

# Chapter 8 – Development Standards

## **8.1 GENERAL**

### **8.1.1 Applicability**

The regulations of this chapter apply to all development in Dodge County subject to this Code, except that occurring on lands within incorporated municipalities.

### **8.1.2 Purpose and Intent**

The purpose of this chapter is to regulate and control the development of land in Dodge County, except those lands within incorporated municipalities, in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the County. It is the specific intent of this chapter to regulate the development of land so as to:

**8.1.2.A** Obtain the wise use, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

**8.1.2.B** Lessen congestion in the streets and highways;

**8.1.2.C** Provide adequate and orderly parking facilities where required by the public;

**8.1.2.D** Secure safety from fire, panic and other dangers;

**8.1.2.E** Provide adequate protection from detrimental operational conditions;

**8.1.2.F** Prevent the overcrowding of land;

**8.1.2.G** Protect the rural character and quality of life from unwarranted intrusion;

**8.1.2.H** Provide direction for approved development relative to protection of natural resources, parking and loading facilities, landscaping and buffering, exterior lighting, and signs;

**8.1.2.I** Preserve natural vegetation and cover and promote the natural beauty of the County; and

**8.1.2.J** Promote the protection of historic and scenic sites of value to the residents of Dodge County.

### **8.1.3 Compliance**

No person, firm, or corporation shall develop any land located within the jurisdictional limits of this Code without compliance with the purpose and intent and all requirements of this chapter.

### **8.1.4 Waivers**

**8.1.4.A** Waivers shall not be available from the filling, grading, lagooning, or dredging regulations of Section 8.3.

**8.1.4.B** The Planning, Development and Parks Committee may waive any or all of the other requirements of this chapter, not including the filling, grading, lagooning, or dredging regulations, if the Committee determines that:

**8.1.4.B.1** The site or activity in question will have no appreciable off-site impact;

**8.1.4.B.2** Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant; or

**8.1.4.B.3** The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this chapter.

**8.1.4.C** Any property for which a waiver from the requirements of this chapter is granted shall comply with all other requirements of this Code.

**8.2 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**8.2.1 Applicability**

**8.2.1.A New Development**

The off-street parking and loading standards of this section shall apply to any new building constructed and to any new use established. However, within the C-1 General Commercial District, there shall be no minimum parking requirements in existing platted areas that are, or previously have been, in commercial use.

**8.2.1.B Expansions and Alterations**

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing + expansion) must equal at least 75 percent of the minimum ratio established in the Off-Street Parking Schedules of this section.

**8.2.1.C Change of Use**

Off-street parking and loading must be provided for any change of use or manner of operation that would, based on the Off-Street Parking and Loading Requirements, result in a requirement for more parking or loading spaces than the existing use.

**8.2.2 Off-Street Parking Requirements**

**8.2.2.A Off-Street Parking Schedule**

Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Table 8.2.2-1.

**Table 8.2.2-1 Off Street Parking**

<b>USE</b>	<b>MINIMUM PARKING REQUIRED</b>
<b>Residential Uses</b>	
• Single family dwellings	2 spaces per unit
• Multi-family dwellings	
○ Studio Apt.	1 space per unit
○ 2, 3 or more bedrooms	2 spaces per unit
• Rooming, Boarding Houses or dormitories	1 space for each 2 rooms
• Group Living	1 space per 2 beds
• Manufactured Home Community	2 spaces for each mobile home plus one space for each 200 square feet of non-storage floor area for office, laundry facilities, recreation room etc.
• Housing for the elderly	1 space for each 2 dwelling units
• Fraternity and sorority	1 space for each 2 residents
• Hotels, Motels	1 space per room, plus 1 space per 3 employees on the largest work shift
<b>Office and Professional Uses</b>	
• Medical and dental offices	4 spaces for each doctor engaged at the clinic or office, plus 1 space for each two employees
• Professional and business offices other than medical or dental	2 spaces for each 500 square feet of gross floor space

<b>Institutional, Public, Semi-Public Uses</b>	
• Hospital	1 space per 2 beds plus 1 space per employee on the largest work shift
• Religious Institutions	1 space per 50 square feet of seating/assembly area
<b>Schools</b>	
• Elementary and middle schools	1 space for each two employees, plus 1 space for each classroom
• High schools and colleges	1 space for each ten students based on design capacity of the school, plus one space for each two employees
<b>Assembly, Recreational and Similar Uses</b>	
• Private Clubs	1 space for each 4 seats or 1 space for each 200 square feet of gross floor area , whichever is greater
• Restaurants, night clubs, bars, taverns	1 space for each 4 seats in public rooms plus 1 space for each 2 employees
• Theaters	15 spaces for the first 100 seats plus one additional space for each 3 seats
• Bowling Alleys	3 spaces for each alley
• Stadiums and arenas	1 space for each 4 seats
• Public, private and commercial parks, campgrounds, and recreational areas	1 space for each campsite or picnic area
• Golf driving ranges	1 space for each tee
<b>Libraries, Community Centers and other Public Buildings</b>	1 space for each 500 square feet of gross floor area in the building plus one space for each employee
<b>Retail and Commercial</b>	
• Business, commercial or personal service establishments	1 space per 250 feet of gross floor area plus, where applicable, 1 space for each 1000 square feet of lot or ground area outside buildings used for any type of sales or display
• Commercial Shopping Centers	1 space for each 150 square feet of non-storage floor area
• Marinas	1 space for each boat berth plus 1 space for each 2 employees
• Auto Service station or repair shop	2 spaces plus 4 spaces for each service bay
• Bus, Railroad or other transportation terminal	1 space for each 400 square feet of non-storage floor area, plus 1 space for each 2 employees
• Animal Hospitals, shelters and kennels	1 space per 400 square feet
• Horse Boarding and riding facilities	1 space per 5 stalls and 3 loading areas
• Day Care Facilities	1 space per 6-person capacity
<b>Industrial</b>	
• All uses in industrial districts not otherwise listed	1 space for each employee on peak shifts plus 1 space for each company vehicle operating from the premises
• Self-Storage Facilities	1 space per 8 storage units

### **8.2.3 Off-Street Loading Requirements**

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

### **8.2.4 Rules for Computing Requirements**

The following rules apply when computing off-street parking requirements:

#### **8.2.4.A Multiple Uses**

Unless otherwise approved, lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

#### **8.2.4.B Fractions**

When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less shall be rounded down to the next lower whole number and any fraction of more than one-half shall be rounded up to the next higher whole number.

#### **8.2.4.C Area Measurements**

Unless otherwise specifically noted, all square footage-based parking and loading standards must be computed on the basis of gross floor area.

#### **8.2.4.D Occupancy- or Capacity-Based Standards**

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

#### **8.2.4.E Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Land Use Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use.

### **8.2.5 Location**

#### **8.2.5.A General**

Except as otherwise expressly provided in this section, required off-street parking spaces shall be located on the same lot as the principal use.

#### **8.2.5.B Setbacks**

**8.2.5.B.1** In a Commercial or Industrial district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or vision triangles.

**8.2.5.B.2** Off-street parking or storage of vehicles, travel trailers, or motor homes shall not be permitted within any front or street setback area, provided that off-street parking may be permitted within that portion of any setback used for driveway access to required off-street parking areas. Storage of mobile homes is not permitted.

### **8.2.6 Off-Street Parking Alternatives**

The Planning, Development and Parks Committee shall be authorized to approve alternatives to providing the number of off-street parking spaces required by the Off-Street Parking Schedules in accordance with this subsection.

#### **8.2.6.A Violations**

Violations of approved alternative parking plans constitute a violation of this Code and will be subject to the enforcement and penalty provisions of Chapter 11.

### **8.2.6.B Off-Site Parking**

The Planning, Development and Parks Committee may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

#### **8.2.6.B.1 Ineligible Activities**

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

#### **8.2.6.B.2 Location**

No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle bus service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or remote parking shuttle bus service is provided.

#### **8.2.6.B.3 Zoning Classification**

Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

#### **8.2.6.B.4 Agreement for Off-Site Parking**

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must guarantee the use of the off-site parking area for at least 10 years. An attested copy of the agreement between the owners of record must be submitted to the Land Use Administrator for recordation in form established by the County Corporation Counsel. Recordation of the agreement must take place before issuance of a Land Use Permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with the Off-Street Parking Schedules (see Section 8.2.2). No use shall be continued if the parking is removed unless substitute parking facilities are provided. The Land Use Administrator shall be notified at least 60 days prior to the termination of a lease for off-site parking.

### **8.2.6.C Shared Parking**

The Planning, Development and Parks Committee may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

#### **8.2.6.C.1 Location**

Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

#### **8.2.6.C.2 Zoning Classification**

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

#### **8.2.6.C.3 Shared Parking Study**

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning, Development and Parks Committee that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning, Development and Parks Committee and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

#### **8.2.6.C.4 Agreement for Shared Parking**

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Land Use Administrator for recordation in a form established by the County Corporation Counsel. Recordation of the agreement must take place before issuance of a Land Use Permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (see Section 8.2.2).

**8.2.6.D Other Eligible Alternatives**

The Planning, Development and Parks Committee may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Planning, Development and Parks Committee that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality design as well as strict compliance with otherwise applicable off-street parking standards.

**8.2.7 Use of Off-Street Parking Areas**

Required off-street parking areas are to be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

**8.2.8 Accessible Parking for Physically Handicapped Persons**

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

**8.2.8.A Number of Spaces**

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking requirements.

**Table 8.2.8-1: Required Accessible Parking for Physically Handicapped Persons**

Total Parking Spaces Provided	Minimum Total Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000

**8.2.8.B Minimum Dimensions**

All parking spaces reserved for persons with disabilities shall have at least an 8 foot wide access aisle abutting the designated parking space.

**8.2.8.C Location of Spaces**

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

**8.2.8.D Signs and Marking**

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level.

## **8.2.9 Parking Design Standards**

### **8.2.9.A Markings**

Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked as follows: Each required off-street parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times, except during periods of snow. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

**8.2.9.A.1** Each required off-street parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times, except during periods of snow. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

### **8.2.9.B Surfacing and Maintenance**

All off street parking areas shall be graded and surfaced so as to be dust-free and properly drained at all times. Parking areas designated, located, and reserved for use by persons with physical disabilities shall be paved.

### **8.2.9.C Dimensions**

All parking spaces shall be at least 10 feet in width by not less than 20 feet in depth.

### **8.2.9.D Access to Parking Areas**

**8.2.9.D.1** All off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way. An alley may be used for access to off-street parking, and a 20 foot credit may be granted for required back-up space.

**8.2.9.D.2** When an off-street parking area does not abut a public street, there shall be provided an access drive not less than 24 feet in width for 2-way traffic, connecting the off-street parking area with a public street. The access drive shall be paved in the manner required for off-street parking lots. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around shall be provided.

**8.2.9.D.3** Entrances and exits are subject to the approval of the County Highway Department. All driveways shall be at least 26 feet from the point of curvature at intersections unless this requirement is waived by the County Highway Department.

### **8.2.9.F Off-Street Parking Area Landscaping, Buffering, and Screening**

Off-street parking areas shall be landscaped, buffered, and screened in accordance with the standards of Section 8.6.

## **8.3 FILLING, GRADING, DREDGING, DRAINING, DITCHING, TILING AND EXCAVATING**

Filling, grading, dredging, draining, ditching, tiling and excavating may be permitted only in accordance with the erosion control and stormwater management provisions of Section 7.9 of the Dodge County Land Use Code, the applicable provisions of the Dodge County Shoreland Protection Ordinance, the applicable provisions of the Dodge County Floodplain Zoning Ordinance and other state and federal laws where applicable, and only when done in a manner to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction , in order to diminish the threats to public health, safety, welfare and the natural resources of Dodge County.

### **8.3.1.A PERMIT REQUIRED**

Unless specifically exempted or waived by a provision of this Code, a land use permit is required for filling, grading, dredging, draining, ditching, tiling and excavating that meets any of the following criteria:

**8.3.1.A.1** Disturbs 2,000 square feet or more of total land surface area;

**8.3.1.A.2** Involves excavation or filling, or a combination of excavation and filling in excess of 400 cubic yards of material;

**8.3.1.A.3** Disturbs 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel;

**8.3.1.A.4** Involves excavation or filling, or a combination of excavation and filling on slopes of 12% or greater;

**8.3.1.A.5** Involves tiling for agricultural purposes; or

**8.3.1.A.6** Other land disturbing activities, including the installation of access drives that the Committee or Land Use Administrator determines to have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

### **8.3.1.B Exemptions**

**8.3.1.B.1** The following sites shall be exempt from all of the requirements of this section, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation hazard:

**8.3.1.B.1.a** All activities directly relating to the planting, growing, and harvesting of agricultural crops except as required under Subsection 8.3.1.A.5.

**8.3.1.B.1.b** Land disturbing activities exclusively subject to federal or state approval and enforcement, except as may voluntarily become subject to this Code through adopted memorandums of understanding or other, similar cooperative mechanisms.

**8.3.1.B.1.c** Usual and customary site investigation and surveying activities undertaken prior to submittal of an application for preliminary subdivision approval, provided such activity shall not disturb more than 5,000 square feet of land area.

**8.3.1.B.1.d** The construction of one- and two-family residential buildings on lots outside subdivisions, except those on slopes of 12 percent or greater, those sites with soil depths to bedrock of 60 inches or less, and sites with high water table shall be exempt from the construction site erosion control provisions of subsection 7.9.5 of this Code.

**8.3.1.B.1.e** Any proposal that is designed and/or certified by the Land Conservation Department as part of a soil conservation or water pollution control project shall comply with all of the requirements of this section, but may be exempted from obtaining a permit, providing a financial guarantee, or paying a fee.

**8.3.1.B.1.f** Any road construction or other land disturbing or land development activity by the County, or any municipality within the County shall comply with all of the requirements of this section, but shall be exempted from any fees and financial guarantee requirements.

**8.4 Deleted (June 16, 2009) (Natural Resource Protection – Tree and Vegetation removal provisions moved to Shoreland Overlay District, remaining provisions deleted)**



## **8.5 OPERATIONAL COMPATIBILITY STANDARDS**

### **8.5.1 Glare**

#### **8.5.1.A From Glass**

Mirror or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street or adjacent property unless an applicant submits information demonstrating to the satisfaction of the Committee that use of such glass would not significantly increase glare visible from adjacent streets or property or pose a hazard for moving vehicles.

#### **8.5.1.B From Industrial Operations**

Glare from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

### **8.5.2 Heat and Humidity**

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

### **8.5.3 Noise**

#### **8.5.3.A General Standard**

No activity or operation subject to this Code shall exceed the maximum permitted sound levels as set forth below at the property line of the receiving premises, except as may be provided in this section.

**Table 8.5.3-1: Maximum Sound Pressure Levels**

<b>Source of Sound and Time</b>	<b>Premises Receiving Sound/Sound Level db(A)</b>		
	<b>Residential</b>	<b>Commercial/ Institutional</b>	<b>Industrial</b>
Residential			
Day	55	60	60
Night*	50	50	50
Commercial/Institutional			
Day	55	60	65
Night	50	50	55
Industrial			
Day	55	60	70
Night	50	50	60

\* Night shall mean the hours between 10:00 p.m. and 7:00 a.m.

#### **8.5.3.A.1 Measurement Point**

In Industrial districts, the sound pressure level shall be measured at the Industrial district boundaries for uses and activities located in an Industrial district. In other districts, the sound shall be measured at the lot line of the property on which the sound is generated.

#### **8.5.3.A.2 Measuring Equipment**

The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standard Association.

### **8.5.3.B Additional Standards For Specific Operations and Activities**

#### **8.5.3.B.1 Outdoor Paging Systems**

Such systems shall not be permitted within 1,000 feet of any Residential or Agricultural zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, public, or semi-public use property line. This standard shall not apply to face-to-face drive-up teller windows or remote teller systems at financial institutions, pharmacies, and similar uses where cashiers and customers have direct face-to-face contact, where

drive aisles are adjacent to the primary structure, and where the remote appliance is located under an awning attached to the primary building.

#### **8.5.3.B.2 Refuse Collection/Loading**

No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in any manner so as to create noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside, or within 500 feet of a residential zoning district.

#### **8.5.3.B.3 Truck/Rail Loading**

No truck or rail loading area established after the effective date of this Code shall be allowed within 250 feet of a residential lot, unless within a fully enclosed building.

#### **8.5.3.B.4 New Construction or Additions**

All new construction or additions in excess of 5,000 square feet that are planned to house any stationary machinery, device, or equipment that will create noise that exceeds 60 db(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise level reductions up to 15 db(A) more than normal construction or to 55 db(A) at the property line abutting any residential development.

#### **8.5.3.B.5 Exemptions**

The following operations and activities are exempted from the limitations of this section:

**8.5.3.B.5.a** Publicly owned airports;

**8.5.3.B.5.b** Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police; and

**8.5.3.B.5.c** Noises resulting from authorized public activities such as parades, fireworks displays, sports events, racing, musical productions, and other activities approved by the appropriate jurisdiction.

**8.5.3.B.5.d** Railroads

#### **8.5.4 Vibration**

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than 3 minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m., or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

#### **8.5.5 Operational/Physical Compatibility**

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

**8.5.5.A** Hours of operation and deliveries;

**8.5.5.B** Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;

**8.5.5.C** Placement of trash receptacles;

**8.5.5.D** Location of loading and delivery areas;

**8.5.5.E** Location, intensity, and hours of illumination;

**8.5.5.F** Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;

**8.5.5.G** Additional landscaping and buffering;

**8.5.5.H** Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way;

**8.5.5.I** Preservation of natural lighting and solar access;

**8.5.5.J** Ventilation and control of odors and fumes; and

**8.5.5.K** Dust-control paving.

### **8.5.6 Evidence of Compliance**

The Land Use Administrator shall require such evidence of ability to comply with appropriate performance standards, mitigation measures, and conditions as set forth in this section, as he deems necessary prior to issuance of a Land Use Permit or Conditional Use Permit.

## **8.6 LANDSCAPING AND BUFFERING**

### **8.6.1 Purpose**

This section sets out the minimum landscaping, buffering, and screening requirements for development within Dodge County. The purpose of these regulations is to provide attractive views from roads and adjacent properties; to screen from view visually unattractive uses; to require screening between incompatible land uses; and to protect the health, safety, and welfare of the community through the reduction of noise, air and visual pollution.

### **8.6.2 Applicability**

The landscaping and buffer requirements of this section shall apply to the following developments, except as otherwise expressly allowed or limited in this section or chapter:

**8.6.2.A** New non-residential buildings or uses;

**8.6.2.B** Multi-family residential projects of 10 or more units, or that include open space areas, conservation areas, or other “common” or undeveloped areas; and

**8.6.2.C** Mobile home parks, campgrounds, resort cabins, and guest lodges.

### **8.6.3 Exemption**

Development of a single-family or two-family dwelling, or a multiple-family dwelling of 9 or fewer units, on individual lots not a part of an approved development plan, and residential or agricultural accessory buildings, shall be exempt from the requirements of this section.

### **8.6.4 Landscaping Requirements**

**8.6.4.A** All land uses subject to the requirements of this Section 8.6 shall install at least one tree and 5 shrubs for every 500 square feet of lot area covered by impervious surfaces, excluding parking lots. This landscaping shall be in addition to any parking lot landscaping or street landscaping required by this Chapter. Trees shall be no closer than 7 feet from any structure and shall be installed with at least 55 square feet of non-paved area around the trunk.

**8.6.4.B** Planting beds shall contain a combination of living and non-living materials. Living materials shall comprise no less than 50 percent of the required planting beds.

**8.6.4.C** Plant materials shall be located where they will be visible from public streets and sidewalks.

**8.6.4.D** Exposed foundations that are not screened by the required landscaping shall be painted, finished with a decorative veneer, have earth mounded against them, or utilize some other method to screen the view of the exposed foundation.

**8.6.4.E** Any existing trees protected within the site limits of disturbance shall be credited against this landscaping requirement.

### **8.6.5 General Landscaping Design Standards**

#### **8.6.5.A Aesthetic Enhancement Requirements**

Landscaping shall enhance the aesthetic quality of the property by adding color, texture, and visual interest while obscuring views of unsightly areas and uses. All areas not covered by parking, drives, streets, or structures shall be improved with landscape elements in accordance with this section.

#### **8.6.5.B Coordination**

Projects shall be designed to coordinate with adjacent or nearby development projects. Landscaping shall consider the positive aspects of the landscaping style and plant materials utilized in surrounding developments.

#### **8.6.5.C Plant Materials**

##### **8.6.5.C.1 Existing Plant Materials**

**8.6.5.C.1.a** Healthy, existing trees shall be incorporated into the landscape to the maximum extent feasible. ~~(See Section 8.4.2.)~~

**8.6.5.C.1.b** Design of the landscape shall consider retained, existing trees with an adequate area provided around each tree that is free of impervious material to allow for infiltration of water and air. This pervious area shall be equal to or greater than the radius of the drip line of the tree. Depending on the age and species of the tree to be retained, a larger area may be required. ~~(See also Section 8.4.2.)~~

##### **8.6.5.C.2 Species Mix**

Tree species variation is required for all landscaping required under this section. Species variation shall increase with the number of trees proposed.

##### **8.6.5.C.3 Plant Sizes**

At the time of installation, plants shall be no smaller than the following:

- |   |                |
|---|----------------|
| <b>8.6.5.C.3.a</b> Large or Shade Trees:      | 4 inch caliper |
| <b>8.6.5.C.3.b</b> Small or Ornamental Trees: | 3 inch caliper |
| <b>8.6.5.C.3.c</b> Evergreen Trees:           | 6 feet tall    |
| <b>8.6.5.C.3.d</b> Shrubs:                    | 5 gallon       |
| <b>8.6.5.C.3.e</b> Vines or Ground Covers:    | 1 gallon       |

Plant size may need to exceed these minimums in order to meet special buffering or screening requirements. Individual species' growth rates and patterns shall be considered when choosing the installation size of plants. Additional tree plantings beyond those required by this section are exempt from the minimum size requirements.

##### **8.6.5.C.4 Plant Quality**

All plant material shall meet the American Association of Nurserymen specifications for Number 1 grade.

#### **8.6.5.C.5 Plant Quantity**

See Sections 8.6.4 and 8.6.6 for the quantity of landscaping required for each specific use category subject to this section.

#### **8.6.5.C.6 Plant Arrangement**

**8.6.5.C.6.a** Plants shall be clustered in strategic areas rather than spread thinly around the site or planting area.

**8.6.5.C.3.b** Trees shall be planted to allow for maximum growth in height and shape without the need for pruning in excess of that needed to maintain the health of the plant.

**8.6.5.C.3.c** Trees with a mature height of more than 25 feet shall not be planted under utility lines.

**8.6.5.C.3.d** Plants that will exceed 6 inches in height shall not be planted within 3 feet of a fire hydrant.

#### **8.6.5.D Location of Required Landscaping**

**8.6.5.D.1** All required landscaping, except street trees, shall be located outside of any adjacent right-of-way unless a waiver is received from the appropriate jurisdiction.

**8.6.5.D.2** All required landscaping elements shall be located on the property it serves. Landscaping located on adjacent properties shall not count toward the landscaping requirements of this section.

#### **8.6.5.E Irrigation**

Newly installed landscapes may include an automated sprinkler system with individual drip lines for non-turf areas.

#### **8.6.5.F Maintenance**

Trees, shrubs, fences, walls, irrigation improvements, and other landscape features shall be considered elements of the project. The land owner, successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

**8.6.5.F.1** Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, or mulching, in accordance with acceptable horticultural practices; and

**8.6.5.F.2** The regular maintenance, repair, or replacement, where necessary, of any landscaping or landscape structures required by this section.

### **8.6.6 Interior Parking Lot Landscaping Requirements**

#### **8.6.6.A Applicability**

The interior parking lot landscaping standards of this section shall apply to all off-street parking lots containing 5 or more off-street parking spaces. They shall not apply to Vehicle/Equipment Storage or Sales lots.

#### **8.6.6.B Relationship to Other Landscaping Standards**

Landscaping provided to meet the bufferyard standards of this section shall not be counted towards meeting a project's interior parking lot landscaping requirements.

#### **8.6.6.C Planting Area**

At least 10 percent of the area of off-street parking lots shall be devoted to landscape planting areas.

#### 8.6.6.D Terminal Islands

Landscaped terminal islands shall be provided at the end of each parking row. Terminal islands shall have minimum interior dimensions of 5 feet in width and 15 feet in length. At least one tree shall be provided within each terminal island. All other tree planting areas shall have a minimum width of 7 feet.

#### 8.6.6.E Divider Medians

Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be 5 feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be 8 feet.

#### 8.6.6.F Plant Units

**8.6.6.F.1** Shade trees shall be provided within the interior of off-street parking areas in accordance with the following table:

**Table 8.6.6-1: Minimum Required Shade Trees**

Number of Parking Spaces Provided	Minimum Required Tree Planting
0 – 9	None required
10 – 100	1 tree per 10 spaces
101 +	1 tree per 15 spaces

**8.6.6.F.2** Each parking space within an off-street parking area shall be located within 40 feet of a tree (measured from the tree trunk to the outer perimeter of the parking space).

**8.6.6.F.3** All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with ground cover or other appropriate landscape treatment, in accordance with Section 8.6.5. No turf shall be allowed within interior parking lot landscape areas.

#### 8.6.7 Bufferyards

##### 8.6.7.A General

Landscape buffers, or “bufferyards,” shall be required around the boundary of new developments subject to the provisions of this Section 8.6 to provide a visual screen along public streets, to separate adjacent incompatible land uses, and to screen and soften the detrimental impacts of incompatible uses. Boundary bufferyards may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression, or other purposes.

##### 8.6.7.B Applicability

Bufferyards shall be provided abutting street rights-of-way and parcels abutting developing sites in accordance with the standards of this subsection. Bufferyard requirements shall apply to new property development and any substantial expansion of existing structures which are adjacent to different zoning districts. For purposes of this section, substantial expansion of existing structures shall be defined based on the following table:

**Table 8.6.7-1: Substantial Expansion of Existing Structures**

When Existing Structure Is... (Sq.Ft.)	A Substantial Expansion Is...
0 - 1,000	50% or greater
1,001 - 10,000	40% or greater
10,001 - 25,000	30% or greater
25,001 - 50,000	20% or greater
50,001 and larger	10% or greater

##### 8.6.7.C Exceptions

**8.6.7.C.1** The bufferyard requirements of this section shall not apply to new development or substantial expansions of existing structures that are adjacent to existing uses of a similar character.

**8.6.7.C.2** Bufferyards requirements shall not apply to individual developments exempt under Section 8.6.3.

**8.6.7.D Relationship to Other Landscaping Standards**

Landscaping provided to meet the interior parking lot landscaping standards of this section shall not be counted towards meeting a project's bufferyard requirements.

**8.6.7.E Buffer Width**

The minimum width of required landscape buffers shall be as follows:

**Table 8.6.7-2: Minimum Required Bufferyard Widths**

Developing Use (Classification)	Street Right-of-Way Width (Ft)			Abutting Parcel (Zoning)	
	100+ [1]	61-100 [1]	60 or less [2]	Res [3]	Nonres
Multi-Family	25	20	10	10	5
Commercial	25	20	10	15 [4]	5
Industrial	25	20	10	10 [4]	5
Public and Semi-Public	25	20	10	10 [4]	5

- [1] Buffer width measured from back of curb. Landscape buffer includes 5-foot sidewalk.
- [2] Buffer width measured from back of sidewalk.
- [3] Buffer requires 24-inch box trees planted no more than 15 feet on center.
- [4] A solid masonry or concrete wall with a maximum height of 6 feet may be provided to screen nonresidential uses from adjoining residential zoning districts. Walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed 32 inches in height.

**8.6.7.F Buffer Width Reductions**

Buffer width may be reduced by the Land Use Administrator when necessary to accommodate unique site conditions or physical constraints, provided that such reduction is offset by greater buffer widths in non-constrained areas, such that the average buffer width complies with the minimum width requirement. No reduction in width shall be allowed below 50 percent of the required minimum.

**8.6.7.G Structures Within Required Buffer**

No structure shall be permitted within a required buffer other than a wall, fence, or earth berm. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

**8.6.7.H Plant Material**

Unless otherwise expressly stated, a minimum of one shrub shall be provided per 3 linear feet of landscape buffer. A minimum of one tree shall be provided per 25 linear feet of landscape buffer. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 8.6.5.

**8.6.8 Screening Requirements**

**8.6.8.A Parking Areas**

**8.6.8.A.1** All off-street parking areas serving non-residential uses and containing 5 or more spaces shall be screened from view of all adjacent residential districts by a solid, decorative wall made of concrete, wood, or masonry. The fence or wall shall have a maximum height of 6 feet, except that the height of a wall adjoining a required front setback in a residential district shall not exceed 32 inches. Required landscape buffers shall be located on the outside of the fence or wall.

**8.6.8.A.2** All carports or open parking areas serving residential uses which contain 5 or more spaces shall be screened from adjacent residential properties by a solid, decorative wall or fence with a maximum height of 6 feet. The height of a wall or fence adjoining a required front setback in a residential district shall not exceed 32 inches except that a transparent fence (e.g., picket fence) with a maximum height of 4 feet may be located in a front or corner side setback. Required landscape buffers shall be located on the outside of the fence or wall.

## **8.6.8.B Mechanical Equipment**

### **8.6.8.B.1 Applicability**

The mechanical equipment screening standards of this section shall apply to all of the following:

**8.6.8.B.1.a** Electrical and gas-powered mechanical equipment;

**8.6.8.B.1.b** Duct work and major plumbing lines used to heat, cool or ventilate; and

**8.6.8.B.1.c** Power systems for the building or site upon which the equipment is located.

**8.6.8.B.1.d** Antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards.

### **8.6.8.B.2 Screening Standards**

For developments subject to this Section 8.6, the following mechanical equipment screening standards shall apply to the maximum practical extent. If full compliance with these standards cannot be achieved, the Land Use Administrator may approve an alternative screening plan in accordance with Section 8.6.8(B)(2)(d).

#### **8.6.8.B.2.a Roof-Mounted Mechanical Equipment**

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar structural feature that is an integral part of the building's architectural design. The parapet wall or similar structure feature shall be of a height sufficient to screen the mechanical equipment from view from adjacent properties.

#### **8.6.8.B.2.b Wall-Mounted Mechanical Equipment**

Wall-mounted mechanical equipment that protrudes more than 6 inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes 6 inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

#### **8.6.8.B.2.c Ground-Mounted Mechanical Equipment**

Ground-mounted mechanical equipment shall be screened from view by a decorative wall or fence that is compatible with the architecture and landscaping of the site. The wall or fence shall be of a height sufficient to screen the mechanical equipment.

#### **8.6.8.B.2.d Alternative Screening**

The Land Use Administrator may approve alternatives to the screening standards of Section 8.6.8(B)(2) if he determines that adverse visual impacts associated with the mechanical equipment have been mitigated to the maximum practical extent. Alternative screening methods may include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on less conspicuous portions of a site, painting, or other wise camouflaging the equipment.

## **8.6.8.C Dumpsters**

Trash dumpsters and other waste/recycling containers serving multi-family or non-residential uses shall be screened from view off-site.

### **8.6.8.C.1 Design and Other Specifications**

Dumpsters and other waste/recycling containers shall be screened from public view on 3 sides. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

### **8.6.8.C.2 Setbacks**

All enclosures shall be located a minimum of 50 feet from the property lines of sites containing existing or proposed residential, school, licensed day care, public, and semi-public uses.



## **8.7 LARGE RETAIL PROJECTS**

### **8.7.1 Applicability**

The standards of this section apply to any retail sales and service use with a gross floor area of 25,000 square feet or more. All other provisions of this Chapter also apply. When the provisions of this section conflict with other standards of this Code, the more restrictive provisions shall control.

### **8.7.2 Development Standards**

#### **8.7.2.A Setbacks**

No required setback for any part of a principal or accessory building shall be less than 35 feet.

#### **8.7.2.B Foundation Landscaping**

In addition to all landscaping and buffering required by Section 8.6, large retail developments shall include foundation plantings of at least one shrub every 10 feet, located in a planting strip at least 6 feet wide, along the entire length (excluding doorway) of any facade containing a customer entrance, and along the entire length of any side of the building facing a public parking area.

#### **8.7.2.C Pedestrian Circulation**

**8.7.2.C.1** Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public street.

**8.7.2.C.2** Continuous internal pedestrian walkways, no less than 6 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as street crossings and building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, groundcover, or other such materials for no less than 50 percent of their length.

**8.7.2.C.3** Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least 6 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

**8.7.2.C.4** All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, and the attractiveness of the walkways.

#### **8.7.2.D Parking Lot Location**

Parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than 50 percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street.

#### **8.7.2.E Building Design**

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

**8.7.2.E.1** Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.

**8.7.2.E.2** Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.

**8.7.2.E.3** Parapets shall conceal flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not exceed, at

any point, one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

**8.7.2.E.4** Overhanging eaves, extending no less than 3 feet past the supporting walls, shall be incorporated along no less than 30 percent of the building perimeter.

**8.7.2.E.5** At least 50 percent of exterior building wall areas shall be surfaced with brick, wood, sandstone, other native stone, or tinted, textured, concrete masonry units. No more than 50 percent of building wall area shall be surfaced with smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels.

**8.7.2.E.6** Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or black or fluorescent colors is prohibited.

**8.7.2.E.7** Building trim and accent areas may feature brighter colors, including primary colors.

**8.7.2.E.8** All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than 2 abutting public streets, this requirement shall apply only to 2 sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

**8.7.2.E.9** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building structure and design; or integral planters or wing walls that incorporate landscaped areas or seating.

#### **8.7.2.F Site Design**

Large retail developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Each development shall provide at least 2 of the following design features: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature. Each of these features shall be constructed of materials that match the principal structure and be linked to the principal building by pedestrian connections. Each additional 15,000 square feet of gross floor area beyond the initial 25,000 square feet of gross floor area shall require provision of an additional feature.

### **8.8 EXTERIOR LIGHTING**

#### **8.8.1 Purpose**

The intent of this section is to minimize the physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall meet the functional and security needs of the subject development in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood should consider the light source, level of illumination, hours of illumination, and the need for illumination.

#### **8.8.2 Applicability**

All residential development consisting of 5 or more lots or units and all non-residential development, except agricultural, shall comply with the provisions of this section. Lighting required for airports or towers shall be exempt from the provisions of this section.

#### **8.8.3 General Review Standard**

All exterior lighting plans shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community.

#### **8.8.4 Design Standards**

All exterior lighting, including public street lighting as applicable, shall meet the following design standards:

**8.8.4.A** Light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property or roads. For purposes of this section, “cutoff angle” is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**8.8.4.B** No flickering or flashing lights shall be permitted, except for temporary holiday decorations.

**8.8.4.C** All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during non-operating hours.

**8.8.4.D** Parking lots and other background spaces shall be illuminated as unobtrusively as possible to meet the needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.

**8.8.4.E** Floodlights shall not be used to light any portion of a building facade between 10:00 p.m. and 6:00 a.m.

**8.8.4.F** The style of light standards and fixtures shall be consistent with the style and character of architecture on the site.

**8.8.4.G** Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.

#### **8.8.5 Height Standards for Lighting**

**8.8.5.A** In Residential and Agricultural Districts, light fixtures shall be wall mounted, or mounted on concrete, wood, or painted metal poles no higher than 15 feet above the ground.

**8.8.5.B** In Commercial and Industrial Districts, light fixtures shall be mounted on concrete or painted metal poles or on buildings, and shall be mounted no higher than 25 feet above the ground.

#### **8.8.6 Public Street Lighting**

Unless otherwise expressly exempted, public street lighting shall comply with the standards set forth in this section.

## **8.9 SIGNS**

### **8.9.1 General**

#### **8.9.1.A Permit Required**

No signs shall be located, erected, moved, reconstructed extended, enlarged, converted, or structurally altered without obtaining a County Land Use Permit pursuant to the procedures set forth in Section 2.3.5, unless otherwise expressly exempted or excluded by a provision of this Code. All signs shall be constructed and located in full compliance with the sign provisions of this section and all other applicable County, State and Federal Regulations.

**8.9.1.A.1** Signs and sign structures located within a structure or building and that cannot be seen from a public roadway are not subject to the sign provisions listed in this section.

**8.9.1.A.2** Window signs that are located within a structure or building so that the message is intended to be visible to the exterior environment shall meet the applicable provisions of this Code.

#### **8.9.1.B Existing Signs**

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued although the use, size, or location does not conform to the provisions of this section. However, such signs shall be deemed nonconforming and the provisions of Chapter 10 shall apply.

#### **8.9.1.C Purpose**

The sign regulations are intended to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

**8.9.1.C.1** To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

**8.9.1.C.2** To allow and promote positive conditions for sign communication;

**8.9.1.C.3** To reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive environment;

**8.9.1.C.4** To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;

**8.9.1.C.5** To ensure that the constitutionally guaranteed right of free expression and speech are protected.

### **8.9.2 Signs Allowed Without A Land Use Permit**

The following signs are allowed within all zoning districts without a County land use permit. All signs shall comply with the development standards of Section 8.9.4 of the Code unless otherwise specifically stated by a provision of this Code.

**8.9.2.A Official Public Signs**, erected by the federal, state, county or local municipalities, such as traffic control, parking restrictions, information and public or court notices. Said Official Signs shall comply with the following provisions:

**8.9.2.A.1** Official public signs may be allowed within the road right-of-way at the discretion of the municipality having authority over the road right-of-way;

**8.9.2.A.2** The gross area, location and height of said official public signs shall be at the discretion of the municipality having jurisdiction authority over the road right-of-way;

**8.9.2.A.3** If said official public sign is located outside of the road right-of-way, said sign shall comply with the individual sign requirements as established within this code.

**8.9.2.B** The temporary signs and banners listed in Subsection 8.9.3 shall be allowed without a Land Use Permit and are not counted in the total square footage of permanent signage allowed on any particular lot. Temporary signs that do not meet the standards listed in subsection 8.9.3 are subject to the standards and permit requirements for permanent signs.

### **8.9.3 Signs Allowed within the Relevant Zoning Districts**

The following signs are allowed within the relevant zoning districts. All signs shall comply with the permit requirements of Section 2.3.5 of this Code and with the development standards of Section 8.9.4 of the Code unless otherwise specifically stated by a provision of this Code.

#### **8.9.3.A R-1 Single Family Residential and R-2 Two Family Residential Zoning Districts**

Permanent signs not to exceed twelve (12) square feet in total sign area per road frontage shall be allowed within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to twelve (12) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

Temporary banners or temporary freestanding signs not to exceed a total of six (6) square feet in size per lot shall be allowed within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District without a Land Use Permit. Such temporary sign(s) or banner(s) shall not exceed eight (8) feet in height if freestanding. The temporary sign(s) shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs or banners that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are prohibited within the R-1 Single Family Residential and R-2 Two Family Residential Zoning District.

Animated signs as defined by this Code are prohibited in the R-1 Single Family and R-2 Two Family Residential Zoning Districts.

Roof Signs as defined by this Code are prohibited in the R-1 Single Family and R-2 Two Family Residential Zoning Districts.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

### **8.9.3.B R-3 Multi-Family Residential Zoning District**

Permanent signs not to exceed thirty-two (32) square feet in total sign area per road frontage shall be allowed within the R-3 Multi-Family Residential Zoning District with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to thirty-two (32) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within this district. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the R-3 Multi-Family Residential Zoning District without a Land Use Permit. Such temporary sign or banner shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are prohibited within the R-3 Multi-Family Residential Zoning District.

Animated signs as defined by this Code are prohibited in the R-3 Multi-Family Residential Zoning District.

Roof Signs as defined by this Code are prohibited in the R-3 Multi-Family Residential Zoning District.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation

### **8.9.3.C Commercial and Industrial Zoning Districts**

Permanent signs not to exceed two-hundred (200) square feet in total sign area per road frontage shall be allowed within the Commercial and Industrial Zoning Districts with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to two-hundred (200) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the Commercial and Industrial Zoning Districts without a Land Use Permit. Such temporary banner or sign shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

**Electronic Message Centers:** EMC's are allowed within the Commercial and Industrial Zoning Districts. EMC's shall comply with the standards listed in Section 8.9.4

#### **8.9.3.D A-1 Prime Agricultural or A-2 General Agricultural Zoning District**

Permanent signs not to exceed thirty-two (32) square feet in total sign area per road frontage shall be allowed within the Agricultural Zoning Districts with a Land Use Permit. Corner lots and lots with frontage on more than one street are entitled to thirty-two (32) square feet per frontage. This sign allowance covers all permanent signs as defined in this Code that are located within these districts. The sign(s) shall comply with the development standards listed in Subsection 8.9.4 of this Code.

One (1) temporary banner or sign not larger than 32 square feet in size shall be allowed within the Agricultural Zoning Districts without a Land Use Permit. Such temporary banner or sign shall not exceed eight (8) feet in height if freestanding. The temporary sign or banner shall be located a minimum of 2 feet behind any public road right-of-way. The temporary sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. Temporary signs may be displayed no longer than ninety (90) days per calendar year. Temporary freestanding signs that do not meet the regulations of this paragraph, must meet the standards and permit requirements for permanent signs.

Electronic Message Centers: EMC's are allowed within the Agricultural Zoning Districts. EMC's shall comply with the standards listed in Section 8.9.4

Animated signs as defined by this Code are prohibited in the Agricultural Zoning Districts.

Roof Signs as defined by this Code are prohibited in the Agricultural Zoning Districts.

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation

### **8.9.4 Development Standards For All Signs**

#### **8.9.4.A Traffic**

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; no sign, except official traffic control signs, shall be located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or placed within the vision clearance triangle as defined in Section 5.2.3.G of this code; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

#### **8.9.4.B Moving or Flashing Signs**

No sign shall be erected which contains strobe lights, mirrors or which have any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

#### **8.9.4.C Signs Not In Use**

Signs that advertise or identify an ongoing business, product, location, service, idea or activity conducted shall be removed within 60 days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

#### **3.9.4.D Signs Placed On Or Painted On A Motor Vehicle Or Trailer**

Any sign placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code is prohibited. Any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle, truck, trailer, or other vehicle is to advertise a product, service, business, or other activity is prohibited. This provision shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

#### **8.9.4.E Sign Emissions**

Signs which emit smoke, visible vapors, particles, sound or odor shall be prohibited. Open flames used to attract public attention to a place of business or to an advertising sign shall be prohibited.

#### **8.9.4.F Sign Location**

- (1) No sign permitted under this section shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Public Signs. Any sign or sign supports constructed of concrete, mortar or stone shall comply with the minimum highway and road setback distances listed in Section 5.1.2.E;
- (2) No sign shall be located within a highway or road vision triangle boundary.

#### **8.9.4.G Determining gross area for signs.**

The gross area of a sign shall be calculated as the area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign.

#### **8.9.4.H Sign Material**

No sign shall make use of any rock, tree or other natural feature for support or for carrying any message, except that legal "no hunting" or trespassing signs or other private regulatory signs may be attached to a tree.

#### **8.9.4.I Setback and Height Standards**

##### **(1) Freestanding Signs**

The overall height of a freestanding sign or sign structure shall be measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure except where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

Freestanding sign(s) less than Twelve (12) square feet in area shall be located a minimum of 2 feet behind any public road right-of-way and shall not exceed 10 feet in height. Freestanding sign(s) greater than 12 square feet in area shall be located a minimum of 35 feet behind any public road right-of-way and shall not exceed a height of 20 feet. The sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure.

##### **(2) Building Signs:**

Building signs include wall or fascia signs, roof signs, canopy or awning signs and signs otherwise permanently applied to walls or other building surfaces.

##### **(3) Wall Signs:**

Wall signs shall meet the applicable setback and height requirements of the Code for the structure on which it is located.

##### **(4) Roof Signs:**

The maximum height of any roof sign above the highest architectural point of the building to which it is mounted shall be 20 feet.



**(5) Canopy or Awning Signs:**

Canopy signs, Marquee signs and signs on Architectural Projections are signs that are mounted to either structure that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below. Graphics affixed to or applied to the face or side surfaces of a canopy or awning are permitted provided that the total sign area or graphic, as defined herein does not exceed the area allowed within the relevant zoning district.

Graphic treatment and/or embellishment in the form of striping, patterns, or variances shall be permitted on the face or side surfaces of any awning or canopy without restriction and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation

**(6) Projecting Signs:**

Projecting signs shall not extend more than 6 feet from the building's wall surface in any direction.

Projecting signs shall be located a minimum of 10 feet above ground elevation as measured under all parts of the sign.

Projecting signs shall meet the minimum side and rear yard setback requirements of the Code as measured from the closest point of the sign.

Projecting signs shall be located a minimum of 35 feet from the centerline of the road or 2 feet behind the road right-of-way, whichever distance is greater.

Projecting signs shall not extend above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.

Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.

**8.9.4 J Sign Illumination Standards**

Signs may be illuminated consistent with the following standards:

- (1) A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits, regardless of the method of illumination.

- (2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.

All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions when required or appropriate.

Luminance for an individual sign shall be measured at a distance of 16.4 feet from a sign with the meter facing towards the sign face.

- (3) Signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations within this Code.

#### **8.9.4.K Electronic Message Center Standards**

Electronic Message Centers shall meet the following regulations:

(1) **Dimming Controls**

In Districts that allow an EMC sign, the EMC sign shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with the sign illumination standards of this Code.

(2) **Display Time**

In Districts that allow an EMC sign, the EMC sign shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds.

#### **8.9.4.L Electrical Regulations Applying to all Permanent and Temporary Signs**

All signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with the National Electric Code. The Listing label number for all signs shall be provided on the Permit application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation, a NRTL file number from the sign manufacturer shall be provided for all electric signs on the Land Use Permit Application.

#### **8.9.5 Master Sign Plan**

**8.9.5.A** The owner(s) of a lot (disregarding streets and alleys) may submit a Master Sign Plan to the Department for approval. The Master Sign Plan shall indicate the exact location of each sign proposed and shall include information on the signs color and architectural theme, lettering or graphic style, lighting, sign material, the height and area for each individual sign and the total area for all signs proposed.

**8.9.5.B** Under a Master Sign Plan, a 25 percent increase in the maximum allowable sign area or sign height for each type of sign may be allowed without obtaining a variance from the Board of Adjustment. An additional number of signs may also be allowed without the need of a variance under such a plan. All other sign restrictions apply.

**8.9.5.C** Directional, incidental and or accessory signs may be approved in any zoning district as part of an approved Master Sign Plan. Such directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height if freestanding. The sign(s) shall be located a minimum of 2 feet behind any public road right-of-way. The sign(s) shall meet all side and rear yard requirements of the Code for an accessory structure. The sign shall not exceed 20 feet in height.

**8.9.5.D** The Master Sign Plan must be signed by all owners or authorized agents and all owners must agree to follow the approved plan. After approval of a Master Sign Plan, no sign shall be erected, placed, altered or painted, unless in conformance with the approved plan and such plan may be enforced in the same manner as any provision of this Code. The Master Sign Plan shall be subject to the approval of the Department.

**8.9.5.E** Existing signs not in conformance with the Master Sign Plan shall be brought into compliance within a time period specified on the Plan.

**8.9.5.F** A Master Sign Plan may be amended by filing a Land Use Permit application for a new Master Sign Plan that conforms with all requirements of the Code in effect and by obtaining the approval of the Department.

#### **8.9.6 Sign Types and Area Computational Methodology**

## Typical On-Premise Sign Types

### FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.



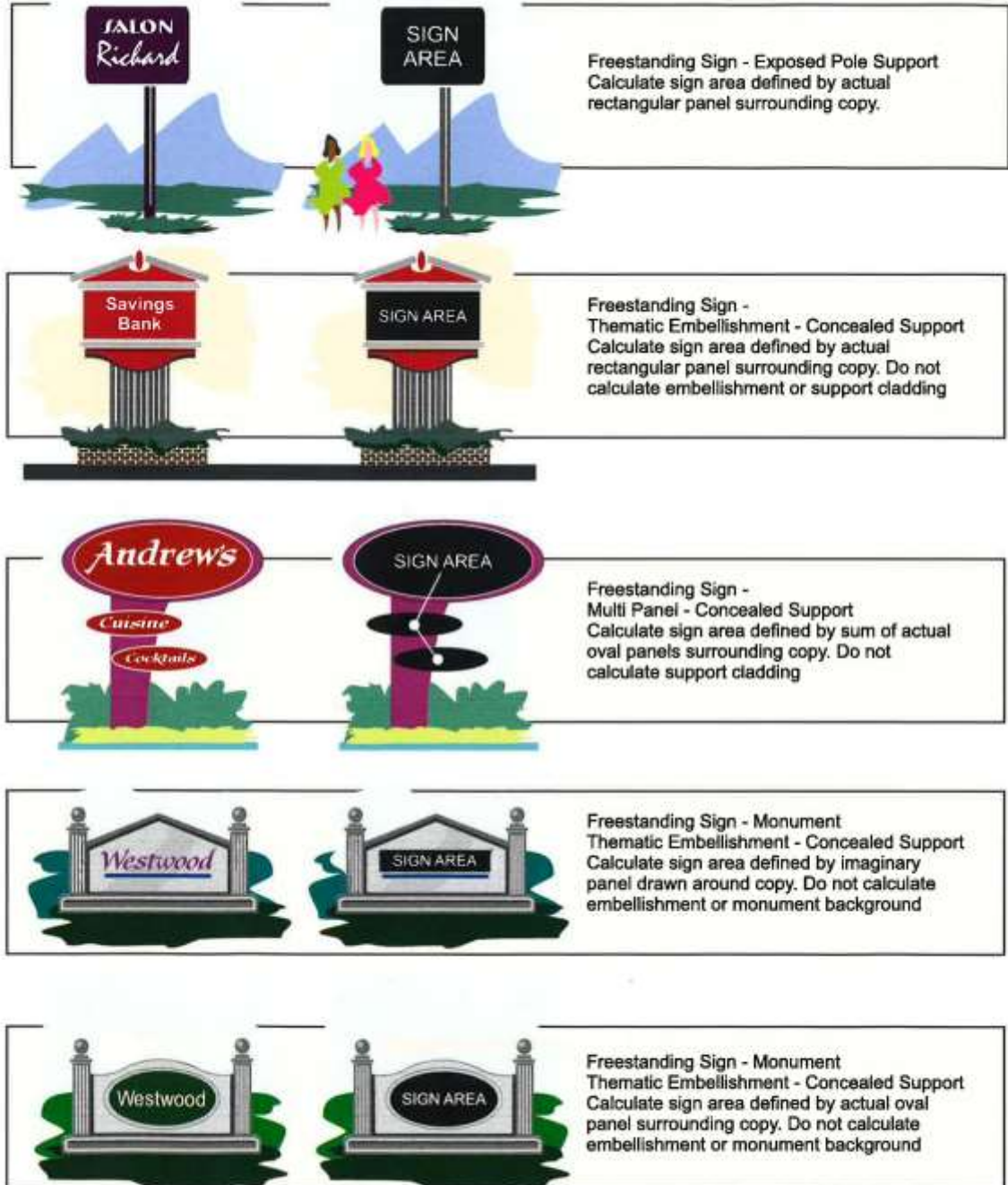
### BUILDING SIGNS



### WALL / FASCIA



## Sign Area Computational Methodology / Ground Signs

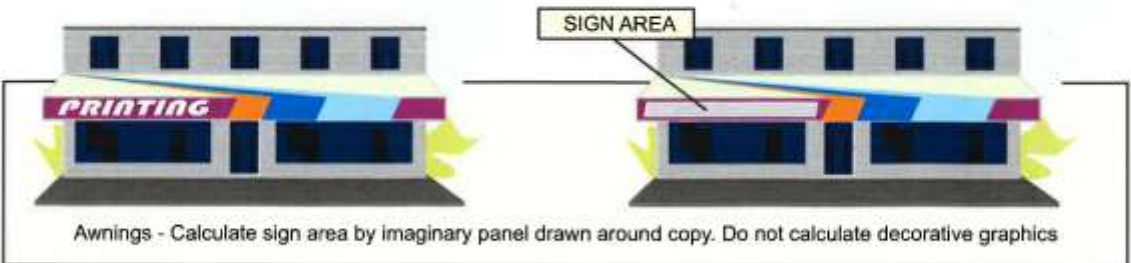




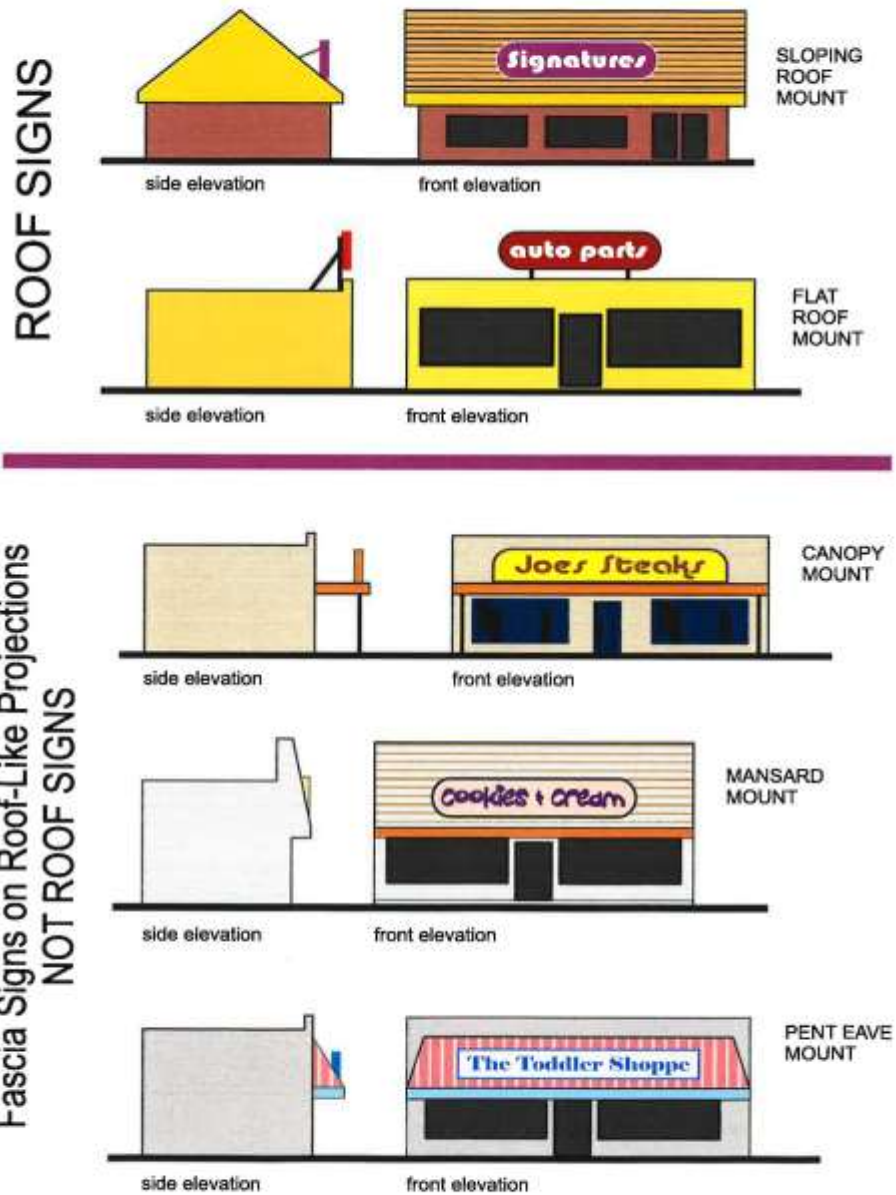
## Sign Area Computational Methodology / Ground Signs



### Wall / Fascia Signs



## Comparison: Roof and Wall Sign Distinctions



### 8.10 HISTORIC PRESERVATION

New development shall, to the maximum extent feasible, protect and preserve historic structures and sites listed on the Dodge County inventory of historic properties.