

SECTION 3.00 ZONING DISTRICTS

C-1

3.12 C-1 LOWLAND CONSERVANCY OVERLAY DISTRICT

The C-1 Lowland Conservancy Overlay District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Town of Kewaskum. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Town.

(A) Permitted Uses

- (1) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
- (2) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
- (3) Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
- (4) Construction and maintenance of fences.
- (5) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to

maintain the level of drainage required to continue the existing agricultural use.

- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, and bridges.

(B) Conditional Uses

- (1) The construction and maintenance of streets which are necessary to conduct silviculture activities or are necessary for agricultural cultivation, provided that:
 - a. The street cannot as a practical matter be located outside the conservancy district;
 - b. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland;
 - c. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 - d. The street construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

- (2) Construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with natural resource preservation, provided that:
 - a. The building cannot as a practical matter be located outside the conservancy district;

- b. The building is not designed for human habitation and does not exceed 3,000 square feet in area; and
 - c. Only limited filling or excavating necessary to provide structural support is conducted.
- (3) Establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
- a. Parks shall be limited to passive activities. No ball diamond, tennis court, playfield, playground or other active recreational area shall be constructed in a wetland.
 - b. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 - c. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of bicycle paths, recreational trails, park shelters or similar structures is allowed;
 - d. Construction and maintenance of streets necessary for permitted uses shall be in accordance with Section 2.00 of this Ordinance; and
 - e. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.
- (4) Construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members, provided that:

- a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
- b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(5) Construction and maintenance of railroad lines, provided that:

- a. The railroad lines cannot as a practical matter be located outside the conservancy district; and
- b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(6) Fish hatcheries, game farms, and hunting clubs pursuant to Section 29 of the Wisconsin Statutes and Chapter NR 16 and 19 of the Wisconsin Administrative Code.

(C) Plans and Specifications to be Submitted to The Plan Commission

Every applicant for a permitted, accessory or conditional use in the C-1 Lowland Conservancy Overlay District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Plan Commission, who will approve said plans only after determining that proposed use will not be contrary to the purpose of the C-1 District. In addition, any use proposed in the "shoreland" portion of the C-1 District shall not be permitted without

SECTION 3.00 ZONING DISTRICTS

C-1

first obtaining any permit required by the Washington County Land Use and Park Department.

3.13 HPD HISTORIC PRESERVATION OVERLAY DISTRICT

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the citizens of the Town. The purpose of the HPD Historic Preservation Overlay District is to effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the Town's cultural, social, economic, political, and architectural history; safeguard the Town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts; stabilize and improve property values; foster civic pride in the beauty and noble accomplishments of the past; protect and enhance the Town's attractions to residents, tourists, and visitors for education, pleasure, and general welfare; and serve as a support and stimulus to business and industry; and strengthen the economy of the Town.

A. Permitted Uses

Any use permitted in the underlying basic use district.

B. Permitted Accessory Uses

Any accessory use permitted in the underlying basic use district.

C. Conditional Uses

Any conditional use permitted in the underlying basic use district.

D. Lot Area and Width

Lot area and width shall conform to the requirements in the underlying basic use district.

E. Building Height and Area

Building height and area shall conform to the requirements in the underlying basic use district.

F. Yards

All buildings shall conform to the setback and yard requirements of the underlying basic use district.

G. Historic Preservation Commission Review and Recommendation

No permit to develop, construct, reconstruct, enlarge, or alter property in an HPD district shall be issued and no lands shall be removed from the HPD district until the Historic Preservation Commission has reviewed the application or petition and has recommended approval, approval with conditions, or denial of the application or petition.

H. Designation of Landmarks, Landmark Sites, and Historic Districts

The Plan Commission, upon referral to and receipt of the recommendation of the Historic Preservation Commission, may designate landmarks, landmark sites, and historic districts within the Town. Such designation shall be based upon the criteria established in Section 14.05 of this Ordinance. Appropriate records, including photographs and plans, shall be kept as a part of the Town's official zoning file.

I. Limitation on Structural or Appearance Changes

Structural changes shall be regulated in the following manner:

(1) Certificate of Appropriateness Required.

There shall be no alteration in the architectural appearance of any structure within the HPD district without the review and approval of plans for such alteration by the Plan Commission. In determining whether to grant approval, the Plan Commission shall take into consideration the recommendation of the Historic Preservation Commission. For the purpose of this Section, alterations shall include any change, addition to, or demolition of all or any part of a structure. The Plan Commission shall make its determination within 60 days of the filing of the application for a Certificate of Appropriateness.

(2) Basis for Approval.

No alterations shall be permitted in the HPD district that would tend to destroy or impair the particular character and quality of the HPD district. No change or alteration of a landmark, landmark site, or historic district shall be permitted which destroys, seriously impairs, or significantly alters its character in terms of its historical or architectural interest.

(3) Repairs or Destruction.

Notwithstanding the provisions of Section 7.00 of this Ordinance, no person in charge of a landmark or development in an HPD district shall be granted a permit to demolish such property without the review and recommendation of the Historic Preservation Commission to the Town Board.