Chapter 2 - Administration

2.1 REVIEW AND DECISION-MAKING BODIES

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

2.1.1 County Board of Supervisors

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

2.1.1.A Amendments to the Land Use Code

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

2.1.1.B Rezonings

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

2.1.1.C Planned Unit Developments

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

2.1.1.D Hardship Relief Petitions

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

2.1.2 Planning and Development Committee

2.1.2.A Appointment

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

2.1.2.B Officers and Rules

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

2.1.2.C Powers and Duties

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

2.1.2.C.1 Amendments to the Land Use Code

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

2.1.2.C.2 Rezonings

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

2.1.2.C.3 Conditional Use Permits

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

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

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

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

2.1.3 Board of Adjustment

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

2.1.3.B Membership, Rules, and Procedures

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

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

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

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

2.1.3.C.2 Variances
The Board of Adjustment shall be responsible for hearing and granting variances where, owing to special conditions, a literal enforcement of this Code would result in practical difficulty or unnecessary hardship. (See Section 2.3.12)

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

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

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

2.1.4 Land Use Administrator

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

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

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

2.1.4.B.2 Administrative Adjustments
The Land Use Administrator shall be responsible for reviewing applications for Administrative Adjustments and acting to approve, approve with conditions, or disapprove such applications. (See Section 2.3.2)

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

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

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

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

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

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

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

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

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

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

2.1.4.B.12.a Enforcement of the Code, including the authority to conduct inspections related to zoning and subdivision enforcement.
2.1.4.B.12.b Keeping copies of each application filed, each plat submitted, and each development permit issued, filed by parcel identification number (PIN) and legal description of the land to which the development permit applies;

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

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

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

2.1.5 Hearing Officer

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

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

2.2 COMMON REVIEW AND APPROVAL PROCEDURES

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

2.2.1 Authority to File Applications

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

2.2.2 Application Completeness

An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee. The Land Use Administrator shall make a determination of application completeness within 10 days of application filing. If an application is determined to be incomplete, the Land Use Administrator shall notify the applicant of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days of receiving notice of the deficiencies, the application shall be considered withdrawn.

2.2.3 Form of Application

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

2.2.4 Land Use Administrator and Agency Review/Referrals

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

2.2.5 Preapplication Meetings

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

2.2.6 Notices

2.2.6.A Content

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

2.2.6.B Written (Mailed) Notice

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

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

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

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

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

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

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

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

2.2.10 Protest Petitions
If a valid protest petition is filed against a proposed rezoning or amendment to this Code, the procedures of this section shall apply.

2.2.10.A If a valid protest petition against a proposed rezoning or amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Committee is to be considered, action on such amendment may be deferred until the Committee has had a reasonable opportunity to ascertain the authenticity of the ownership statements contained in the protest petition and report to the County Board 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 County Board 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.

2.2.10.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.

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

2.2.11 Findings of Fact

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

2.2.12 Simultaneous Processing

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

2.2.13 Processing Cycles

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

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

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

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

2.2.14 Coordination with Towns, Cities, and Villages

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

2.2.15 Approval by Affected Town Boards

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

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

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

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

2.2.15.C Town Board Approval or Disapproval of Adopted Resolutions

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

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

2.2.16 Application Filing Fees

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

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

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

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

2.3 SPECIFIC REVIEW AND APPROVAL PROCEDURES

2.3.1 Summary Table of Development Review Procedures

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

Table 2.3.1: Summary Table of Development Review Procedures

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

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

2.3.2 Administrative Adjustments

2.3.2.A Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications of 10 percent or less of any numeric Dimensional Standard set out in Chapter 5, except those related to water setbacks, residential density, or nonresidential intensity.

2.3.2.B Application Filing

Applications for Administrative Adjustments shall be submitted to the Land Use Administrator.

2.3.2.C Review and Action

The Land Use Administrator shall review each application for an Administrative Adjustment and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 2.3.2(D).

2.3.2.D Approval Criteria

Administrative Adjustments may be approved by the Land Use Administrator only upon a finding that: (1) the modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the federal Fair Housing Amendments Act or Americans with Disabilities Act; or (2) all of the following criteria have been met:

2.3.2.D.1 The requested adjustment is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Code;

2.3.2.D.2 The requested adjustment eliminates an unnecessary inconvenience to the applicant and will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public;

2.3.2.D.3 Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practical; and

2.3.2.D.4 The requested Administrative Adjustment relates to a measurable standard and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.

2.3.2.E Hearings

No public hearing is required for an Administrative Adjustment. However, the Land Use Administrator may refer the application to the Board of Adjustment, who may schedule a public hearing on an Administrative Adjustment if they consider the application to be controversial, or believe granting the Administrative Adjustment would have an adverse impact upon surrounding property owners or the County as a whole. Additionally, the Land Use Administrator shall schedule a public hearing on the Administrative Adjustment application if requested to do so by the applicant. In such cases, written and published notice shall be provided for the public hearing pursuant to the general notice provisions of Section 2.2.6. The Board of Adjustment shall base its decision upon input received at the public hearing and upon the Approval Criteria of Section 2.3.2(D).

2.3.3 Amendments to the Land Use Code

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

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

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

2.3.3.D Public Hearings

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

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

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

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

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

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

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

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

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

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

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

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

2.3.4 Rezonings

2.3.4.A Statutory Compliance

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

2.3.4.B Initiation

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

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

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

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

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

2.3.4.C Filing and Referral of Petitions

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

2.3.4.D Land Use Administrator Review and Report

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

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

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

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

2.3.4.E Committee Review and Recommendation

The Committee shall hold a public hearing on the rezoning petition within 45 days of the date of the receipt by the Department of a complete application.

The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.3.4.F for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date

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

As soon as possible after the public hearing but no later than 15 days after the public hearing, the Committee shall make a recommendation to the County Board of Supervisors either approving, modifying and approving or disapproving the rezoning petition based on the approval criteria of Section 2.3.4.I of the Code unless the time is extended by written agreement with the applicant. If the Committee's action is favorable to approving the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the County Board of Supervisors at its next available meeting with its recommendation. If the Committee after its public hearing recommends disapproval of the petition, it shall file a report with the County Board of Supervisors at its next available meeting stating the committee's findings and it shall file a resolution effectuating its recommendation to deny the petition with its reasons for denial and shall submit the resolution to the Board. Failure of the Committee to hold a public hearing and to act on the petition within the time limits allowed under this section shall constitute a recommendation to the County Board for approval of the petition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3.5 Land Use Permits

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

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

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

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

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

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

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

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

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

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

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

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

2.3.5.H Expiration of Approval
All Land Use Permits shall expire within one year.

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

2.3.6.A Procedure
All Conditional Use Permit applications shall be submitted to the Land Use Administrator upon forms provided by the Department. Applications for a conditional use permit shall include the following:

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

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

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

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

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

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

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

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

2.3.6.C Public Hearing
Public hearings for conditional use permit applications shall be held within 45 days of receipt by the Department of a complete application and shall receive written and published notice in accord with the applicable Wisconsin State Statutes and the general notice provisions of Section 2.2.6. In addition, the Land Use Administrator shall notify all property owners within 300 feet of the subject property boundary as listed by the applicant in the original application of the time, date and subject matter of the hearing. Furthermore, the Land Use Administrator shall notify the County Highway Department and/or the State Department of Transportation for any development

within 500 feet of an existing or proposed right-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within l,000 feet of an existing or proposed interchange or turning lane right-of-way and request a recommendation for proposed projects within their jurisdiction. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

The 45 day time limit in which to hold the public hearing may be extended by written agreement with the applicant. The 45 day time limit in which to hold the public hearing may also be extended by the Committee when it has been determined by the Committee that the public hearing notice requirements in Section 2.2.6 for said hearing have not been met. In such instances, the Committee shall reschedule the public hearing for a date that is within 30 days of the date of determination by the Committee that the public hearing notice requirements in Section 2.2.6 were not met or within the time limit as extended by the written agreement with the applicant.

2.3.6.D Committee Review and Decision
The Committee shall hold a public hearing on the application and following the public hearing shall approve, approve with conditions or deny the conditional use permit application within 15 days after the public hearing based on the general approval criteria listed in 2.3.6.F unless the time is extended by written agreement with the applicant. Failure of the Committee to take final action within 15 days after the public hearing or within the time as extended by agreement with the applicant shall constitute an approval of the conditional use permit as proposed.

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

2.3.6.F General Approval Criteria for Conditional Use Permits
Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met:

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

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

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

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

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

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

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

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

2.3.6.G Conditions
The Committee may attach such conditions, in addition to those required elsewhere in this Code, that it deems necessary in furthering the purpose of this Code. Violation of any of these conditions shall be deemed a violation of this Code. Such conditions may include specifications for:

2.3.6.G.1 Type of shore cover;

2.3.6.G.2 Increased setback and yards;

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

2.3.6.G.4 Landscaping and planting screens;

2.3.6.G.5 Hours of operation;

2.3.6.G.6 Operational control;

2.3.6.G.7 Sureties;

2.3.6.G.8 Deed restrictions,

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

2.3.6.G.10 Type of construction or any other requirement necessary to fulfill the purpose and intent of this Code.

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

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

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

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

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

2.3.6.I Expiration of Conditional Use Permits

2.3.6.I.1 A Conditional Use Permit shall expire one year after its effective date or at such alternative time specified in the approval unless:

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

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

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

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

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

2.3.7 Planned Unit Developments

2.3.7.A Purpose

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

2.3.7.B Review Procedures

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

2.3.7.B.1 Sketch Plan and Preapplication Meeting

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

2.3.7.B.2 Concept Plan and PUD Rezoning

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

2.3.7.B.2.a Application Filling

The Concept Plan and the PUD rezoning petition shall be submitted to the Land Use Administrator.

2.3.7.B.2.b Contents

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

2.3.7.B.2.c Land Use Administrator Referral, Review, and Recommendation

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

2.3.7.B.2.d Committee Review and Decision

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

2.3.7.B.2.e County Board of Supervisors Review and Decision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3.7.D Effect of Concept Plan Approval

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

2.3.7.E Additions to a PUD

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

2.3.7.F Expiration of PUD Plans

2.3.7.F.1 Concept Plan

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

2.3.7.F.2 Final PUD Plan

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

2.3.8 Certificates of Zoning Compliance

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

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

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

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

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

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

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

2.3.9 Minor Land Divisions

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

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

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

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

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

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

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

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

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

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

2.3.9.B.10 The estimated timetable of development.

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

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

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

2.3.9.C.2 Reference to a section corner.

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

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

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

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

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

2.3.9.D Additional Information

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

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

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

2.3.9.F Certified Survey Map

2.3.9.F.1 Procedure
The subdivider shall cause a Certified Survey Map to be prepared in accordance with this Section, and shall submit such map along with the surveyor's checklist for land information review, the individual lot soil and site evaluations and any other applicable information or documentation required by the Land Use Administrator or the Committee as a condition of approval of the letter of intent to the Department. The map shall be reviewed by the Land Use Administrator for conformance with this Code and all ordinances, rules, regulations, plans, and plan components that affect it. The Land Use Administrator shall approve, approve conditionally, or reject the map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in a written statement forwarded to the subdivider. If the map is approved, the Land Use Administrator shall so certify on the face of a copy of the map and return it to the submitter.

2.3.9.F.2 Requirements

2.3.9.F.2.a General
A certified survey map shall be prepared by a registered land surveyor and shall comply in all respects with the requirements of Wis. Stat. Section 236.34. The minor land division may be exempted from the improvements requirements set forth in Chapter 7 of this Code but shall comply with the design standards of Chapter 7 and the development standards of Chapter 8 of this Code.

2.3.9.F.2.b Additional Information
The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

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

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

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

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

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

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

2.3.9.F.2.b.vii Acreage included in each parcel, excluding road rights-of-way;

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

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

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

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

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

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

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

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

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

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

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

2.3.9.F.2.d Certificates
The surveyor shall certify on the map that he has fully complied with all the provisions of this Code. The Land Use Administrator, acting as Deputy County Clerk, shall certify approval on the face of the map.

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

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

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

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

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

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

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

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

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

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

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

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

2.3.10 Major Subdivisions

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

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

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

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

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

2.3.10.C Preliminary Plat

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

2.3.10.C.2 Referrals
The Land Use Administrator shall, within 2 days after filing, transmit copies of the application to those individuals and entities as required by Wis. Stat. 236.12, and may distribute the application to other reviewers the Land Use Administrator considers appropriate. The copies shall be distributed as follows:

2.3.10.C.2.a Two copies to the town board in which the plat is located;

2.3.10.C.2.b Two copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village;

2.3.10.C.2.c Two copies for each of the state agencies required to review the plat to the Wisconsin Department of Administration – Plat Review or other state agency responsible for the review of plats (i.e. State Department of Administration, State Department of Transportation, State Department of Commerce, etc.);

2.3.10.C.2.d Two copies to the school district in which the plat is located;

2.3.10.C.2.e Two copies to the sanitary district in which the site is located, if applicable;

2.3.10.C.2.f One copy each to the County Highway Department, the Land Conservation Department, and all affected Utility Companies for their review and recommendations concerning matters within their jurisdictions; their recommendations, if any; shall be transmitted to the Committee within 30 days from the date the Preliminary Plat is filed.

2.3.10.C.3 Approving Agencies and Objecting Agencies

2.3.10.C.3.a Designation
The Committee, the town wherein the plat is located, and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies are designated approving agencies for purposes of this section. The Wisconsin Departments of Administration and Transportation shall be referred to as objecting agencies for purposes of this section.

2.3.10.C.3.b Objecting Agency Action
The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on their copy of the Plat and shall return that copy to the Land Use Administrator. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat.

2.3.10.C.4 Land Use Administrator's Review and Recommendation
The Land Use Administrator shall review each proposed Preliminary Plat in light of the Approval Criteria of Section 2.3.10(C)(10), and the comments received from approving and objecting agencies. Based on the results of those reviews, the Land Use Administrator shall recommend approval, approval with conditions, or denial of the application to the Committee. Failure of the Land Use Administrator to make a recommendation within 90 days of his receipt of the complete Preliminary Plat application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

2.3.10.C.5 Committee's Review and Decision

2.3.10.C.5.a The Committee shall hold a public hearing on the Preliminary Plat application, which shall receive written and published notice pursuant to the general notice provisions of Section 2.2.6. Following the public hearing, the Committee shall by majority vote approve, approve conditionally, or reject the Preliminary Plat based on the Approval Criteria of Section 2.3.10(C)(10). Where, in the judgment of Committee, literal interpretation of the approval criteria or standards provided in Chapter 7 of this Code would result in exceptional or undue hardship, the Committee may waive or modify any requirements to the extent deemed necessary to relieve the exceptional or undue hardship. Such relief shall be granted without detriment to the public good, impairment of the purpose and intent of this Land Use Code, or conflict with the County Comprehensive Plan.

2.3.10.C.5.b The Committee shall take its final action within 90 days of the date of filing of the Preliminary Plat with the Land Use Administrator, unless the time is extended by agreement with the subdivider. Failure of the Committee to act within 90 days or within the time as extended by agreement with the subdivider shall constitute an approval.

2.3.10.C.5.c One copy of the Plat shall be returned to the subdivider with the date and action endorsed on it; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Department's permanent file.

2.3.10.C.6 Effect on Final Plat Approval
Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within 36 months after the last required approval of the Preliminary Plat, unless the time is extended by agreement with the subdivider and the final plat conforms substantially to the Preliminary Plat layout as indicated in Wis. Stat. Section 236.11 (1) (b), the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Committee at the time of its submission.

2.3.10.C.7 Technical Disputes
As a means of resolving technical disputes between the applicant's licensed or registered professionals and the County, such disputes may be referred to the appropriate state department for a recommendation.

2.3.10.C.8 Expiration of Preliminary Plat Approval
An approved Preliminary Plat shall expire and be of no further force and effect if a complete Final Plat application for the subdivision or a phase of the subdivision has not been submitted within 36 months of the Preliminary Plat approval by the Committee. If the subdivision is to be developed in phases, a phasing plan shall be approved as

part of the Preliminary Plat approval. If approval expires, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds.

2.3.10.C.9 Preliminary Plats Within Extraterritorial Plat Approval Jurisdiction
When land to be subdivided lies within 1 ½ miles of the corporate limits of a fourth class city or village or within 3 miles of all other cities, and these cities or villages have adopted and exercise extraterritorial plat review, the subdivider shall proceed as specified in Sections (1) through (5) above, except:

2.3.10.C.9.a Transmittal responsibility lies with the village clerk, city clerk, town clerk, or County Planning and Development Department to whomever the Plat is first submitted; and the subdivider shall indicate which one in his application.
2.3.10.C.9.b Approving Agencies include the village plan commission or village board, or city plan commission or common council, town board, and the Committee, and the subdivider must comply with the land division ordinances of these agencies.

2.3.10.C.9.c The subdivider may not proceed with the installation of any improvements as may be required by a town board, village board or city council in the matters over which they have jurisdiction until the Committee has received and approved or conditionally approved the Preliminary Plat.

2.3.10.C.9.d All improvement requirements specified by the town board, village board, common council, County, or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the Final Plat.

2.3.10.C.10 Approval Criteria
A Preliminary Plat may be approved by the Planning and Development Committee after considering whether:

2.3.10.C.10.a The proposed subdivision furthers the goals and policies of the County's Comprehensive Plan;

2.3.10.C.10.b The proposed subdivision complies with the standards and design requirements of this Code;

2.3.10.C.10.c The proposed subdivision has made adequate provision for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

2.3.10.C.10.d The proposed subdivision has made adequate provision for sewage disposal which complies with federal, state and local laws and regulations;

2.3.10.C.10.e The proposed subdivision can be accommodated within the school district in terms of the school's capacity to accept the estimated number of additional students;

2.3.10.C.10.f The proposed subdivision is compatible with the soil and topographical conditions of the site;

2.3.10.C.10.g The location of the proposed subdivision is suitable for development at this time and will not result in a premature subdivision or a scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

2.3.10.C.10.h A driveway access permit has been issued or a letter has been received indicating that such a permit will be issued;

2.3.10.C.10.i The subdivider has, to the maximum extent feasible, taken every effort to mitigate the impact of the proposed subdivision on public health, safety and welfare;

2.3.10.C.10.j The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state and local laws and regulations; and

2.3.10.C.10.k The proposed subdivision has an approved soil erosion control plan and stormwater management plan.

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

2.3.10.D.1 Application Filing
Final Plat applications shall be submitted to the Land Use Administrator.

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

2.3.10.D.2 Referrals
The Land Use Administrator shall, within 2 days after filing, transmit copies of the application to those individuals and entities as required by Wis. Stat. 236.12, and may distribute the application to other reviewers the Land Use Administrator considers appropriate. The copies shall be distributed as follows:

2.3.10.D.2.a Two copies to the Town Board in which the plat is located;

2.3.10.D.2.b Two copies to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village;

2.3.10.D.2.c Two copies for each of the state agencies required to review the plat to the Wisconsin Department of Administration – Plat Review or other state agency responsible for the review of plats (i.e. State Department of Administration, State Department of Transportation, State Department of Commerce, etc.);

2.3.10.D.2.d Two copies to the school district in which the site is located;

2.3.10.D.2.e Two copies to the sanitary district in which the site is located, if applicable;

2.3.10.D.2.f One copy each to the County Highway Department, Land Conservation Department, and all affected utility companies for their review and recommendations concerning matters within their jurisdictions; their recommendations, if any, shall be transmitted to the Committee within 30 days from the date the Plat is filed.

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

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

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

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

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

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

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

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

2.3.10.E Replats

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

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

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

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

2.3.12 Variances

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

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

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

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

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

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

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

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

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

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

2.3.12.E.5 Literal interpretation of the provisions of this Code will leave no practical use of the land or building; and

2.3.12.E.6 A variance may not be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction error, economic gain, self-created hardship or where the property is presently a non-conforming use.

2.3.13 Appeals

2.3.13.A Standing to Appeal

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

2.3.13.B Timing

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

2.3.13.C Format of Appeal

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

2.3.13.D Appeals from Land Use Administrator's or Committee's Decision

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

2.3.13.E Appeals From Board of Adjustments' Decisions

Any further appeal of decisions made by the Board of Adjustment shall be made to the courts, as provided by law, unless otherwise provided for in the Code.

2.3.13.F Appeals of County Board of Supervisors' Decisions

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

2.3.14 Economic Hardship/Takings Relief Provisions

2.3.14.A Hardship Relief Petition

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

2.3.14.A.1 Affected Property Interest

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

2.3.14.A.2 Economic Hardship Taking Standard

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3.15 Condominium Plats

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

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

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

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

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

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

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