

## SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

**SUBCHAPTER 3: OVERLAY ZONING DISTRICTS****22.300 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. These districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features.

**22.301 OVERLAY ZONING CATEGORIES AND DISTRICTS**

For purposes of this Subchapter, certain specified areas within the Town 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)

**Community Character Overlay Category**

Park Overlay Zoning District (POZ)

**22.302 MAP OF OVERLAY ZONING DISTRICTS**

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

**22.303 INTERPRETATION OF OVERLAY ZONING DISTRICT BOUNDARIES**

The rules applicable to standard zoning district boundaries shall also apply to overlay zoning district boundaries (*see*, Section 22.102), 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 22.903. 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 22.912.
- (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,

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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.

**22.304 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 Juneau County, the State of Wisconsin, and the Federal Government 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 a different 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 Subchapter 4.

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- (2) **PURPOSE:** This Section sets forth the requirements for the mandatory protection of natural resources (resource protection area B RPA) within the jurisdiction of this Chapter. The provisions of this section interact closely with the regulations applicable to each zoning district in Subchapter 2, with the regulations applicable to each land use of Subchapter 4, and with the Density and Intensity Standards of Section 22.503.
- (3) **FLOODPLAIN OVERLAY ZONING DISTRICTS (FP):** Floodplain Overlay Zoning, including zoning in Floodway Districts, Floodfringe Districts and Floodplain Districts, is governed by Chapter 20 of the Juneau County Code of Ordinances.
- (4) **SHORELAND<sup>B</sup> WETLAND OVERLAY ZONING DISTRICT (SW):** Shoreland-Wetland Overlay Zoning is governed by the Juneau County Shoreland Wetland Zoning Ordinance.

**22.305 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 Town Comprehensive Master Plan and State of Wisconsin Statutes §62.231 and §87.30.
- (3) **RESERVED FOR FUTURE USE**

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