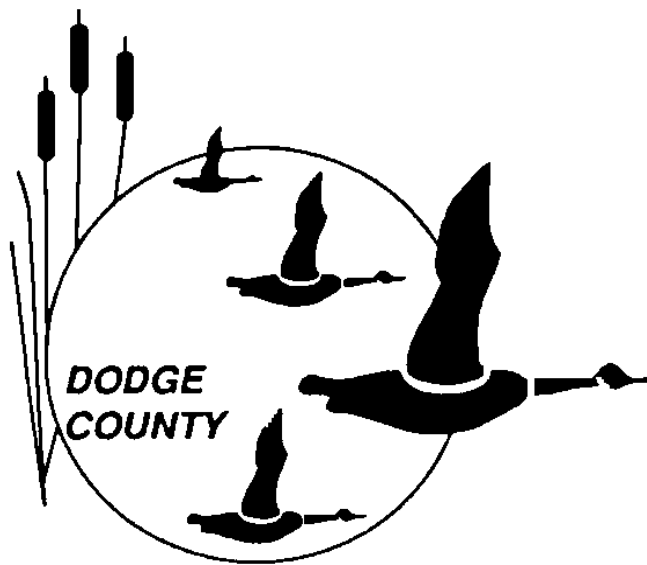


Dodge County Wisconsin



HIGHWAY SETBACK ORDINANCE

Table of Contents

<u>Section</u>	<u>Page</u>
1.0 <u>General Provisions</u>	1
1.1 Ordinance Established	1
1.2 Applicability	1
1.3 Center Line Measurement	1
2.0 <u>Structures Prohibited Within Setback Lines</u>	1
3.0 <u>Existing Nonconforming Structures</u>	1
4.0 <u>Required Setback Distances and Modifications</u>	1
4.1 General Required Setbacks	1
4.2 Minimum Setbacks	1
4.3 Measurements and Exceptions	1
4.4 Other Requirements	2
4.5 Variances	2
4.6 Enforcement and Penalties	2

1.0 GENERAL PROVISIONS

1.1 Ordinance 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 Ordinance is thereby established.

1.2 Applicability

The provisions of the Highway Setback Ordinance shall be applicable in those towns that have adopted the Dodge County Highway Setback Ordinance, but have not adopted the Dodge County Land Use Code in accordance with the authority granted by Section 59.69 of the Wisconsin Statutes. The provisions of the Highway Setback Ordinance 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 Ordinance 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.

1.3 Center Line Measurement

For purposes of this Ordinance, 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.

2.0 Structures Prohibited Within Setback Lines

No new structure or part thereof shall be placed, erected or structurally altered within 200 feet of the centerline of any highway without a Land Use Permit in accordance with Chapter 2.3.5 of the Dodge County Land Use Code, without full compliance with the provisions of this Ordinance and all other applicable County regulations. All structures shall be located in accord with the minimum setbacks listed in Section 4.2 and Table 1-1 of this Ordinance except as provided for in Section 4.3 of this Ordinance.

3.0 Existing Nonconforming Structures

The regulations pertaining to existing nonconforming structures set forth in Chapter 10 of the Dodge County Land Use Code shall apply in the Highway Setback Ordinance.

4.0 Required Setback Distances and Modifications

4.1 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 of the Dodge County Land Use Code shall be as provided in Table 1-1 of this Ordinance.

4.2 Minimum Setbacks

Highway, street and road 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 are provided in Table 1-1 of this Ordinance.

Table 1-1: Minimum Setback Distances

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

4.3 Measurements and Exceptions

4.3.1 The setback measurements and exceptions provided in Sections 5.2.3.A and 5.2.3.G of the Dodge County Land Use Code shall apply within the Highway Setback Ordinance.

4.3.2 Signs 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.

4.3.3 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.

4.4 Other Requirements

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

4.4.2 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 (See Appendix 1 – Designated Streets or Roads, Dodge County Land Use Code).

4.5 Variances

Applications for variances and the granting of variances to the Ordinance requirements shall be in accordance Chapter 2.3.12 of the Dodge County Land Use Code.

4.6 Enforcement and Penalties

Any violation of this Ordinance shall be subject to the remedies and penalties provided for in Chapter 11 of the Dodge County Land Use Code.