

ARTICLE 8: CONDITIONAL USES, PROCEDURES AND STANDARDS

For the purpose of providing the most appropriate use of land throughout a district and giving maximum consideration to the character of the district and its peculiar suitability for particular uses in the areas affected by these regulations, permitted uses and conditional uses are provided for in the various district regulations.

Section 1. Permitted.

Permitted uses are those uses permitted outright in the district.

Section 2. Conditional Uses.

Conditional uses are those that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, area, location, size or relation to the district and would protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties, citizens and the county.

- 2.1 Procedure. After receiving an application and fee, the amount to be established by the governing body, and after a public hearing, the County Board of Supervisors after recommendation of the planning commission may authorize a conditional use permitted in a zoning district, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. An application for a conditional use permit shall include a site plan which shall denote the location of any hazardous materials. Notice for such hearings shall be given in the manner provided by these regulations.
- A. Public Hearing on a Conditional Use. A proposed conditional use shall be considered by the Planning Commission at a public hearing held within forty-five (45) days after filing of the application. The County Clerk shall give notice of the hearing in the following manner:
- (1) By publication of a notice in a newspaper of general circulation in the County not less than ten (10) days prior to the date of the hearing.
 - (2) By sending notices by mail not less than ten (10) days prior to the date of hearing to the record titleholders within the area enclosed by lines parallel to and three hundred (300) feet from the exterior boundaries of the operation, structure or use involved, using for this purpose the name and address of owners as shown upon the records of the County Assessor. Applicant shall present the Zoning Administrator with a property list certified to by a registered abstrator of the record titleholders within said three hundred (300) feet. The notification area of property owners may be increased based upon the application of use and the required distances in each district or otherwise specified in these Regulations. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.
- B. Recess of the Hearing by Planning Commission. The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.

- C. Action on a Conditional Use. The Planning Commission may recommend approval, approval with specified conditions or disapproval of a conditional use to the County Board of Supervisors. The County Board of Supervisors may then act upon the Conditional Use after considering the Planning Commission's recommendation. A file of all recommendations and actions pertaining to Conditional Uses will be maintained in a manner prescribed by the County Board of Supervisors.
 - D. Notification of Action. The County Clerk shall notify the applicant for a conditional use in writing of the Supervisors' action within seven (7) days after the decision has been rendered.
- 2.2 Standards. The conditional uses shall conform to the intent and purpose of these regulations, the comprehensive plan and the following requirements:
- A. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
 - B. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.
 - C. The use shall be in harmony with the character of the area and most appropriate use of the land. The planning commission considering an application for a conditional use may consider, among other things, the most appropriate use of land, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, and the promotion of public safety, health, convenience, and comfort. The planning commission may stipulate and require such conditions and restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations. All decisions of the planning commission may be appealed to the governing body, by any person aggrieved by the decision of the planning commission, or any taxpayer, officer, department, board, or bureau of the county. Such appeal must be presented to the Zoning Administrator with fifteen (15) days after the decision is made by the planning commission. In the event of an appeal, the governing body, after a public hearing, may reverse, affirm or modify the decision of the planning commission.
- 2.3 If an approved conditional use is not begun within a period of twelve (12) months following approval, the conditional use permit shall become null and void.
- 2.4 Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of these regulations and subject to a penalty as provided herein and shall be grounds for a review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Administrator, the planning commission or by the governing body. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the planning commission. Notices of public hearing shall be as provided within these regulations. Following the public hearing, the planning commission may leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions or restrictions. Any decision of the planning commission regarding the review may be appealed to the governing body which, after a public hearing may reverse, affirm or

modify the decision of the commission. Procedures for an appeal shall be as provided for within this section.

- 2.5 Conditional use permits are issued for the use of the property according to the terms of the permit or until the use of the property is changed to a permitted use or another allowed conditional use in the district. To change to another conditional use allowed within the district, the same procedures of this section for establishing a conditional use shall be followed.
- 2.6 The Zoning Administrator shall cause the special use permit, any amendments and all applicable instruments to be filed with the register of deeds for recording. The recording costs shall be paid by the applicant for the conditional use permit.

ARTICLE 9: COMPREHENSIVE PLAN RELATIONSHIP

These zoning regulations are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district regulations or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 10: CLASSIFICATION OF UNLISTED USES, MATRIX

The many uses of land are too numerous to list within the text of each zoning district. Only the most common uses are listed. Additional land uses and the zoning district within which they are allowed either as a permitted use or conditional use are shown within a land use matrix which is a part of these regulations and have the same force and effect as if these uses were listed within the zoning district. Uses not listed may be located within a zoning district where similar or related uses are allowed. This determination shall be made by the Zoning Administrator.

6. Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Dodge County Board of Supervisors, after recommendation from the Planning Commission.

Section 3 Permits

It shall be unlawful for any person to use any land, premises, or property in Dodge County for the application of any biosolids without first making application for and securing a conditional use permit (CUP) to do so. The Dodge County Board of Supervisors, upon receiving a recommendation from the Planning Commission, has the authority to issue a CUP, pursuant to procedures in the Dodge County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the biosolids.
2. The name, address and telephone number of the hauler.
3. The name, address and telephone number of the applier.
4. The name, address and telephone number of the applicant and recipient of the biosolids application site.
5. The legal description of the biosolids application site.
6. The vehicles or facilities used to transport the biosolids to the application site must be covered.
7. A description of the method of application, (liquid form) by injecting the biosolids into the soil or (low moisture "Cake") by surface spreading.
8. A topographic map of the application site(s), which shall include: The locations and names of neighboring home sites or farmsteads and adjacent land owned by others; all wells, streams, surface water, watercourses, wetlands and inhabited dwellings within 1,000 feet of the application site; an explanation of how the material will be transported from the generation site to the application site.
9. A list of names and addresses of neighboring home sites or farmsteads either owned or rented as well as adjacent landowners within 1,000 feet of proposed storage & application must be furnished along with application for CUP.
10. The locations of wells within 500 feet of the application site boundary.
11. The biosolids shall be applied at the agronomic rate for nitrogen less the phosphorus reserves.
12. A map of the proposed route or routes that will be used for the transportation of the biosolids to the application site.

Section 4 Conditions for Land Application

1. No person shall permit the unloading and application of any biosolids at any place except a County approved site.