceed 32 inches. Required landscape buffers shall be located on the outside of the fence or wall.

8.6.8.A.2 All carports or open parking areas serving residential uses which contain 5 or more spaces shall be screened from adjacent residential properties by a solid, decorative wall or fence with a maximum height of 6 feet. The height of a wall or fence adjoining a required front setback in a residential district shall not exceed 32 inches except that a transparent fence (e.g., picket fence) with a maximum height of 4 feet may be located in a front or corner side setback. Required landscape buffers shall be located on the outside of the fence or wall.

8.6.8.B Mechanical Equipment

8.6.8.B.1 Applicability

The mechanical equipment screening standards of this section shall apply to all of the following:

8.6.8.B.1.a Electrical and gas-powered mechanical equipment;

8.6.8.B.1.b Duct work and major plumbing lines used to heat, cool or ventilate; and

8.6.8.B.1.c Power systems for the building or site upon which the equipment is located.

8.6.8.B.1.d Antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards.

8.6.8.B.2 Screening Standards
For developments subject to this Section 8.6, the following mechanical equipment screening standards shall apply to the maximum practical extent. If full compliance with these standards cannot be achieved, the Land Use Administrator may approve an alternative screening plan in accordance with Section 8.6.8(B)(2)(d).

8.6.8.B.2.a Roof-Mounted Mechanical Equipment
Roof-mounted mechanical equipment shall be screened by a parapet wall or similar structural feature that is an integral part of the building's architectural design. The parapet wall or similar structure feature shall be of a height sufficient to screen the mechanical equipment from view from adjacent properties.

8.6.8.B.2.b Wall-Mounted Mechanical Equipment
Wall-mounted mechanical equipment that protrudes more than 6 inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes 6 inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

8.6.8.B.2.c Ground-Mounted Mechanical Equipment
Ground-mounted mechanical equipment shall be screened from view by a decorative wall or fence that is compatible with the architecture and landscaping of the site. The wall or fence shall be of a height sufficient to screen the mechanical equipment.

8.6.8.B.2.d Alternative Screening
The Land Use Administrator may approve alternatives to the screening standards of Section 8.6.8(B)(2) if he determines that adverse visual impacts associated with the mechanical equipment have been mitigated to the maximum practical extent. Alternative screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on less conspicuous portions of a site, painting, or other wise camouflaging the equipment.

8.6.8.C Dumpsters
Trash dumpsters and other waste/recycling containers serving multi-family or non-residential uses shall be screened from view off-site.

8.6.8.C.1 Design and Other Specifications
Dumpsters and other waste/recycling containers shall be screened from public view on 3 sides. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

8.6.8.C.2 Setbacks
All enclosures shall be located a minimum of 50 feet from the property lines of sites containing existing or proposed residential, school, licensed day care, public, and semi-public uses.

8.7 LARGE RETAIL PROJECTS

8.7.1 Applicability

The standards of this section apply to any retail sales and service use with a gross floor area of 25,000 square feet or more. All other provisions of this Chapter also apply. When the provisions of this section conflict with other standards of this Code, the more restrictive provisions shall control.

8.7.2 Development Standards

8.7.2.A Setbacks
No required setback for any part of a principal or accessory building shall be less than 35 feet.

8.7.2.B Foundation Landscaping
In addition to all landscaping and buffering required by Section 8.6, large retail developments shall include foundation plantings of at least one shrub every 10 feet, located in a planting strip at least 6 feet wide, along the entire length (excluding doorway) of any facade containing a customer entrance, and along the entire length of any side of the building facing a public parking area.

8.7.2.C Pedestrian Circulation

8.7.2.C.1 Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public street.

8.7.2.C.2 Continuous internal pedestrian walkways, no less than 6 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as street crossings and building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, groundcover, or other such materials for no less than 50 percent of their length.

8.7.2.C.3 Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

8.7.2.C.4 All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, and the attractiveness of the walkways.

8.7.2.D Parking Lot Location
Parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than 50 percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street.

8.7.2.E Building Design
The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

8.7.2.E.1 Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.

8.7.2.E.2 Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.

8.7.2.E.3 Parapets shall conceal flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not exceed, at any point, one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

8.7.2.E.4 Overhanging eaves, extending no less than 3 feet past the supporting walls, shall be incorporated along no less than 30 percent of the building perimeter.

8.7.2.E.5 At least 50 percent of exterior building wall areas shall be surfaced with brick, wood, sandstone, other native stone, or tinted, textured, concrete masonry units. No more than 50 percent of building wall area shall be surfaced with smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels.

8.7.2.E.6 Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or black or fluorescent colors is prohibited.

8.7.2.E.7 Building trim and accent areas may feature brighter colors, including primary colors.

8.7.2.E.8 All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than 2 abutting public streets, this requirement shall apply only to 2 sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

8.7.2.E.9 Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building structure and design; or integral planters or wing walls that incorporate landscaped areas or seating.

8.7.2.F Site Design

Large retail developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Each development shall provide at least 2 of the following design features: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature. Each of these features shall be constructed of materials that match the principal structure and be linked to the principal building by pedestrian connections. Each additional 15,000 square feet of gross floor area beyond the initial 25,000 square feet of gross floor area shall require provision of an additional feature.

8.8 EXTERIOR LIGHTING

8.8.1 Purpose

The intent of this section is to minimize the physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall meet the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood should consider the light source, level of illumination, hours of illumination, and the need for illumination.

8.8.2 Applicability

All residential development consisting of 5 or more lots or units and all non-residential development, except agricultural, shall comply with the provisions of this section. Lighting required for airports or towers shall be exempt from the provisions of this section.

8.8.3 General Review Standard

All exterior lighting plans shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.

8.8.4 Design Standards

All exterior lighting, including public street lighting as applicable, shall meet the following design standards:

8.8.4.A Light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property or roads. For purposes of this section, “cutoff angle” is defined as the angle formed by a line drawn from the direction of light

rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

8.8.4.B No flickering or flashing lights shall be permitted, except for temporary holiday decorations.

8.8.4.C All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during non-operating hours.

8.8.4.D Parking lots and other background spaces shall be illuminated as unobtrusively as possible to meet the needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.

8.8.4.E Floodlights shall not be used to light any portion of a building facade between 10:00 p.m. and 6:00 a.m.

8.8.4.F The style of light standards and fixtures shall be consistent with the style and character of architecture on the site.

8.8.4.G Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.

8.8.5 Height Standards for Lighting

8.8.5.A In Residential and Agricultural Districts, light fixtures shall be wall mounted, or mounted on concrete, wood, or painted metal poles no higher than 15 feet above the ground.

8.8.5.B In Commercial and Industrial Districts, light fixtures shall be mounted on concrete or painted metal poles or on buildings, and shall be mounted no higher than 25 feet above the ground.

8.8.6 Public Street Lighting

Unless otherwise expressly exempted, public street lighting shall comply with the standards set forth in this section.

8.9 SIGNS

8.9.1 General

8.9.1.A Permit Required

No signs shall be located, erected, moved, reconstructed extended, enlarged, converted, or structurally altered without obtaining a County Land Use Permit pursuant to the procedures set forth in Section 2.3.5, unless otherwise expressly exempted or excluded by a provision of this Code. All signs shall be constructed and located in full compliance with the sign provisions of this section and all other applicable County, State and Federal Regulations.

8.9.1.A.1 Signs and sign structures located within a structure or building and that cannot be seen from a public roadway are not subject to the sign provisions listed in this section.

8.9.1.A.2 Window signs that are located within a structure or building so that the message is intended to be visible to the exterior environment shall meet the applicable provisions of this Code.

8.9.1.B Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform to the provisions of this section. However, such signs shall be deemed nonconforming and the provisions of Chapter 10 shall apply.

8.9.1.C Purpose

The sign regulations are intended to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

8.9.1.C.1 To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

8.9.1.C.2 To allow and promote positive conditions for sign communication;

8.9.1.C.3 To reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive environment;

8.9.1.C.4 To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;

8.9.1.C.5 To ensure that the constitutionally guaranteed right of free expression and speech are protected.

8.9.2 Signs Allowed Without A Land Use Permit

The following signs are allowed within all zoning districts without a County land use permit. All signs shall comply with the development standards of Section 8.9.4 of the Code unless otherwise specifically stated by a provision of this Code.

8.9.2.A Official Public Signs, erected by the federal, state, county or local municipalities, such as traffic control, parking restrictions, information and public or court notices. Said Official Signs shall comply with the following provisions:

8.9.2.A.1 Official public signs may be allowed within the road right-of-way at the discretion of the municipality having authority over the road right-of-way;

8.9.2.A.2 The gross area, location and height of said official public signs shall be at the discretion of the municipality having jurisdiction authority over the road right-of-way;

8.9.2.A.3 If said official public sign is located outside of the road right-of-way, said sign shall comply with the individual sign requirements as established within this code.

8.9.2.B The temporary signs and banners listed in Subsection 8.9.3 shall be allowed without a Land Use Permit and are not counted in the total square footage of permanent signage allowed on any particular lot. Temporary signs that do not meet the standards listed in subsection 8.9.3 are subject to the standards and permit requirements for permanent signs.

8.9.3 Signs Allowed within the Relevant Zoning Districts

The following signs are allowed within the relevant zoning districts. All signs shall comply with the permit requirements of Section 2.3.5 of this Code and with the development standards of Section 8.9.4 of the Code unless otherwise specifically stated by a provision of this Code.

8.9.3.A R-1 Single Family Residential and R-2 Two Family Residential Zoning Districts

Permanent signs not to exceed twelve (12) square feet in total sign area per road frontage shall be allowed within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to twelve (12) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

Temporary banners or temporary freestanding signs not to exceed a total of six (6) square feet in size per lot shall be allowed within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District without a Land Use Permit. Such temporary sign(s) or banner(s) shall not exceed eight (8) feet in height if freestanding.

The temporary sign(s) shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs or banners that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are prohibited within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District.

Animated signs as defined by this Code are prohibited in the R-1 Single Family and R-2 Two Family Residential Zoning Districts.

Roof Signs as defined by this Code are prohibited in the R-1 Single Family and R-2 Two Family Residential Zoning Districts.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

8.9.3.B R-3 Multi-Family Residential Zoning District

Permanent signs not to exceed thirty-two (32) square feet in total sign area per road frontage shall be allowed within the R-3 Multi-Family Residential Zoning District with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to thirty-two (32) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within this district. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the R-3 Multi-Family Residential Zoning District without a Land Use Permit. Such temporary sign or banner shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are prohibited within the R-3 Multi-Family Residential Zoning District.

Animated signs as defined by this Code are prohibited in the R-3 Multi-Family Residential Zoning District.

Roof Signs as defined by this Code are prohibited in the R-3 Multi-Family Residential Zoning District.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation

8.9.3.C Commercial and Industrial Zoning Districts

Permanent signs not to exceed two-hundred (200) square feet in total sign area per road frontage shall be allowed within the Commercial and Industrial Zoning Districts with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to two-hundred (200) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the Commercial and Industrial Zoning Districts without a Land Use Permit. Such temporary banner or sign shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are allowed within the Commercial and Industrial Zoning Districts. EMC's shall comply with the standards listed in Section 8.9.4

8.9.3.D A-1 Prime Agricultural or A-2 General Agricultural Zoning District

Permanent signs not to exceed thirty-two (32) square feet in total sign area per road frontage shall be allowed within the Agricultural Zoning Districts with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to thirty-two (32) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the Agricultural Zoning Districts without a Land Use Permit. Such temporary banner or sign shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are allowed within the Agricultural Zoning Districts. EMC's shall comply with the standards listed in Section 8.9.4

Animated signs as defined by this Code are prohibited in the Agricultural Zoning Districts.

Roof Signs as defined by this Code are prohibited in the Agricultural Zoning Districts.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation

8.9.4 Development Standards For All Signs

8.9.4.A Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; no sign, except official traffic control signs, shall be located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or placed within the vision clearance triangle as defined in Section 5.2.3.G of this code; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

8.9.4.B Moving or Flashing Signs

No sign shall be erected which contains strobe lights, mirrors or which have any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

8.9.4.C Signs Not In Use
Signs that advertise or identify an ongoing business, product, location, service, idea or activity conducted shall be removed within 60 days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

8.9.4.D Signs Placed On Or Painted On A Motor Vehicle Or Trailer
Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

8.9.4.E Sign Emissions
Signs which emit smoke, visible vapors, particles, sound or odor shall be prohibited. Open flames used to attract public attention to a place of business or to an advertising sign shall be prohibited.

8.9.4.F Sign Location
(1) No sign permitted under this section shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Public Signs. Any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum highway and road setback distances listed in Table 5.1-1;
(2) No sign shall be located within a highway or road vision triangle boundary.

8.9.4.G Determining gross area for signs.
The gross area of a sign shall be calculated as the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign.

8.9.4.H Sign Material
No sign shall make use of any rock, tree or other natural feature for support or for carrying any message, except that legal "no hunting" or trespassing signs or other private regulatory signs may be attached to a tree.

8.9.4.I Setback and Height Standards

(1) Freestanding Signs
The overall height of a freestanding sign or sign structure shall be measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure except where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

Freestanding sign(s) less than Twelve (12) square feet in area shall be located a minimum of 2 feet behind any public road right-of-way and shall not exceed 10 feet in height. Freestanding sign(s) greater than 12 square feet in area shall be located a minimum of 35 feet behind any public road right-of-way and shall not exceed a height of 20 feet. The sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure.

(2) Building Signs:
Building signs include wall or fascia signs, roof signs, canopy or awning signs and signs otherwise permanently applied to walls or other building surfaces.

(3) Wall Signs:
Wall signs shall meet the applicable setback and height requirements of the Code for the structure on which it is located.

(4) Roof Signs:
The maximum height of any roof sign above the highest architectural point of the building to which it is mounted shall be 20 feet.

(5) Canopy or Awning Signs:
Canopy signs, Marquee signs and signs on Architectural Projections are signs that are mounted to either structure that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below. Graphics affixed to or applied to the face or side surfaces of a canopy or awning are permitted provided that the total sign area or graphic, as defined herein does not exceed the area allowed within the relevant zoning district.

Graphic treatment and/or embellishment in the form of striping, patterns, or variances shall be permitted on the face or side surfaces of any awning or canopy without restriction and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation

(6) Projecting Signs:
Projecting signs shall not extend more than 6 feet from the building's wall surface in any direction.

Projecting signs shall be located a minimum of 10 feet above ground elevation as measured under all parts of the sign.

Projecting signs shall meet the minimum side and rear yard setback requirements of the Code as measured from the closest point of the sign.

Projecting signs shall be located a minimum of 35 feet from the centerline of the road or 2 feet behind the road right-of-way, whichever distance is greater.

Projecting signs shall not extend above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.

Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.

8.9.4 J Sign Illumination Standards

Signs may be illuminated consistent with the following standards:

(1) A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m2 or Nits, regardless of the method of illumination.

(2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.

All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m2 or Nits at least one-half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions when required or appropriate.

Luminance for an individual sign shall be measured at a distance of 16.4 feet from a sign with the meter facing towards the sign face.

(3) Signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations within this Code.

8.9.4.K Electronic Message Center Standards
Electronic Message Centers shall meet the following regulations:

(1) **Dimming Controls**
In Districts that allow an EMC sign, the EMC sign shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with the sign illumination standards of this Code.

(2) **Display Time**
In Districts that allow an EMC sign, the EMC sign shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds.

8.9.4.L Electrical Regulations Applying to all Permanent and Temporary Signs
All signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with the National Electric Code. The Listing label number for all signs shall be provided on the Permit application, or, if the sign has not been manufactures yet, through Nationally Recognized Testing Laboratory (NRTL) validation, a NRTL file number from the sign manufacturer shall be provided for all electric signs on the Land Use Permit Application.

8.9.5 Master Sign Plan

8.9.5A The owner(s) of a lot (disregarding streets and alleys) may submit a Master Sign Plan to the Department for approval. The Master Sign Plan shall indicate the exact location of each sign proposed and shall include information on the signs color and architectural theme, lettering or graphic style, lighting, sign material, the height and area for each individual sign and the total area for all signs proposed.

8.9.5.B Under a Master Sign Plan, a 25 percent increase in the maximum allowable sign area or sign height for each type of sign may be allowed without obtaining a variance from the Board of Adjustment. An additional number of signs may also be allowed without the need of a variance under such a plan. All other sign restrictions apply.

8.9.5.C Directional, incidental and or accessory signs may be approved in any zoning district as part of an approved Master Sign Plan. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height if freestanding. The sign(s) shall be located a minimum of 2 feet behind any public road right-of-way. The sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. The sign shall not exceed 20 feet in height.

8.9.5.D The Master Sign Plan must be signed by all owners or authorized agents and all owners must agree to follow the approved plan. After approval of a Master Sign Plan, no sign shall be erected, placed, altered or painted, unless in conformance with the approved plan and such plan may be enforced in the same manner as any provision of this Code. The Master Sign Plan shall be subject to the approval of the Department.

8.9.5.E Existing signs not in conformance with the Master Sign Plan shall be brought into compliance within a time period specified on the Plan.

8.9.5.F A Master Sign Plan may be amended by filing a Land Use Permit application for a new Master Sign Plan that conforms with all requirements of the Code in effect and by obtaining the approval of the Department.

8.9.6 Sign Types and Area Computational Methodology

Typical On-Premise Sign Types

FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.

PYLON

POLE WITH CLADDING

MULTI PANEL PYLON

POLE

MONUMENT

CANOPY

MONOLITH

BUILDING SIGNS

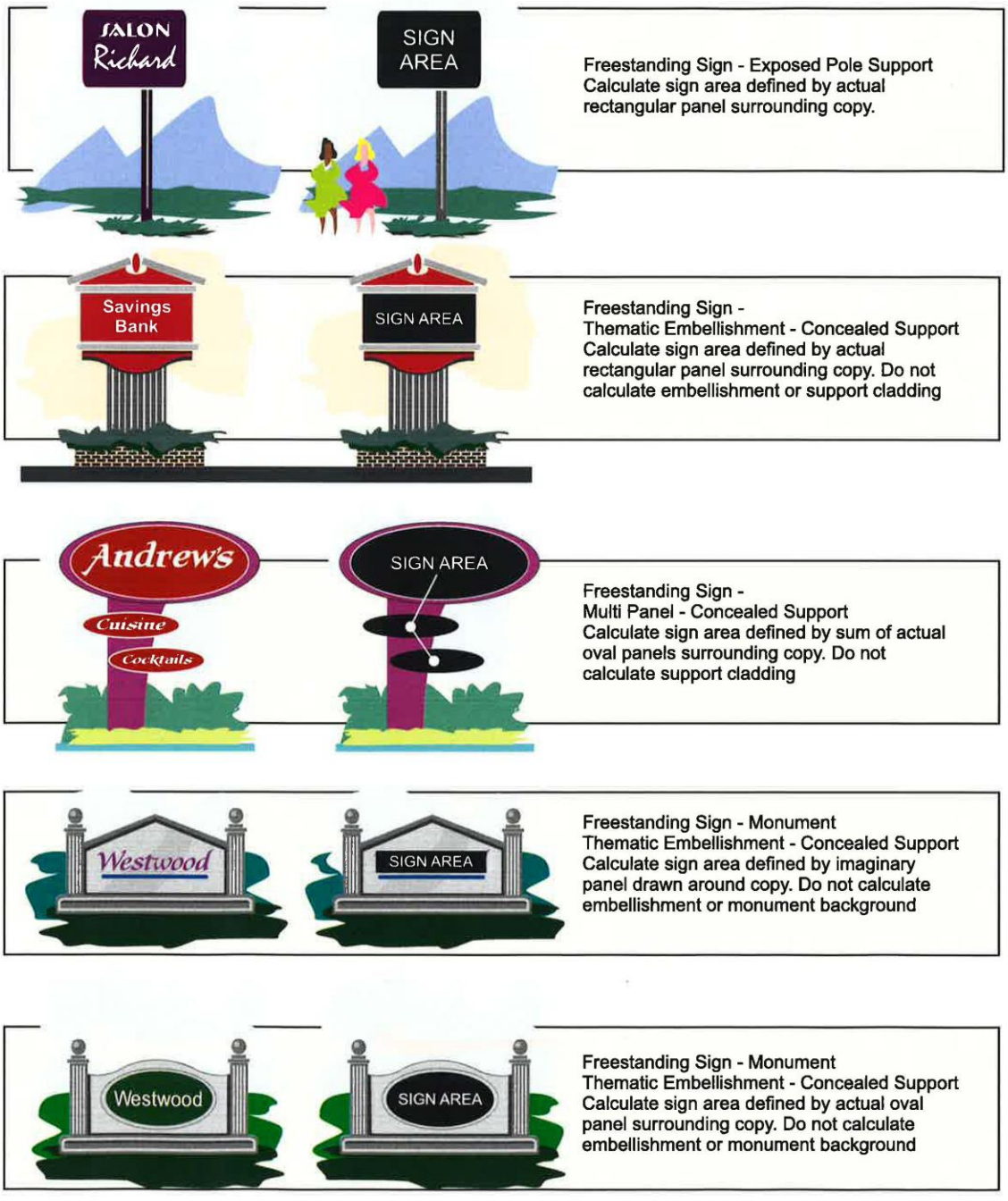
AWNING

ROOF

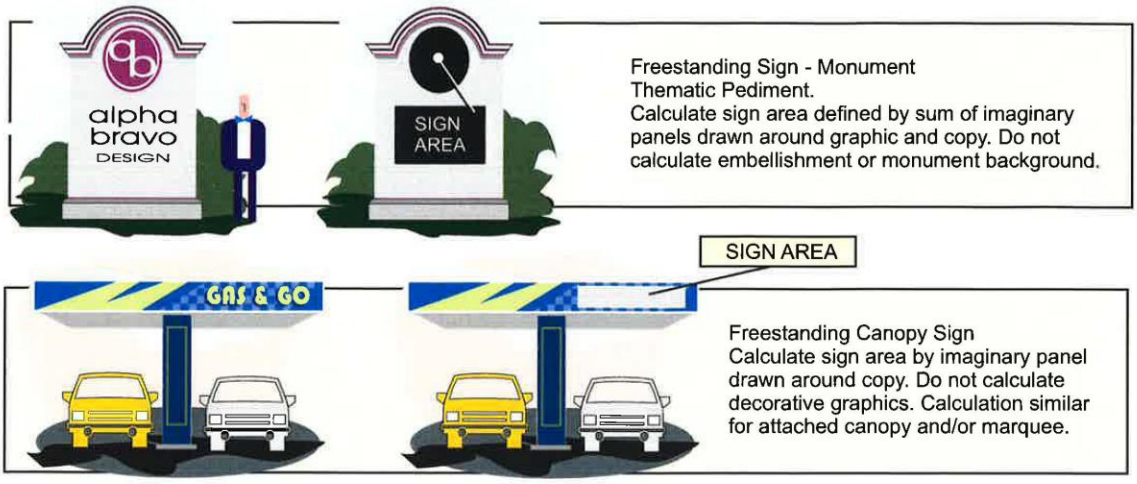
PROJECTING

WALL / FASCIA

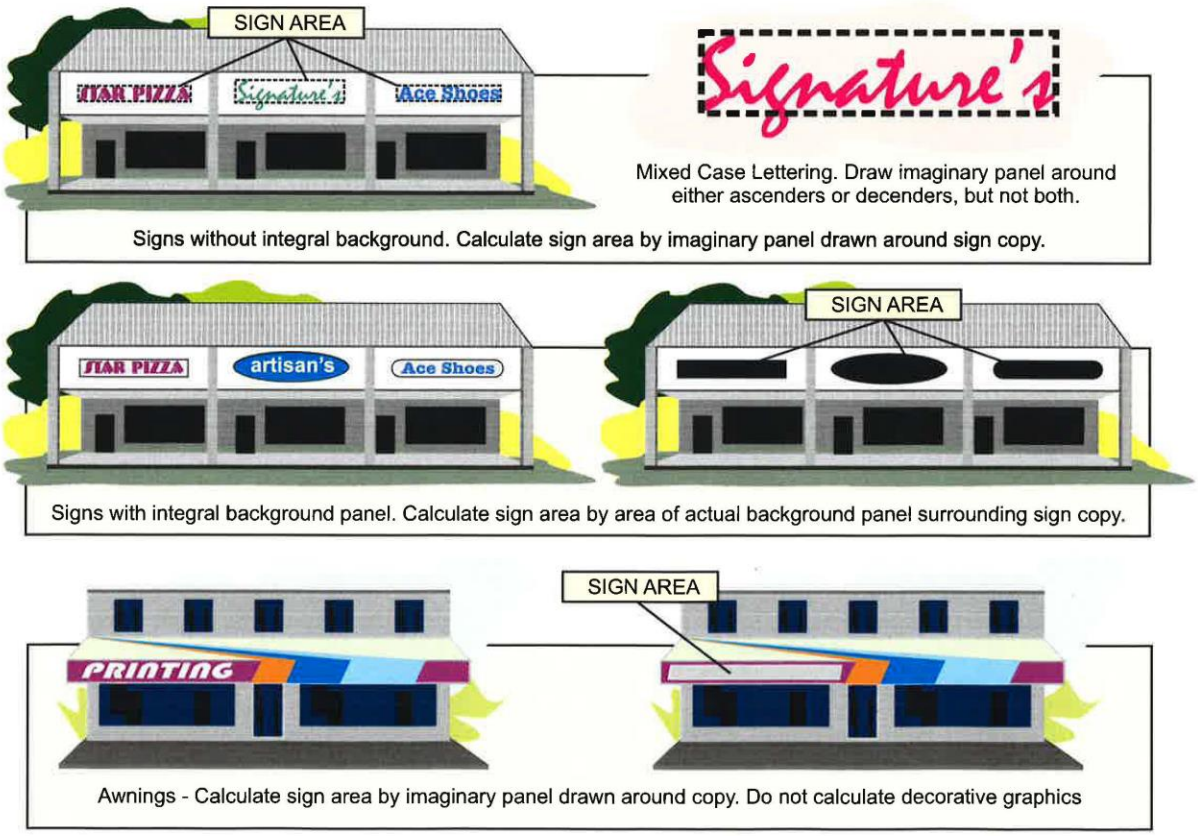
Sign Area Computational Methodology / Ground Signs

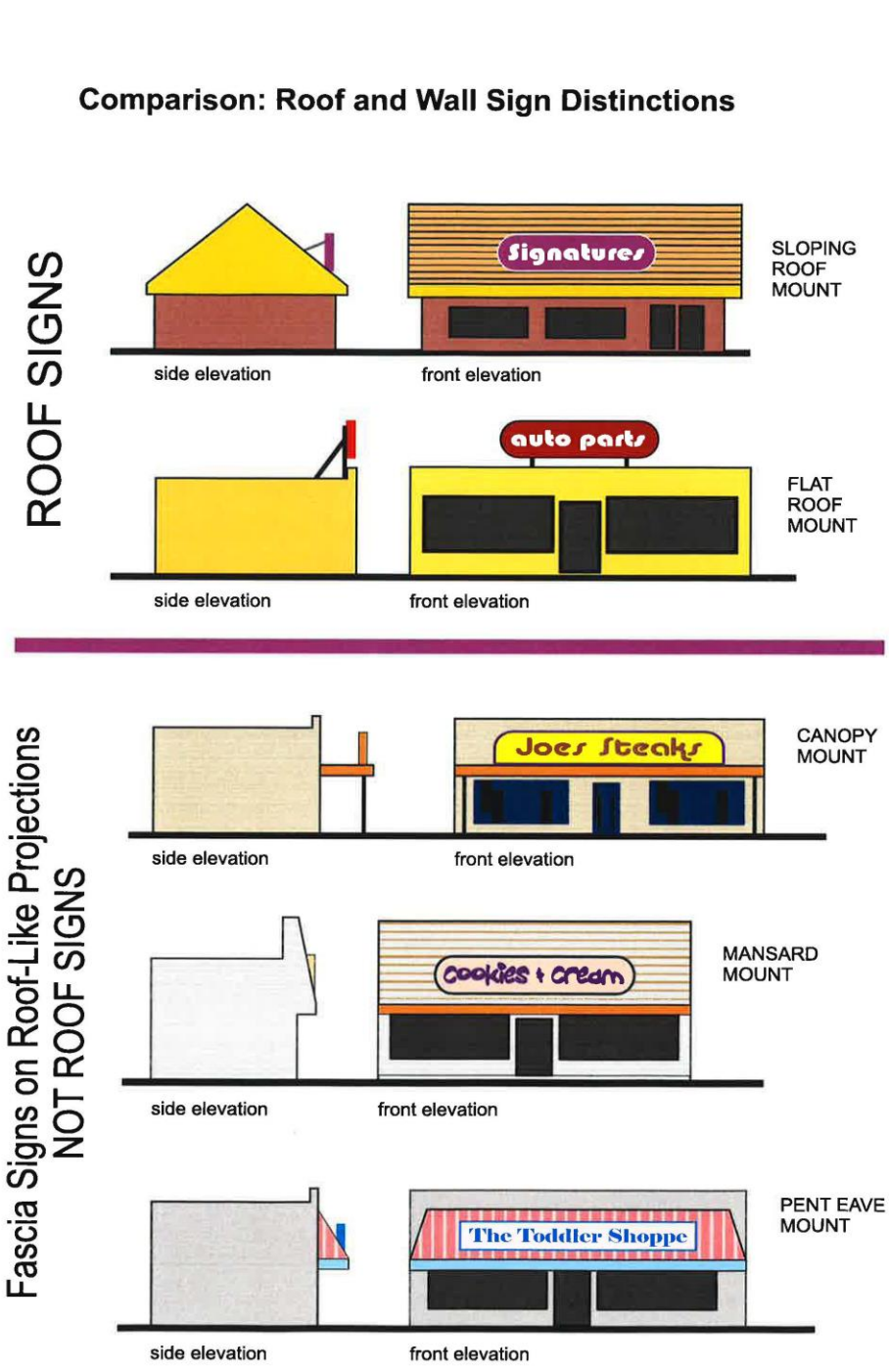


Sign Area Computational Methodology / Ground Signs



Wall / Fascia Signs





8.10 HISTORIC PRESERVATION

New development shall, to the maximum extent feasible, protect and preserve historic structures and sites listed on the Dodge County inventory of historic properties.

Chapter 9 – Right-to-Farm

9.1 RIGHT-TO-FARM

9.1.1 Purpose
It is the intent of this section to conserve, protect, and encourage the continued use and improvement of agricultural land in Dodge County for the production of agricultural products. Additionally, this Right-to-Farm section is designed to preserve the right of farmers to produce, without unnecessary interference, agricultural products using generally accepted agricultural practices and to discourage the encroachment of non-agricultural land uses into rural areas.

9.1.2 Applicability
The provisions of this section shall apply to all land use change applications within the jurisdiction of this Code.

9.1.3 Limitation on Private Action

9.1.3.A An agricultural use or agricultural practice is not, nor shall it become, a nuisance if the following apply:

9.1.3.A.1 The agricultural use or agricultural practice alleged to be a nuisance is conducted on, or on a public right-of-way adjacent to, land that was in agricultural use without substantial interruption before the plaintiff began the use of property that the plaintiff alleges was interfered with by the agricultural use or agricultural practice; and

9.1.3.A.2 The agricultural use or agricultural practice does not present a substantial threat to public health or safety.

9.1.3.B However, this section shall not apply in the case of a negligent agricultural operation.

9.1.4 Development Review
In reviewing any application for a land use change, the Committee shall, to the maximum extent feasible, ensure that such change does not adversely affect any existing agricultural operation on land not subject to the land use change, including access to active agricultural operations.

Chapter 10 - Nonconformities

10.1 GENERAL

10.1.1 Applicability
The regulations of this chapter govern uses, structures, lots, and other situations that came into existence legally, but that do not comply with one or more requirements of this Code.

10.1.2 Purpose and Intent
It is the general policy of the County to allow uses, structures, and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to require eventual compliance with the Code. The regulations of this chapter are intended to:

10.1.2.A Recognize the interests of property owners in continuing to use their property;

10.1.2.B Promote reuse and rehabilitation of existing buildings; and

10.1.2.C Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

10.1.3 Determination of Nonconforming Status
The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of such nonconformity.

10.1.4 Change of Tenancy or Ownership
The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

10.2 NONCONFORMING USES

10.2.1 Existing Nonconforming Uses
The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code. However, only the portion of the structure, land or water in actual use may be so continued, and the structure, land, water or area within which the use is contained may not be extended, enlarged, modified, added to, repaired, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with Sec. 10.2.4.

10.2.2 Inventory of Nonconforming Uses
An inventory of nonconforming uses shall be prepared and updated, as such uses are identified, by the Land Use Administrator listing the following: owner's name and address; use of the structure, land or water; parcel identification number, their present equalized assessed value at the time of its becoming a nonconforming use, the cost of all modifications or additions which have been permitted, and the percentage of the structures total current value those modifications or additions represent.

10.2.3 Change of Use

10.2.3.A Change to Conforming Use
A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

10.2.3.B Change to Other Nonconforming Use
The Board of Adjustment shall be authorized to approve a change of use to a use not otherwise allowed in the underlying zoning districts if the Board of Adjustment finds that the new proposed use will be no more injurious

than the previous use or will decrease the extent of the nonconformity. If the Board of Adjustment approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Code. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.

10.2.3.C Substitution of New Equipment
Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

10.2.4 Expansion
Existing nonconforming uses may not be expanded if the expansion would increase the degree of nonconformity. For purposes of this section, the construction or the placement of a principal or accessory structure on a lot which contains a nonconforming use shall be considered an expansion of the nonconforming use of the property. The construction or the placement of a fence on a lot which contains a legal nonconforming use shall not be considered an expansion of the use of the property.

10.2.5 Abolishment or Replacement
If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this Code.

10.2.6 Damages or Destruction of Structure, Land or Water which Contains a Nonconforming Use
Except as provided for in s.10.1.4, when any structure, land or water which contains a nonconforming use is damaged by fire, explosion, flood, public enemy, or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code.

10.2.7 Total Lifetime Repairs
Except as provided for in s. 10.1.4, the total lifetime structural repairs, modifications, additions or alterations of the structure, land or water which contains a nonconforming use shall not exceed 50 percent of the County's current assessed value of the structure, land or water which contains the nonconforming use unless the use of said structure, land or water is permanently changed to conform to the use provisions of this Code.

10.2.8 Nonconforming Uses in a Floodplain Overlay District
Within the Floodplain Overlay District, the provisions of s.10.4 shall apply in addition to the other requirements of this Code.

10.3 NONCONFORMING STRUCTURES

10.3.1 Existing Nonconforming Structures
Lawfully existing nonconforming structures existing at the time of the adoption or amendment of this Code may be continued, although their size or location does not conform with the provisions of this Code.

10.3.2 Repairs, Building, Maintenance, Additions and Enlargements to Legal Existing Nonconforming Structures
The following repairs, rebuilding, maintenance, additions and enlargements to legal existing nonconforming structures are permitted by this code:

10.3.2.A Incidental Repairs and Normal Maintenance
Incidental repairs and normal maintenance of nonconforming structures shall be allowed without a County Land Use Permit unless such repairs or maintenance increase the extent of nonconformity or are otherwise expressly prohibited by this Code. For purposes of this section, "incidental repairs" shall mean repairs that are subordinate and minor in significance. Incidental repairs and normal maintenance repairs are not considered a modification or addition and are not considered an increase in the extent of the nonconformity; Incidental repairs and normal maintenance include painting, decorating, paneling, re-roofing or re-shingling a roof, replacing siding, replacement of doors, windows and other non-structural components and the maintenance, repair or replacement of existing private onsite wastewater treatment systems (POWTS) or water supply systems or

connections to public utilities. Incidental repairs and ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. Nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

10.3.2.B. Rebuilding, Additions and Modifications
No new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing structure or building, except as allowed under this subsection, shall be permitted unless the proposed construction complies with all applicable provisions of this Code;

10.3.2.B.1 Rebuilding, repair or remodeling of a legal existing nonconforming structure is permitted provided the rebuilt, remodeled or repaired structure is confined to the existing three dimensional footprint of the legal existing nonconforming structure;

10.3.2.B.2 The replacement of an existing roof is permitted provided the replacement roof is confined to the footprint of the existing structure. A flat roof may be replaced with a pitched roof provided the pitched replacement roof does not exceed the height requirements of this Code and provided no additional stories are added to the structure or building;

10.3.2.B.3 Additions and modifications to legal existing nonconforming structures that comply with the applicable setback and other applicable dimensional requirements of this Code are permitted.

10.3.3 Movement
If a legal existing nonconforming building or structure is moved either horizontally or vertically for any reason, for any distance or height, it shall thereafter conform to the provisions of this Code except as allowed under Section 10.3.2.

10.3.4 Reconstruction of Damaged Nonconforming Structures

10.3.4.A Except as allowed under Sections 10.3.2.A and 10.3.2.B, if a nonconforming structure was damaged or destroyed prior to March 2, 2006 by any means the structure shall not be reconstructed except in compliance with all regulations applicable to the zoning district in which it is located. No repairs, replacement or reconstruction shall be undertaken unless commenced within one year of the date of the damage or destruction and diligently carried on to its completion.

The burden of determining the date the damage occurred shall in all cases fall upon the owner of such nonconforming structure.

10.3.4.B If a nonconforming structure was damaged or destroyed to any extent by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation or other casualty not intentionally caused by the owner, on or after March 2, 2006, the structure shall be allowed to be restored to the size, subject to 10.3.4.C, location, and use that it had immediately before the damage or destruction occurred.

10.3.4.C The restoration of a structure allowed under 10.3.4.B shall allow for the size of the structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

10.3.4.D Voluntary demolition of nonconforming structures.
Except as allowed under Sections 10.3.2, 10.3.4.A, 10.3.4.B and 10.3.4.C, following the abatement or the voluntary demolition of a nonconforming structure or portion thereof, by the owner or the owner's agent, the structure shall not be reconstructed except in compliance with all applicable regulations of this Code.

10.3.5 Compliance with Sanitary Requirements
The provisions of this section with respect to additions or enlargements, movement, and reconstruction are applicable only if the lot or parcel conforms with sanitary requirements.

10.3.6 Nonconforming Boathouses
The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121 of the Wisconsin Statues.

10.4 NONCONFORMING STRUCTURES AND USES WITHIN THE FLOODPLAIN OVERLAY DISTRICT
Deleted on January 19, 2010; See Dodge County Floodplain Ordinance

10.5 NONCONFORMING LOTS
In this subsection, a "substandard lot" means a legally created lot or parcel of record that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

10.5.1 Substandard lots that do not meet the lot size requirements of the Code.
A legally created lot or parcel of record that met any applicable lot size requirements when it was created, but does not meet current lot size requirements may be used as a building site if all of the following apply:

10.5.1.A The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

10.5.1.B The substandard lot or parcel is developed to comply with all other codes and ordinances of the political subdivision.

10.5.2 Substandard Lots with Two or More Existing Dwellings
If a lot is occupied by 2 or more residential dwelling units and if the dwellings were constructed prior to the effective date or amendment of this Code, and if the size of such lot prevents the creation of conforming lots for each dwelling unit, then the owner of such lot may create a substandard lot for each residential dwelling unit. Such substandard lots need not comply with the lot size requirements of this Code, provided the following conditions are met:

10.5.2.A Such lots are at least 50 feet wide and 7,500 square feet in area.

10.5.2.B Each proposed substandard lot contains a pre-existing residential dwelling unit conforming to the Code in all respects other than those specifically stated in this section.

10.5.2.C Each proposed substandard lot is served by public sewer, contains a functioning septic system or meets the requirements of the Wisconsin Administrative Code for the creation of new lots.

10.5.3 Lots That Do Not Abut a Public Road
A single-family dwelling and its accessory structures may be constructed on a legal lot or parcel of record recorded in the County Register of Deeds Office before the effective date or amendment of this Code, which has frontage along the platted private roads listed in Section 10.5.3.D subject to the requirements set forth in this subsection.

10.5.3.A Such lot must be at least 50 feet wide and 7,500 square feet in area.

10.5.3.B All other dimensional requirements of this Code shall be complied with;

10.5.3.C Each lot is served by public sewer, contains a functioning septic system or contains an area of soil suitable for any type of private sewage system other than a holding tank permitted under Comm. 83, Wisconsin Administrative Code.

10.5.3.D Lower Howard Avenue located in Sections 21 and 28, Town of Fox Lake; Howard Drive West located in Section 27, between Howard Dr. and Chief Kuno Trail, Town of Fox Lake, E Water Street – Section 31, Town of Hubbard – Beginning at the intersection of E Water Street and Butternut Trail, thence south along E Water Street a distance of 624 feet; E Water Street – Section 31, Town of Hubbard – Beginning at the intersection of E Water Street and Butternut Trail, thence north along E Water Street a distance of 1000 feet;

Chapter 11 – Enforcement and Penalties

11.1 RESPONSIBILITY FOR INSPECTION AND ENFORCEMENT

The Land Use Administrator shall have primary responsibility for enforcing all provisions of this Code, pursuant to the policies and procedures set forth in this chapter. The Land Use Administrator is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined for suspected or potential violations of this Code after proper notification. If permission to enter the property is withheld, the Land Use Administrator may seek a court order to require inspection of the property.

11.2 VIOLATIONS

11.2.1 Types of Violations

Any violation of this Code shall be subject to the remedies and penalties provided for in this Code. Violations shall include:

11.2.1.A Use, Structure, or Sign Without Permit or Approval

To place any use, structure, or sign upon land that is subject to this Code without all of the permits required by this Code;

11.2.1.B Development or Subdivision Without Permit or Approval

To engage in any subdividing, development, construction, or other activity of any nature upon land that is subject to this Code without all of the permits or approvals required by this Code;

11.2.1.C Development, Subdivision, Use, or Sign Inconsistent with Permit

To engage in any development, use, construction, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity;

11.2.1.D Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval

To violate, by act or omission, any term, condition, or qualification placed by a Decision-Making Body upon any permit or other form of authorization;

11.2.1.E Development, Subdivision, or Sign Inconsistent with Development Code

To erect, construct, reconstruct, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign or other regulation of this Code;

11.2.1.F Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the lot size, width, setbacks, or open spaces shall be smaller than prescribed by this Code;

11.2.1.G Increasing Intensity or Density of Use

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code;

11.2.1.H Removing or Defacing Required Notice

To remove, deface, obscure, or otherwise interfere with any notice required by this Code;

11.2.1.I Failure to Remove Signs

To fail to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the permit has lapsed; and

11.2.1.J All Other Violations
To establish or operate other activities, structures, or land uses in violation of any specific provisions, or the general purpose and intent, of this Code.

11.2.2 Continuing Violations
Each day that a violation remains uncorrected after receiving notice of the violation from the County by certified or registered mail shall constitute a separate violation of this Code.

11.3 REMEDIES AND ENFORCEMENT POWERS

11.3.1 Persons Authorized to Seek Relief
In case of any violation, Dodge County, the County Board of Supervisors, the Board of Adjustment, the Land Use Administrator, the Committee, or any owner of property affected by any violation may institute appropriate action or proceeding for relief pursuant to the procedures set forth in this chapter.

11.3.2 Types of Remedies and Enforcement Powers
The County shall have the following remedies and enforcement powers:

11.3.2.A Revoke Permits
Any development permit or other form of authorization required under this Code may be revoked when the Land Use Administrator and the Committee determine that:

11.3.2.A.1 There is departure from the plans, specifications, or conditions as required under terms of the permit;

11.3.2.A.2 The development permit was procured by false representation or was issued in error; or

11.3.2.A.3 Any of the provisions of this Code are being violated.

11.3.2.B Injunctive Relief
The County may seek an injunction or other equitable relief in court to stop any violation of this Code or of a permit, certificate, or other form of authorization granted hereunder.

11.3.2.C Abatement
The County may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

11.3.2.D Penalties
Any person, firm, or corporation who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit not less than $50 nor more than $500 dollars and costs of prosecution for each violation. In default of payment of such forfeiture and costs, violators shall be imprisoned in the County Jail until payment thereof, for a period not to exceed 6 months.

11.3.2.E Other Remedies
The County shall have such other remedies as are and as may be from time to time provided by Wisconsin law for the violation of zoning, subdivision, sign, or related Code provisions.

11.3.2.F Other Powers
In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Wisconsin law.

11.3.2.G Continuation
Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

11.3.3 Remedies Cumulative
The remedies and enforcement powers established in this chapter shall be cumulative, and the County may exercise them in any order.

11.4 ENFORCEMENT PROCEDURES

11.4.1 Non-Emergency Matters
In the case of violations of this Code that do not constitute an emergency or require immediate attention, the Land Use Administrator shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 30 days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States 1st Class Mail, by United States Registered or Certified Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

11.4.2 Emergency Matters
In the case of violations of this Code that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this chapter without prior notice, but the Land Use Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

11.4.3 Complaints Regarding Approved Conditional Use Permits, Variances, and Home Occupations
Conditional Use Permits, Variances, and Home Occupations shall be subject to immediate review upon complaint from any member of the public, whether received from a nearby property owner, other members of the general public, or County enforcement personnel. The review process shall be as follows:

11.4.3.A The Land Use Administrator shall notify the property owner of each complaint.

11.4.3.B The property owner shall: (a) propose and initiate a remedy or (b) dispute the validity of the complaint.

11.4.3.C If the Land Use Administrator or Committee determines the complaint is valid, the Land Use Administrator shall monitor the effectiveness of the initiated remedy. If the remedy appears to resolve the complaint, no further action shall be required.

11.4.3.D If the remedy is ineffective, or if the property owner further disputes the validity of the complaint, the Land Use Administrator or Committee shall initiate revocation proceedings in accordance with this section.

11.4.4 Revocation

11.4.4.A Duties of Land Use Administrator
The revocation process shall be initiated by the Land Use Administrator upon a determination that there are reasonable grounds for revocation of the subject permit or development approval.

11.4.4.B Authority to Revoke
The Decision-Making Body that approved the permit or development approval shall be authorized to revoke the permit or development approval.

11.4.4.C Notices and Public Hearing

11.4.4.C.1 Notice
Notice of a revocation hearing shall be given in the same manner as required for the public hearing at which approval was granted. If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be sent or delivered to the owner of the use or structure for which the permit was

granted at least 7 days prior to the hearing. Failure to receive notice within the specified time limit shall not constitute grounds for dismissal of the hearing.

11.4.4.C.2 Hearing
At the public hearing, the Decision-Making Body shall hear testimony of County staff, the owner of the use or structure for which the permit was granted, if present, and any other interested person.

11.4.4.D Required Findings
The Decision-Making Body shall revoke the permit upon making one or more of the following findings:

11.4.4.D.1 That the permit was issued on the basis of erroneous or misleading information or misrepresentation;

11.4.4.D.2 That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated; or

11.4.4.D.3 That there has been a discontinuance of the exercise of the entitlement granted by the permit for 180 consecutive days.

11.4.4.E Decision and Notice

11.4.4.E.1 Matters Subject to Public Hearing
Following the hearing, the Decision-Making Body shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

11.4.4.E.2 Matters Not Subject to Public Hearing
For decisions on a revocation matter that is not the subject of a public hearing, the Decision-Making Body shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

Chapter 12 - Definitions

12.1 WORD CONSTRUCTION

12.1.1 Lists and Examples
Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

12.1.2 Technical and Nontechnical Terms
Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

12.1.3 Public Officials and Agencies
All public officials, bodies, and agencies to which references are made are those of Dodge County, unless otherwise indicated.

12.1.4 Mandatory and Discretionary Terms
The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

12.1.5 Conjunctions
Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

12.1.5.A “and” indicates that all connected items, conditions, provisions or events apply; and

12.1.5.B “or” indicates that one or more of the connected items, conditions, provisions or events apply.

12.1.6 Tenses and Plurals
Words used in the past, present, or future tense include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

12.1.7 Gender
The masculine shall include the feminine.

12.2 TERMS DEFINED

A Zones
Those areas shown on a community's "Official Floodplain Zoning Map" that would be inundated by the "base flood" or "regional flood" as defined herein. These areas may be numbered as A0, A1 to A30, A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Abandoned Sign
A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted. Whether a sign has been abandoned or not shall be determined by the intent of the land owner of the sign and shall be governed by the applicable State Case Law and Statutory Law on abandoned structures.

Access
Driveway or other ways or means of vehicular and/or pedestrian approach, to provide physical entrance or exit to a property.

Accessory Use
Any use that is secondary to the principle use including but not limited to the following: incidental repairs, storage, parking facilities, gardening, servant's quarters, and itinerant agricultural laborer's and watchman's quarters not for rent.

Accessory Structure
A structure including private garages, pole sheds, swimming pools, and other such structures subordinate to the principle structure and located on the same lot and serving a purpose customarily incidental to the principal structure.

Accessory Structure, Attached
See "Structure – Attached"

Accessory Structure - Detached
Any accessory structure that is not attached to the principal structure (See definition of Structure – Attached).

Additions
Any construction that increases the size of a building or structure in terms of the building or structure height, length, width or floor area.

Adult Oriented Establishments
See Section 4.2 - Dodge County, Wisconsin, Overlay District Provisions Regulating Adult Oriented Establishments.

Agricultural Building
A structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. The term "agricultural building" shall not include storage buildings used for any nonagricultural business or industry, the storage of vehicles or personal items other than farm implements, the processing, treating or packaging of agricultural products, or those structures to be used for human habitation. A structure designed for both personal storage and agricultural use shall not be included in the term "agricultural building" and shall not be exempt from the lot coverage provisions of the code.

Agricultural Services
Any business involved in agricultural chemical sales and services, dairy equipment sales, feed mills, grain elevators, fertilizer production and distribution, large animal veterinary services, and hay baling, planting, and harvesting.

Agricultural Trucking Companies
Agricultural Trucking Companies are hauling operations that receive more than 50% of their total gross income in a 12 month period from hauling agricultural products.

Agricultural Use:
Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Agriculture-related use:
A facility that is primarily devoted to supplying or servicing agricultural equipment, providing agricultural supplies, storing or processing agricultural products, or processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use.

Airport
Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft. This definition includes but is not limited to the Dodge County Airport located in Section 10, 15, and 16, Township 11, North Range 15 East, Dodge County, Wisconsin.

Airport Hazard
Any structure or object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Alley
A public way affording only secondary access to abutting properties and not intended for general traffic circulation.

Alternative Tower Structure
Man-made structures such as clock towers, water towers, buildings, silos, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Alteration
A change in the size or shape of an existing sign. Copy or color change of an existing sign shall not be considered an alteration for purposes of this Code. Changing or replacing a sign face or panel shall not be considered an alteration for purposes of this Code.

Animated Sign
A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
    a. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Code, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
    b. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designs to appear in some form of constant motion.

Animal Confinement Facility
Any livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Architectural Projection
Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning
An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign
A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign.

Animal Unit

Animal Unit has the following meaning that was given in s. NR 243.03 (3) Wisconsin Administrative Code as of April 27, 2004: "Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Unit Calculation Table Number Equivalent to 500 Animal Units		
Number Equivalent to 500 Animal Units	Animal Type	Animal Equivalency Factor
	Dairy Cattle:	
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs)	1.1
835	Heifers (400 to 800 lbs)	0.6
2500	Calves (under 400 lbs)	0.2
	Beef Cattle:	
500	Steers or Cows (600 lbs to Mkt.)	1.0
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
	Swine:	
1250	Pigs (55 lbs to Mkt.)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
	Sheep:	
5000	Per Animal	0.1
	Horses:	
250	Per Animal	2.0
	Ducks:	
2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
	Chickens:	
50000	Layers	0.01
100000	Broilers	0.005
50000	Broilers (continuous over flow watering)	0.01
15000	Layers or Broilers (Liquid Manure System)	0.033
	Turkeys:	
27500	Per Bird	0.018
	Combined Animal Units:	
500	Calculated Total	

Antenna
Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes and omni-directional antennas, such as whip antennas.

Aquatic Species Raising
Any operation involved in the procreation, and raising of water fowl, minnows, and other lowland animals, fowl, or fish or the raising of aquatic plant species.

Arterial Street
A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways with access control, channelized intersections, and restricted parking.

Automobile Repair and Service
The use of any site, building, structure, improvement, or land for the repair, overhaul, painting, assembling or maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles.

Back-lit Awning
An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner
A flexible substrate on which copy or graphics may be displayed.

Banner Sign
A sign utilizing a banner as its display area.

Base Farm Tract:
All land, whether one parcel or two or more adjacent parcels, that is in the A-1 Prime Agricultural Zoning District, that is located in a Town covered by a certified farmland preservation zoning ordinance as determined under Chapter 91 Wisconsin State Statutes and that is part of a single farm on ***June 28, 2010.*** In addition, any other tract that the Department of Agriculture, Trade and Consumer Protection by rule defines as a base farm tract. For the purposes of this definition, when determining the boundaries of the base farm tract, the term "adjacent parcel" includes those commonly owned parcels that are abutting or touching at more than one point and those commonly owned parcels that are separated by a public road, street, or highway or by a navigable stream or river.

Base Flood
Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement
A space having 0.5 or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet.

Bed and Breakfast
An owner-occupied or manager-occupied residential structure providing no more than four rooms for temporary lodging for transient guests on a paying basis. A "Bed and Breakfast" may include meal service for guests. For purposes of this definition, a lodger means a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

Bench Sign
A sign applied or affixed to the seat or back of a bench.

Boarding House
A single family residence where more than two, but fewer than six rooms are provided for lodging for definite periods of time. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Board of Adjustment
The body established under Chapter 59.97, WISCONSIN STATUTES, for counties and designated "Board of Adjustment."

Boathouse
Any structure designed solely for the purpose of protecting or storing boats for non-commercial purposes. The term boathouse shall not include storage buildings used for the storage of vehicles or personal items other than boats or water related equipment or for those structures to be used for human habitation. A structure designed or used for both boat storage and residential use or for both boat storage and personal storage shall not be included in the term boathouse and shall not be exempt from complying with the water setback provisions of Subsection 5.1.2.F.1.

Building
See **Structure**.

Building Area
Total ground coverage in square feet of all buildings and structures, including garages, carports, and other attached or accessory structures.

Building Coverage
The portion of a site covered by principal and accessory buildings and structures, as measured from the outside of the building or structure at ground level. Expressed as a percentage of total site area.

Building Façade
That portion of any exterior elevation of a building extending vertically from grade to the top of a wall or eaves and horizontally across the entire width of the building elevation.

Building Setback Line
A line parallel to a lot line and at a distance from the lot line to comply with the setback and yard requirements of this Code.

Building Sign
A sign that is applied or affixed to a building.

Bulkhead Line
A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Campgrounds
Any parcel, area, or tract of land owned by a person, the state, or a local government, that is designed, maintained, intended, or used for the purpose of providing sites for portable units of not more than 400 square feet in area, for the temporary overnight occupancy, where occupancy is intended for recreation and/or travel purposes and an open air or natural character is retained.

Camping
The act of staying and/or sleeping in any outdoor area of land and/or water for one or more days or nights in a camping unit

Camping Cabin
A building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home or manufactured home.

Camping Trailer
A recreational vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

Camping Unit
Any structure, portable device or enclosure, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, camping cabin, yurt, recreational vehicle, manufactured home, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle. Note: The placement on a campsite of a structure, portable device or enclosure for human habitation that is larger than 400 square feet shall be considered a residential dwelling by the County for purposes of this code.

Campsite
An area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit.

Candela
The basic unit of measurement of light in SI (metric) units.

Candela per square meter
The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower
Synonymous with Candela, but in English, not SI terms.

Canopy (Attached)
A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

Canopy (Freestanding)
A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

Canopy Sign
A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

Center Line
A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.

Certificate of Compliance
A certification by the Land Use Administrator that a structure, use, or development is in compliance with all provisions of this Code. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Certified Farmland Preservation Plan:
A farmland preservation plan that is certified as determined under Wis. Stats. 91.12.

Certified Farmland Preservation Zoning Ordinance:
A zoning ordinance that is certified as determined under Wis. Stats. 91.32.

Changeable Sign
A sign with the capability of content change by means of manual or remote input.

Channel
A natural or artificial watercourse over which the main stream of a water body flows with definite bed and banks to confine and conduct the normal flow of water.

Collector Street
A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance street to residential developments.

Collocation
The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

Committee
The Dodge County Planning and Development Committee or any successor committee duly charged by the Dodge County Board of Supervisors with general planning responsibilities under Wisconsin Statute 59.97.

Community
A town, village, city or group of adjacent towns, villages or cities having common social, economic or physical interests.

Conforming Sign
A sign that is legally installed in conformance with all prevailing jurisdictional laws and Codes.

Comprehensive Plan
The extensively developed plan, also called a master plan, developed by the Committee and adopted by the County Board, including proposals for future land use, transportation, recreation, and public facilities. Devices for the implementing of these plans, such as zoning, land division, sanitary, highway setback ordinances, and capital improvement programs shall also be considered a part of the comprehensive plan.

Conditional Uses
Uses of land or water which may have some characteristics which may be incompatible with adjacent uses which make their pre-determination as a principal use in a district impractical, but which may be allowed by a zoning ordinance on a case-by-case basis provided certain conditions stated in the Code are met.

Condominium
Property subject to a condominium declaration established under the authority of the condominium laws of the State of Wisconsin.

Condominium Instrument
The declaration, plats, and plans of a condominium together with any attached exhibits or schedules.

Contaminated Soil
Soil which contains one or more substances or environmental pollution in sufficient quantity to pose a present or potential hazard to human health, or to the quality of the drinking water or surface water.

Contiguous
Land that is abutting or touching at any point of which no part is separated by intervening land in other ownership, by a public road, street, or highway, by a municipal boundary or by a navigable body of water.

Copy
The graphic content or message of a sign.

Copy Area of Sign
The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background.

Crawlways or Crawl Space
An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Corner Lot
A lot abutting 2 or more streets or roads at their intersection or upon 2 parts of the same street or road forming an interior angle of less than 135º.

Cul-de-sac Street
Minor street closed at one end with a single common ingress and egress with a turn-around provided at its end.

Daycare Centers
A child care center that is licensed by an agency of the State of Wisconsin, where a person provides for compensation, care and maintenance of 4 or more children at a location other than the child's own home or the home of relatives or guardians. In such a center, a play area of 75 square feet per child shall be provided within a fenced area, other than a front yard**.**

Deck
A structure or platform, either freestanding or attached to a building, that is supported by pillars or posts that may or may not have railings or access to the ground but does not contain walls or a roof.

Density Standard
The number of housing units or new lots allowed by this Code.

Department
"Department" means Dodge County Land Resources and Parks Department.

Detached Accessory Structure
See "Accessory Structure – Detached"

Development
Any artificial 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 alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Development Regulations
Development regulations means the provisions of the Land Use Code that applies to elements including the intensity and dimensional standards listed in Chapter 5 and the development standards listed in Chapter 8 of the Dodge County Land Use Code,

Directional Sign
Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display Time
The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve
A mode of transportation on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Division of Land
A The transfer of title to less than the entire legal interest in an entire contiguous area of land which, before such transfer, was owned by the same legal entity;

B The transfer of title to the entire legal interest in an entire contiguous area of land, which before such transfer, was owned by the same legal entity, and transfer of title results in different legal entities owning separate areas of the contiguous area of land;

C The change of the form of ownership (for example, joint tenancy, tenancy in common, marital property, or survivorship marital property) in a contiguous area of land, owned by the same legal entity, and the form of ownership is not changed identically for the entire contiguous area of land;

D The transfer of a condominium unit when the property described as that condominium unit is less than the entire legal interest in an entire contiguous area of land and all structures located thereon, which, before such transfer, was owned by the same legal entity;

E The recording of a certified survey map with the register of deeds, except when the land described by the certified survey map is already an existing legally created lot.

Double-faced Sign
A sign with two faces, back to back.

Down Zoning Ordinance
A zoning ordinance that affects an area of land in one of the following ways:
1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of land that are specified in a zoning ordinance or other land use regulation to fewer uses than were allowed under its previous usage.

Drainage Disposal Field
A soil absorption sewage disposal system consisting of open jointed or perforated pipe for disposal of effluent or clean water waste.

Dryland Access
A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

DSPS
Wisconsin Department of Safety and Professional Services

Duplex
A dwelling containing 2 dwelling units.

Dwelling
A structure, or that part of a structure, which is used or intended to be used as a home, a residence or a sleeping place by one or more persons. The term “dwelling” for purposes of this Code does not include boarding or lodging houses, motels, hotels, tents, cabins, or manufactured homes, except manufactured homes attached to or fastened to a permanent foundation.

Dwelling, Multi-Family
A dwelling containing 3 or more dwelling units.

Dwelling, Single-Family
A dwelling containing one dwelling unit.

Dwelling Unit
One or more rooms, which are arranged, designed, or used as living quarters for one family only.

Earth Currents
Shall mean the flow of electrons into the earth from either a Personal Wind Energy System or a Wind Energy System Facility.

Effluent
Liquid flowing from any treatment tank or device.

Electric Sign
Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sin (EMC)
An electrically activated changeable sign whose variable message and /or graphic presentation capability can be electronically programmed by computer from a remote location.

Elevator Penthouse
An enclosed structure located on the roof of a building or structure or on the top floor of a building or a structure that houses an elevator shaft.

Encroachment
An encroachment or obstruction such as any fill, structure, building, accessory use, use, or development in any floodway, right-of-way, or on adjacent land.

Encroachment/Floodway Lines
The limits of obstruction to flood flows on both sides of a floodway and generally equal elevation. These lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows.

Enlargements
Any construction that increases the size of a building or structure in terms of the building or structure height, length, width or floor area.

Entertainment and Recreation Businesses
Any business or operation that provides entertainment or recreational services including, but not limited to, legitimate theaters, video stores, campgrounds, golf courses, or sports facilities. Excludes adult entertainment.

Essential Services
Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Existing Manufactured Home Park or Subdivision
A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads

Existing Requirements
Regulations, ordinances, rules, or other properly adopted requirements of a political subdivision that are in effect at the time the application for an approval is submitted to the political subdivision.

Expansion
Any addition to an existing structure that is horizontal, vertical or both.

Expansion to Existing Mobile/Manufactured Home Park
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

Expressway
A divided multi-lane arterial street or highway for through traffic with limited access generally with grade separated intersections located at major roads.

Externally Illuminated Sign
See Illuminated Sign.

Exterior Sign
Any sign placed outside a building.

Extraterritorial Plat Approval Jurisdiction
The unincorporated area within 1.5 miles of a fourth class city or a village and within 3 miles of all other cities.

FAA
The Federal Aviation Administration.

Façade
That portion of any exterior elevation of a building extending vertically from grade to the top of a wall or eaves and horizontally across the entire width of the building elevation

Fade
A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family
Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

Farm
For farmland preservation program purposes, a farm is defined as all land under common ownership that is primarily devoted to agricultural use.

Farm Acreage
The size of a farm in acres. "Farm acreage" does not include non-farm residential acreage.

Farm Fence
Means a fence erected for the purpose of containing livestock, enclosing crops, water areas, woodlots, buildings, fields or laneways as part of an agricultural operation on an agricultural or open space use.

Farm Residence
A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

Fascia Sign
See Wall Sign

FCC
The Federal Communications Commission.

Federal Emergency Management Agency (FEMA)
The federal agency that administers the National Flood Insurance Program.

Fence
An enclosure or barrier, such as wooden posts, wire, iron, masonry, stone, etc. used as a boundary, means of protection, confinement, concealment or privacy screening, but not including hedges, shrubs, trees, or other natural growth.

Fence – Open
A fence, including any gates in said fence, means a fence that does not have privacy slats, pickets or other solid coverings blocking view.

Financial Institutions
Any organization involved in monetarily transactions including banks, savings banks, savings and loan organizations, credit unions, pawn shops, and check cashing businesses.

Flashing Sign
See Animated Sign, Electrically Activated.

Flood Insurance Rate Map (Firm)
A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study Map
A map prepared by the U.S. Department of Housing and Urban Development, designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as A-Zones. Said maps form the basis for the regulatory and/or the insurance aspects of the National Flood Insurance Programs.

Flood, or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters,
- The rapid accumulation or runoff of surface waters from any source,
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency
The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe
That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood Hazard Boundary Map
A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Study
A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodlands
Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100 year recurrence interval flood or, where such data are not available, the maximum flood of record.

Floodplain
Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain Island
A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management
Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood Profile
A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing
Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation
An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: **Freeboard**.)

Flood Storage
Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway
The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Floor Area
Area in square feet of all floors in a building including elevators and stairways, measured by perimeter or outside walls multiplied by the number of floors, including basements which are used in the primary function of the building.

Floor Area Ratio (FAR)
The gross floor area of all buildings on a lot or parcel, divided by the lot area.

Food and Beverage Store
Any business involved in the sale of food and beverages in a consumable form and for the direct consumption by the consumer. Includes fruit and vegetable markets.

Food Processing Companies
Any business engaged in the processing or other preparation of food including edible fat and oil production; grain and grist mills; elevators; poultry and small game processing; cereals preparation, corn drying and milling, and the production of cheese, butter, and other dairy products intended for human consumption but not consumed on the premises.

Foot Candle
An English unit of measurements of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert
An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Footprint
The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages, carports, and porches, but excludes decks, patios, roof overhangs, and steps and landings outside of entrances.

Foundation
The underlying constructed base of a building or structure, including pillars, footings, timber posts, concrete slabs and concrete and masonry walls.

Fraternities and Lodges
Any structure used for the meeting place of a private club, group, or organization including sportsmen's clubs, private meeting halls, social clubs, and religious clubs.

Freeboard
A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Freestanding sign
A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a ground sign or monument sign.

Freeway
A major arterial with full control of access, spaced grade separations of local roads and railroads, and with fully grade separated interchanges normally located at not less than 7 mile intervals.

Frontage
The smallest dimension of a lot abutting a public street measured along the street line.

Frontage (Building)
The length of an exterior building wall or structure of a single lot along either a public way or other lot that it faces.

Frontage (Property)
The length of the property line(s) of any single lot along either a public way or other lot on which it borders.

Frontage Street
A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Front Yard
See Street Yard

Fur Farm
Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.0l(3)(c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

Gazebo
An accessory structure, often octagonal, consisting of a detached, roofed, freestanding, open-air structure not exceeding 200 square feet. They provide shade, basic shelter, ornamental features in a landscape, and a place to rest. They are intended for recreational use only and are not for habitation.

General Farming
General farming shall include aquaculture, dairying, egg production, livestock raising and grazing, poultry raising, beekeeping, floriculture, truck farming, forest and game management, grazing, orchards, raising of grain and grasses, seed production, raising of fruits, nuts and berries; vineyards, sod farming, fur farming, nurseries, Christmas tree production, and vegetable raising. General farming shall not include Animal Confinement Facilities or farms operated for the purposes of disposal of sewage, rubbish or offal.

The Land Use Administrator shall have the authority to assign unspecified livestock operations to the most appropriate animal category listed in the Animal Unit definition in order to determine its inclusion or exclusion as General Farming or Animal Confinement Facility.

General Farming shall not be considered the intended use of property unless a 10 or more acre parcel exists or is proposed and the owner earned not less than $6,000 in gross farm revenues in the previous year or not less than $18,000 during the preceding three years. The amount of money received from the rental of agricultural land shall not be included as farm revenue. Unless otherwise prohibited by district or general provisions regulations of this Code, existing parcels of less than 10 acres may be used for General Farming purposes.

Golf Course
Any parcel, area, or tract of land that is designed, maintained, intended, or used for the purpose of playing or practicing the game of golf where a ball is driven with special clubs into a hole over an area with natural or artificial features and obstacles and which may include clubhouses, shelters, maintenance buildings, and storage facilities.

Group Living Facility
Any residential facility where care and maintenance above the level of room and board, but not including nursing care, are provided in the residence to unrelated persons and the residence is the primary dwelling for the persons being served.

Ground Sign
See Freestanding Sign

Gross Farm Revenues:
Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

Hazardous Waste
Solid or liquid waste products of any product, materials, or process that by reason of their toxic, corrosive, flammable, or otherwise harmful properties, may be detrimental or has the potential to be detrimental to humans, animals, or property.

Habitable Rooms
Any room or portion thereof used or designed for living, sleeping, eating or cooking or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

Habitable Structure
Any structure or portion thereof used or designed for human habitation.

High Flood Damage Potential
Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure
Any structure that is:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Home Occupation
Any occupation for gain or support conducted entirely within a dwelling unit by resident occupants, excluding rental facilities, which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises.

Homeless Shelter
A facility set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support.

Hotel
A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Household
A domestic establishment including the members of a family and others who live in the same dwelling unit. See **Family** definition.

Housekeeping Unit
An individual or group of persons occupying a dwelling unit that has a single kitchen.

Human Habitation
The use of a structure for living for any period of time, for activities such as sleeping, eating or cooking, or combinations thereof.

Illuminance
The amount of light falling upon a real or imaginary surface, commonly called “light level” or “Illumination”. Measured in foot candles (lumens/square foot) in the English System and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign
A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated].

Impervious Surface
An area that releases as runoff all or a large portion of the precipitation that falls on it, other than frozen soil. Examples of surfaces that are impervious are any paved, covered, compacted or structural surface that limits or impedes infiltration or otherwise causes additional runoff of surface water, including the roofs of buildings, the surfaces of decks and patios and gravel, paved and crushed stone driveways, parking areas and walkways.

Improvement, Public
Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the County or town may ultimately assume responsibility for maintenance and operation.

Interior Sign
Any sign placed within a building, but not including window signs as defined by this Code. Interior signs, with the exception of window signs as defined, are not regulated by this Code.

Incidental Repairs
See Ordinary Maintenance and Repair

Increase in Regional Flood Height
A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting by a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Interchange
A grade separated intersection with one or more turning lanes for travel between intersecting roadways.

Junction
The point upon which 2 highway center lines, as herein defined, or a highway center line and the center line of a railway right-of-way cross.

Junkyard
See **Salvage Yard** definition.

Kennel
The use of land, with related buildings or structures, for the breeding, rearing, grooming, training, selling, or boarding of more than 4 dogs or other domesticated animals.

Land Spreading
The application of substance onto the land or into the groundwater or surface water in any manner including dumping, pouring, leaking, spraying or burial.

Land Use
See **Development** definition.

Land Use Administrator
The administrative officer or their designee, designated to administer the County's Zoning and Subdivision Codes and issue permits.

Land Use/Sanitation Specialist
A person employed by the County and under the general direction of the Land Use Administrator which is responsible for assisting in the enforcement of the Dodge County Land Use Code and related Code Administration programs of the Department.

Land Use Permit
A permit granting authorization to locate, erect, move, reconstruct, extend, convert, or structurally alter a use, sign, structure, land, or water, pursuant to the requirements of this Code. Receipt of such a permit demonstrates compliance with all applicable Code requirements.

Listed Sign
A sign manufactured and labeled in according with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and /or the National Electric Code (NEC).

Loading Area
A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot
A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Code. For zoning and subdivision purposes, tax parcel identification numbers shall not be used in defining a lot.

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.

Lot or Property Line, Rear
A lot line, not a front or street lot line, which is parallel or approximately parallel to the front 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.

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.

Lot Area
The area contained within the exterior boundaries of a lot excluding public streets and land under navigable bodies of water.

Lot Coverage
That portion of a lot occupied by principal and accessory buildings and decks, but excluding at grade patios, walks and driveways.

Lot Depth
The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot Width
The horizontal distance between side lot lines. Lot width shall be measured at right angles to the lot depth at the building 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 lot line.

Lot, Corner
A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Through
A lot that has a pair of opposite lot lines along 2 substantially parallel streets, and which is not a corner lot. On a through lot, the main entrance to the structure shall determine the front lot line. In the case of 2 or more contiguous through lots, a common front lot line shall be determined for all such lots.

Luminance
The light that is emitted by or reflected from a surface. Measures in luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.)

Lux
the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Machinery and Equipment Repair
Any operation, including welding shops, that conducts the repair of any machinery or equipment, including, but not limited to, motor vehicles, farm equipment, and recreational equipment.

Mansard
A roof-like façade comparable to an exterior building wall.

Manufactured Home
A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Manufactured Home Site
Manufactured Home site means a plot of ground within a manufactured home community designed for placement of one manufactured home.

Manufactured Home Community
Manufactured Home Community means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for a dwelling or sleeping purposes are located. “Manufactured home community does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

Manufactured Home – Basic Unit
Basic unit means a manufactured home without a hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

Manufacturing
Any industrial type operation conducting the fabrication, processing, assembly, or packaging of non-hazardous products.

Manufacturing of Hazardous Materials
Any industrial type operation conducting the fabrication, processing, assembly, or packaging of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics, or radioactive materials.

Marinas
Any facility that provides or conducts boat launching and liveries, boat sales and storage, sale of boat motors, fuel and marina supplies and the servicing of boats and boat motors but not the manufacture of boats or motors.

Marquee
See Canopy (Attached).

Marquee Sign
See Canopy Sign.

Maximum Extent Feasible
No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

Mineral Resource Processing
The manufacturing and processing of natural mineral resources incidental to the extraction of sand and gravel, including the erection of necessary buildings and the installation of necessary machinery and equipment incidental thereto, but not for storage of cement, asphalt, or road oils, or the mixing of concrete, or blacktop or related materials, provided that the County, town, or municipal government or its contractor or the supplier may store or mix such materials when incidental to the improvement of roads and highways.

Minor Street
A street used, or intended to be used, primarily for access to abutting properties.

Minor Land Division
The division of land by the owner or subdivider resulting in the creation of not more than 4 parcels or building sites.

Minor Structures
Any small, moveable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, flag poles, arbors, or walls and fences under 4 feet in height.

Mobile Recreational Vehicle
A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Motels, Resorts, and Tourist Courts
Establishments offering a series of attached, semi-attached, or detached sleeping units for traveling guests on a less than weekly basis. This classification may include incidental eating or drinking services.

Motor Vehicle
Any self-propelled vehicle designed for transportation of persons or goods along public streets or alleys or other public ways.

Motor Vehicle - Inoperable
Any motorized vehicle incapable of immediately being driven and not properly licensed.

Motor Vehicle - Abandoned
A vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on an approved sales lot. A vehicle shall be presumed abandoned under the following circumstances: 1) The vehicle is physically inoperable and/or is missing parts so that it is not maintained for driving; 2) The vehicle does not bear a valid license plate or current registration.

Motor Vehicle Repair and Service
The use of any site, building, structure, improvement, or land for the repair, overhaul, assembling, painting or maintenance of motor vehicles.

Motor Vehicle – Salvage and Storage Yard
Any land upon which 2 or more inoperable, abandoned or unlicensed motor vehicles are stored for more than 30 days unless said motor vehicles is/are stored within a completely enclosed building.

Multi-Family Residential Use
Any structure or lot with three (3) or more independent dwelling units, including, but not limited to, apartment buildings, condominiums, boarding houses, 3 or more single family dwellings on one lot, assisted living facilities, and nursing homes.

Municipality or Municipal
The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

Multiple-Faced Sign
A sign containing three (3) or more faces.

NGVD or National Geodetic Vertical Datum
Elevations referenced to mean sea level datum, 1929 adjustment.

Navigable Waters
All natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. Under Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, Shoreland Ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- Such lands are not adjacent to a natural navigable stream or river;
- Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and
- Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring highwater is navigable in fact under the laws of this state, though it may be dry during other seasons.

New Construction
For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nit
A photometric unit of measurement referring to luminance. One nit is equal to one cd/m2.

Nonconforming Lots
A nonconforming lot is one which is shown on a duly approved and recorded subdivision, certified survey map, or parcel map or for which a deed or valid contract of sale was of record before the adoption or amendment of this Code, having an area, frontage, width or depth less than the minimum required dimensions or size required by this Code.

Nonconforming Lot – Illegal
Any lot which was created after the adoption or amendment of this Code, without all of the required Department approvals and which does not conform to the area, road frontage, water frontage or lot width and depth requirements in this Code. An illegal nonconforming lot remains an illegal nonconforming lot until the lot has been brought into compliance with all of the applicable codes and the lot owner has received all of the required Department permits and approvals that are necessary to bring the illegal nonconforming lot into compliance with this Code.

Nonconforming Lot – Legal
Any lot of record recorded in the County Register of Deeds Office that was created before the adoption or amendment of this Code which does not conform to the area, road frontage, water frontage or lot width and depth requirements of this Code. A legal-nonconforming lot differs from an illegal-nonconforming lot in that the reason for the nonconformance is caused by a change to the Land Use Code. The lot or frontage dimensions have not been changed, but due to the Code change, the existing legal lot of record lot no longer conforms to the policies and standards of the applicable Code requirements.

Non-Conforming Sign
A sign that was legally installed by permit in conformance with all sign regulations in this Code in effect at the time of its installation, but which may no longer comply with subsequently enacted regulations.

Nonconforming Structure
A dwelling, or other building that existed lawfully before the current land use code was enacted or amended, but that does not conform with one or more of the development regulations in the current Land Use Code that is applicable to a dwelling or building that is constructed on or after the effective date of the Land Use Code or an amendment to the Land Use Code.

Nonconforming Structure – Illegal
Any structure which was constructed or created after the adoption or amendment of this Code, which was constructed without all of the required Department permits and approvals and which does not conform in respect to the frontage, width, height, area, yard, parking, loading, or distance requirements in this Code. An illegal nonconforming structure remains an illegal nonconforming structure until the structure has been brought into compliance with all of the applicable codes and the owner has received all of the required Department permits and approvals that are necessary to bring the illegal nonconforming structure into compliance with this Code.

Nonconforming Structure – Legal
Any structure lawfully used, occupied, or erected before the adoption or amendment of this Code, conforming in respect to use but not in respect to the frontage, width, height, area, yard, parking, loading, or distance requirements in this Code. A legal-nonconforming structure differs from an illegal-nonconforming structure in that the reason for the nonconformance is caused by a change to the Land Use Code. The structure location or dimensions have not changed, but due to the Code change, the existing structure no longer conforms to the policies and standards of the applicable Code requirements.

Nonconforming Use
Any land or water, lawfully used, occupied, or erected before the effective date of this Code or amendments thereto, which does not conform to the use regulations of the current Land Use Code or amendments thereto.

Nonfarm Residence:
A single family residence or duplex other than a farm residence.

Nonfarm Residential Acreage:
The total number of acres of all parcels on which nonfarm residences are located. If a nonfarm residence is located on one of 2 or more adjoining parcels owned by the same person, the adjoining parcels are also considered “nonfarm residential acreage” unless clearly devoted to non-residential use other than open space use.

Obstruction to Flow
Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map
That map, adopted and made part of this Code, which has been approved by the Department of Natural Resources and the Federal Insurance Administration Office of the Federal Emergency Management Agency (FEMA).

Official Letter of Map Amendment
Official notification from the Office of Federal Insurance and Hazard Mitigation of FEMA that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

Official Public Signs
Signs erected by the federal, state, county or local municipalities including traffic, utility, safety, parking restrictions, information and public or court notices, railroad crossing and identification signs for public facilities and any signs erected by the County or Municipality having jurisdiction.

Operating Farm
See General Farming definition

Ordinary Highwater Elevation
The average annual highwater level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plan or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distance mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic geological or vegetative characteristic.

Ordinary Highwater Mark
The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Ordinary Maintenance and Repair
Any work that is done on a structure that does not constitute structural alteration, replacement or expansion and does not involve the alteration, replacement or removal of any portion of a structure's foundation. Ordinary maintenance and repair includes painting, decorating, paneling, re-roofing or re-shingling a roof, replacing siding, replacement of doors, windows and other non-structural components, the repair of cracks in foundations and the application of waterproof coatings to foundations.

Outdoor Storage Area
The place where materials, merchandise, vehicles, or equipment are stored in an unroofed area. The primary use of the property shall not be considered an outdoor storage area if the storage area is accessory to a principal structure located on the same lot.

Parallel Sign
See Wall Sign.

Parapet
The extension of a building façade above the line of the structural roof.

Parcel
A tract or plot of land of any size that may or may not be subdivided or improved. A parcel shall not be considered a separate lot for purposes of this code unless it meets the definition of a lot.

Parcel Identification Number
Numbers assigned to a parcel(s) by the Dodge County Property Description Unit for the purpose of identifying a tax parcel(s) in a tax roll or assessment roll. A parcel identification number (PIN) is assigned to uniquely identify that parcel from any other parcel within a given taxing jurisdiction. Also know as tax key numbers. Land with separate parcel identification numbers shall not be considered separate lots unless they meet the definition of a lot.

Parent Lot
The lot of record which is used as the basis for determining the number of new lots allowed to be created under the density standard provisions of this Code.

Parties-in-interest
Includes all property owners within 300 feet of the applicant or appellant's affected premises.

Patio
A level, surfaced area located directly adjacent to a principal building or structure, with a vertical surface elevation that is at or within three feet of the final grade of the part of the principal building or structure that is located adjacent to the patio, without a permanent roof or sides, whose principal use is for outdoor lounging, dining and the like.

Permanent Foundation
In regards to a mobile home, a permanent foundation consists of one of the following: a full basement; a below ground level crawl space; a floating slab to which the mobile home is bolted or fastened and the wheels and hitch are removed; or concrete footings to which the mobile home is bolted or fastened and the wheels and hitch are removed.

Permanent Sign
A sign designed, planned and constructed so as to remain at one location for the foreseeable future.

Person
Any individual, group of individuals, firm, partnership, corporation, company, association, joint stock association, body politic, municipality, or state agency and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Communications Service (PCS)
A provider of personal wireless service facilities as defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332.

Personal Services
Business that provided needed services of a personal nature. Includes but not limited to hair salons, tanning and personal care services, and self-service laundries.

Personal Wind Energy System
Personal wind energy system shall mean a small wind energy system that consists of an individual wind turbine that has an installed nameplate capacity of not more than 5 kilowatts, has a total height of not more than 75 feet and that is intended for use by the individual land owner on which the wind energy system is located.

Personal Wireless Facilities
Transmitters, antenna structures, and other types of installations used to provide personal wireless services.

Pets, Household
Small, non-venomous animals or reptiles commonly found in residences as pets, such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, swine, or other large or venomous animals or reptiles not commonly found in residences.

Pier
A structure extending into navigable waters from shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers.

Principal Structure
A structure in which is conducted the principal use of the lot on which it is located.

Political Subdivision
Political Subdivision means a city, village, town or county.

Porch
A roofed open area, which may be glazed or screened, which is attached to and with direct access to the main wall of a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50%.

Portable Sign
Any cord-connected sign not permanently attached to the ground and which can be removed without the use of tools.

Power Distribution Systems
Overhead and underground utility facilities including telephone, electrical, gas, cable television, and similar poles, lines, pipes, and necessary appurtenant equipment and structures used to serve only the immediate primary uses within the appropriate zoning district. Does not include high capacity power transmission facilities that do not directly serve the immediate primary use.

Power Transmission Systems
Utility facilities including high voltage electrical transmission lines and cables, substations, gas pipelines and necessary appurtenant equipment and structures either overhead or underground that do not directly serve the immediate primary use of the appropriate zoning district.

POWTS
“POWTS” means a private onsite wastewater treatment system.

Preliminary Plat
A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Prime Farmland:
An area with a class I or II land capability classification as identified by the natural resources conservation service of the federal department of agriculture or land that is identified as prime farmland in a certified farmland preservation plan. Prime farmland soils are not necessarily associated with the boundaries of the A-1 Prime Agricultural Zoning District.

Principle Use
The main use to which the premises is devoted, and the principle purpose for which the premises exists.

Private Sewage System
A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Privy
An outhouse or structure used for the deposition of human excrement.

Professional Offices
Professional offices allowed as conditional uses shall meet the same criteria established for home occupations.

Project
Project means a specific and identifiable land development that occurs on defined and adjacent parcels of land, which includes lands separated by roads, waterways and easements.

Projecting Sign
A sign other than a Wall Sign that is attached to or projects more than eighteen 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Protected farmland:
Land that is located in a farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

Public Assembly Areas
Any site or structure used primarily for public assemblage, including, but not limited to, athletic fields, fairgrounds, sports arenas, amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, movie theaters and stadiums.

Public Utilities
Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Way
Any street, alley, pedestrian way, pathway, channel, viaduct, subway, bridge, easement, right-of-way, or other way in which the public has a right of use

Reach, Hydraulic
That portion of a river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream bed slope or vegetation.

Real Estate Sign
A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Rear Yard
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. A corner lot shall have two side yards and no rear yard. 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.

Reasonable Accommodation
Allowing a disabled person to deviate from the strict requirements of the county's land use code if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity. An accommodation shall be considered reasonable if it does not cause any undue hardship or fiscal or administrative burdens on the municipality, or does not undermine the basic purpose that the land use code seeks to achieve.

Reasonably Safe from Flooding
Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational Vehicle
A vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used or intended to be used, primarily for temporary or recreational human habitation. A recreational vehicle includes camping trailers, motor homes, and park models. A recreational vehicle is ready for highway use if it is on its wheels or hacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Regional Flood
A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Repair
Any activity that restores the character, scope, size, or design of a structure or building to its previously existing, authorized, and undamaged three-dimensional condition.

Replat
The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

Replacement
Construction in which the existing structure or building or a portion thereof, is torn down and replaced by a new structure or building or portion thereof.

Residence
A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multi-family dwellings, boarding or rooming houses, or apartments. Residences do not include: such transient accommodations as transient hotels, motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for nonresidential uses, except accessory to residential uses; recreational vehicles.

Revolving Sign
A sign that has the capacity to revolve three hundred and sixty degrees (360) about an axis.

Right of Way
A linear strip of land within which linear facilities such as roads, highways, railroads, or power lines are built.

Roof Line
The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said façade or parapet.

Roof Sign
A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.

Rooming House
A residential structure with three or more sleeping rooms for lodgers, and wherein no dining facilities are maintained for the lodger, as distinguished from a boarding house.

Runway
A level portion of an airport having a surface specifically developed and maintained for the landing and take-off of aircraft.

Safety Pool, Spa, Hot Tub or Wading Pool Cover
A barrier (intended to be completely removed before entry of bathers) for swimming pools, spas, hot tubs or wading pools, attendant appurtenances and/or anchoring mechanisms which reduces—when properly labeled, installed, used and maintained in accordance with the manufacturers' published instructions—the risk of drowning of children under five years of age, by inhibiting their access to the contained body of water, and by providing for the removal of any substantially hazardous level of collected surface water.

Salvage Yard
A parcel of land upon which wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include, but are not limited to scrap iron and other metals, paper, rag, rubber tires, vehicles, equipment, and bottles.

Scroll
A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

Seepage Pit
An underground receptacle with a manhole and cover brought to the ground level for observation and cleaning purposes, so constructed as to ensure the disposal of effluent or clear wastes by soil absorption through its walls and bottom.

Septic Tank
A reservoir or tank that receives crude sewage and by bacterial action and sedimentation effects a process of clarification and decomposition of solids.

Setback Lines
Lines established along road right-of-ways and waterbodies at specified distances from the centerline, encroachment line, or right-of-way line, which prohibited buildings or structures within the setback area between the setback line and the road right-of-way or waterbody encroachment line.

Shooting Ranges
Any land use, with related buildings and structures, for the purposes of discharging firearms or other weapons including rifle and pistol ranges, archery ranges, skeet and trap ranges, sporting clay ranges and paint ball clubs.

Shorelands
Those lands lying within 1,000 feet from the highwater elevation of navigable lakes, ponds, and flowages or 300 feet from the highwater elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Shoreland Setback Area
An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under s 59.692 Wisconsin Statutes.

SI (International System of Units)
The modern metric system of measurement.

Side Yard
A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the nearest point of the principal structure and the property line.

Significant Tree
A tree measuring 6 inches in diameter at breast height (dbh) or larger.

Sign
Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation or alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs. Typical sign types can be found in Section 8.9.6 of the Code.

Sign Area
The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign.

Sign Copy
The physical sign message including any words, letters, numbers, pictures and symbols.

Sign Face
The surface upon, against or through which the sign copy is displayed or illustrated not including structural supports, architectural features of a building or sign structure.

Sign – Ground
Any sign supported by poles, uprights or braces placed upon the ground and that is wholly or partially independent of any building for support.

Sign – On-premise
A sign that directs attention to an individual firm, association, corporation, profession, business, commodity, service, activity, event or product that is sold, offered or exists upon the same lot where said sign is displayed.

Sign – Off-premise
A sign that directs attention to an individual firm, association, corporation, profession, business, commodity, service, activity, event or product that is sold, offered or existing somewhere other than upon the same lot where said sign is displayed.

Sign – Projecting
Any sign extending more than 12 inches from the face, wall or roof of a structure.

Sign Structure
Any structure designed for the support of a sign.

Sign – Temporary
Any sign which is visible from any public street or highway that is not permanently attached to a structure or to the ground and which is displayed for a limited period of time not exceeding ninety days in one calendar year.

Sign – Permanent
Any sign which is visible from any public street or highway that is permanently attached to a structure or to the ground and any sign which is visible from any public street or highway that is not permanently attached to a structure or to the ground which is located on a lot for a period of ninety days or more in one calendar year.

Sign – Wall
Any sign attached to, erected or painted on the wall of a structure, is parallel to the wall and projects not more than 12 inches from such wall.

Single Family Residential Use
Any structure or lot with one independent dwelling unit.

Sludge
Solid or liquid waste from sanitary waste treatment facilities.

Small Wind Energy System
Small wind energy system shall mean a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Small Wireless Facility
Small Wireless Facility means a wireless facility as defined in 66.0414(1)(u) Wis. Stats.

Small Wireless Facility means a wireless facility to which all of the following apply:

1. *The wireless facility satisfies any of the following:*
    a. *The wireless facility is mounted on a structure 50 feet or less in height including any antenna.*
    b. *The wireless facility is mounted on a structure no more than 10 percent taller than any other adjacent structure.*
    c. *The wireless facility does not increase the height of an existing structure on which the wireless facility is located to a height of more than 50 feet or by 10 percent, whichever is greater.*
2. *Each antenna associated with the deployment of the wireless facility, excluding associated antenna equipment, is no more than 3 cubic feet in volume.*
3. *All other wireless equipment associated with the wireless facility specified above including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume.*
4. *The wireless facility does not require registration as an antenna structure under 47CFR part 17.*
5. *The wireless facility is not located on tribal land, as defined in 36CFR 800.16(x).*
6. *The wireless facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 CFR 1.1307.*

Soil Mapping Unit
Soil types, slopes, and erosion factors delineated on operational soil survey maps prepared by the USDA Natural Resources Conservation Service.

Soil Test - Those soil tests conducted as specified in SPS 385, Wisconsin Administrative Code.

SPS - Safety and Professional Services

Start of Construction
The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage Capacity of a Floodplain
The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

Street Yard
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards. The street yard on a double frontage lot shall be the yard on which the principal structure faces and/or is addressed.

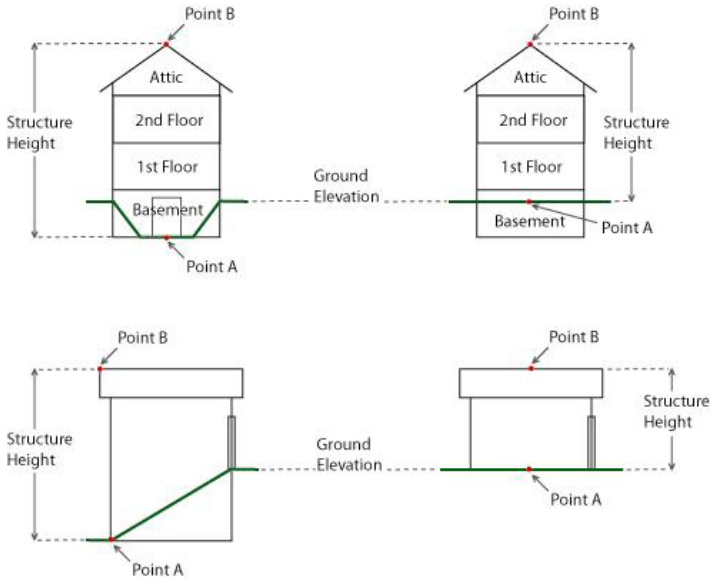
Streets
A public right-of-way generally not less than 40 feet wide providing primary access to abutting properties.

Structural Alterations
Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structure
Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility.

Structure - Attached
Any structure that shares a common roof, wall or floor where the width of the common roof, wall or floor is a minimum of 10 feet.

Structure Height
Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's 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.



Subdivider
Any person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division or replat.

Subdivision
The division of a lot, outlot, parcel, or tract of land by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites initially or by successive division within a period of 5 years, whether done by the original owner or a successor owner.

Substandard lot
Substandard lot means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

Substantial Completion
The point in time of construction, in which a project complies with or meets the minimum requirements of the Dodge County Land Use Code as determined by the Department and the structure can be occupied or utilized for its intended use regardless of the completion of the installation of the utilities including interior plumbing, water and electrical work, interior finishing items such as trim, dry walling, painting and installation of flooring, and the completion of exterior items such as siding, shingles and painting.

Substantial Damage
Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial Improvement
Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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. Substantial improvement begins 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. The term does not, however, include:

- Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which existed before the improvement began, was identified by a County official and are necessary to assure safe living conditions.

- Any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as a historical structure

- Ordinary maintenance repairs or modifications including internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Temporary Sign
A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently affixed to a building or sign structure that is permanently embedded in the ground are considered temporary signs.

Taxiway
A portion of an airport having less than a 3 percent grade and a surface specifically developed and maintained for the purpose of transporting aircraft to and from runways.

Time Share Project
A project or building in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room, or segment of real property. This right of use or occupancy may be annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. Time share project includes but is not limited to time-share estate, interval ownership, vacation license, vacation lease, club membership, time share use, and hotel/condominium.

To Place
The putting of a building or structure in a particular situation, whether this is by original construction or erection or by moving a building or structure to the particular situation.

Total Wind Turbine Height
Total wind turbine height shall mean, when referring to a WES tower or wind turbine, the distance measured from ground level to the blade extended at its highest point.

Tower
Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower Site
The area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

Traffic Lane
A strip of roadway intended to accommodate a single line of moving vehicles and normally 12 feet in width.

Trailer and Recreational Vehicle Space
A parcel of land in a travel trailer or recreational vehicle parking area for the placement of a single trailer or recreational vehicle and the exclusive use of its occupants.

Transient
Any visitor or person who owns, rents or uses a lodging or dwelling unit, or portion thereof, for less than 180 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor. This definition shall not apply to nonpaying quests of the family occupying the unit.

Travel Trailer
A travel trailer is a vehicular, portable structure, built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.

Tree
Any object of natural growth, except farm crops and shrubs, bushes or plants which do not grow to a height of more than 20 feet.

Turning Lanes
An existing or proposed connecting roadway between 2 arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Two-Family Residential Use
Any structure or lot with two (2) independent dwelling units, including, but not limited to apartment buildings, condominiums, 2 single family dwelling units on one lot, and duplexes.

Unnecessary Hardship
Where unique and extreme conditions affecting a particular property, which were not self-created or solely related to economic gain or loss, have made strict conformity with provisions of the Code governing dimensional standards such as areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Code. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Useable Open Space
Space suitable for recreation, gardens, or household service activities, such as clothes drying. Such space must be at least 75 percent open to the sky, free of vehicle traffic, parking and undue hazards, and readily accessible by all those for whom it is intended.

Utility Companies
Offices and/or equipment storage buildings for privately owned businesses for such utilities as telephone, natural or propane gas, cable, or electrical service. This classification includes propane gas distributors.

Utilities
Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance
An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner that is inconsistent with dimensional standards, but not uses, contained in this Code upon determination of an unnecessary hardship and other approval criteria listed in Section 2.3.12(E).

Vegetative Buffer Zone
Vegetative buffer zone shall mean an area of undisturbed (no mow) or restored native vegetation that consists of three layers; ground cover, shrub layer and tree canopy. The vegetative buffer zone shall cover at least 70 percent of the width of the lot and extend landward one-half of the required shoreland setback area that is nearest the water.

Vehicle Sales Facility
Any land upon which 2 or more vehicles (automobiles, trucks, vans, trailers, recreational vehicles, or others) are offered for sale for more than 30 days.

Vehicle Salvage and Storage Yard
Any land upon which 2 or more inoperable, abandoned or unlicensed motor vehicles are stored for more than 30 days unless said motor vehicles are stored within a completely enclosed building.

Vehicle Stacking Space
One segment in a queue for vehicles.

Wall or Fascia Sign
A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

Water Surface Profile
A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Watershed
The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

Well
An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetlands
Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophilic vegetation and which have soils indicative of wet conditions, including lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.

Wharf
A structure extending into navigable waters from, and parallel to, shore, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers.

Wind Energy System (WES)
Wind energy system shall mean equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

Window Sign
A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

Wireless Communications Towers
Any exterior apparatus designed for wireless telephonic, communications through the sending and/or receiving of electromagnetic waves, digital signals, or wireless telecommunication signals including, but not limited to, directional antennas, such as panels; microwave and satellite dishes; omni-directional antennas, such as whip antennas; microwave relay structures; and telephone towers.

Wireless Facility

"Wireless facility" means an antenna facility at a fixed location that enables wireless services between user equipment and a communications network, and includes all of the following:

1. Equipment associated with wireless services.
2. Radio transceivers, antennas, or coaxial, metallic, or fiber-optic cable located on, in, under, or otherwise adjacent to a utility pole or wireless support structure.
3. Regular and backup power supplies.
4. Equipment that is comparable to equipment specified in this subdivision regardless of technical configuration.

"Wireless facility" does not include any of the following:

1. The structure or improvements on, under, or within which equipment specified in subd. 1. is collocated.
2. Wireline backhaul facilities.
3. Coaxial, metallic, or fiber-optic cable that is between utility poles or wireless support structures or that is not adjacent to a particular antenna.

Wisconsin Administrative Code

The rules of administrative agencies having rule making authority in Wisconsin published in a loose leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yurt

A round domed structure constructed of wood and fabric.

APPENDIX 1 Designated Streets or Roads

Unincorporated Portion of Waupun
Beginning at a point in STH 26, where it enters the City of Waupun, thence south along STH 26, 1780 feet. Commencing at the city limits of the City of Waupun on South Madison Street, thence south 792 feet. All of Grove Street outside of the City Limits of the City of Waupun. All of Mayfair Street. All of Doty Street. All of Argonne Street. All of Lincoln Street.

Junction of CTH Y and CTH YY – Leroy
CTH Y from the intersection of CTH YY and Y, thence east along CTH Y to the intersection of CTH Y and the Dairy Road. Along CTH Y from the intersection of CTH Y and YY, south along CTH Y a distance of 1056 feet. CTH YY from the intersection of CTH YY and Y north along CTH YY a distance of 528 feet. All of Ertl Street; all of Krapfl Street; all of Schmidbauer Street. All of Meadow Lane.

Junction of CTH Y and the C.M.St.P.& P. Railroad – Knowles
CTH Y from CTH AY thence west along CTH Y a distance of 3168 feet. CTH AY from CTH Y thence south along CTH AY a distance of 1056 feet. All of Church Street. All of Sterr Street.

Unincorporated Village of Burnett
Beginning at a point in the junction of STH 26 and the C.M.St.P.& P. Railroad, thence south along STH 26, 2130 feet. All of Maple Street, Clay Street, Second Street, Main Street, Depot Street, Market Street, Cross Street and Superior Street. Commencing at STH 26 on Burnett Ditch Road, thence east 1425 feet.

Junction of CTH D and C.& N.W.Railroad - South Beaver Dam
Beginning at a point in CTH D at its junction with the C.& N.W.Railroad, thence east along CTH D 550 feet.

Junction of STH 151 and South limits of the City of Beaver Dam
Beginning at a point in the junction of STH 151 and the south limits of the City of Beaver Dam, thence southwesterly along STH 151, 1550 feet.

Junction of STH 33 and Town Road West of Crystal Lake in Section 3, T11N R14E - Crystal Lake
Beginning at a point in the junction of STH 33 and the Town Road west of Crystal Lake in Section 3, T11N R14E., thence east along STH 33, 1250 feet. Beginning at the intersection of the centerlines of STH 33 and North Crystal Lake Road in Section 3, T11N R14E, thence north along North Crystal Lake Road a distance of 280 feet and west along the north lane only of STH 33 a distance of 1630 feet.

Rolling Prairie
Beginning at a point in CTH I which is 1056 feet south of the C.M.St.P.& P. Company railroad tracks, thence northerly along CTH I to the junction of Prospect Road.

Unincorporated Village of Minnesota Junction
Beginning at a point in the junction of STH 33 and STH 26, thence north along STH 26, 3630 feet, also; Beginning at a point in the junction of STH 33 and STH 26, thence east along STH 33, 230 feet. All of Center Street, North Street and Maple Street. Commencing 1425 feet north of STH 33, thence north on East Street to North Street.

Oak Grove
CTH A from the intersection of Arbor Road and CTH AI thence south 1848 feet, North along CTH AI from the intersection of the Arbor Road a distance of 528 feet, West along CTH I from the intersection of CTH AI and Arbor Road a distance of 528 feet. Along the Arbor Road from the intersection of CTH AI east a distance of 792 feet.

Junction of STH 67 and CTH R – Woodland
Beginning at a point in the junction of STH 67 and County Road WS thence north along County Road WS to its junction with the C.M.St.P.& P. Railroad.

STH 60 east of Columbus
Beginning at a point in the junction of STH 60 and the east limits of the City of Columbus, thence east along STH 60, 1230 feet. River Road beginning 400 feet south of the intersection of River Road and STH 60, thence south a distance of 1560 feet. All of Campbell Street, All of Baden Street, All of 2 unnamed streets north of STH 60 which connect Campbell and Baden Streets.

Danville
Beginning at the west end of the bridge in the Village of Danville, crossing the Crawfish River on CTH T, thence west along CTH T a distance of 528 feet. All of York Street, All of Portland Street, All of Elba Street; All of Anhauser Street, All of John Street; CTH TT from the intersection of CTH T and CTH TT, thence north along CTH TT a distance of 528 feet. South along CTH TT from the intersection of CTH T and TT a distance of 528 feet.

Junction STH 60 and CTH T – Astico
Beginning at a point in the junction of STH 60 and CTH T, thence northeasterly along CTH T to its junction with C.M.St.P.& P. Railroad; U.S. 16 or Lowell Street from the intersection of CTH T and US 16 thence east along US 16 a distance of 1320 feet. This urban section is on the north side of USH 16 only.

Junction of CTH P and C.M.St.P.& P. Railroad – Rubicon
Beginning at a point 1730 feet north of the junction of CTH P and the C.M.St.P.& P.Railroad, thence south along CTH P 3550 feet.

Junction STH 19 and the north limits of the Village of Waterloo – Portland
Beginning at a point in the junction of STH 19 and the north limits of the Village of Waterloo, thence northeasterly along STH 19, 1150 feet.

Junction CTH K and CTH Q – Richwood
Beginning at a point in the junction of CTH K and CTH Q, thence west along CTH Q 3150 feet. All of Link Street. All of First Street. Rich Street from CTH Q south a distance of 1848 feet.

Junction of CTH R and CTH MM - Lebanon Station
Beginning at a point in the junction of CTH R and CTH MM, thence north along CTH R, 3490 feet. North Avenue, Ivy Street, Greendale Street, Center Street; West Street and beginning at a point in the junction of CTH R and CTH MM thence west along CTH MM 1300 feet. Short Street south to its dead end and beginning at the intersection of CTH R and CTH MM, thence east along CTH MM a distance of 500 feet. All of Scott Lane, Johnathan Lane, Anthony Lane, Richard Lane and Nichole Lane; West Street extending south from its intersection with CTH "MM" a distance of 1,500 feet.

Junction of CTH R and CTH O – Lebanon
Beginning at a point in CTH R which is 2640 feet northerly from the new intersection of CTH R and CTH O, thence southerly along CTH R a distance of 3960 feet. Junction of CTH R and Morningside Road, thence northerly along CTH R a distance of 792 feet. Beginning at the intersection of CTH R and CTH SC thence northerly along CTH R a distance of 1150.

Ashippun and Old Ashippun
Beginning at a point in STH 67 which is 1584 feet south of the C.& N.W. Railroad Company tracks in the **Village of Ashippun**, thence northerly along STH 67 a distance of 6864 feet. Beginning at a point in the junction of STH 67 and CTH O, thence northwesterly along CTH O, 2480 feet; All of Ann Street, All of Elm Street, All of Wood Street, All of Main Street, All of Ash Street, All of Highland Avenue, All of the public alley not named. Lincoln Street from Main Street to the C.& N.W. Railroad Company Tracks. All of Oak Street. Eva Street from Oak Street to Elm Street.

Old Ashippun Village
All of Maple Street. All of Center Street. Roosevelt Road from a point 528 feet west of the junction of STH 67, thence east 1056 feet. All of West Lane. Heather Street extending east from STH "67" a distance of 450 feet.

CTH O and the Ashippun River – Alderly
Beginning at a point in the west end of the bridge in CTH O over the Ashippun River, thence west along CTH O 1700 feet.

Junction CTH I and CTH B - Burnett Corners
Beginning 528 feet east of CTH I, thence west on CTH B 2376 feet. Beginning at a point in CTH I 528 feet south of the junction of CTH B and I thence north to the junction of CTH B and I.

Junction CTH C and C.M.St. Paul Railroad Tracks – Atwater
Beginning at a point on CTH C 528 feet west of the C.M.St.P.& P. Railroad tracks, thence east 1848 feet.

Junction of STH 67 and Town Road – Neda
Beginning at STH 67 thence east on Mill Street 1350 feet to Mine Road, also Mine Road beginning at the C.M.St.P. railroad tracks, thence west and north a distance of 2,000 feet.

Junction STH 67 and STH 33 - Browns Corners
Beginning at a point south of STH 33, 792 feet south on STH 67, thence north a distance of 3168 feet on STH 67. Commencing at a point 1056 feet west of STH 67 on STH 33, thence east 4752 feet on STH 33.

Junction CTH DD and Soo Line Railroad Company - Theresa Station
Commencing 60 feet south of the Soo Line Railroad tracks, thence south and west on CTH DD a distance of 1056 feet.

Unincorporated Village of South Randolph
Commencing 792 feet north of the C.N.W. Railroad Company overhead on STH 73, thence south 1637 feet. All of both dead end streets north and south of the said overhead and running easterly to a dead end.

Unincorporated Village of Lost Lake
Commencing 686 feet west of STH 73 on Concord Road, thence east 1900 feet. Commencing 528 feet south of Concord Road on STH 73, thence north 1689 feet.

Fox Lake Resort Area
Commencing 1584 feet south of CTH F, thence westerly on Blackhawk Trail to the junction of CTH A. All of East Shorecrest Road, South Shorecrest Road, Maple Point Road; Howard Drive, Chief Kuno Trail; Commencing 2376 feet north of STH 68, thence northeasterly 1584 feet on the Oaks Road to the shore of Fox Lake. All of Delbern Acres; Blackhawk Trail from CTH F southerly 1584 feet to the beginning of the present urban section of Blackhawk Trail. All of Rainbow Terrace. All of Hickory Grove Road.

Beaver Dam Lake Resort Area
Commencing 3960 feet north of the Inlet Bridge on CTH FW, thence southerly 5157 feet. Commencing at the private road at the south terminus of the Glen Road, thence 792 feet north. Commencing at the north terminus of the Hickory Point Road, thence south 2555 feet. Commencing at the north terminus of CTH CP at the lake shore, thence southerly and easterly 3538 feet to the lake shore. All of Lake Road, Airport Road, Huber Road, Mckinley Beach Road, South Sunset Road and Sunset Beach Road. Commencing at the Hickory Point Road thence northwesterly to the lake shore. Commencing at the junction of USH 151 and CTH G, thence 2323 feet west to CTH D. Commencing at the junction of CTH G and D, thence southwesterly on CTH D 1743 feet. Commencing at the north city limits of the City of Beaver Dam on STH 33 thence northwesterly to the McKinley Beach Road. Commencing at the Lakeside Resort thence east 1267 feet on the Breezy Point Road to the lake shore. All of Hickory Bay Road from Spring Road west and northwesterly 2323 feet. All of the dead end roads running north and south from the dead end of Idle Hour Drive. All of Lake Road, All of Diefenbach Circle, lakeshore Road, Salzman Road. All of Surfside Drive and Sunny Point Road northerly from Surfside Drive. All of Dunn's north shore Drive. All of Glen Road running in a northeasterly direction from CTH G.

Beaver Bay Heights
All of Beaver Bay Drive; all of Watercress Lane; all of Edgewater Drive. All of Malibou Lane.

County Park Subdivision; South of CTH CP
All of Stoney Point Road. All of Stone Ledge Road.

County Park Subdivision - North of CTH CP
All of CTH CP north of the junction of the Stoney Point Road and CTH CP.

Hustisford Lake Resort Area
Commencing at the north village limits of the **Village of Hustisford** on CTH E, thence north 4435 feet to the junction of Lake Drive. Commencing at the junction of CTH E, thence west and northwesterly on Lake Drive, a distance of 7072 feet. Commencing 1795 feet west of CTH E on the Wildcat Road, thence west and southerly 2534 feet to the end of the public road and known as Wildcat Road.

Lake Emily Resort Area, Town of Fox Lake
All of Lake Drive - a Town Highway. CTH A from Lake Drive Road, a distance of .25 miles or 1320 feet, West side of the highway only. All of Brath Road, All of Sunset Lane Road.

Unincorporated Village of Farmersville - Town of Leroy
CTH V commencing a distance of 792 feet south of the intersection of CTH V and the Town Road known as Farmersville Road, thence north a distance of 1584 feet. Farmersville Road, a town highway, commencing a distance of 528 feet west of the intersection of CTH V and the Farmersville Road, thence east 1056 feet.

Urbanized Community of Sugar Island - Town of Lebanon
CTH O commencing 103 feet west of the intersection of the Poplar Grove Road and CTH O, thence east a distance of 1423 feet. Poplar Grove Road, commencing at the intersection of CTH O and Poplar Grove Road thence north a distance of 440 feet.

Area abutting City of Watertown - Town of Emmet
All of Center Street Road. All of Rhine Road. All of Water Street Road. Second Street Road commencing at the north city limits of the City of Watertown, thence north a distance of 5280 feet or one mile. CTH M beginning at the city limits of the City of Watertown, thence northerly on CTH M to the intersection with Cast Road.

Unincorporated Area East of Hustisford.
All of Daily Road. All of German Street. Commencing at Daily Road thence easterly of CTH R, 1100 feet. All of Mill Street.

Crawfish River - Town of Portland
All of River Oaks Road. Commencing 1400 feet north of the intersection of Torpy Road and thence north on Dalman Road to its end.

Town of Hubbard
Commencing at the intersection of CTH S and Noble Road on the north line of Section (20), T11N R16E, thence south along Noble Road 2640 feet. All of Wood Lane Road.