Chapter 3 – Zoning District Regulations

3.1 RESIDENTIAL DISTRICTS

3.1.1 General Purpose/Intent

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

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

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

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

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

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

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

3.1.2 List of Districts and Specific Purpose Statements

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

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

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

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

3.2 COMMERCIAL DISTRICTS

3.2.1 General Purpose/Intent

The districts contained in this section are created to:

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

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

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

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

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

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

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

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

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

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

3.3 INDUSTRIAL DISTRICTS

3.3.1 General Purpose/Intent

The districts contained in this section are created to:

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

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

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

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

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

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

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

3.3.2 List of Districts and Specific Purpose Statements

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

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

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

3.4 AGRICULTURAL DISTRICTS

3.4.1 General Purpose/Intent

The districts contained in this section are created to:

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

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

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

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

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

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

3.4.2 List of Districts and Specific Purpose Statements

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

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

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

3.5 Deleted (June 16, 2009)

3.6 USE TABLE

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

3.6.1 Allowed Uses

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

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

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

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

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

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

3.7.1 Allowed Uses

3.7.1.A Agricultural uses, except animal confinement facilities.

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

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

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

3.7.1.B.3 A farm residence;

3.7.1.B.4 A home occupation;

3.7.1.C Existing nonfarm single family dwellings located within the A-1 Prime Agriculture Zoning District that were legally established or permitted by the County prior to ***June 28, 2010*.**

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

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

3.7.1.F Undeveloped natural resource and open space areas.

3.7.1.G Personal wind energy systems.

3.7.2 Conditional Uses

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

3.7.2.B Agriculture-related uses;

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

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

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

3.7.2.D.2 There will not be more than 4 dwelling units in nonfarm residences, nor, for a new residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence;

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

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

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

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

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

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

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

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

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

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

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

3.7.4 Conditional Use Permits

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

This page is intentionally left blank.

Table 3.6-1 Use Table

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

Table 3.6-1 Use Table

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

Table 3.6-1 Use Table

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

Table 3.6-1 Use Table

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

Table 3.6-1 Use Table

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

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

A Allowed
C Conditional
O Committee Option