

MAUSTON - LEMONWEIR
EXTRATERRITORIAL ZONING ORDINANCE

ARTICLE 3: OVERLAY ZONING DISTRICTS

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ARTICLE 3: OVERLAY ZONING DISTRICTS

1.301 PURPOSE

Overlay zoning districts are a set of zoning requirements imposed in addition to those of the underlying standard zoning district. Development within the overlay zone must conform to the requirements of both zones, or the more restrictive of the two. These districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features.

1.302 OVERLAY ZONING CATEGORIES AND DISTRICTS

For purposes of this Chapter, certain specified areas within the Extraterritorial Zoning District are hereby divided into the following overlay zoning categories and overlay zoning districts:

Natural Resource Protection Overlay Category

Floodplain Overlay District (FP)
 Shoreland-Wetland Overlay District (SW)
 Lakeshore Overlay District (LS)
 Drainageway Overlay District (DW)
 Woodland Overlay District (WL)
 Steep Slope Overlay District (SS)
 Municipal Well Recharge Area Overlay District (MWR)

Community Character Overlay Category

Downtown Design Overlay District (DD)
 Historic Preservation Overlay District (HP)
 Community Gateway Overlay District (CG)
 Entry Corridor Overlay District (EC)
 Park Overlay Zoning District (POZ)

1.303 MAP OF OVERLAY ZONING DISTRICTS

The overlay zoning districts established by this chapter are shown on the Official Extraterritorial Zoning Maps, which together with all explanatory materials thereon, is hereby made a part of this Chapter.

1.304 INTERPRETATION OF OVERLAY ZONING DISTRICT BOUNDARIES

The rules applicable to standard zoning district boundaries shall also apply to overlay zoning district boundaries (*see*, Section 1.102), subject to the following additional rules:

- (1) Where an apparent discrepancy exists between the location of the outermost boundary of the Floodfringe District or the Floodplain District shown on the official zoning map and actual field conditions, the location shall be initially determined by the Zoning Administrator using the criteria described in (2) and (3), below. Where the Zoning Administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in Section 1.903. Disputes between the Zoning Administrator and the Applicant over the location of the district boundary line shall be settled using the procedures outlined in Section 1.912.
- (2) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists

between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

- (3) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department of Natural Resources, the Zoning Administrator shall have the authority to grant or deny a land use permit.

1.305 NATURAL RESOURCE PROTECTION OVERLAY ZONING CATEGORIES

- (1) **INTRODUCTION:** This Section contains the standards governing the protection, disturbance, and mitigation of disruption of all natural resource areas. These provisions are intended to supplement those of the City of Mauston, the Township of Lemonweir, Juneau County, the State of Wisconsin, and the Federal Government of the United States pertaining to natural resource protection. Prior to using the provisions of these sections to determine the permitted disruption of such areas, the requirements provided below should be reviewed. These sections recognize the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of these sections is oriented to each natural resource type, and is designed to accomplish several objectives:

1. A definition of the natural resource is provided.
2. The specific purposes of the protective regulations governing each natural resource type are provided.
3. The required method of identifying and determining the boundaries of the natural resource area is given.
4. A list of land uses which are permitted by right, permitted by conditional use, or prohibited.
5. Mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented as part of the regulations for each land use found in Article 4.

- (2) **PURPOSE:** This Section sets forth the requirements for the mandatory protection of natural resources (resource protection area – RPA) within the jurisdiction of this Chapter. The provisions of this section interact closely with the regulations applicable to each zoning district in Article 2, with the regulations applicable to each land use of Article 4, and with the Density and Intensity Standards of Section 1.503.

- 1.305 (3) FLOODPLAIN OVERLAY ZONING DISTRICTS (FP):**
Floodplain Overlay Zoning, including zoning in Floodway Districts, Floodfringe Districts and Floodplain Districts, is governed by Chapter 24 of the Mauston Code of Ordinances, which is incorporated herein by reference, including all future amendments thereto.
- (4) SHORELAND– WETLAND OVERLAY ZONING DISTRICT (SW):**
Shoreland-Wetland Overlay Zoning is governed by Chapter 23 of the Mauston Code of Ordinances, which is incorporated herein by reference, including all future amendments thereto.
- (5) LAKESHORE OVERLAY ZONING DISTRICT (LS):**
- (a) Definition:** Lakeshores are defined in Section 1.125. Decorative water features shall not be considered "navigable waters" for the purposes of this Section. This meaning of "lakeshores" shall remain distinct from the meaning of the term as employed by the State of Wisconsin Statutes and the DNR.
- (b) Purpose of Lakeshore Protection Requirements:** Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Lakeshores also protect and promote the natural beauty of the shore by controlling and limiting the development of structures within the Lakeshore Overlay District.
- (c) Determination of Lakeshore Boundaries:** General LS boundaries are depicted on the Official Extraterritorial Zoning Maps. Upon the proposal of development activity on any property which contains a LS depicted on the Official Zoning Maps, the petitioner shall prepare a detailed map which depicts the location of the LS and all existing and proposed structures and improvements in the LS.
- (d) List of Land Uses Permitted by Right:**
Selective Cutting (per Section 1.406(6)), subject to the additional requirements of subsection (f) below.
Lawn Care (per Section 1.412(20))
Passive Outdoor Recreational (per Section 1.412(25))
Road, Bridge and/or Appurtenances thereto (per Section 1.412(28))
Piers and Wharfs (per Section 1.412(30))
- (e) List of Land Uses Permitted as a Conditional Use:**
All residential land uses (per Section 1.405)
Outdoor Commercial Entertainment (golf facilities only) (per Section 1.408(9))
Drainage Structure (per Section 1.412(18))
Filling (per Section 1.412(19))
Utility Lines and Related Facilities (per Section 1.412(29))

- 1.305(5) (f) Mandatory Lakeshore Protection Requirements:** LS's shall remain in an undisturbed state, except for the land uses authorized above and except for the activities permitted below.
- 1. Tree Removal:** The intent and purpose of this subsection is to preserve the area's character as a natural wooded community, maintain property values by improving and preserving the aesthetic appeal of the area through tree regulations, preserve the natural resources of the area and State, reduce the amount of erosion in the area due to tree removal, protect the quality of the waters of the State and the area, and protect and promote the health, safety and welfare of the people by minimizing the amount of sediment and other pollutants carried by runoff to surface waters due to the erosion of land not protected by a naturally wooded environment.
 - 2. Scope:** The provisions of this subsection shall apply to all Zoning Districts, except that these provisions may be modified in the SR-3 and SR-4 Districts through the conditional use process.
 - 3. Clear-Cutting Prohibition:**
 - a. Shoreland Areas:** In a strip of land 35' wide inland from the bulkhead line, no more than 30' in any 100' shall be clear-cut. Where the lot is less than 100', no more than 30% of this strip shall be clear-cut. Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
 - b. Tree Preservation Area:** Except for circumstances identified under subsection 4 b, it is prohibited to remove any tree or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.
 - 4. Cutting Exceptions:**
 - a.** Trees may be removed from the building activities area. This area shall be as small as possible, including the entire area affected by building, grading and temporary material storage areas. In no case shall the amount of trees with a 6" tree diameter removed within the building activities area exceed the following:
 - 80% of the total of such trees on lots of 1/4 acre or less.
 - 60% of the total of such trees on lots of 1/4 acre to one acre, except in the ER-1 District.
 - 40% of the total of such trees on lots of one acre to 2.5 acres, except in the ER-1 District.

20% of the total of such trees on lots of 2.5 acres or more, except in the ER-1 District.

10% of the total of such trees on all lots in the ER-1 Districts.

- 1.305(5)(f)** **4. b.** Trees removed in excess of the above reasons will require a permit from the Zoning Administrator. Conditions under which a permit may be issued include, but will not be limited to, the following:
- The tree is dead, dying or diseased.
 - The tree is damaged or injured to the extent that it is likely to die or become diseased.
 - The removal of the tree will enhance the tree preservation area and the health of the remaining trees.
 - The removal of the tree will avoid or alleviate an economic hardship or hardship of another nature to the property or residences.
 - The removal of the tree is consistent with good arboriculture practices.
- 5. Replacement Trees:** When in keeping with good arboriculture practices, replacement trees shall be planted for all removed trees. They may be planted in the tree preservation area or in the building activities area after the initial construction activities are completed. All replacement trees shall be planted within 30 days of final grading. The determination of good arboriculture shall be based on tree density and spacing of the following table. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this table, and is authorized to approve appropriate similar species.

SMALL TREES: Trees which have an ultimate height of 20’ to 30’ and 15’ to 25’ spread. They should be planted 15’ to 20’ on center or roughly at a density of 115 trees per acre.			
Apricot Crabapple, Flowering (sp)	Hawthorne (sp) Lilac, Japanese Tree Peach, Flowering	Plum, Purpleleaf Redbud Golden Train Tree	Soapberry Pear, Bradford Serviceberry
MEDIUM TREES: Trees which have an ultimate height of 30’ to 50’ and 30’ to 40’ spread. They should be planted 25’ to 30’ on center or roughly at a density of 30 trees per acre.			
Ash, Green Hackberry Honeylocust (Thornless)	Linden or Basswood (sp) Mulberry, Red (fruitless, male) Oak, English	Oak, Red Pagodatree, Japanese Pecan Birch	Osageorange (Thornless) Persimmon Poplar Sassafras
LARGE TREES: Trees which have an ultimate height greater than 50’ and over 40’ spread. They should be planted 40’ on center or roughly at a density of 25 trees per acre.			
American Elm Walnut	Kentucky Coffeetree Silver Maple	Sugar Maple Oaks	Sycamore Cottonwood

6. **Penalties:** Any person violating any provision of this subsection shall be subject to a penalty per tree illegally cut or removed, which shall be determined by the assessed value of the trees removed. The assessed value shall be determined by a qualified tree appraiser in accordance with the "Manual for Plant Appraisers." In addition to this penalty, a replacement tree shall be planted to replace all trees cut illegally.

1.305 (6) DRAINAGEWAY OVERLAY ZONING DISTRICT (DW):

- (a) **Definition:** Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:
1. 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;
 2. 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.
- (b) **Purpose of Drainageway Protection Requirements:** Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.
- (c) **Determination of Drainageway Boundaries:** General drainageway boundaries are depicted on the Official Extraterritorial Zoning Maps. Upon the proposal of development activity on any property which contains a drainageway depicted on the Official Zoning Map, the petitioner shall prepare a detailed map which shall depict the location of all drainageway areas on the subject property and all existing and proposed structures and improvement therein.
- (d) **List of Land Uses Permitted by Right:**
Lawn Care (per Section 1.412(20))
Passive Outdoor Recreational (per Section 1.412(25))
Piers and Wharfs (per Section 1.412(30))
- (e) **List of Land Uses Permitted as a Conditional Use:**
Outdoor Commercial Entertainment (golf facilities only) (per Section 1.408(9))
Drainage Structure (per Section 1.412(18))
Filling (per Section 1.412(19))
Road, Bridge and/or Appurtenances thereto (per Section 1.412(28))
Utility Lines and Related Facilities (per Section 1.412(29))
- (f) **Mandatory Drainageway Protection Requirements:** Drainageways shall remain in an undisturbed state except for the land uses allowed above.

Vegetation clearing to maintain drainageway functions is permitted with the written approval of the Director of Public Works.

1.305 (7) WOODLAND OVERLAY ZONING DISTRICT (WL):

- (a) **Definition:** Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on air photos for the City of Mauston and its environs.
- (b) **Purpose of Woodland Protection Requirements:** Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (c) **Determination of Woodland Boundaries:** General woodland boundaries are depicted on the Official Extraterritorial Zoning Maps. Upon the proposal of development activity on any property which contains a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 1.908. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.
- (d) **List of Land Uses Permitted by Right:**
 Selective Cutting (per Section 1.406(6))
 Passive Outdoor Recreational (per Section 1.412(25))
- (e) **List of Land Uses Permitted as a Conditional Use:**
 All residential land uses (per Section 1.405)
 Clear Cutting (per Section 1.406(7))
 Outdoor Commercial Entertainment (golf facilities only) (per Section 1.408(9))
 Drainage Structure (per Section 1.412(18))
 Filling (per Section 1.412(19))
 Lawn Care (per Section 1.412(20))
 Road, Bridge and/or Appurtenances thereto (per Section 1.412(28))
 Utility Lines and Related Facilities (per Section 1.412(29))
 Piers and Wharfs (per Section 1.412(30))
- (f) **Mandatory Woodland Protection Requirements:** Woodlands shall remain in an undisturbed state except for the land uses permitted above.

(8) STEEP SLOPE OVERLAY ZONING DISTRICT (SS):

- (a) **Definition:** 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 Mauston and its environs.

- (b) **Purpose of Steep Slope Protection Requirements:** Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resources areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of the drainage system in affected areas. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping--unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.

- 1.305 (8) (c) **Determination of Steep Slope Boundaries:** General steep slope boundaries are depicted on the Official Extraterritorial Zoning Maps. Upon the proposal of development activity on any property which contains a steep slope depicted on the Official Zoning Map, the petitioner shall prepare a detailed map depicting the location of all steep slope areas on the subject property and all existing and proposed structures or improvements therein.

- (d) **List of Land Uses Permitted by Right:**
 Selective Cutting (per Section 1.406(6))
 Passive Outdoor Recreational (per Section 1.412(25))

- (e) **List of Land Uses Permitted as a Conditional Use:**
 Outdoor Commercial Entertainment (golf facilities only) (per Section 1.408(9))
 Drainage Structure (per Section 1.412(18))
 Filling (per Section 1.412(19))
 Lawn Care (per Section 1.412(20))
 Road, Bridge and/or Appurtenances thereto (per Section 1.412(28))
 Utility Lines and Related Facilities (per Section 1.412(29))
 Piers and Wharfs (per Section 1.412(30))

- (f) **Mandatory Steep Slope Protection Requirements:** Steep slopes shall remain in an undisturbed state except for the land uses allowed above.

(9) **MUNICIPAL WELL RECHARGE AREA OVERLAY ZONING DISTRICT (MWR):**

- (a) **Definition:** Municipal well recharge areas are designated areas surrounding any public well. Because Mauston relies on these wells to provide the public with fresh, safe drinking water, it is extremely important for these wells to be protected from those land uses which pose a high threat of contamination
- (b) **Purpose:** The consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MWR) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area

of public municipal wells, either existing or planned. The restrictions imposed in this Section are in addition to those of the underlying zoning district or any other provisions of the zoning ordinance. This ordinance is established per NR 811.16 of the Wisconsin Administrative Code.

- 1.305(9)**
- (c) **Determination of Well Recharge Area Boundaries:** The Municipal Well Recharge Area Overlay District is indicated by Zone MWR on the Official Extraterritorial Zoning Maps. Zone MWR is identified as the primary source of water for the municipal well aquifer and as the most likely to transmit groundwater contaminants to the municipal wells.
- (d) **Land Uses Allowed as Permitted or Conditional Uses:** Subject to the uses prohibited by (e) below, and subject to the additional regulations in (h) below, all uses identified as permitted uses within an applicable zoning district shall be permitted, and all uses identified as conditional uses shall be allowed as conditional uses.
- (e) **Prohibited Uses:** The following uses have a high potential to contaminate groundwater, or have already caused groundwater contamination, in Wisconsin and elsewhere. Therefore, the following principal or accessory uses are prohibited within the MWR District:
- Agricultural use of pesticides, insecticides, or fungicides.
 - Animal waste storage areas and facilities.
 - Areas for dumping or disposal of garbage, refuse, trash, or demolition material.
 - Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
 - Asphalt product manufacturing plants.
 - Automobile laundries and car washes.
 - Automobile service stations.
 - Building materials and products sales.
 - Cartage and express facilities.
 - Cemeteries.
 - Center-pivot or other large scale irrigated agricultural operations.
 - Chemical storage, sale, processing, or manufacturing.
 - Commercial exterior storage of any objects containing petroleum or other hazardous fluids.
 - Dry cleaning establishments.
 - Electronic circuit assembly plant.
 - Electroplating plants.
 - Exterminating shop/business.
 - Fertilizer manufacture plants.
 - Foundries and forge plants.
 - Garages for repair and servicing of motor vehicles, including body repair, painting, or engine rebuilding.
 - Highway salt storage areas.
 - Industrial liquid waste storage areas.

- 1.305(9)(e)** Intensive agriculture (i.e., locations of livestock confinement exceeding 3 head per acre).
 Junkyards and auto graveyards.
 Landfills.
 Metal reduction and refinement plants.
 Mining operations.
 Motor and machinery service and assembly shops.
 Motor freight terminals.
 Motorized trails, such as snowmobile or RV trails.
 Paint products manufacturing.
 Pesticide, insecticide, fungicide, or fertilizer storage.
 Petroleum products storage or processing.
 Photography studios, including the development of film and pictures.
 Plastics manufacturing.
 Printing and publishing establishments.
 Pulp and paper manufacturing.
 Recycling facilities.
 Residential dwelling units on lots less than 15,000 square feet in area.
However, in any Residential District, on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the lot size, provided compliance with all other requirements of the Zoning Ordinance.
 Sewage disposal sites.
 Septic waste/Sewage sludge landspreading.
 Sludge disposal sites.
 Storage, manufacture, or disposal of toxic or hazardous materials.
 Underground petroleum products storage tanks.
 Unsewered residential development.
 Woodworking and wood products manufacturing.
- (f) Requirements for Existing Prohibited Facilities:** Where any of the uses listed in (d) above exist within the MWR district on the effective day of this ordinance, the facilities shall, upon request by the City, provide copies of all state, federal and local facility operation approvals or certificates and ongoing environmental monitoring results. The facilities shall further provide additional environmental or safety structures/monitoring as deemed necessary by the City, which may include, but are not limited to, storm water runoff management and monitoring. When the owners of said facilities determine, in the exercise of their own discretion, that existing equipment needs to be replaced, said equipment shall be replaced in a manner that improves the existing environmental and safety technologies already at the facility. The facilities shall be responsible for the preparation and filing with the City of a contingency plan satisfactory to the City for the immediate notification of the City in the event of an emergency.
- (g) Separation Distances:** The separation distances for particular land uses established by NR 811.16(c) of the Wisconsin Administrative Code are hereby established.

1.305(9) (h) Additional Land Use Regulations:

1. Sewered and unsewered residential uses with a maximum lot area of 20,000 square feet are allowed to have an area of manicured lawn or grass up to 15,000 square feet.
2. Use of drywells or other subsurface drains for stormwater is prohibited.
3. Pesticide, insecticide, fungicide or fertilizer storage is permitted for “on site” use by the owner or farm operator only.
4. Animal waste, septic, and sewer sludge shall not be applied at rates exceeding the nutrient requirements of the crop growing on the application site. Application of these materials to frozen or snow covered ground is prohibited.
5. Except for existing lots of record on the effective date of this Ordinance or developments that will be served by municipal sewer within 5 years of the approval of the development, unsewered residential uses shall have a minimum lot size of 2 acres. Lots smaller than 2 acres may be approved, provided that sufficient land area will be maintained in an undeveloped state so that no more than one residence is allowed for each two acres of the overall development.

(i) Enforcement:

1. In the event of a release of any contamination which endangers, in the opinion of the City, a MWR District, the activity causing the release shall immediately cease and a cleanup satisfactory to the City shall occur.
2. The person or entity causing a release of contamination shall be responsible for all costs of cleanup, and all costs and expenses incurred by the City in responding to the release, including (but not limited to) administrative costs, employee time associated with the cleanup, equipment expenses, engineering fees, attorneys’ fees and legal costs.
3. Any person, firm, or corporation who fails to comply with the provisions of this subsection shall remove and abate the prohibited use and shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, plus the costs of prosecution. Any person, firm, or corporation in default of payment of such forfeiture and costs shall, in addition to all other penalties imposed by the Court, have those costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense. The City and the Township may cause the prohibited use to be removed and abated, and the cost thereof shall be added to the Township tax rolls of the property and/or collected in any manner authorized by law.

1.306 COMMUNITY CHARACTER OVERLAY ZONING

- (1) **INTRODUCTION:** This section contains the standards governing the preservation, protection, and enhancement of significant community character features in the community. This section recognizes the important and diverse benefits to the general welfare of the community in preserving and enhancing these key community character features. Each of the following districts is oriented to a particular community character feature.

(2) **PURPOSE:** The purpose of this section is to set forth the requirements for the mandatory protection and enhancement of significant community character features within the jurisdiction of this Chapter. In part, the provisions of this section are designed to ensure the implementation of the City of Mauston Comprehensive Master Plan and State of Wisconsin Statutes 62.231 and 87.30.

(3) **RESERVED FOR FUTURE USE**

(4) **RESERVED FOR FUTURE USE**

1.306 (5) **HISTORIC PRESERVATION (HP) OVERLAY ZONING DISTRICT**

(a) **Purpose and Intent:** Pursuant to Section 62,23(7)(em) Wis. Stats., it is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

1. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the area's cultural, social, economic, political and architectural history.
2. Safeguard the area's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
3. Stabilize and improve property values, and enhance the visual and aesthetic character of the area.
4. Protect and enhance the area's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(b) **Definitions:** The definitions shall be as follows:

1. **Certificate of Appropriateness:** The certificate issued by the Plan Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
2. **Historic site:** Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, or an improved parcel, or part thereof, on which is situated a historic structure and any abutting parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
3. **Historic structure:** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the area, state or nation.
4. **Improvement:** Any building, structure, place, work of art or other objects constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

- 1.306(5)(c)
- (c) **HP District Designation Criteria:** For purposes of this ordinance, an HP District designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the area such as historic structures or sites, which:
1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 2. Are identified with historic personages or with important events in national, state or local history; or
 3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Have yielded, or may be likely to yield, information important to prehistory or history.
- (d) **HP District Preservation Plan:** For preservation purposes, the Plan Commission may prepare and the Joint Committee may approve a historic preservation plan for each separate HP District. Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
- (e) **Regulation of Construction, Reconstruction, Alteration and Demolition.**
1. **Conditional Use Approval:** No owner or person in charge of a historic structure, historic site or structure within an HP district shall reconstruct, alter or demolish all or any part of the exterior of such property, or construct any improvement upon such designated unimproved property or properties, or cause or permit any such work to be performed upon such property, or demolish such property, unless a Conditional Use Permit has been granted, pursuant to the procedures of Section 1.905.
 2. **Criteria for Approval of Conditional Use:** Upon filing of any application for a Conditional Use, the application shall be approved unless:
 - a. In the case of a designated historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of such site or within the district;
 - c. In the case of any property located in a historic district, the proposed exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward these principles.

(b) **Regulations:** Reserved for future use.

(c) **Procedures:** Reserved for future use.

(7) **ENTRY CORRIDOR DESIGN OVERLAY ZONING DISTRICT (EC):**

(a) **Description and Purpose:** This district is intended to implement the urban design recommendations of the Mauston Comprehensive Master Plan, by preserving and enhancing the quality of the major entry corridors throughout the community. As emphasized by the Plan, this district is designed to forward both aesthetic and historic preservation objectives of the City and Town by controlling the site design and appearance of development within the district in a manner consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles.

(b) **Regulations:** Reserved for future use.

(c) **Procedures:** Reserved for future use.

1.306 (8) **PARK OVERLAY ZONING DISTRICT (POZ):**

(a) **Description and Purpose:** This district is intended to apply to lands owned by the public primarily for the purpose of providing public recreation opportunities or open space conservation. The district is intended to implement the recreation and open space objectives of the Mauston Comprehensive Master Plan by permitting recreation or open space land uses.

(b) **List of Land Uses Permitted by Right:**

Passive Outdoor Public Recreational (per Section 1.407(1))

Lawn Care (per Section 1.412(20))

(c) **List of Land Uses Permitted as a Conditional Use:**

Active Outdoor Public Recreational (per Section 1.407(2))

Indoor Institutional (per Section 1.407(3))

Outdoor Institutional (per Section 1.407(4))

Public Service and Utilities (per Section 1.407(5))

Drainage Structure (per Section 1.412 (18))

Filling (per Section 1.412(19))

Road, Bridge and/or Appurtenances Thereto (per Section 1.412(28))

Utility Lines and Related Facilities (per Section 1.412 (29)), provided all such lines are underground.

Piers and Wharfs (per Section 1.412(30))

(d) **Regulations:** Park Overlay Districts shall remain in an undisturbed state except for the land uses allowed herein.

- (e) **Procedures:** Refer to Section 1.908, Site Plan Review, for the procedures applicable to proposal review in this overlay district.