

**MAUSTON - LEMONWEIR
EXTRATERRITORIAL ZONING ORDINANCE**

ARTICLE 1: INTRODUCTION AND DEFINITIONS

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ARTICLE 1: INTRODUCTION AND DEFINITIONS**1.100 TITLE**

This Chapter shall be known, cited and referred to as the MAUSTON-LEMONWEIR EXTRATERRITORIAL ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

1.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. (*See generally*, Sections 62.23(7), 62.231, 87.30 and 281.311, Wis. Stats.) *Specific statutory* references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

1.102 LEGISLATIVE INTENT

In enacting this Chapter, special attention has been given to ensuring a direct relationship between these regulations and the City of Mauston’s Comprehensive Master Plan. The general intent of this Chapter is to implement those goals and objectives of these Comprehensive Master Plans which are best addressed through zoning approaches, as enabled by the Wisconsin Statutes. In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plans. The current status of this Chapter and its components (including the Official Zoning Maps) represent the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Official Zoning Map(s) shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plans, and related long-range planning policies and programs.

1.103 PURPOSE

- (1) The overall purpose of this Chapter is to implement the City of Mauston’s Comprehensive Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes. By implementing the goals and objectives of the Comprehensive Master Plan, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of Mauston and Lemonweir residents and visitors. Additional purposes of this Chapter are specified throughout this Chapter.
- (2) Specifically, this Chapter is designed, among other things, (i) to enhance safety and convenience on streets by controlling and lessening congestion, improving traffic flow, addressing pedestrian considerations, improving parking and loading areas, and employing modern design standards; (ii) to secure safety from fire, panic and other dangers by the careful planning of streets, access routes, municipal water delivery systems, storm water drainage systems, public and private lighting systems, and storage systems for hazardous materials; (iii) to promote health and general welfare by the adoption of standards for such things as noise, odors, vibration, air pollution, glare and heat, and hazardous or dangerous materials; (iv) to encourage the protection of groundwater resources by regulating and promoting such things as storm water drainage, natural resource areas and landscaping; (v) to avoid undue concentration of population and to prevent the overcrowding of land by controlling the density of residential development and the intensity of non-residential development; (vi) to preserve,

protect and promote property values by the adoption of standards for such things as landscaping, lighting, fencing, antennas, and exterior storage; (vii) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and (viii) to preserve burial sites as defined in s.157.70(1). (*See*, Section 62.23(7)(c), Wis. Stats.)

1.104 RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT

- (1) **RATIONALE:** Throughout this Chapter, paragraphs labeled “Rationale” are included to ensure a complete understanding of the purpose and reasoning in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section is not intended to be exhaustive; other nonexplicit rationale may also be applicable.
- (2) **APPEARANCE OF ORDINANCE TEXT:** The underlined or boldfaced headings used in this Chapter are inserted primarily for convenience, and are in no way to be construed as a limitation on the scope of the particular sections or subsections which they head.
- (3) **OMITTED SECTIONS:** Throughout this Chapter, sections, subsections, paragraphs and subparagraphs may be omitted from the outline of numbers and letters found herein. These omitted items are intended to be reserved for future use, and should not reflect the existence of a defect or typographical error. In some cases, the phrase “Reserved for Future Use” may be inserted for purposes of clarification.
- (4) **REFERENCES TO AMENDMENTS:** Throughout this Chapter, there will be references to ordinances which have amended the text of this Chapter. These references are inserted primarily for convenience and should not be construed as an interpretation or limitation on the particular sections to which they refer. (*Amended per Ord. 984*)

1.105 SEPARABILITY AND NON-LIABILITY

The several provisions of this Chapter shall be separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation which is attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) Neither the City nor the Township guarantees, warrants or represents that only those areas designated as floodlands, wetlands, or shorelands will be subject to periodic inundation. The City and the Township, their officers, employees, agents or representatives, shall not be liable

for any flood damages, sanitation problems, or structural damages caused by any such inundation.

1.106 ABROGATION

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

1.107 RELATIONSHIP TO LEMONWEIR ZONING ORDINANCE

The Lemonweir Zoning Ordinance shall not be applicable to those areas of the Township located within the Extraterritorial Zoning District of the City of Mauston as described below.

1.108 JURISDICTION

This Chapter is applicable to all that territory in the Township of Lemonweir located within the Extraterritorial Zoning District of the City of Mauston, as shown on the Official Mauston-Lemonweir Extraterritorial Zoning Map(s) and more particularly described as follows: The following portions of the following Sections of the Town of Lemonweir are located within the Extraterritorial Zoning District:

In Township 15 North

- Section 4: The West ½ of the Southwest Quarter.
- Section 5: The entire South ½, and the West ½ of the Northwest Quarter.
- Section 6: All.
- Section 7: All.
- Section 8: All.
- Section 9: All, except the North ½ of the Northeast Quarter, and except the South ½ of the Southeast Quarter, and except the Southeast Quarter of the Southwest Quarter.
- Section 16: The West ½ of the Northwest Quarter, except that part located south of County Hwy “N.”
- Section 17: All, except the East ½ of the Southeast Quarter, and except that part of the Southeast Quarter of the Northeast Quarter located South of County Hwy “N.”
- Section 18: All.
- Section 19: The Northwest fractional Quarter, and the North ½ of the Northeast Quarter.
- Section 20: The North ½ of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter.

In Township 16 North

- Section 30: The South ½ of the Southwest Fractional Quarter.
- Section 31: All, except the Northeast Quarter of the Northeast Quarter.
- Section 32: The West ½ of the Southwest Quarter.

1.109 RE-ENACTMENT AND REPEAL

This Chapter, in part, carries forward by re-enactment some of the prior provisions of the regulations governing zoning and related matters, being previously known collectively as Subchapter VII of the “Mauston Zoning Code”, Chapter 22 of the Code of Ordinances for the City of Mauston, adopted

prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.

- (1) All provisions of Chapter 22 of the City of Mauston Code of Ordinances which are not re-enacted herein are hereby repealed.
- (2) The adoption of this Chapter shall not waive or adversely affect the City's or the Township's right to prosecute any violation of the predecessor Zoning Ordinance, provided the violation occurred while that Ordinance was in effect.

1.110 EFFECTIVE DATE

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than 6 months after the effective date of this Chapter, except where subject to Developer's Agreement provisions. This Chapter shall become effective upon (i) the passage and posting of an enabling Ordinance which adopts this Chapter according to law, and (ii) the adoption of a new zoning map, whichever occurs later. (This effective date was September 10, 2002).

1.115 APPENDIXES AND CHECK LISTS

Incorporated herein by this reference are various Appendixes and Check Lists, the purpose of which is to help the reader interpret, understand and apply this Chapter. The Appendixes and Check Lists are a summary of and a guide to the detailed rules, regulations and procedures found in this Chapter, and are not to be construed as a repetition of or a replacement for the text of this Chapter. Appendixes and Check Lists may be revised from time to time by the Zoning Administrator whenever, in his discretion, an Appendix or Check List needs revision to accomplish its purpose. If the information contained in any Appendix or Check List is found to be inconsistent with the text of this Chapter, the text shall be controlling. If the information contained in any Appendix or Check List omits information found in the text of this Chapter, the text shall be controlling.

1.120 INSTRUCTIONS FOR USE OF THESE REGULATIONS

Contained in the Appendixes are instructions regarding how to use this Ordinance. These instructions are intended to outline a step-by-step procedure for applying the rules and regulations of this Chapter to a particular development. However, these instructions are only intended to be an aide, and are not intended to replace or modify the text of these rules and regulations. If these instructions are inconsistent with any part of these rules and regulations, then these rules and regulations shall be controlling.

1.121 RULES OF INTERPRETATION

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Mauston.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose

higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.

- (3) No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 1.403), Nonconforming Developments, Substandard Lots (Section 1.540), and Nonconforming Structures and Buildings (Section 1.541), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this Chapter.
- (6) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.
- (7) Except for outlots authorized under the City's Land Division Regulations to contain permanently protected green space area, no yard or open space on one lot shall be considered as providing a yard or open space for a building or structure on another lot.

1.122 WORD USAGE

The interpretation of this Chapter shall abide by the provisions, definitions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Chapter:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can" and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The words "City" or "Mauston" shall mean the City of Mauston, Wisconsin.

- (8) The words “Township,” “Town” or “Lemonweir” shall mean the Township of Lemonweir, Juneau County, Wisconsin.
- (9) The word “County” shall mean the County of Juneau, Wisconsin.
- (10) The word “State” shall mean the State of Wisconsin.
- (11) The word “Commission” shall mean the City of Mauston Plan Commission.
- (12) The words “Joint Committee” or “Committee” shall mean the Mauston-Lemonweir Joint Extraterritorial Zoning Committee.
- (13) The words “Council”, “City Council”, and “Common Council” shall refer to the City of Mauston Common Council.
- (14) The word “Board” shall mean the City of Mauston Board of Zoning Appeals.
- (15) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

1.123 STATUTORY REFERENCES

The provisions of the Wisconsin Statutes and Administrative Code Regulations listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of any Statute or Code referred to herein shall also be made a part of this Chapter.

1.124 ABBREVIATIONS

The following abbreviations in this Chapter are intended to have the following meanings:

| <u>Abbreviation</u> | <u>Meaning</u> |
|----------------------------|---|
| ABC | Accessory Building Coverage |
| Ac | acre |
| Acc. | Accessory |
| AFH | Adult Family Home |
| AG | Agricultural (zoning district) |
| Bldg | Building |
| CB | Central Business (zoning district) |
| CG | Community Gateway Overlay Zoning District |
| CLA | Community Living Arrangement |
| db | decibel |
| DD | Downtown Design Overlay Zoning District |
| DNR | Wisconsin Department of Natural Resources |
| DW | Drainageway Overlay Zoning District |
| DPW | Mauston’s Director of Public Works |
| du | dwelling unit |

1.124 ABBREVIATIONS

| | |
|--------|---|
| EC | Entry Corridor Overlay Zoning District |
| ER-1 | Estate Residential-1 (zoning district) |
| F | Floor (<i>Amended per Ord. 931</i>) |
| FAR | Floor Area Ratio |
| FEMA | Federal Emergency Management Agency |
| ft | foot/feet |
| FP | Floodplain Overlay Zoning District |
| GB | General Business (zoning district) |
| GDP | General Development Plan (Section 1.914) |
| GFA | Gross Floor Area |
| GI | General Industrial (zoning district) |
| GSA | Gross Site Area |
| GSR | Green Space Ratio |
| HI | Heavy Industrial (zoning district) |
| HP | Historic Preservation Overlay Zoning District |
| ISR | Impervious Surface Ratio |
| J | Lot Width (when shown on drawing) |
| K | Street frontage (when shown on drawing) |
| L | Front setback to principal building (when shown on drawing) |
| LA | Landscaped Area |
| LS | Lakeshore Overlay Zoning District |
| LSR | Landscape Surface Ratio |
| M | Front setback to accessory building (when shown on drawing) |
| max | maximum |
| MBC | Maximum Building Coverage |
| MBS | Maximum Building Size |
| MGD | Maximum Gross Density |
| min | minimum |
| MH | Maximum Height |
| MLA | Minimum Lot Area |
| MSA | Minimum Site Area |
| MR-8 | Multi-family Residential-8 (zoning district) |
| MR-10 | Multi-family Residential-10 (zoning district) |
| MWR | Municipal Well Recharge Area Overlay Zoning District |
| MZA | Minimum Zoning District Area |
| N | Side setback to principal building (when shown on drawing.) |
| na | not applicable |
| NB | Neighborhood Business (zoning district) |
| NDA | Net Developable Area |
| NO | Neighborhood Office (zoning district) |
| nonres | nonresidential |
| O | Side setback to accessory building (when shown on drawing) |

| | |
|---------|--|
| P | Rear setback to principal building (when shown on drawing) |
| PB | Planned Business (zoning district) |
| PBC | Principal Building Coverage |
| PD(_-_) | Planned Development (zoning district) |
| PI | Planned Industrial (zoning district) |
| PIP | Precise Implementation Plan (Section 1.914) |
| PO | Planned Office (zoning district) |
| POZ | Park Overlay Zoning District |
| Princ. | Principal |
| Q | Rear setback to accessory building (when shown on drawing) |
| R | Peripheral setback (when shown on drawing) |
| res | residential |
| RPA | Resource Protection Area |
| RR | Rural Residential (zoning district) |
| S | Paved Surface Setback (when shown on drawing) |
| sq. ft. | square feet |
| SR-3 | Single-family Residential-3 (zoning district) |
| SR-4 | Single-family Residential-4 (zoning district) |
| SS | Steep Slope Overlay Zoning District |
| SW | Shoreland-Wetland Overlay Zoning District |
| T | Separation of principal buildings (when shown on drawing) |
| TR-6 | Two-family Residential-6 (zoning district) |
| U | Separation of accessory buildings (when shown on drawing) |
| WECS | Wind Energy Conversion System |
| WL | Woodland Overlay Zoning District |
| X | Parking space (when shown on drawing) |
| Y | Dwelling core dimensions (when shown on drawing) |
| ZDA | Zoning District Area |
| #F | number of floors |
| “-“ | or fewer (e.g. “8-“ means “8 or fewer”) |
| “+” | or more (e.g. “9+” means “9 or more”) |

1.125 **DEFINITIONS**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

Abutting: Having a common border with, or being separated from such common border only by an alley or easement.

Access: A means of vehicular or non-vehicular approach, i.e. entry to or exit from a property, street or highway.

Access, direct: A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

Access, secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway.

Access standards: See Section 1.506.

Acre: A measurement of land size, consisting of 43,560 square feet.

Accessory land use: See Section 1.412.

Accessory use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. Land uses permitted as an accessory use are permitted subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any additional requirements applicable to that particular land use (Article 4). Accessory uses cannot be conducted or built until the principal use is conducted and built, e.g. in a single-family residential zoning district, an accessory use, such as a garage, cannot be built and used before the principal use, the single-family dwelling, is built.

Active outdoor public recreational (land use): See Section 1.407(2) for principal uses and Section 1.412(26) for accessory uses.

Activity center: An area which is typified by a concentration of nonresidential and/or multifamily development.

Addition: In addition to the definition provided by the UDC # Chapter ILHR 20.07(2), an "addition" shall include (but not be limited to) the following: decks made of any material and elevated more than 2 feet; balconies; swimming pools; and fireplaces.

Adjacent: Abutting, or being located directly across a right-of-way from, a separate lot.

Adult Family Home (land use): See Section 22.405(12) (*Amended per Ord. No. 2013-ET-1061*)

Agricultural (AG) District: See Section 1.206(1).

Agricultural Zoning Category: See Section 1.206.

Agricultural land use(s): See Section 1.406.

Agricultural services (land use): See Section 1.406(4).

Air pollution standards: See Section 1.518.

Airport (land use): See Section 1.410(2).

Alley: A public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

Amendment of zoning regulations: See Section 1.902.

Amendment of zoning map: See Section 1.903.

Animal unit: A measure which represents a common term for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

| <u>Animal Unit Table</u> | |
|--------------------------|---------------------------------|
| <u>Type of Livestock</u> | <u># of Animals/Animal Unit</u> |
| Colt (< 2 yrs) | 2.0 |
| Horse (> 2 yrs) | 1.0 |
| Calves (< 1 yr) | 4.0 |
| Cattle (< 2 yrs) | 2.0 |
| Cattle (> 2 yrs) | 1.0 |
| Lambs | 14.0 |
| Brood Sow Or Boar | 2.5 |
| Hogs (up to 220 lbs) | 5.0 |

| | | |
|---------------|-------|-------|
| Sheep | 7.0 | |
| Lambs | 14.0 | |
| Chickens | | 200.0 |
| Other Poultry | 200.0 | |

Source: The Stockman’s Handbook

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g. television, radio, microwave, telephone, internet access or shortwave signals).

Antenna Standards: See Section 1.535.

Apartment: A type of residential land use defined and regulated in Section 1.405(7).

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 1.912.

Attic: The area of a building, which is used only for long-term storage or mechanical equipment and is not used for habitation or work space, and which is located between the roof framing and the ceiling of the highest habitable floor. Improvement to habitable status shall make it a story.

Awning: A roof-like cover, often fabric, metal or glass, designed and intended for protection from weather or for decorative embellishment, which projects from a wall or from a roof of a structure, and is located over a window, walk, door or the like.

Awning, fixed: An awning constructed with a rigid frame that cannot be routinely retracted, folded or collapsed, and then opened or unfolded.

Awning, illuminated: A fixed awning covered with a translucent membrane that is, in whole or in part, illuminated by light passing through the membrane from within or underneath the awning structure.

Average ground elevation: The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (a/k/a the 100 year flood).

Basement: A portion of a building located partly underground, but having one-half (½) or less of its floor to ceiling height below the average grade of the adjoining ground.

Bed and breakfast establishment (land use): See Section 1.408(12).

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Billboard: See Section 1.805(2)(a).**1.125**

Blanket variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments or legal nonconforming residential structures (see Section 1.541(9)).

Board of Zoning Appeals: See Section 1.934.

Boarding house (land use): See Section 1.408(15).

Bridge (Land Use): See Section 1.412(28).

Bufferyard: Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Article 6 for Bufferyard Regulations.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is exclusive of portions of the structure not intended for shelter such as decks, balconies, pools, carports, garages, etc. Where independent units with separate entrances are divided by shared walls, each unit is a building.

Building, accessory: A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (d) Is customarily incidental to the principal structure or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building coverage: The percentage of a lot covered by the principal and accessory buildings, including all structures with a roof.

Building front: That exterior wall of a building which faces the front lot line of the lot.

Building height: The vertical distance between:

- (1) the lowest elevation of either (a) the adjoining ground level or (b) the established grade; and
- (2) the highest elevation of (a) the top of the cornice of a flat roof, (b) the deck line of a mansard roof, (c) the point of the roof directly above the highest wall of a shed roof, (d) the uppermost point on a round or other arch type roof, (e) the mean distance of the highest gable on a pitched or hip roof, or (f) the top of any structure attached to a building.

Building line: An imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this Chapter. This is also referred to as a “setback” line.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building separation: The narrowest distance between two buildings. See Minimum Building Separation.

Building size: The total gross floor area of all the floors of a building, including basements but not crawl spaces. (See, Maximum Building Size).

Bulk (of a building): The combination of building height, size, and location on a lot. (See, “Bulk Regulations,” Section 1.505.)

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this Chapter.

Cafeteria, company (land use): See Section 1.412(4).

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. Used for trees in a nursery setting.

Campground (land use): See Section 1.408(14).

Candlepower: The amount of light that will illuminate a surface one foot distant from a light source to intensity of one foot candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Canopy: A free-standing, permanently-roofed shelter projecting over a sidewalk, driveway, entry, service area, gas pump area or similar area, which shelter is supported, in whole or in part, by columns, poles or braces extending from the ground.

Caretaker's Residence (land use): See Section 1.412(23).

Carpport (land use): An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See Section 1.412(3).

- Cellar:** That portion of the building having more than one-half (½) of the floor-to-ceiling height below the average grade of the adjoining ground.
- Central Business (CB) District:** See Section 1.208(6).
- Certificate of Occupancy:** See Section 1.909.
- Clear cutting (land use):** See Section 1.406(7).
- Clerestory window:** A window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.
- Climax Tree:** A tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, maple, etc. See Section 1.610.
- Commercial animal boarding (land use):** See Section 1.408(10).
- Commercial apartment (land use):** See Section 1.412(1).
- Commercial district(s):** See Section 1.201.
- Commercial indoor lodging (land use):** See Section 1.408(11).
- Commercial land use(s):** See Section 1.408.
- Commercial vehicle:** Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.
- Communication tower (land use):** See Section 1.411(3).
- Community character:** The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.
- Community Character Overlay Zoning Districts:** See Section 1.306.
- Community Gateway Design Overlay Zoning (CG) District:** See Section 1.306(6).
- Community living arrangement (CLA) (land use):** See Section 1.407(7).
- Company Cafeteria (land use):** See Section 1.412(4).
- Company provided onsite recreation (land use):** See Section 1.412(5).
- Composting operation (land use):** See Section 1.409(6).
- Comprehensive Master Plan:** The Comprehensive Master Plan of the City of Mauston, Wisconsin, adopted April 25, 2000, and as subsequently amended.
- Conditional use:** See, Use, Conditional.
- Conditional Use, Limited:** See, Use, Conditional Limited
- Conservation envelope:** The area on a site which contains the Resource Protection Area (RPA), within which site disruption (e.g. grading, vegetation clearing, building, etc.) is limited or prohibited.
- Construction materials standards:** See Section 1.529.
- Construction, Start of:** The installation of foundation footings and/or materials for road construction.
- Contractor's on-site equipment storage (land use):** See Section 1.413(4).
- Contractor's project office (land use):** See Section 1.413(3).
- Conventional residential development:** All residential land uses except institutional residential development, mobile home subdivisions and mobile home/manufactured home park. (*Amended per Ord. 931*)
- Corner Lot:** See, Lot, Corner.
- Crawl space:** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.
- Cultivation (land use):** See Section 1.406(1) for principal uses and Section 1.412(24) for accessory uses.
- Day Care:** See family day care home, intermediate day care home, or group day care center.

- Deck:** A structure that has no roof or walls. Can be attached or detached to the principle structure. If attached, it is required to have main supports and continuous footings below grade by 48” and must be raised above grade and must comply with the principle setback requirements or as modified by Section 1.505(3). If detached, shall be an accessory structure.
- Dedication:** The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.
- Density:** A term used to describe the maximum number of dwelling units and the minimum amount of landscaping required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development. (Cf. “Intensity” which is the term used to describe the same standards for nonresidential sites.) (See, Section 1.503 for standards.)
- Density and Intensity Standards:** See Section 1.503.
- Detached residential carport (land use):** See Section 1.412(3).
- Detached residential garage (land use):** See Section 1.412(3).
- Detached residential lawn ornament (land use):** See Section 1.412(3).
- Detached residential play structure (land use):** See Section 1.412(3).
- Detached residential utility shed (land use):** See Section 1.412(3).
- Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.
- Development:** The division of a parcel of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.
- Development option(s):** The type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this Chapter.
- Development pad:** The area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.
- Direct access:** See, Access, direct
- Disposal land use(s):** See Section 1.409.
- Distribution center (land use):** See Section 1.410(4).
- Downtown Design Overlay Zoning (DD) District:** See Section 1.306(4).
- Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.
- Drainageway:** Drainageways are non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a “perennial stream” as shown on USGS 7.5 minute topographic maps for the City of Mauston and its environs; (b) All areas within 50 feet of the ordinary high water mark of an “intermittent stream” or “open channel drainageway” as shown on USGS 7.5 minute topographic maps for the City of Mauston and its environs.
- Drainageway Overlay Zoning (DW) District:** See Section 1.305(6).
- Drainage standards:** See Section 1.528.

- Drainage structure (land use):** See Section 1.412(18).
- Dripline:** Outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.
- Drive-in theater:** See Section 1.408(9).
- Dryland access:** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
- Duplex:** See Section 1.405(2).
- Dwelling:** A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.
- Dwelling, attached:** A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.
- Dwelling, detached:** A dwelling which is entirely surrounded by open space on the same lot.
- Dwelling, single-family detached:** See Section 1.405(1).
- Dwelling unit:** A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.
- Dwelling unit separation:** The narrowest distance between two dwelling units. See Minimum dwelling unit separation.
- Easement:** Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.
- Eave Standards:** See Section 1.530.
- Electromagnetic radiation standards:** See Section 1.521.
- Elevated Building:** A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.
- Encroachment:** Any unauthorized and/or unpermitted fill, structure, building, use, or development in or on a floodway, easement, right-of-way or property.
- Entry Corridor Design Overlay Zoning (EC) District:** See Section 1.306(7).
- Environmental Control Facility:** Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- Environs (of the City of Mauston):** The area in which the City of Mauston may exercise extraterritorial powers.
- Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.
- Essential Services:** Facilities that are:
- (1) Owned or maintained by public utility companies or public agencies, and;
 - (2) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and;
 - (3) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
 - (4) Do not include any cross-country lines on towers.
- Estate Residential (ER-1) District:** See Section 1.207(1).
- Explosion standards:** See Section 1.524.
- Exterior Communication Devices (land use):** See Section 1.412(22).

Extraction use (land use): See Section 1.411(4).

Extraterritorial area: The area outside of the City Limits in which the City of Mauston exercises extraterritorial powers pursuant to sec. 62.23(7a) Wis. Stats., as more particularly described in Section 1.108 above.

Family: An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

Family day care home (land use): See Section 1.412(11).

Farm residence (land use): See Section 1.412(2).

Fees: See Section 1.935.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

Fence, solid: Any fence which cannot be seen through. Such fences include basket weave fences, stockade fences, plank fences, and similar fences.

Fencing standards: See Section 1.533.

Filling (land use): See Section 1.412(19).

Firewood Standards: See Section 1.512(5).

Fire standards: See Section 1.524.

First habitable floor: The top surface above an unfinished basement, cellar, or crawl space that is intended for living quarters.

Floodplain Overlay Zoning Districts (FP): See Section 1.305(3).

Floor (F): A habitable level of a building, typically not including unfinished basement, cellar, crawlspace, or attics that are unintended for living quarters. (*Amended per Ord. 931*)

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the area of the subject lot. See, maximum floor area ratio.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

Freight terminal(land use): See Section 1.410(3).

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of ten thousand (10,000) pounds. See Section 1.412(3).

Gas station: See in-vehicle sales or service.

General Business (GB) District: See Section 1.208(5).

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

General Industrial (GI) District: See Section 1.208(8).

General temporary outdoor sales (land use): See Section 1.413(1).

Glare: The brightness of a light source which causes eye discomfort.

Glare standards: See Section 1.51.

Green space: (A/k/a Permanently Protected Green Space) The area of a site upon which site disruption and site development are strictly limited. Green space consists of the following: (i) Resource Protection Areas (RPA), and (ii) areas devoted to land uses which incorporate natural resources, such as Passive Outdoor Public Recreational land Use (Sec. 1.407(1)), or Outdoor Institutional Land Use (Sec. 1.407(4), and (iii) portions of a site which are prevented from development by deed restrictions.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area (GFA): The total habitable floor area on all levels of a building.

Gross site area (GSA): The total area of a site or parcel, minus all of the following:

1. Existing and proposed rights-of-way of roads and public facilities;
2. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
3. Land which is proposed for a different development option or a different zoning district; and
4. Areas of navigable waters (lakes and streams).

GSA is calculated whenever a person wishes to develop a parcel or site, e.g. any subdivision of land or the creation of a Plat. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site. (See, Site Evaluation Worksheet, Appendix 4 for calculation of GSA).

Group day care center (land use): See Section 1.408(13).

Group development: See Section 1.414.

Habitable buildings: Any building, or portion thereof used for human habitation.

Hazardous Materials Standards: See Section 1.532.

Heat standards: See Section 1.51.

Hearing Notice: Publication or posting which meets the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

Heavy industrial (land use): See Section 1.411(2).

Heavy Industrial (HI) District: See Section 1.208(9).

Height of structure: See Building Height.

Heliport (land use): See Section 1.410(2).

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Historic Preservation Overlay Zoning (HH) District: See Section 1.306(5).

Holding zone: A zoning district designed to limit development potential until adequate public services and infrastructure are provided.

Home occupation (land use): See Section 1.412(10).

Husbandry (land use): See Section 1.406(2).

Impervious surface: Areas which prohibit infiltration of storm water. Concrete, brick, asphalt and similar paved surfaces are considered impervious. Gravel areas and areas with "landscaped pavers" which are intended for vehicular traffic are considered to be impervious.

Increase in regional flood height: A calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Indoor commercial entertainment (land use): See Section 1.408(8).

Indoor institutional (land use): See Section 1.407(3).

Indoor maintenance service (land use): See Section 1.408(5).

Indoor sales (land use): See Section 1.408(3).

Indoor sales as accessory use (land use): See Section 1.412(8).

Indoor service (land use): See Section 1.408(3).

Indoor storage (land use): See Section 1.409(1).

Indoor Vehicle Storage (land use): See Section 1.410(5).

Indoor wholesaling (land use): See Section 1.409(1).

Industrial district(s): See Section 1.201.

Industrial land use(s): See Section 1.411.

Infill development: Development located in areas which are largely developed already.

Institutional land use(s): See Section 1.407.

Institutional residential (land use): See Section 1.407(6).

Institutional residential unit: A dwelling unit contained in an Institutional Residential Development.

Intensity: A term used to describe the maximum amount of gross floor area and the minimum amount of landscaping required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) (1) the area of the site; (2) the proportion of the site not containing sensitive natural resources; (3) the zoning district(s) in which the site is located; (4) the development option(s) under which the site is developed; and (5) the use(s) considered for development. (Cf. "Density" which is the term used to describe the same standards for residential sites.)

Intensive agricultural (land use): See Section 1.406(3).

Interchange: A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Intermediate day care home (land use): See Section 1.412(12).

Interpretation: See Section 1.911 for application procedures and Section 1.932(2)(n).

Invehicle sales (land use): See Section 1.408(7).

Invehicle sales as accessory use (land use): See Section 1.412(7).

Invehicle service (land use): See Section 1.408(7).

Invehicle service as accessory use (land use): See Section 1.412(7).

Junkyard (land use): See Section 1.409(4).

Lakeshore: Those lands lying between the ordinary water line of navigable waters and either (i) the backside of the principal structure on the lot, or (ii) a point 200 feet from said water line, whichever is closer to said water line. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. See Section 1.305(5).

Lakeshore Overlay Zoning (LS) District: See Section 1.305(5).

Landscape point: See Section 1.603.

- Landscaped area (LA):** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters and the area landscaped pursuant to Article 6. Landscaped area may also include Resource Protection Areas (RPA) and other Green Space.
- Landscape Surface Ratio (LSR):** The percentage of the Gross Site Area(GSA) which must be preserved for landscaped area. LSR is calculated by dividing the total landscaped area of a lot by the GSA. See Section 1.503(9).
- Land use:** The type of development and/or activity occurring on a piece of property.
- Lawn Care (land use):** See Section 1.412(20).
- Lawn Ornament:** Walks, drives, paved terraces and purely decorative garden accessories such as small pools (not intended for human use), fountains, bird baths, statuary, sun dials, flag poles, etc.
- Light industrial (land use):** See Section 1.411(1).
- Light industrial as accessory use:** See Section 1.412(9).
- Lighting standards:** See Section 1.514.
- Limited Conditional Use:** See Use, Limited Conditional.
- Loading standards:** See Section 1.511.
- Local residential street:** A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.
- Lot:** A parcel of land that: (a) is undivided by any street or private road; and (b) is occupied by, or designated to be developed for, one building or principal use; and (c) is either (i) designated as a single lot on a Plat or Certified Survey map, or (ii) is a combination of contiguous lots owned by a single entity and identified as a single tax parcel (e.g. a group of 3 contiguous lots in a residential neighborhood, which are combined into a single tax parcel, and upon which a single home and accessory structures are placed). (*Amended per Ord. 931*)
- Lot area:** The area contained within the property boundaries of a recorded lot. Lot area has the affect of limiting the density and intensity of development on a lot.
- Lot, corner:** A lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
- Lot depth:** The average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.
- Lot frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.
- Lot interior:** A lot other than a corner lot.
- Lot line:** The property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.
- Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.
- Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots

which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot; or lot described in a certified survey map which has been approved by the City or by Juneau County and has been recorded in the office of the Register of Deeds; or a lot described by a metes and bounds description which has been approved by the City or by Juneau County and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See Minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Maintenance guarantee: A guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this Chapter or to maintain same.

Manufactured Dwelling ("Modular"): A dwelling structure or component thereof as defined in the Wisconsin Uniform Dwelling Code § 20.07(52), which bears the Wisconsin Department of Commerce Insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code. *(Amended per Ord. 931)*

Manufactured Home: A single family dwelling structure or component thereof, fabricated in an offsite manufacturing facility, for installation or assembly at the building site, bearing HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. under §§5401 to 5426. *(Amended per Ord. 931)*

Master Plan: See, Comprehensive Master Plan.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum building coverage (MBC): The largest permitted area (footprint) of all buildings on a lot. (See, Section 1.503(5)).

Maximum building size (MBS): The largest permitted total gross floor area a building may contain. (See building size) (See also, Section 1.503(6)).

Maximum floor area ratio (FAR): The largest floor area ratio permitted on a lot. (See, floor area ratio) (See also, Section 1.503(8)).

Maximum gross density (MGD): The maximum number of dwelling units permitted on one acre (or 43,560 sq. ft.) of lot area in a specific zoning district and land use. (See, Section 1.503(7)).

Maximum number of Floors: The maximum number of floors a building is permitted to contain in a zoning district.

Maximum height: The maximum height of the highest portion of any structure. See height.

Migrant labor camp (land use): See Section 1.412(13).

Minimum building separation: The narrowest permitted building separation.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation.

- Minimum floor elevation:** The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement or cellar floor, but not a crawl space.
- Minimum landscape surface ratio (LSR):** The minimum permitted percentage of area of a lot that must be preserved as landscaped area. (See, landscape surface ratio) (See also, Section 1.503(9)).
- Minimum lot area (MLA):** The minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the “density” of a residential site, and the “intensity” of a nonresidential site. (See, Section 1.503(4)).
- Minimum lot width:** The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.
- Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.
- Minimum site area (MSA):** The minimum gross site area in which the specified development option may occur. See gross site area (GSA).
- Minimum Zoning District Area (MZA):** The minimum area of a zoning district. This is intended to prevent “spot zoning” of small areas. (See, Section 1.503(2)).
- Mini-warehouse:** See Section 1.409(3).
- Mobile home:** A type of residential land use defined and regulated in Section 1.405(8).
- Mobile Home/Manufactured Home Park:** A type of residential land use defined and regulated in Section 1.405(11). (*Amended per Ord. 931*)
- Mobile Home Subdivisions:** A type of residential land use defined and regulated in Section 1.405(10). (*Amended per Ord. 931*)
- Mobile home sales:** See Section 1.405(10) and Section 1.405(11).
- Motel, Motor Court, Hotel:** See commercial indoor lodging.
- Motor freight terminal:** See freight terminal.
- Multiplex (land use):** See Section 1.405(6).
- Multi-family Residential-8 (MR-8) District:** See Section 1.207(5).
- Multi-family Residential-10 (MR-10) District:** See Section 1.207(6).
- Municipal Well Recharge Area Overlay Zoning (MWR) District:** See Section 1.305(9).
- Natural Resource Protection Area:** See, Resource Protection Area.
- Natural Resource Protection Overlay Zoning Districts:** Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources. See Section 1.305. See also, Resource Protection Area (RPA) below.
- Navigable water:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor & Co., Inc. v. DNR, 70 Wis.2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the US Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.
- Neighborhood Business (NB) District:** See Section 1.208(3).
- Neighborhood Office (NO) District:** See Section 1.208(1).
- Net Developable Area (NDA):** The area of a parcel or site which may be disturbed by development activity. Net Developable Area is the result of subtracting Resource Protection Areas (RPA) from

the Gross Site Area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development (See, Site Evaluation Worksheet, and Appendix 4 for calculation of NDA)

Noise standards: See Section 1.517.

Nonconforming building or structure: Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter. (See Section 1.541 for regulations).

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See Section 1.541.

Nonconforming use: An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. (See Section 1.403 for regulations).

Nonresidential district(s): See Section 1.208

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Noxious materials standards: See Section 1.525.

Odor standards: See Section 1.519.

Obstruction to flow: Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Office (land use): See Section 1.408(1).

Official map: The map adopted by the Common Council which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Official zoning map: See Section 1.202 and Section 1.303.

Offsite parking lot (land use): See Section 1.410(1).

Onsite: Located on the lot in question, except in the context of onsite detention, when the term means within the boundaries of the development site as a whole.

Onsite agricultural retail (land use): See Section 1.406(5).

On-site parking lot (land use): See Section 1.412(14).

On-site real estate sales office (land use): See Section 1.413(6).

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Ordinary high water mark: The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Outdoor assembly (land use): See Section 1.413(2).

Outdoor commercial entertainment (land use): See Section 1.408(9).

Outdoor display (land use): See Sections 1.408(4).

Outdoor display incidental to indoor sales or service (land use): See Section 1.412(6).

- Outdoor institutional (land use):** See Section 1.407(4) for principal uses and Section 1.412(27) for accessory uses.
- Outdoor maintenance service (land use):** See Section 1.408(6).
- Outdoor sales (land use):** See Section 1.413(1).
- Outdoor storage (land use):** See Section 1.409(2).
- Outdoor storage of firewood standards:** See Section 1.512(5).
- Outdoor wholesaling (land use):** See Section 1.409(2).
- Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Article 2, as well as the general restrictions of this Chapter. See Article 3.
- Owner:** The person or entity which holds legal title to a lot or parcel of land.
- Pad, Development:** See Development pad.
- Parcel:** (a/k/a Site) A tract of land designated for development or redevelopment. Typically, a parcel is either (i) a tract of land under single ownership, which typically has not been divided by streets, has not been designated for a principal use, and has not been divided into recorded lots, or (ii) in the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.
- Park Overlay Zoning (POZ) District:** See Section 1.306(8).
- Parking standards:** See Section 1.509(6).
- Parking lot design standards:** See Section 1.509(6).
- Parking requirements:** See Section 1.509(6).
- Parking space design standards:** See Section 1.509(6).
- Passive outdoor public recreational (land use):** See Section 1.407(1) for principal uses and Section 1.412(25) for accessory uses.
- Penalty:** See Section 1.936.
- Performance guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.
- Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article 5.
- Peripheral setback:** The distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to (not overlapping with) regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.
- Permitted by right, use:** See, Use, Permitted by Right.
- Personal service(s) (land use):** See Section 1.408(2).
- Personal storage facility (land use):** See Section 1.409(3).
- Piers and wharfs:** See Section 1.412(30).
- Plan Commission:** The Plan Commission of the City of Mauston. See also Section 1.933.
- Planned Business (PB) District:** See Section 1.208(4).
- Planned Development (PD_-_) District:** See Section 1.209 and Section 1.914.
- Planned Industrial (PI) District:** See Section 1.208(7).
- Planned Office (PO) District:** See Section 1.208(2).
- Precise Implementation Plan (PIP):** See Section 1.914(8).
- Principal building:** See Building, principal.

- Principal use:** Any and all of the primary uses of a property, as determined by the Zoning Administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per Articles 2, 3 and 4.
- Private Residential Kennel (land use):** See Section 1.412(16).
- Private Residential Recreational Facility (land use):** See Section 1.412(15).
- Private Residential Stable (land use):** See Section 1.412(17).
- Private Sewage System:** Any sewage treatment and disposal system which is not owned and operated by the City. This term includes alternative sewage systems approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
- Professional service(s) (land use):** See Section 1.408(2).
- Protected natural resources:** Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter. See Article 3.
- Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.
- Public services and utilities (land use):** See Section 1.407(5).
- Public sewer:** The sanitary sewer system owned and operated by the City of Mauston.
- Recorded lot:** See, Lot of record.
- Recreational vehicle:** A vehicle designed and used principally for the transport of persons.
- Relocatable building (land use):** See Section 1.413(5).
- Residential district(s):** See Section 1.207.
- Residential land use(s):** See Section 1.207.
- Residentially zoned:** A property located in a residential district per Article 2.
- Resource Protection Area:** The area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.
- Restrictive, more (less):** A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.
- Restaurant:** See indoor commercial entertainment.
- Restaurant, fast food:** See in vehicle sales and service.
- Road (land use):** See Section 1.412(28).
- Roofing Standards:** See Section 1.530.
- Rural Residential (RR) District:** See Section 1.206(2).
- Salvage yard (land use):** See Section 1.409(4).
- Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.
- Seasonal Outdoor Sale of Farm Products (land use):** See Section 1.413(7).
- Sedimentation:** The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.
- Selective cutting (land use):** See Section 1.406(6).
- Septic systems (land use):** See Section 1.412(21).

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. Various setback requirements are established in each zoning district (Articles 2 and 3). (See, "yard setback adjustments," Section 1.505(3)). (See also, "minimum setback"). (NOTE: Front lot lines do not necessarily coincide with curb lines or sidewalk lines. Therefore, in measuring front yard setbacks, care should be taken to measure from the correct point).

Sexually oriented use (land use): See Section 1.408(16).

Shopping center: See group development.

Shoreland - Wetland Overlay Zoning (SW) District: See Section 1.305(4).

Shrub: A low lying deciduous or evergreen plant. See Article 6.

Sign: The definition of "sign," "sign purposes," and "sign types" are all contained in Article 8, along with the regulations applicable thereto.

Sign Permit: See Section 1.907.

Signal receiving antenna (satellite dishes) standards: See Section 1.535.

Single-Family detached: A type of residential land use defined and regulated in Section 1.405(1).

Single-Family Residential-3 (SR-3) District: See Section 1.207(2).

Single-Family Residential-4 (SR-4) District: See Section 1.207(3).

Site: See, Parcel.

Site area: See Gross site area.

Site Evaluation Worksheet: (See Appendix 4) This worksheet is designed to assist persons interested in developing a site, parcel or lot (e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development). This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs 1 acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a 1-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainageways, and other areas protected under this Chapter.

Site plan: See Section 1.908.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Solid Waste Transfer Station & Material Recovery Facility (land use): See Section 22.409(7)

Stable, commercial: See commercial animal boarding.

Stable, private: See private residential stable.

Standard Industrial Classification code (SIC): The numeric code for categorizing land uses developed by the US Department of Commerce. SIC codes in this Chapter are based on the listing contained within the 1987 manual.

Standard pavement width: Required pavement width per the City of Mauston Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Director of Public Works.

Standard zoning districts: Zoning districts which primarily regulate the use of land and intensity or density of such use. See Article 2.

Start of Construction: The date the building permit is issued, provided the actual start of activity was within 730 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the City of Mauston and its environs.

Steep Slope Overlay Zoning (SS) District: See Section 1.305(8).

Storage land use(s): See Section 1.409.

Storage standards: See Section 1.512.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

Street: Unless specifically designated otherwise by the Common Council, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (60) feet or more in width when established after the effective date of this Chapter.

Street, Arterial: A street which is anticipated to carry in excess of three thousand five hundred (3,500) vehicles per day in traffic volume, at desirable speeds ranging from thirty (30) to forty-five (45) miles per hour, and which is used for travel between areas within and outside the City and is defined specifically as such on the Zoning Map.

Street, Collector: A street which is anticipated to carry from two thousand five hundred (2,500) to five thousand (5,000) vehicles per day in traffic volume, at desirable speeds ranging from twenty-five (25) to thirty-five (35) miles per hour, which serves a collecting function by distributing traffic between local streets and arterial streets and is defined specifically as such on the Zoning Map.

Street, Local: A street which is anticipated to carry less than two thousand five hundred (2,500) vehicles per day in traffic volume at desirable speeds up to twenty-five (25) miles per hour, and which provides access to abutting property and primarily serves local traffic and is defined specifically as such on the Zoning Map.

Street, Local Residential: A local street serving primarily to collect traffic originating directly from residential driveways and private residential courts and streets.

Street, Residential Collector: A collector street serving primarily residential land uses which serves to connect local residential streets to collector or arterial streets.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 1.540 for regulations.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Swimming Pool Standards: See Section 1.537.

Temporary use: See, Use, Temporary.

Townhouse: A type of residential land use defined and regulated in Section 1.405(5).

Toxic materials standards: See Section 1.525.

Trademark architecture: A structure using combinations of building styles, forms, configurations, patterns or arrangements of solids and voids, materials, finishes, colors, signage, lighting and/or appurtenances typically associated with and frequently used by a specific land use, tenant, or corporations part of a self-identified image, character or marketing strategy.

Transportation land use(s): See Section 1.410.

Truck stop: See In-Vehicle sales and service.

Twin house: A type of residential land use defined and regulated in Section 1.405(3).

Two Flat house: A type of residential land use defined and regulated in Section 1.405(4).

Two-Family Residential-6 (TR-6) District: See Section 1.207(4).

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

Use: The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: See Accessory use.

Use, Conditional: A land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses, which are of such a special nature or which are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus any requirements applicable to that particular land use as contained in Articles 4 and 5, plus any additional requirements imposed as part of the conditional use process contained in Article 9. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of Section 1.905.

Use, Limited Conditional: Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

a) their particularly specialized nature, or

- b) their particular locations within a district, or
- c) the peculiar relationship or needed compatibility of uses to involved individuals, or
- d) any other reason(s) the Plan Commission deems relevant to limit the scope thereof.

Use, Permitted: A land use which is allowed to develop without special oversight by the Plan Commission through the conditional use process (Section 1.905), but instead, is allowed to develop subject to the zoning permit process (Section 1.904) administered by the Zoning Administrator. However, permitted uses (like conditional uses) are subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the use is located, plus the general land use requirements of Article 4, the general standards and regulations of Article 5, and the other applicable provisions of this Chapter. Before any permitted use is commenced, changed or altered, a zoning permit must be obtained. (See, Section 1.904).

Use, Principal: See Principal use.

Use, Temporary: A land use, identified in Section 1.413, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (Article 2) and overlay zoning district (Article 3) in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in Article 4. Temporary uses are granted pursuant to the procedures of Section 1.906.

Utility shed (land use): See Section 1.412(3).

Utility Lines and Facilities (land use): See Section 1.412(29).

Utility vehicle: A vehicle designed and used primarily for the transport of equipment and/or materials.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 1.910.

Vehicle Maintenance (land use): See Section 1.408(17).

Vehicle Repair (land use): See Section 1.408(17).

Vibration standards: See Section 1.515.

Violation: See Section 1.936.

Visibility standards: See Section 1.508.

Vision Clearance Triangle: An occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

Waste disposal facility (land use): See Section 1.409(5).

Waste materials standards: See Section 1.526.

Wetland: See Section 1.305(4).

Wind energy conversion systems (WECS) standards: See Section 1.536.

Wisconsin Wetland Inventory Map: Maps prepared by the Wisconsin Department of Natural Resources.

Wharfs (land use): See Section 1.412(30).

Woodland: Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the City of Mauston and its environs.

Woodland Overlay Zoning (WL) District: See Section 1.305(7).

Working days: Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays granted by the City of Mauston to its Department Heads.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

- Yard, front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.
- Yard, rear:** A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.
- Yard, side:** A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.
- Yard, street:** Any yard which extends along a street right-of-way, and which shall have a consistent depth equal to the distance from the street right-of-way to the closest edge of the principal structure on the lot. Street yards may include front yards, rear yards and side yards. (*Amended per Ord. 931*)
- Zoning Administrator:** The person authorized and charged by the City with the administration of this Chapter. See Section 1.932.
- Zoning Appeals:** See Section 1.912.
- Zoning Certificate of Occupancy:** See Section 1.909.
- Zoning district:** A geographic area of the Mauston-Lemonweir Extraterritorial Zoning District, which is identified on the Official Extraterritorial Zoning Map(s) and which is subject to the rules and regulations set forth in this Chapter. Article 2 identifies the standard zoning districts into which the entire District is divided, and Article 3 identifies the overlay zoning districts which cover part of the District.
- Zoning district categories:** Zoning Districts are divided into categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the “residential category.” See Article 2 for Agricultural, Residential, Non-residential and Planned Development categories, and see Article 3 for Natural Resource Protection and Community Character overlay categories.
- Zoning map:** See “Official Zoning Map”, above.
- Zoning permits:** See Section 1.904.