

AIRPORT ZONING ORDINANCE

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1.0 TITLE, PURPOSE, JURISDICTION, STATUTORY AUTHORIZATION, RELATIONSHIP TO OTHER REGULATIONS, LIABILITY, SEVERABILITY, AND EFFECTIVE DATE

- A. **Title.** This Code shall hereafter be known, cited, or referred to as the “Dodge County Airport Zoning Ordinance”, although it may be referred to hereafter as “this Code” or “the Code.”
- B. **Airport Zoning & Height Limitation Map.** The Dodge County Airport Zoning Ordinance shall consist of those zoning districts and height limitation zones shown on the map entitled “Airport Zoning & Height Limitation Map, Dodge County Airport, Juneau, Wisconsin,” and dated 10/18/2011, although it may be referred to hereafter as “the Airport Zoning Map.”
- C. **Purpose & Intent.** The general purpose of this Code is to protect the existing and future operation of the Dodge County Airport and the public investment therein; and to promote the health, safety, and general welfare of the public and aviation users. The specific purpose and intent of this Code is to:
1. Impose additional “overlay zoning” regulations, which are in addition to those “underlying zoning” regulations, that will maintain a compatible relationship between airport operations and existing and future land uses within the three (3)-mile jurisdictional boundary.
 2. Regulate and restrict the height of structures and objects of natural growth, placement of buildings, visual obstructions (smoke, steam, dust, etc.) electrical and navigational interference, noise sensitive land uses, and wildlife and bird attractants within the three (3)-mile jurisdictional boundary.
 3. Regulate and restrict building sites, uses, and concentrations of people (density) by prohibiting certain land uses that are detrimental to airport operations within the three (3)-mile jurisdictional boundary.
 4. Provide a quality environment for human habitation and for encouraging the most appropriate use of land within the three (3)-mile jurisdictional boundary.
- D. **Jurisdiction.** The jurisdiction of this Code shall extend over all lands and waters within three (3) statute miles of the boundaries of the Dodge County Airport.
- E. **Statutory Authorization.** This Code is adopted pursuant to Wis. Stat. Sec. 114.135 & 114.136, and Wisconsin Administrative Code Trans 55 & 56, as amended. The Dodge County Board of Supervisors shall have the authority to provide for the adoption, enforcement, and amendment of this Code.
- F. **Interpretation and Conflict.**
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 the Definitions Section of this Code.
 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.

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.
4. Statutory References. All references to state law in this Code refer to Wisconsin Statutes (2007-08), as amended.
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.
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.
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.

G. Relationship to Other Regulations and Private Agreements.

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.
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.
3. Repeal of Inconsistent or Conflicting Provisions. This Code amends the previous Code, and all amendments thereto, adopted by the Dodge County Board of Supervisors. All other ordinances or parts of ordinances of Dodge County inconsistent or conflicting with this Code to the extent of the inconsistency only, are hereby repealed.

- H. **Liability for Damages.** The degree of protection provided by this Code relative to aircraft operation, aircraft overflights, and compatible land uses is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, Airport Design Standards, Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace; FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports; FAA Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports; FAA Advisory Circular 150/5020-1 Noise Control and Compatibility Planning for Airports; FAA Land Use Compatibility and Airports, A Guide for Effective Land Use Planning; Wisconsin Department of Transportation – Bureau of Aeronautics, Wisconsin Airport Land Use Guidebook. Therefore, this Code does not imply that structures or land uses within the vicinity of the Dodge County Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this Code create liability on the part of, or a cause of action against, the Dodge County Airport, Dodge County, Town of Beaver Dam, Town of Burnett, Town of Hubbard, Town of Oak Grove, City of Juneau, City of Horicon, or any officer or employee thereof, for incidents that may result from reliance on this Code. This Code shall not be construed to hold Dodge 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.
- I. **Effect.** The Dodge County Board of Supervisors declares in adopting this Code that the Dodge County Airport is an essential public facility. This Code shall be effective on 10/18/2011.

2.0 GENERAL PROVISIONS

- A. **Use Restrictions.** Any use of property that is not permitted by the underlying zoning ordinance, this Code, and any federal or state aviation regulations is deemed to be prohibited. Where there is question regarding whether a particular use is permitted, conditionally permitted, or prohibited, the Committee shall determine whether a particular use shall be deemed a permitted use, conditional use, or a prohibited use based on the following considerations:
- The actual or projected characteristics of the use in relationship to the characteristics of the uses listed in the Code;
 - The relative amount of site area or floor space and equipment devoted to the activity;
 - The relative number or density of employees or occupants associated with the activity;
 - Hours of operation;
 - Building and site arrangement;
 - Vehicles and equipment used with the activity;
 - Potential wildlife hazards associated with the activity.

Notwithstanding any other provisions of this Code, the following standards shall be in full force and effect within the Airport Zoning Map:

1. **Glare.** No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Airport. (within Zones 1, 2A, 2B, 2C, 2D, 2E, 3, and 4)

(a) Intent -- An example of a development that has the potential to cause hazardous glare is a multi-story office complex encased in reflective (mirrored) glass. An example of a development that would not likely have the same potential is the addition of a sunroom on the side of a house.

2. **Lighting.** There shall be neither display of signs or billboards which produce a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify Airport lights, nor any lighting projecting upward, or mimicking runway edge lighting, which would interfere with aircraft or a pilot's ability to identify Airport lights. (within Zones 1, 2A, 2B, 2C, 2D, 2E, 3, and 4)

(a) Intent -- An example of lighting which would be of concern are lighting patterns that could simulate runway edge lighting, end or taxiway lighting, guidance lights; or upward shining search lights used for commercial advertising.

3. **Electrical Interference.** No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station. (within all Zones)

4. **Visibility.** No structure or use shall impair the visibility in the vicinity of the Airport, or otherwise endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Airport, including the emission or discharge of smoke, steam or other obscuring phenomena which would interfere with the health and safety of pilots and the public in the use of the Airport, or which would otherwise be detrimental or injurious to the health, safety, and general welfare of the public in the use of the Airport. (within Zones 1, 2A, 2B, 2C, 2D, 2E, 3, and 4)

(a) Intent -- An example of a development that would likely not have the potential to cause visibility conflicts is the smoke produced by a wood furnace for a single-family residence. An example of development that has the potential to cause visibility conflicts is an industrial complex with cooling towers, evaporation ponds, and smoke stacks.

B. Hazard Marking and Lighting. Any permit or variance granted under this Code, may, if such action is deemed advisable by the Committee or the Land Use Administrator to effectuate the purpose of this Code and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit Dodge County, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

C. Airport Zones. All Airport Zones established by this Code are shown on the Airport Zoning Map on file with the Dodge County Land Resources and Parks Department, and adopted as part of this Code. Zone 1 shall be considered the most restrictive, and Zone 5 shall be considered the least restrictive.

D. Height Zones. All Height Zones previously established by "Height Limitation, Zoning Map, Dodge County Airport, Juneau, Wisconsin," and dated April 12, 1995 are now included in this Code and shown on the Airport Zoning Map.

E. Height Limitations. Except as otherwise provided in this Code, no structure, tree or growth shall be erected, altered, allowed to grow, or be maintained within any of the Airport Zones established by this Code to an elevation in excess of the applicable elevation limitations as shown on the Airport Zoning Map. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zones encompassed by this Code, with the following exceptions:

1. Objects which are less than 35 feet in height above ground level within one-half mile of the airport boundary, provided the use is not prohibited by this Code;
2. Structures less than 50 feet in height above ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, provided the use is not prohibited by this Code;
3. Structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to 3 miles from the airport boundary, provided the use is not prohibited by this Code.

F. District Boundaries. Where uncertainty exists as to the boundary of districts shown on the Airport Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of highways, roads, pavements, streams; or section, division of section, tract, or lot lines, or extensions of such lines, shall be construed to follow such lines.
2. When a district line divides a lot/parcel of record existing prior to the effective date of this Code in such a manner that a use is not permitted in the most restrictive district of such lot, but is permitted on that portion of such lot in the lesser restrictive district, then a permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:
 - (a) The proposed use meets the underlying zoning requirements;
 - (b) The use complies with all applicable setback requirements;
 - (c) A site plan, drawn to scale showing the location of the use and the district line on that lot/parcel, is submitted to the Zoning Administrator and is reviewed and approved pursuant to the procedures contained herein.

3.0 AIRPORT ZONING DISTRICTS

A. **Zone 1 -- Airport District.** This district is defined as all those lands owned by Dodge County and intended to be used for airport purposes. This district is created to encompass areas that, due to the operation of aircraft, are exposed to excessive noise, are within the aircraft approach and departure areas, and are exposed to a greater risk of aircraft crashes (crash hazard area). This district is established to protect the airport from incompatible land uses, and to preserve the Airport's ability to serve its present and future air transportation needs. Any new building, or expansion, alteration, or enlargement of any existing building, structure, or property within this zone must be approved by the Dodge County Highway Committee and the Land Resources and Parks Department as required. The boundaries of Zone 1 are shown on the Airport Zoning Map.

1. **Permitted Uses and Structures.** Only uses and structures that are directly related to and necessary for the function, enhancement, or operation of the Airport.
 - (a) Air terminals
 - (b) Aircraft hangars
 - (c) Runways, taxiways, aprons, and related lighting and air support apparatus
 - (d) Airport administration and maintenance buildings and facilities
 - (e) Airport security, rescue, and firefighting buildings and facilities
 - (f) Aircraft repair and maintenance buildings and facilities
 - (g) Fuel storage facilities and pumps
 - (h) Commercial uses directly related to Airport operations
 - (i) Public gatherings in conjunction with an Airport related activity sponsored or approved by the Airport
 - (j) Air cargo facilities
 - (k) Other related airport and municipal uses and structures
 - (l) Municipal emergency response facilities
 - (m) Agricultural uses provided they do not result in a concentration of birds or other wildlife, which poses a threat to aviation operations, or a visibility problem due to the height of vegetation.
2. **Prohibited Uses.** Any use not listed as permitted under this district or not included on the approved Dodge County Airport Layout Plan.
3. **Conditional Uses.**
 - (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
4. **Dimensional Requirements.** The size, height, location, and placement of structures or objects shall comply with the Dodge County Airport Layout Plan and the provisions of the underlying zoning ordinance.

B. Zone 2A -- High Impact Runway Approach and Departure District. This district is defined by land which is over flown by aircraft during initial take-off and final landing maneuvers, and hence is subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2A are shown on the Airport Zoning Map.

1. Permitted Uses and Structures.

- (a) Existing farm dwellings and non-farm single-family dwellings that were legally established or permitted by the County prior to the effective date of this Code.
- (b) All other uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

- (a) Any structure not directly related to and necessary for the function, enhancement, or operation of the Airport located within the limits of any existing or planned Runway Protection Zone as identified on the approved Dodge County Airport Layout Plan, provided the structure was not legally established or permitted by the County prior to the effective date of this Code.
- (b) Any new development where there would be a gross density of forty (40) or more persons per acre, either as employees, patrons, visitors, owners, or occupants at any time.
- (c) New non-farm residential dwellings.
- (d) Assisted living and nursing homes
- (e) Day care facilities (excluding those facilities where day care services are not the primary use of the property)
- (f) Hotels, motels, banquet facilities, and conference centers
- (g) Hospitals, except for clinics or medical offices provided the use does not include overnight sleeping quarters for patients
- (h) Religious assembly buildings (i.e. churches, temples, synagogue, etc)
- (i) Schools and colleges (private, public, and religious), excludes home schooling
- (j) Publicly owned places of assembly including libraries, museums, and community centers
- (k) Detention Facilities (i.e. prisons, jails, detention home)
- (l) Casinos, theaters, amphitheaters, drive-in theaters, and amusement parks
- (m) Campgrounds
- (n) Golf courses
- (o) Sports stadiums and spectator athletic fields
- (p) Land, structures or facilities used in connection with the flying of remote control model aircraft or the launching of model rockets
- (q) Commercial or fraternal outdoor shooting or archery ranges (excludes normal hunting activities)
- (r) Mink and poultry production facilities (i.e. fur farms, poultry farms)
- (s) Wildlife sanctuaries, petting zoos, hatcheries, hunting preserves, or game preserves (including aviaries)
- (t) Oil and coal refineries, mining and mineral excavation activities (excluding excavation activities associated with new building construction)

- (u) Waste related uses: Incinerators, landfills, recycling centers, waste transfer stations, garbage dumps, offal dump sites, commercial or public composting operations, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.

3. Conditional Uses.

- (a) New farm dwellings, provided they are located in an area zoned for agricultural use and located outside of any existing or planned Runway Protection Zone as identified on the approved Dodge County Airport Layout Plan, and no other suitable building location is available on the parcel outside of Zone 2A.
- (b) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools, water fountains, etc.), provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- (c) Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.
- (d) Parks and Non-Spectator Athletic Fields, provided any proposed lighting does not interfere with aircraft or a pilot's ability to identify Airport lights.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

C. Zone 2B -- Low Density Residential Development District. This district is defined by land which is immediately adjacent to the airport property or land which is immediately adjacent to areas over flown by aircraft during initial take-off and final landing maneuvers, and hence is subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2B are shown on the Airport Zoning Map.

1. Permitted Uses and Structures.

- (a) Existing farm dwellings and non-farm single-family dwellings that were legally established or permitted by the County prior to the effective date of this Code.
- (b) All other uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

- (a) All those uses listed as prohibited uses under Zone 2A of this Code, except new non-farm residential dwellings per the conditional use requirements of Zone 2B.

3. Conditional Uses.

- (a) New non-farm residential dwellings provided they do not exceed a gross density one (1) unit per 20 acres, and are located outside of any existing or planned Runway Protection Zone as identified on the approved Dodge County Airport Layout Plan.
- (b) All those uses listed as conditional uses under Zone 2A of this Code.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

D. Zone 2C – Single-Family Residential Development District. This district is defined by land which was within the City of Juneau prior to the effective date of this Code, which is identified for new neighborhood development in accordance with the City of Juneau's Comprehensive Plan policies, and which is immediately adjacent to areas over flown by aircraft during initial take-off and final landing maneuvers, and hence is subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2C are shown on the Airport Zoning Map.

1. Permitted Uses and Structures.

- (a) Single-family dwellings.
- (b) All other uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

- (a) All those uses listed as prohibited uses under Zone 2A of this Code, except single-family dwellings.

3. Conditional Uses.

- (a) All those uses listed as conditional uses under Zone 2A of this Code.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

E. Zone 2D – Two-Family Residential Development District. This district is defined by land which was within the City of Juneau prior to the effective date of this Code, which is identified for new neighborhood development in accordance with the City of Juneau's Comprehensive Plan policies, and which is immediately adjacent to areas over flown by aircraft during initial take-off and final landing maneuvers, and hence is subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2D are shown on the Airport Zoning Map.

1. Permitted Uses and Structures.

- (a) Single-family and two-family dwellings.
- (b) All other uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

- (a) All those uses listed as prohibited uses under Zone 2A of this Code, except single-family and two-family dwellings.

3. Conditional Uses.

- (a) All those uses listed as conditional uses under Zone 2A of this Code.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

F. Zone 2E – Multi-Family Residential Development District. This district is defined by land which was within the City of Juneau prior to the effective date of this Code, which is identified for new neighborhood development in accordance with the City of Juneau’s Comprehensive Plan policies, and which is immediately adjacent to areas over flown by aircraft during initial take-off and final landing maneuvers, and hence is subjected to excessive noise and greater risk of aircraft crashes. The boundaries of Zone 2E are shown on the Airport Zoning Map.

1. Permitted Uses and Structures.

(a) Single-family, two-family, and multi-family dwellings.

(b) All other uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

(a) All those uses listed as prohibited uses under Zone 2A of this Code, except single-family, two-family, and multi-family dwellings.

3. Conditional Uses.

(a) All those uses listed as conditional uses under Zone 2A of this Code.

4. Dimensional Requirements.

(a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.

(b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.

(c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

G. Zone 3 -- Moderate Impact Runway Approach and Departure District. This district is defined as areas that are typically within the flight pattern of aircraft approaching and departing the Airport’s runways, and hence are subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 3 are shown on the Airport Zoning Map.

1. Permitted Uses and Structures. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.

2. Prohibited Uses.

(a) Assisted living and nursing homes

(b) Day care facilities (excluding those facilities where day care services are not the primary use of the property)

(c) Hospitals, except for clinics or medical offices provided the use does not include overnight sleeping quarters for patients

- (d) Religious assembly buildings (i.e. churches, temples, synagogue, etc)
- (e) Schools and colleges (private, public, and religious), excludes home schooling
- (f) Publicly owned places of assembly including libraries, museums, and community centers
- (g) Casinos, theaters, amphitheaters, drive-in theaters, and amusement parks
- (h) Campgrounds
- (i) Land, structures or facilities used in connection with the flying of remote control model aircraft or the launching of model rockets
- (j) Commercial or fraternal outdoor shooting ranges (excludes normal hunting activities)
- (k) Mink and poultry production facilities (i.e. fur farms, poultry farms)
- (l) Wildlife sanctuaries, petting zoos, hatcheries, hunting preserves, or game preserves (including aviaries)
- (m) Oil and coal refineries, mining and mineral excavation activities (excluding excavation activities associated with new building construction)
- (n) Waste related uses: Incinerators, landfills, recycling centers, waste transfer stations, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.

3. Conditional Uses.

- (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools, water fountains, etc.), provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- (b) Sports Stadiums and Spectator Athletic Fields, provided any proposed lighting does not interfere with aircraft or a pilot's ability to identify Airport lights.
- (c) Golf Courses, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- (d) Enclosed trash transfer stations provided the facility meets the FAA's definition of a fully enclosed trash transfer station (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- (e) Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.

- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

H. Zone 4 -- Overflight District. This district is defined as areas that may be over flown by aircraft entering, operating within, and departing from a typical airport flight pattern, and hence are subject to occasional excessive noise and risk of aircraft crashes. The boundaries of the Zone 4 are shown on the Airport Zoning Map and include all property within one mile of the ultimate runway (per the approved Airport Layout Plan), not already within Zone 1, 2A, 2B, 2C, 2D, 2E, or 3 of this Code.

1. Permitted Uses and Structures. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited, or listed as a conditional use, by this Code.
2. Prohibited Uses.
 - (a) Land, structures or facilities used in connection with the flying of remote control model aircraft or the launching of model rockets
 - (b) Commercial or fraternal outdoor shooting ranges (excludes normal hunting activities)
 - (c) Mink and poultry production facilities (i.e. fur farms, poultry farms)
 - (d) Wildlife sanctuaries, petting zoos, hatcheries, hunting preserves, or game preserves (including aviaries)
 - (e) Oil and coal refineries, mining and mineral excavation activities (excluding excavation activities associated with new building construction)
 - (f) Waste related uses: Incinerators, landfills, recycling centers, waste transfer stations, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.
3. Conditional Uses.
 - (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools, water fountains, etc.), provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
 - (b) Golf Courses, provided mitigations measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
 - (c) Enclosed trash transfer stations provided the facility meets the FAA's definition of a fully enclosed trash transfer station (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
 - (d) Commercial or public composting operations that accept only yard waste (e.g. leaves, lawn clippings, or branches), provided the compost never includes food or other municipal solid waste.

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

I. **Zone 5 -- Height Limitations District.** This district protects the airport from the construction or erection of structures, or the growth of vegetation, which would constitute a hazard to air navigation, and from incompatible land uses. The boundaries of the Zone 5 include all parcels falling within three (3) statute miles, as shown on the Airport Zoning Map.

1. Permitted Uses and Structures. Those uses permitted by the underlying zoning ordinance except for those uses specifically prohibited by this Code.

2. Prohibited Uses.

- (a) Waste related uses: Incinerators, landfills, recycling centers, waste transfer stations, garbage dumps, offal dump sites, and other similarly licensed or titled facilities used to process, bury, store, or otherwise dispose of waste, trash, refuse, or dredge material that would attract birds.

3. Conditional Uses.

- (a) The creation, expansion, or restoration of retention or detention ponds, wetlands, or any other body of water, either natural or artificial (excluding residential swimming pools, water fountains, etc.), provided mitigation measures are taken to lessen the concern for wildlife hazards. (Refer to FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).

4. Dimensional Requirements.

- (a) Height. No structure or growth shall exceed the height permitted by the Airport Zoning Map.
- (b) Setbacks. Setbacks shall comply with the requirements of the underlying zoning ordinance.
- (c) Lot Requirements. The minimum lot width and area provisions of the underlying zoning ordinance shall apply.

4.0 NON-CONFORMING USES OR STRUCTURES

A. General.

1. Applicability. The regulations of this section govern uses, structures and other situations that came into existence legally, but that do not comply with one or more requirements of this Code.
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 Code are intended to:
 - (a) Recognize the interests of property owners in continuing to use their property;
 - (b) Promote reuse and rehabilitation of existing buildings; and
 - (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.
3. 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.
4. 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.
5. Change of Tenancy or Ownership. The status of nonconformity is not affected by changes of tenancy, ownership, or management.

B. Nonconforming Uses.

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.
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.

C. Change of Use.

1. 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.
2. 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 Airport 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.
3. 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.
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.
5. Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of 12 consecutive months, any future use of the structure, land, or water, shall conform to the provisions of this Code.
6. Damages or Destruction of Structure, Land or Water which Contains a Nonconforming Use. Except as provided for in this Code, 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.
7. Total Lifetime Repairs. Except as provided for in this Code, 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.

D. Nonconforming Structures.

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 to the provisions of this Code.
2. Repairs, Maintenance, Additions, and Enlargements to Legal Existing Nonconforming Structures. The following repairs, maintenance, additions and enlargements to legal existing nonconforming structures are permitted by this code:
 - (a) Incidental Repairs and Normal Maintenance. Incidental repairs and normal maintenance of nonconforming structures shall be allowed 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.
3. 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:
 - (a) The replacement of an existing porch or deck is permitted provided the replacement porch or deck is confined to the existing three dimensional footprint of the existing porch or deck;
 - (b) 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;
 - (c) Additions and modifications to legal existing nonconforming structures that comply with the applicable setback and other applicable dimensional requirements of this Code are permitted.
4. 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.

5. Reconstruction of Damaged Nonconforming Structures. If a nonconforming structure was damaged or destroyed prior to March 2, 2006 by any means to the extent of more than 50 percent of the assessed valuation of the structure at the time the damage occurred, 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 partial destruction and diligently carried on to its completion.
 - (a) The burden of determining the date the damage occurred and the determination of the assessed valuation of the structure shall in all cases fall upon the owner of such nonconforming structure.
 - (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, location, and use that it had immediately before the damage or destruction occurred, subject to the provisions of this Code.
 - (c) The restoration of a structure allowed under this Code 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.
6. Voluntary Demolition of Nonconforming Structures. Except as allowed under this Code, 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.
7. Compliance with Sanitary Requirements. The provisions of this Code with respect to additions or enlargements, movement, and reconstruction of nonconforming structures, are applicable only if the lot or parcel conforms to sanitary requirements.

5.0 ADMINISTRATION, VARIANCES, APPEALS AND AMENDMENTS

- A. Administration. The Committee, in conjunction with the Land Use Administrator, shall administer the provisions of this Code, pursuant to the "General Code of Dodge County," as amended and authorized by the Dodge County Board of Supervisors.
 1. Committee. The powers and duties of the Committee under this Code shall be as follows:
 - (a) The Committee shall be responsible for reviewing amendment petitions to the Code and for recommending that the Dodge County Board of Supervisors approve or deny such petitions;
 - (b) The Committee shall be responsible for reviewing rezoning petitions and for recommending that the Dodge County Board of Supervisors approve or deny such petitions;

- (c) 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;
- (d) The Committee, when a question arises, shall determine whether a particular use shall be deemed a permitted use, conditional use, or prohibited use.
2. Land Use Administrator. The Land Use Administrator is authorized to administer this Code and shall have the following duties and powers:
- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the height and principle use for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this Code and issue certificates of compliance where appropriate.
- (c) Keep records of all official actions such as:
- All permits issued, inspections made, and work approved;
 - Documentation of certified height elevations;
 - Records of nonconforming uses and structures including changes, appeals, variances, and amendments;
 - Investigate, prepare reports, and report violations of this Code to the Dodge County Corporation Counsel, municipal zoning agency or attorney for prosecution.
3. Board of Adjustment. The Board of Adjustment, created under Wis. Stat. Sec. 59.694 is hereby authorized or shall be appointed to act for the purposes of this Code. The Board of Adjustment shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Land Use Administrator may not be the secretary of the Board of Adjustment. The Board of Adjustment shall have the following powers and duties:
- (a) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Code.
- (b) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official Airport Zoning Map.
- (c) Variances. Hear and decide, upon appeal, variances from the standards of this Code.

B. Variances.

1. 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. Application Filing. Applications for variances shall be submitted to the Land Use Administrator.
3. Public Hearing Notice. Notice of the public hearing shall be published and mailed pursuant to the general notice provisions of Section 6.0(F).
4. 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 5.0(B)(5). A Board of Adjustment decision regarding a variance application for a development located within the jurisdiction of this Code shall be sent to the Dodge County Land Use Administrator, Dodge County Highway Commissioner and the Dodge County Airport Manager within 10 days of the decision.
5. 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:
 - (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) Literal interpretation of the provisions of this Code will leave no practical use of the land or building; and
 - (f) 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.

C. Appeals.

1. 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 or city council.
2. Timing. Such appeals shall be filed with the 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.
3. 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.
4. Appeals from Land Use Administrator's or Committee's Decision. Appeals of decisions of the Land Use Administrator or 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 6.0(F). 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), the Dodge County Land Use Administrator, Dodge County Highway Commissioner, the Dodge County Airport Manager and the Committee within 10 working days after taking final action on an appeal.
5. Appeals from Board of Adjustment's 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 this Code.
6. Appeals of County Board Decisions. Appeals of decisions of the County Board shall be made to the courts, as provided by law.

D. Amendments to the Code.

1. Statutory Compliance. These procedures for amendments to this Code are adopted pursuant to the authority granted under Wisconsin State Statutes 114.136 and shall not be interpreted or enforced in any manner that violates that authority.
2. Initiation. A petition for amendment to the 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 the Mayor or the City Council of any City in which the Code is in effect, by any member of the Dodge County Board of Supervisors, by the Dodge County Board of Adjustment, by the Dodge County Highway Committee or by the Dodge County Planning, Development and Parks Committee.

3. Filing and Referral of Petitions. Petitions for amendments to this Code shall be filed with the Dodge County Clerk, who shall refer them to the Dodge County Planning, Development, and Parks Committee. Notice of the petition shall also be sent to:
 - (a) The Dodge County Supervisor of any affected district;
 - (b) The Dodge County Land Use Administrator;
 - (c) The Dodge County Airport Manager;
 - (d) The Dodge County Highway Commissioner;
 - (e) The clerk for each Town Board and City Council in which the Code is in effect.

All petitions referred shall be reported to the Dodge County Board of Supervisors at its next succeeding meeting. Such petition shall describe the regulations to be amended and list the reasons justifying the petition.

4. Staff Review and Report. The Land Use Administrator shall review each petition to amend the Code in light of the approval criteria of Section 5.0(D)(9) 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. The Dodge County Land Use Administrator may submit copies of the application to other departments or government agencies, as deemed necessary, to provide adequate review of the application.
5. Public Hearings. Notice of public hearings on amendments to this Code shall be provided in accord with the applicable Wisconsin State Statute and pursuant to the general notice provisions of Section 6.0(F).
6. Committee Review and Recommendation. The Committee shall hold a public hearing on the petition to amend the Code within 60 days of the date of the receipt by the Department of a valid petition to amend the Code. As soon as possible after the public hearing, but no later than 60 days, the Dodge County Planning, Development and Parks Committee shall make a recommendation to the Dodge County Board of Supervisors to approve or disapprove the amendment based on the Approval Criteria of Section 5.0(D)(9), unless Federal Aviation Administration (FAA) review is requested by the applicant or the Committee, in which case the Committee's action may await determination by the FAA. If the Dodge County Planning, Development and Parks Committee recommends to approve the petition, it shall cause an ordinance to be drafted effectuating its recommendation and shall submit the ordinance to the Dodge County Board of Supervisors.
7. Dodge County Board of Supervisors Review and Decision. Upon receipt of the Dodge County Planning, Development and Parks Committee's report, the Dodge County Board of Supervisors may enact the ordinance as drafted by the Department or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Dodge County Planning, Development and Parks Committee in which case it shall rerefer the petition to the Dodge County Planning, Development and Parks Committee with directions to draft an ordinance to effectuate the

petition and report the ordinance back to the Dodge County Board of Supervisors which may then enact or reject the ordinance.

8. Protest Petitions. If a valid protest petition is filed against a proposed amendment, the procedures of Section 6.0(G)(5) shall apply.
9. Approval Criteria. Recommendations and decisions on Code amendments shall be based on consideration of the following criteria:
 - (a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
 - (b) Whether the proposed amendment is consistent with the stated purposes of this Code, the Dodge County Comprehensive Plan, or is consistent with a locally approved comprehensive plan adopted pursuant to Wisconsin State Statute 66.1001 within the jurisdiction of this Code;
 - (c) Whether the proposed amendment will protect the health, safety, or general welfare of the general public and aviation users; and
 - (d) Whether the proposed amendment will result in significant adverse impacts on the natural environment, including air, water, stormwater management, wildlife and vegetation.
10. Adoption by Ordinance. Code amendments shall be approved in the form of ordinances.
11. 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 6.0(G).

6.0 PERMITS, REVIEW PROCESS, NOTICES, FEES AND VIOLATIONS

A. Land Use Permits.

1. 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 local, County and State regulations.
2. Filing. All Land Use Permit applications shall be submitted to the Land Use Administrator upon forms provided by the Department.
3. Submittal Requirements. Applications for a Land Use Permit shall include the following:
 - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or contractor;
 - (b) 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;

- (c) 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
- (d) Location of any existing or proposed on-site sewage systems and any private or public water supply systems;
- (e) Additional information as may be required by the Committee or the Land Use Administrator.

- 4. 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 6.0(A)(5) unless Federal Aviation Administration (FAA) review is requested by the applicant or the Land Use Administrator, in which case the Land Use Administrator's action may await determination by the FAA. Any permit issued in conflict with the provisions of this Code shall be null and void.
- 5. 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 local, County or State regulations.
- 6. 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.
- 7. Appeals. Appeals of Land Use Permit decisions shall be made to the Board of Adjustment.
- 8. Expiration of Approval. All Land Use Permits shall expire within one year, unless otherwise noted on the approved permit.

B. Conditional Use Permits. The Committee may 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 or structure are in accordance with the purpose and intent of this Code and the approval criteria provided in Section 6.0(B)(4), and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

- 1. Procedure. Applications for CUPs shall be made to the Land Use Administrator, who shall forward them upon receipt to the Committee. Such applications shall include where applicable:
 - (a) 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;
 - (b) 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; number of employees; proposed operation or use of the structure or site; and the zoning district(s) within which the subject site lies;
- (c) Scaled drawing showing all of the information required for a Land Use Permit and existing and proposed landscaping; and
 - (d) Additional information as may be required by the Committee or other Boards, Commissions, or officers of the County.
2. Public Hearings. Public hearings on complete applications shall be scheduled within 30 days and shall receive written, published, and posted notice pursuant to the general notice provisions of Section 6.0(F). 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. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application. When applicable, combined hearings for conditional use permits and rezoning may be initiated at the request of the applicant.
3. Referrals. Any development within 500 feet of the existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within 1,000 feet of their existing or proposed interchange or turning lane right-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The Committee shall request such review and await the highway agency's recommendations for a period not to exceed 60 days before taking final action, unless Federal Aviation Administration (FAA) review is requested by the applicant or the Committee, in which case the Committee's action may await determination by the FAA.
4. General Approval Criteria for Conditional Use Permits. Conditional Use Permits may be approved by the Committee only if they find that all of the following criteria have been met:
- (a) The proposed use complies with all applicable 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, except as modified by this Section;
 - (b) 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);
 - (c) Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;
 - (d) The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
 - (e) 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;
 - (f) Adequate assurances of continuing maintenance have been provided;

- (g) Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent;
 - (h) 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;
 - (i) Any significant adverse impacts on aviation activity is mitigated to the maximum extent possible, and to the satisfaction of the Federal Aviation Administration (FAA); and
5. 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. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include specifications for:
- (a) Minimizing wildlife attractants;
 - (b) Increased setback and yards;
 - (c) Specified sewage disposal and water supply facilities;
 - (d) Landscaping and planting screens;
 - (e) Hours of operation;
 - (f) Operational control;
 - (g) Sureties;
 - (h) Deed restrictions,
 - (i) Parking and signs;
 - (j) Outdoor lighting; or
 - (k) Type of construction or any other requirement necessary to fulfill the purpose and intent of this Code.
6. 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:
- (a) A plan of the area showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative covers.

- (b) Location of buildings, parking areas, traffic access, driveways, walkways, open space, landscaping, signs, and lighting;
- (c) Plans for buildings, sewage disposal facilities, water supply systems, and arrangement of operations;
- (d) Other pertinent information necessary to determine if the proposed use meets the requirements of this Code.

7. **Expiration of Conditional Use Permits.** A Conditional Use Permit shall expire one year after its effective date or at such alternative time specified in the approval unless:

- (a) Construction has been diligently pursued;
- (b) A Certificate of Zoning Compliance has been issued;
- (c) The use is established; or
- (d) The Conditional Use Permit is renewed, for a period not to exceed one year.
- (e) 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.

C. Other Permits. The applicant is responsible to secure all necessary permits from federal, state, and local agencies prior to beginning construction.

D. 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.

E. Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the land use administrator, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Code;
2. Application for such certificate shall be concurrent with the application for a permit;
3. If all Code provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
4. When required by the Land Use Administrator, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that height of the structure is in compliance with the permit issued.

F. Notices.

1. Content. All notices required under this Code shall comply with the applicable notice requirements of Wis. Stat. Chapter 985 and 114.136. In addition, all notices required under this 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. 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.
3. 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.
4. 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 Department.
5. Timing of Notices. Notice, when required, shall be mailed or published according to the applicable notice requirements of Wis. Stat. Chapter 985 and 114.136.
6. Notice of Code Amendments and Rezoning Petitions. A copy of the notice for a public hearing to be held on an amendment, or rezoning petition, to this Code shall be mailed by certified or registered mail at least 15 days prior to the date of such hearing to the Dodge County Airport Manager, Dodge County Highway Commissioner, and the clerk of each town or city which is affected by the proposed action and has also approved this Code or the applicable portion thereof.
7. 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.
8. 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 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.

G. Common Review and Approval Procedures. The general provisions of this section apply to all development applications and procedures under this section unless otherwise stated.

1. Authority to File Applications. Applications under this Code 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 Code, it does so without prejudice toward the outcome.
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. If the deficiencies are not corrected by the applicant within 30 days of receiving notice of the deficiencies, the application shall be considered withdrawn.
3. Form of Application. Applications required under this Code 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.
4. Preapplication Meetings. Applicants may schedule 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 the County regarding the acceptability of the development proposal.
5. Protest Petitions. If a valid protest petition is filed against a proposed rezoning or amendment to this Code, the procedures of this section shall apply.
 - (a) If a valid protest petition against a proposed rezoning or amendment is filed with the Dodge County Clerk at least 24 hours prior to the date of the meeting of the Dodge County Board of Supervisors at which the report of the Dodge County Planning, Development and Parks Committee is to be considered, action on such amendment may be deferred until the Dodge County Planning, Development and Parks Committee has had a reasonable opportunity to ascertain the authenticity of the ownership statements contained in the protest petition and report to the Dodge County Board of Supervisors on its findings. If such ownership statements are found to be true, the rezoning or amendment shall not be approved except by the affirmative vote of 75 percent of the members of the Dodge County Board of Supervisors present and voting. If such statements are found to be untrue with regard to the required frontage or area ownership, the protest petition may be disregarded.

- (b) For purposes of this section, valid protest petitions are those petitions duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcels proposed to be rezoned. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him.
 - (c) If the Dodge County Airport Manager files a protest against the proposed amendment with the Dodge County Clerk at least 24 hours prior to the date of the meeting of the Dodge County Board of Supervisors 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 Dodge County Board of Supervisors present and voting.
6. 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.
7. Processing Cycles. The Land Use Administrator shall be responsible for timetables for reviewing each type of development application under this Code. 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:
- (a) Dates of regular meetings of review bodies and decision-makers;
 - (b) Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
 - (c) Schedule and routing of staff and agency reviews.
8. 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.

H. Application Filing Fees.

1. Applications must be accompanied by the fee that has been established by the County Board. 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. For applications of a non-routine nature for which the Committee expects that the County 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 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.

3. Committee decisions on whether deposits must be made under Section 6.0(H)(2) 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.
4. 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.

I. Violations and Penalties. Any violation of the provisions of this Code by any person, firm or corporation shall be unlawful and shall be referred to the Dodge County Corporation Counsel who shall expeditiously prosecute all such violators. Each violation of these regulations, or of any regulation, order or ruling promulgated hereunder, shall constitute an airport hazard and may be abated by action at suit of the municipality, the state, or any citizen thereof.

J. 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 Code. 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.

K. Remedies and Enforcement Powers.

1. Persons Authorized to Seek Relief. In case of any violation, Dodge County, the County Board, the Board of Adjustment, the Land Use Administrator, the Committee, the Dodge County Highway 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 Code.
2. Types of Remedies and Enforcement Powers. The County shall have the following remedies and enforcement powers:
 - (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:

- There is departure from the plans, specifications, or conditions as required under terms of the permit;
 - The development permit was procured by false representation or was issued in error; or
 - Any of the provisions of this Code are being violated.
- (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.
- (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.
- (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 Dodge County Jail until payment thereof, for a period not to exceed 6 months.
- (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 ordinance or Code provisions.
- (f) Other Powers. In addition to the enforcement powers specified in this Code, the County may exercise any and all enforcement powers granted by Wisconsin law.
- (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.
3. Remedies Cumulative. The remedies and enforcement powers established in this Code shall be cumulative, and the County may exercise them in any order.

L. Enforcement Procedures.

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 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.
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 Code 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.

3. Revocation.

(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.

(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.

(c) Notices and Public Hearing.

- 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.
- 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.

(d) Required Findings. The Decision-Making Body shall revoke the permit upon making one or more of the following findings:

- That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
- That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated; or
- That there has been a discontinuance of the exercise of the entitlement granted by the permit for 180 consecutive days.

(e) Decision and Notice.

- 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.
- 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.

7.0 DEFINITIONS

As used in this Code, unless the context otherwise requires, the following terms shall have the meanings indicated. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number; the word "shall" is mandatory and not permissive. Any words not herein defined shall be construed as defined in the "Land Use Code of Dodge County."

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 9, 10, 15, and 16, Township 11 North, Range 15 East, Dodge County, Wisconsin.

AIRPORT HAZARD. Any object of natural growth, structure, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off.

AIRPORT LAYOUT PLAN (ALP). A scaled drawing of existing and proposed land and facilities necessary for the operation and development of the Airport, adopted by the Highway Commission and Federal Aviation Administration.

AIRPORT MANAGER. A person employed by the Dodge County Highway Committee under Wis. Stats. 114.14(3), as amended.

AIRPORT ZONING MAP. The Airport Zoning and Height Limitation Map, Dodge County, Wisconsin," dated xx/xx/xxxx (*to be filled in at a later date*), which is attached hereto and adopted as part of this Code. Said map has been prepared for adoption as a part of this Code pursuant to the authority granted Dodge County under Wis. Stats. 114.136, as amended.

ALTERATION. Any construction, reconstruction, renovation or remodeling that would result in the change of height or lateral dimensions of an existing structure.

BOARD OF ADJUSTMENT. The body established under Wis. Stat. Ch. 59.694 for counties and designated "the Dodge County Board of Adjustment."

COMMITTEE. The Dodge County Planning, Development and Parks Committee.

COMMUNITY CENTER. A facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

CONDITIONAL USE. Uses of land or water which may have some characteristics which may be incompatible with adjacent uses which make their predetermination as a permitted use in a district impractical, but which may be allowed on a case-by-case basis provided certain conditions stated in this Code, or as deemed necessary to ensure the purpose and intent of this Code by the Zoning Administrator, Committee, or Plan Commission, are met.

COUNTY. Dodge County, Wisconsin.

COUNTY BOARD. Dodge County Board of Supervisors, Wisconsin.

DEPARTMENT. The Dodge County Land Resources and Parks Department, Code Administration.

DETENTION POND. A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such waters.

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 (NEW). Those buildings or structures which were not in legal existence prior to the adoption of this Code.

ELEVATION. The overall distance above mean sea level to the top of a structure, including any appurtenance installed thereon, or to the top of any object of natural growth.

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 Wis. Stat. Section 29.001(33), as amended, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

FAA. The Federal Aviation Administration.

GROWTH. Any object of natural growth, including trees, shrubs, or foliage, except farm crops which are cut at least once a year.

HEIGHT. The distance measured from the surface of the ground to the highest point of any structure or growth.

HUNTING PRESERVE. Also termed a Game Preserve. Properties used for the raising, residence, and hunting of wildlife animals within a confined area for commercial or fraternal hunting clubs.

LAND USE ADMINISTRATOR. The administrative officer or their designee, designated to administer Dodge County's Airport Zoning Ordinance and issue permits.

NONCONFORMING STRUCTURE. Any structure lawfully used, occupied, or erected at the time of the effective date of this Code or amendments conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

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 this 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 use of land which does not conform to a regulation prescribed in this Code or an amendment thereto, as of the effective date of such regulation.

OVERLAY ZONING DISTRICT. An area where certain additional requirements are superimposed upon a base zoning district or underlying zoning district and where the requirements of the base or underlying district may or may not be altered.

PERMITTED USE. Those land uses generally considered compatible within a particular zone of this Code. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents. Permitted uses, however, shall conform to all height restrictions within this Code.

PLAN COMMISSION. Unless specifically described as the “the Dodge County Planning, Development and Parks Committee” all references to Plan Commission in this Code shall mean the locally designated Plan Commission for the Town of Beaver Dam, Town of Burnett, Town of Hubbard, Town of Oak Grove, City of Horicon, or the City of Juneau, depending upon where the parcel of property subject to the terms of this Code is located.

PRE-EXISTING PERMITTED USE. Any use of land lawfully in existence as of the effective date of this Code, or any amendment thereto.

PROHIBITED USE. Those land uses generally considered not compatible (incompatible) or not permitted within a particular zone of this Code. Incompatible land uses endanger the health, safety, and welfare of Dodge County residents and aircraft utilizing the Dodge County Airport.

RETENTION POND. A pond designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.

RUNWAY. A level portion of an airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

SHOOTING RANGE, OUTDOOR. The use of land for discharging of firearms for the purpose of target practice, skeet, and trap shooting. Excluded from this definition are general hunting and uses that do not pose an air navigational hazard.

SPECTATOR ATHLETIC FIELDS. An indoor or outdoor recreational facility with permanent seating for individuals or stadium style lighting.

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.

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.

UNDERLYING ZONING DISTRICT. The base, or existing, zoning ordinance in effect in an area subject to this Code.

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 this Code.

WILDLIFE SANCTUARY. Also termed Wildlife Refuge, refers to the use of public or private property for the permanent or temporary residence or rehabilitation of wildlife animals or birds. Properties typically include the use of high fencing or netting to prevent wildlife from leaving the property. The raising and keeping of farm animals, veterinary clinics, or dog kennels, are not considered wildlife sanctuaries.