

# TITLE 13

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## Zoning

<b>Chapter 1</b>	Zoning Code
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# Title 13 ► Chapter 1

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## Zoning Code

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## Article A: Introduction

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### **Sec. 13-1-1 Authority.**

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

*State Law Reference:* Sec. 62.23(7), Wis. Stats.

### **Sec. 13-1-2 Title.**

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Elk Mound, Dunn County, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

### **Sec. 13-1-3 General Purpose.**

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Elk Mound, Wisconsin.

### **Sec. 13-1-4 Intent and Purposes in View.**

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) **Promote and protect the comfort, public health,** safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) **Divide the Village of Elk Mound into zones or districts** restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) **Protect the character and the stability** of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) **Regulate lot coverage,** the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) **Regulate population density** and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;

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- (f) **Regulate parking**, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) **Enhance public safety** from fire, panic, flooding, pollution, contamination and other dangers;
- (h) **Stabilize and protect existing and potential property values** and encourage the most appropriate use of land throughout the Village of Elk Mound;
- (i) **Preserve and protect the beauty** of the Village of Elk Mound;
- (j) **Prohibit uses, buildings or structures incompatible** with the character of development or intended uses within specified zoning districts;
- (k) **Provide for the elimination of nonconforming uses** of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) **Prevent and control erosion**, sedimentation and other pollution of the surface and subsurface waters;
- (m) **Further the maintenance** of safe and healthful water conditions;
- (n) **Prevent flood damage** to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) **Provide for and protect** a variety of suitable commercial and industrial sites;
- (p) **Protect the traffic-carrying capacity** of existing and proposed arterial streets and highways;
- (q) **Implement municipal, county, watershed and regional** comprehensive plans or components of such plans adopted by, or in effect in, the Village of Elk Mound;
- (r) **To protect and conserve** the natural resources of the Village, including forests, wetlands, and surface and groundwater by the most appropriate use of land.
- (s) **To encourage the use** of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses.
- (t) **Provide for the administration and enforcement** of this Chapter; and to provide penalties for the violation of this Chapter.

**Sec. 13-1-5 Abrogation and Greater Restrictions.**

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**Sec. 13-1-6 Interpretation; Standard Industrial Classifications.**

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not

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be construed to be a limitation or repeal of any other power now possessed by the Village of Elk Mound.

- (b) Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification when appropriate. The SIC number is shown in [ ].

### **Sec. 13-1-7 Severability and Non-Liability.**

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The Village of Elk Mound does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

### **Sec. 13-1-8 Repeal and Effective Date.**

All other ordinances or parts of ordinances of the Village of Elk Mound inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed or amended by virtue of the adoption of this Chapter.

### **Sec. 13-1-9 through Sec. 13-1-19 Reserved for Future Use.**

## Article B: General Provisions

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### **Sec. 13-1-20 Jurisdiction and General Provisions.**

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Elk Mound. The provisions of this Chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this Chapter.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and 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.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Relationship with Other Laws.** Where the conditions imposed by any part of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.
- (e) **Legal Remedies.** No provision of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate state laws.

### **Sec. 13-1-21 Use Regulations.**

The following uses and their essential services may be allowed in any zoning district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified under this Chapter are permitted but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
  - (1) **Approved Procedures.** Conditional uses and their accessory conditional uses are considered as special uses requiring, for their authorization, review, public hearing and approval in accordance with Article E of this Chapter excepting those existent at time of original adoption of the Zoning Code.

- (2) **Permitted Use Terminates Conditional Use.** Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval in accordance with Article E of this Chapter.
  - (3) **Limits on Conditional Use Duration.** Conditional uses authorized by the Village Board may be established for a period of time to a time certain or until a future happening or event at which the same shall terminate, such as a change of ownership or occupancy.
  - (4) **Substitution.** Conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Village Board approval and the procedures required in Article E of this Chapter.
  - (5) **Pre-Existing Conditional Uses.** Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of original adoption of this Chapter require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
- (d) **Classification of Unlisted Uses.** Any use not specifically listed as a permitted use or a conditional use in the districts established in Article C shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of a question as to the classification of an unlisted use, the question shall be submitted to the Village Board for determination, following a recommendation from the Zoning Administrator and Plan Commission, in accordance with the following procedure:
- (1) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Village Board to facilitate the determination.
  - (2) **Investigation.** The Village Board shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Chapter and to recommend its classification.
  - (3) **Determination.** The determination of the Village Board shall be rendered in writing within sixty (60) days from the application and shall include findings supporting the conclusion. The Village Board shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one (1) or more of the districts established in Article C.
  - (4) **Effective Date of Determination.** At the time of this determination of the classification of the unlisted use by the Village Board, the classification of the unlisted use shall become effective.
  - (5) **Appeals.** The classification determination by the Village Board under this Subsection may be appealed to the Zoning Board of Appeals pursuant to Sections 13-1-260 through 13-1-262.

## Sec. 13-1-22 Site Regulations.

- (a) **Minimum Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty (25) feet at the front setback line; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.**
  - (1) **One Principal Structure Per Lot.** All residential principal structures shall be located on a legal lot. Except in the case of planned unit developments, not more than one (1) principal building or use and accessory structures permitted by this Chapter, including a private garage, may be located on a lot in any residential district.
  - (2) **Special Exception.** The Village Board may permit as a conditional use pursuant to Article E or a planned unit development under Article D more than one (1) principal structure per lot in any district where unique characteristics exist and more than one (1) such structure is needed for the orderly development of the parcel. Such approval shall not be based upon personal convenience or financial gain alone. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** All lots shall abut a public street or Village-approved private road or way which is constructed to applicable Village standards. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its recommendation that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its recommended determination of unsuitability when making its recommendation to the Village Board.
- (e) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the

owner of the abutting property and with the approval of the Village Board, upon the recommendation of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

- (f) **Setbacks — Decks, Porches, Handicapped Ramps, and Fireplace Chases.** For purposes of this Chapter, handicapped ramps, decks, porches and fireplace chases shall be considered a part of a building or structure for determining setback compliance.
- (g) **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.
- (h) **Obstruction of Unplatted Lands.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- (i) **Prohibited Dwelling Units (Accessory Buildings, Recreational Vehicles, Tents, etc.)**
  - (1) Except as provided in Subsection (i)(2) below or in Section 13-1-29, no cellar, basement or unfinished home, garage, tent, recreational vehicle, camper, recreational trailer or accessory building shall, at any time, be used as a dwelling unit. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the building and housing codes.
  - (2) A recreational vehicle, camper or tent on private property not zoned for campground purposes may be occupied as living quarters only as prescribed in Section 13-1-29. Such occupancy is permissible only with the written permission of the property owner.
- (j) **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator. The Zoning Administrator may impose conditions on such temporary uses.
- (k) **Screening Regulations.** Any use required by this Chapter to be screened shall meet applicable buffer yard and screening requirements, specifically Section 13-1-25.
- (l) **Yard Reduction or Joint Use.**
  - (1) **Required Area.** No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
  - (2) **Joint Use.** No part of any lot, parking area, yard or other space required for a structure or use shall be used for any other structure or use. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or open space required for another building.

- (m) **Lots Abutting More Restrictive District.** The street yard setbacks in the less restrictive district shall be modified for a distance of not less than thirty (30) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (n) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.
- (o) **Area Required for Rubbish Containers.** On all premises on which there will be constructed after the effective date of this Chapter a new structure which will house eight (8) or more dwelling units, any existing building converted to eight (8) or more dwelling units after such date, any rooming house or other residential structure having eight (8) or more occupants, or a new commercial or industrial building, there shall be provided a sufficient area as determined by the Zoning Administrator for screened refuse/recycling collection containers. Such areas shall not be located in the front or street side yard and shall be accessible by motorized vehicles or other motorized refuse collection equipment. Such areas shall not be located in a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a zoning or occupancy permit.
- (p) **Lakeshore or Stream Setbacks.** The term "Shoreline", as used herein, shall be interpreted to mean the normal high water line. The term "Building", as used herein, shall be interpreted to mean a principal building. No new building shall be constructed adjacent to a navigable stream or on a lakeshore lot in such a way that any portion thereof will be closer to the shoreline of the lake than seventy-five (75) feet; an existing building can be reconstructed provided the building footprint is not exceeded.

### **Sec. 13-1-23 Modifications; Height, Area and Setback Exceptions.**

- (a) **Height.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
  - (1) **Architectural Structures.** Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
  - (2) **Special Structures,** such as elevator penthouses, gas tanks, grain elevators, scenery lots, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this Chapter.
  - (3) **Essential Services,** utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
  - (4) **Communication Structures,** such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.



- (5) **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
  - (1) **Architectural Projections.** Chimneys, flues, sills, eaves, belt courses, ornaments, etc., may project into any required yard, but such projection shall not exceed two (2) feet.
  - (2) **Essential Services,** utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
  - (3) **Landscaping and Vegetation** are exempt from the yard requirements of this Chapter.
- (c) **Average Building Setbacks.** In Residential and Business Districts, except for corner lots, required setbacks shall be modified in the following cases:
  - (1) **Average Front Yards.** The required front yards may be decreased in any residential or business district to the average of the existing street yards of the abutting principal structures on each side. Where fifty percent (50%) or more of the frontage on a block is occupied by principal structures having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.
  - (2) **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- (d) **Corner Side Yards.** The required side yard on the street side of corner lots shall be at least twenty-five (25) feet on each side.

### **Sec. 13-1-24 Parcels Not Served by Public Sewer or Water.**

In any location where the Village Board determines that public water service or public sewage service is not in the public interest due to unique factors such as, but not limited to, excessive cost, terrain, etc., the lot shall have adequate soils for the construction and operation of private individual sewage treatment and private individual water systems, and sufficient area for at least one (1) replacement private sewage treatment system according to Ch. SPS 383, Wis. Adm. Code. Such determination shall be made by the Village Board based on whether unique circumstances exist and the overall well-being of best interests of serving the citizenry with public sewer/water facilities.

## Sec. 13-1-25 Screens and Buffers.

- (a) **Required Screens and Buffers.** Where screens or buffers are required by this Chapter or the Village Board to reduce the impact of existing or proposed uses on adjacent properties, the following standards in Subsections (b) and (c) shall be followed. Buffer yards and screens may be required jointly or separately.
- (b) **Buffer Yards.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Village Board, upon the recommendation of the Zoning Administrator. The minimum width shall be ten (10) feet.
- (c) **Screens.** Screens are barriers located in a limited space [ten (10) feet or less] intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months. The design of all screens shall be approved by the Zoning Administrator.

## Sec. 13-1-26 Establishment of Building Grades.

- (a) **Establishment of Building Grade Required.** No person, corporation, or entity shall establish a grade for a building being erected, structurally altered, or relocated under this Section without prior approval of the Building Inspector or Zoning Administrator. This provision applies to all applications for zoning permits, including those for residential zoning districts.
- (b) **Building Grades.**
  - (1) Elevations for buildings shall be established as based on an average building-to-street height relationship, which shall be a minimum of two (2) feet with a front yard/driveway slope of between one percent (1%) and ten percent (10%). The Building Inspector or Zoning Administrator shall review the information provided regarding the building-to-street height relationship in the information submitted at the time of the zoning permit request.
  - (2) If the building-to-street height relationship is not provided at the time of the zoning permit request or if verification is necessary, the Building Inspector or Zoning Administrator may require the permit applicant to provide necessary elevations on a plan drawing, prepared by a qualified contractor, land surveyor, or Wisconsin-licensed engineer prior to permit issuance.
- (c) **Building-to-Height Measurement.**
  - (1) The building-to-height relationship shall be referenced from the curb grade as defined in Article P of this Chapter or the street centerline grade where no curb is present. For streets with significant slope, the average elevation shall be used and is considered

to be the mean of two (2) street elevations taken at the straight projection on the frontage street of the side building lines. Additional information may be required in the cases of non-uniform lot dimensions, non-uniform building lines or reversed corner lots, as determined by the Building Inspector or Zoning Administrator.

- (2) The building-to-street height relationship may be dictated as based on existing utility services, such as Village sanitary sewer service. In the case of a conflict between sanitary sewer and street grades, the most restrictive condition shall apply.
  - (3) The building elevation shall be taken on the finished top of the concrete foundation wall, or the finished garage slab, of the existing or planned building. The Building Inspector or Zoning Administrator shall determine the building-to-street height relationship based on this information and identify the controlling building level where surface stormwater drainage above that elevation would adversely affect exterior or interior building appurtenances. Buildings with walkout designs and partial exposure amenities are considered special conditions which may require more information for review prior to a determination on the application.
- (d) **Permit Issuance.**
- (1) If the Building Inspector or Zoning Administrator, upon the review of the application information, determines a potential problem in the site grading or drainage in regard to a neighboring property, the Building Inspector or Zoning Administrator shall notify the applicant and the Director of Public Works. No building permit shall be issued until zoning permit requirements under this Section have been satisfactorily addressed in the plan.
  - (2) The Village may require the written consent of neighboring property owners regarding the proposed grade-related activity prior to issuance of any permits. The Village does not warranty or assume any liability regarding any grading or drainage problems following the issuance of a permit.
- (e) **Accessory Building Grades.** For any new accessory building, establishment of grade shall be determined per the provisions of this Section, and/or existing or new driveway permit conditions, and/or referenced off the existing principal structure, whichever is more restrictive. While the Village does not enforce restrictive covenants or deed restrictions, these may be reviewed and considered under the permit review process.
- (f) **Variances.** An applicant may request a variance from the requirements of this Section due to unusual or unique circumstances with the property. Such variance requests shall be made prior to the issuance of any applicable permits, and shall be reviewed pursuant to the procedures in Section 13-1-263. The Building Inspector, Zoning Administrator and/or Director of Public Works may make recommendations to the Zoning Board of Appeals regarding the variance request.
- (g) **Nonconforming Structures.** Buildings which are classified as nonconforming structures shall also be subject to the provisions of Article F of this Chapter.

## Sec. 13-1-27 Annexation of Territory.

- (a) **Definitions.** In this Section, the following definitions shall be applicable unless the context clearly requires otherwise:
- (1) **Assessed Value.** The value for general tax purposes as shown on the tax roll for the year next preceding the filing of any petition for annexation.
  - (2) **Legal Description.** A complete description of land to be annexed without internal references to any other internal references to any other document, and shall be described in one of the following ways:
    - a. By metes and bounds commencing at a monument at the section or quarter section corner or at the end of a boundary line of a recorded private claim or federal reservation in which the annexed land is located and in one of the following ways:
      1. By government lot.
      2. By recorded private claim.
      3. By quarter section, section, township and range.
    - b. If the land is located in a recorded subdivision or in an area subject to a certified survey map, by reference as described in Sections 236.28 or 236.34(3), Wis. Stats.
  - (3) **Owner.** The holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his or her interest.
  - (4) **Petition.** Includes the original petition and any counterpart thereof.
  - (5) **Real Property.** Land and the improvement thereon.
  - (6) **Scale Map.** A map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village, and that includes a graphic scale on the face of the map.
- (b) **Methods of Annexation.** This Section explains annexation procedures by municipalities pursuant to the Wisconsin Statutes. Subject to Section 66.0307, Wis. Stats., territory contiguous to any city or village may be annexed thereto in the following ways:
- (1) **Direct Annexation.** A petition for direct annexation may be filed with the Village Clerk-Treasurer if it has been signed by either of the following:
    - a. A number of qualified elector(s) residing in the territory subject to the proposed annexation equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election, and either of the following:
      1. The owners of one-half of the land in area within the territory.
      2. The owners of one-half of the real property in assessed value within the territory.

- b. If no electors reside in the territory subject to the proposed annexation, by either of the following:
    1. The owners of one-half of the land in area within the territory.
    2. The owners of one-half of the real property in assessed value within the territory.
  - (2) **Annexation By Referendum.** A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by a number of qualified electors residing in the territory equal to at least twenty percent (20%) of the votes cast for governor in the territory at the last gubernatorial election, and the owners of at least fifty percent (50%) of the real property either in area or assessed value. The petition shall conform to the requirements of Section 8.40, Wis. Stats.
  - (3) **Elector Determination.** Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with the Wisconsin Statutes.
- (c) **Notice.**
- (1) **Notice Publication.** The annexation shall be initiated by publishing in the territory proposed for annexation a Class I notice, under Ch. 985, Wis. Stats., of intention to circulate an annexation petition. The notice shall contain:
    - a. A statement of intention to circulate an annexation petition.
    - b. A legal description of the territory proposed to be annexed and a copy of a scale map.
    - c. The name of the city or village to which the annexation is proposed.
    - d. The name of the town or towns from which the territory is proposed to be detached.
    - e. The name and post-office address of the person causing the notice to be published who shall be an elector or owner in the area proposed to be annexed.
  - (2) **Service of Notices.** The person who caused the notice to be published shall serve a copy of the notice, within five (5) days after its publication, upon the clerk of each municipality affected, upon the clerk of each school district affected and upon each owner of land in a town if that land will be in a city or village annexation. Such service may be either by personal service or by registered mail with return receipt requested.
- (d) **Petition.**
- (1) **Petition Contents.** The petition shall state the purpose of the petition, contain a legal description of the territory proposed to be annexed and have attached thereto a scale map. The petition shall also specify the population, as defined in Section 66.0201(2), Wis. Stats., of the territory.
  - (2) **Finality of Signatures.** No person who has signed a petition shall be permitted to withdraw his or her name therefrom. No additional signatures shall be added after a petition is filed.

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- (3) **Circulation Timing.** The circulation of the petition shall commence not less than ten (10) days or more than twenty (20) days after the date of publication of the notice of intention to circulate. The annexation petition shall be void unless filed within six (6) months of the date of publication of the notice.
- (e) **Referendum.**
- (1) **Notice.**
- a. Within sixty (60) days after the filing of the petition, the common council or village board may accept or reject the petition and, if rejected, no further action shall be taken thereon. Acceptance may consist of adoption of an annexation ordinance.
  - b. Failure to reject the petition shall obligate the city or village to pay the cost of any referendum favorable to annexation. If the petition is not rejected, the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request therefore with the clerk. Such notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.
  - c. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in Subsection (c) above of a referendum of the electors residing in the area proposed for annexation to be held within thirty (30) days after the date of personal service or mailing of the notice required under this paragraph.
  - d. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within thirty (30) days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of Section 8.40, Wis. Stats., requesting a referendum is filed with the town clerk signed by at least twenty percent (20%) of the electors residing in the area proposed to be annexed. If such a petition is filed, the clerk shall give notice as provided in Subsection (c) above of a referendum of the electors residing in the area proposed for annexation to be held within thirty (30) days of the receipt of the petition and shall mail a copy of such notice to the clerk of the city or village to which the annexation is proposed.
  - e. Any referendum shall be held at a convenient place within the town to be specified in the notice.
- (2) **Clerk To Act.** If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area proposed to be annexed and shall indicate in the notice required under Subsection (e)(1) such determination. The clerk of the town so designated shall perform the duties required hereunder and the election shall be conducted in such town, as are other elections and conducted therein.

- (3) **Publication of Notice.** The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next preceding the referendum election and one week prior to such publication.
  - (4) **How Conducted.** The referendum shall be conducted by the town election officials but the town board may reduce the number of such officials for that election. The ballots shall contain the words "For Annexation" and "Against Annexation" and shall otherwise conform to the provisions of Section 5.64(2), Wis. Stats. The election shall be conducted, as are other town elections in accordance with Chs. 6 and 7, Wis. Stats., insofar as applicable.
  - (5) **Canvass; Statement To Be Filed.** The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach thereto their affidavit and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.
  - (6) **Costs.** If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in such territory, voting in the referendum.
  - (7) **Effect.** If the result of the referendum is against annexation, all previous proceedings shall be nullified. If the result of the referendum is annexation, failure of any town official to perform literally any duty required by this Section shall not invalidate the annexation.
- (f) **Qualifications.** Qualifications as to electors and owners shall be determined as of the date of filing any petition, except that all qualified electors residing in the territory proposed for annexation on the day of the conduct of a referendum election shall be entitled to vote therein. Residence and ownership must be bonafide and not acquired for the purpose of defeating or invalidating the annexation proceedings.
- (g) **Annexation Ordinance.**
- (1) **Enactment.** An ordinance for the annexation of the territory describing in the annexation petition may be enacted by a two-thirds vote of the elected member of the governing body not less than twenty (20) days after the publication of the notice of intention to circulate the petition and not later than one hundred twenty (120) days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to Subsection (k), the governing body shall first review the reasons given by the Wisconsin Department of Administration that the proposed annexation is against the public interest. Subject to Section 59.692(7), Wis. Stats., such an ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in Section 62.23(7)(d), Wis. Stats. Before introduction of an ordinance containing such temporary classification, the

proposed classification shall be referred to and recommended by the Plan Commission. The authority to make such temporary classification shall not be effective when the county ordinance prevails during litigation as provided in Section 59.69(7), Wis. Stats.

- (2) **Wards.** The ordinance may annex the territory to an existing ward or may create an additional ward.
  - (3) **Effective Date of Annexation.** The annexation shall be effective upon enactment of the annexation ordinance. The board of school directors in any city of first class shall not be required to administer the schools in any territory annexed to any such city until July 1 following such annexation.
- (h) **Filing Requirements; Surveys.**
- (1) **Recordings.** The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall also record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. Failure to file, record or send shall not invalidate the annexation and the duty to file, record or send shall be a continuing one. The ordinance that is filed, recorded or sent shall describe the annexed territory and the associated population. The information filed with the Secretary of State shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under Ch. 79, Wis. Stats. The clerk shall certify annually to the Secretary of State and record with the Register of Deeds a legal description of the total boundaries of the municipality, as those boundaries existed on December 1, unless there has been no change in the twelve (12) months proceeding.
  - (2) **State Agency Review.** Within ten (10) days of receipt of the annexation ordinance, certificate and plat, the Secretary of State shall forward two (2) copies of the ordinance, certificate and plat to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Administration, one (1) copy to the Wisconsin Department of Revenue, one (1) copy to the Wisconsin Department of Public Instruction, one (1) copy to the Wisconsin Department of Administration, one (1) copy to the Wisconsin Department of Natural Resources, and one (1) copy to the Wisconsin Department of Agriculture, Trade and Consumer Protection, and two (2) copies to the clerk of the municipality from which the territory was annexed.
  - (3) **Special Survey.** Any city or village may direct a survey of its present boundaries to be made, and when properly attested, the survey and plat may be filed in the Office of the Register of Deeds in the county in which the city or village is located, whereupon the survey and plat shall be prima facie evidence of the facts therein set forth.
- (i) **Validity of Plats.** Where any annexation is declared invalid but prior to such declaration and subsequent to such annexation a plat has been submitted and has been approved as



required in Section 236.10(1)(a), Wis. Stats., such plat shall be deemed validly approved despite the invalidity of the annexation.

(j) **Action Contesting Validity of Annexation.**

(1) **Time of Commencement.** An action on any grounds whatsoever, whether denominated procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by Section 893.73(2), Wis. Stats.

(2) **Preference in Circuit Court.** An action contesting an annexation shall be given preference in circuit court.

(k) **Review of Annexations.**

(1) **Annexations Within Populous Counties.** No annexation proceeding within a county having a population of fifty thousand (50,000) or more shall be valid unless the person causing a notice of annexation is published under Subsection (c) shall within five (5) days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the Wisconsin Department of Administration (Department). The Department may within twenty (20) days after the receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than ten (10) days after mailing the notice, the Department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed of the reasons the annexation is against the public interest as defined in Subsection (k)(2) below. The annexing municipality shall review the advice before final action is taken.

(2) **Definition of Public Interest.** For purposes of this Subsection, "public interest" is determined by the Wisconsin Department of Administration after consideration of the following:

a. Whether the government services, including zoning, to be supplied to the territory could clearly be better supplied by the town or some other village or city whose boundaries are contiguous to the territory proposed for annexation which files with the circuit court a certified copy of a resolution adopted by a two-thirds vote of the elected members of the governing body indicating a willingness to annex the territory upon receiving an otherwise valid petition for the annexation of the territory.

b. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

(l) **Unanimous Approval Annexations.** If a petition for direct annexation signed by all of the electors residing in the territory and the owner of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the

property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of Subsection (c) above. In such annexations, subject to Subsection (k), the person filing the copy of the scale map and a legal description of the territory to be annexed to the Wisconsin Department of Administration and the governing body shall review the advice of the Department, if any, before enacting the annexation ordinance.

- (m) **Review Requirements.** The provisions of Subsection (l) do not eliminate the necessity for review as required by Subsection (k).
- (n) **Annexation of Town Islands.** Upon its own motion, a city or village by a two-thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the village or city on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file six (6) certified copies of the ordinance in the office of the Wisconsin Secretary of State, together with six (6) copies of the scale map. The Secretary of State shall forward two (2) copies of the ordinance and scale map to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Natural Resources, one (1) copy to the Wisconsin Department of Revenue, and one (1) copy to the Wisconsin Department of Administration. This subsection does not apply if the town island was created only by the annexation of a railroad right-of-way or drainage ditch. This Subsection does not apply to land owned by a town government which has existing town government buildings located thereon. No town island may be annexed under this Subsection if the island consists of over sixty-five (65) acres or contains over one hundred (100) residents. After December 2, 1973, no city or village may, by annexation, create a town island, which is completely surrounded by the city or village.
- (o) **Effective Date of Annexations.** Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any annexation action that affects a tract of land that is the subject of an ordinance enacted or resolution adopted by any city during the period from January 1, 1990 to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on June 30 of the year commencing after that census, is effective on July 1 of the year commencing after that census or at such later date as may be specified in the annexation ordinance. This Subsection first applies to annexations effective after March 31, 1991.
- (p) **Annexation of Municipal-Owned Territory.** In addition to other methods provided by law and subject to Sections 59.692(7), 66.0223 and 66.0307, Wis. Stats., territory owned by and

lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the village or city is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached and shall operate to attach the territory to the village or city upon the filing of six (6) copies of a plat showing the boundaries of the territory attached. Two (2) copies of the ordinance and plat shall be forwarded by the Wisconsin Secretary of State to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Natural Resources, one (1) copy to Wisconsin Department of Revenue, and one (1) copy to the Wisconsin Department of Public Instruction.

### **Sec. 13-1-28 Extension of Utilities Outside Corporate Limits.**

Village public utilities will only be extended into and provided to those areas which are within the corporate limits of the Village of Elk Mound at the time of the utility extension unless provided otherwise by intergovernmental or other agreement.

### **Sec. 13-1-29 Prohibited Dwelling Units.**

- (a) **Purpose; Authority.** Pursuant to the grant of police powers to Wisconsin municipalities, the purpose of this Section is to:
- (1) Protect the public and safety of inhabitants of and visitors to the Village of Elk Mound from using prohibited dwelling units and to require that dwelling units utilize proper sanitary and water services; and
  - (2) To safeguard the intent of the intent of land division, health, building code, and zoning ordinances regarding the number of dwellings permissible on one- and two-family residential parcels and the prohibition against establishing residential uses on business and industrial parcels except where specifically allowed.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
  - (2) **Boats** as defined in Sec. 29.001(16), Wis. Stats.
  - (3) **Camping Trailers** as defined in Sec. 340.01(6), Wis. Stats. Also included in this definition are travel trailers, tent ("pop-up") trailers, van or pickup truck campers, and fifth-wheel trailers.
  - (4) **Motor Buses** as defined in Sec. 340.01(31), Wis. Stats.
  - (5) **Motor Homes** as defined in Sec. 340.01(33m), Wis. Stats.
  - (6) **Recreational Vehicles** as defined in Sec. 340.01(48r), Wis. Stats.

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- (7) **School Buses** as defined in Sec. 340.01(56), Wis. Stats., and which are no longer primarily used for providing regular or charter transportation services.
- (c) **Prohibited Dwellings; Limited Exceptions.**
- (1) **Prohibited Dwelling Units.** Except as provided in Subsection (c)(2) and (3) below, no automobile, motor vehicle, boat, camping trailer, motor bus, motor home, recreational vehicle, school bus, tent, accessory building, cellar, or unfinished home shall, at any time, be used as a dwelling unit. Parcels with a basement only constructed shall not be used as a dwelling place except where specifically designed for such use in conformity with building code requirements.
- (2) **Limited Exception For Short-Term Use.**
- a. Unless located in a properly Village-authorized campground or recreational vehicle park, an automobile, motor vehicle, camping trailer, motor bus, motor home, recreational vehicle, boat, school bus or tent may not be occupied as living quarters for more than an aggregate of seven (7) days on a residential parcel with no principal structure or an aggregate of fourteen (14) days on a residential parcel with a principal structure within a one hundred and twenty (120) day period. Such vehicles, campers and other regulated temporary living units described above shall at no time be used for sleeping or living purposes if parked on a public right-of-way or public parking lot.
  - b. Such limited occupancy is permissible only with the written permission of the property owner, a copy of which shall be provided to the Village upon request. The vehicle, camper or other regulated temporary living unit described in Subsection (c)(2)a above must be designed for temporary residential use and be owned by the property owner, by the occupant, or a guest of the occupant of the primary residence. Such vehicle, camper or other regulated temporary living unit described in Subsection (c)(2)a above may be temporarily connected to an approved electrical connection, but shall not be connected to wastewater or potable water lines. Recreational vehicles shall be self-contained, with all grey water and/or sewage disposed of at an appropriate disposal location in accordance with state regulations.
  - c. Except in a Village-authorized campground or recreational vehicle park, this limited exception does not apply to non-residential zoned parcels.
- (3) **Limited Exception For Emergency Situations.**
- a. On a parcel zoned or used for residential purposes, the Village Board may grant a special exception to the limitations prescribed in this Section if a disaster or other emergency has occurred on that parcel which has created a need for temporary housing. Examples of such a disaster or emergency are a fire, tornado, extreme flooding, etc.
  - b. The Village Board may grant a special exception under this Subsection for a period up to six (6) months. The Village Board may attach conditions to the special exception. The Village Board shall also require the applicant to enter into a contract with the Village agreeing to the terms of the special exception.

## **Sec. 13-1-30 Design Standards for Single- and Two-Family Detached Dwellings.**

- (a) **Minimum Design Standards.** To protect and enhance the quality of the Village of Elk Mound's residential living environment, a minimum level of residential design compatibility is hereby established. The standards set forth in this Section are applicable to all single-family and two-family detached dwellings constructed after the original effective date of this Zoning Code:
- (1) **Roofs.** All dwellings shall have a double-pitched roof with a pitch of at least three (3) inches in height for each one (1) foot of width, and with an eave which extends a minimum of twelve (12) inches from the wall which supports the roof. All dwellings, accessory garages and carports shall have a roof surfaced with any of the following materials:
    - a. Wood shakes.
    - b. Asphalt.
    - c. Composite or wood shingles.
    - d. Clay, concrete or metal tiles.
    - e. Slate.
    - f. Built-up gravel materials.
    - g. Designer steel.
  - (2) **Siding.** The exterior sides of all dwellings, accessory garages and carports shall be covered with siding made of wood, masonry, stone, concrete, stucco, masonite, concrete fiber board, vinyl or metal lap. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
  - (3) **Foundation.** All dwellings shall be placed on an enclosed permanent foundation which does not extend more than twenty-four (24) inches above the exterior finished grade of the lot. Exception: Where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot shall meet the requirements of this Subsection.
  - (4) **Minimum Dwelling Structure Width.** The side of any dwelling facing the front yard shall not be included in the measurement of the width of the front yard side of a dwelling.
  - (5) **Ratio of Length to Width.** The ratio of a dwelling's length to its width shall be no greater than 5:2. For example, twenty-four (24) foot long dwelling must be at least nine (9) feet seven (7) inches wide.
  - (6) **Minimum Gross Floor Area.** Every dwelling shall contain a minimum gross floor area of not less than eight hundred (800) sq. ft.
  - (7) **Garage Construction Required.** All new single-family and two-family detached dwellings shall have constructed on the same lot as the dwelling a garage of at least four hundred (400) sq. ft. per dwelling unit.

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- (8) **Removal of Towing Equipment.** Dwellings shall have any wheels, axles, hitches, tow bars and other equipment for transporting on streets or highways removed when the structure is placed on the foundation.
  - (b) **Waivers for New Construction and Building Additions.** One (1) or more minimum design standards set forth herein may be waived through the conditional use permit process set forth in Article E of this Chapter upon a finding that the architectural style of the proposed structure provides compensating design features and that the proposed structure will be compatible and harmonious with other dwellings in the vicinity.

**Sec. 13-1-31 through Sec. 13-1-39      Reserved for Future Use.**



## Article C: Zoning Districts

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### **Sec. 13-1-40 Zoning Districts Designated.**

- (a) For the purpose of this Chapter, the Village of Elk Mound is hereby divided into the following seventeen (17) zoning districts:
- (1) R-1 Single-Family Residential District (Low Density)
  - (2) R-2 Single-Family Residential District (Medium Density)
  - (3) R-3 Two-Family Residential District
  - (4) R-4 Multiple-Family Residential District
  - (5) R-5 Mobile Home Park Residential District
  - (6) R-6 Residential Estate District
  - (7) C-1 Conservancy District
  - (8) B-1 General Commercial District
  - (9) B-2 Highway Commercial District
  - (10) B-3 Business Park District
  - (11) I-1 Industrial District
  - (12) A-1 Agricultural District
  - (13) PF Public Facilities District
  - (14) PUD Planned Unit Development District
  - (15) WP Wellhead Protection Overlay District
  - (16) AEO Adult Entertainment Overlay District
  - (17) E-1 Mineral Extraction or Landfill Overlay District

### **Sec. 13-1-41 District Boundaries.**

- (a) **Zoning Map.** The boundaries of the districts enumerated in Section 13-1-40 above are hereby established as shown on a map entitled "Zoning Map, Village of Elk Mound, Wisconsin", as amended, which is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.
- (b) **Boundary Lines.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.



**13-1-41**

- (c) **Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily placed the land in another district.

**Sec. 13-1-42 R-1 Single-Family Residential District (Low Density).**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a low dwelling unit per acre density. The primary emphasis of this District is new development areas.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
  - (1) Single-family detached dwellings, served by public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Manufactured homes complying with Section 13-1-30 and all of the following requirements and limitations:
    - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
    - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
    - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
    - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Elk Mound.
    - f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
      - 1. Horizontal aluminum, steel or vinyl siding;
      - 2. Wood or simulated wood; or
      - 3. Brick or stone.

- (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-200 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-200.
    - b. Off-street parking facilities.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by Village ordinances.
  - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (6) Foster family care.
  - (7) Home occupations and professional home offices. (See Section 13-1-93.)
  - (8) Family day care, limited to eight (8) children. Family day care homes shall be subject to state licensing requirements.
  - (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
  - (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-1 District:
- (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
  - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
  - (3) Bed and breakfast inns [7011]. (See Section 13-1-92.)
  - (4) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
  - (5) Public utility structures, except those incompatible with the characteristics of the district.
  - (6) Parks and playgrounds.
  - (7) Planned residential developments.
  - (8) Golf courses and private clubs.
  - (9) Nursery schools.
  - (10) Single-family detached dwellings not served by public sewer, excluding mobile homes; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.
  - (11) Cemeteries.
  - (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum ten thousand (10,000) square feet.

- b. Width: Minimum eighty (80) feet.
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Building Area.** Eight hundred (800) square foot minimum, a minimum of twenty-four (24) feet wide.
- (4) **Roof Overhang.** A minimum of two (2) feet sides, one (1) foot end.
- (5) **Yards.**
  - a. Front: Minimum twenty-five (25) feet.
  - b. Rear: Minimum twenty-five (25) feet.
  - c. Side: Minimum ten (10) feet each side.

### **Sec. 13-1-43 R-2 Single-Family Residential District (Medium Density).**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit per acre density. It particularly reflects older neighborhoods in the Village.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
  - (1) Single-family detached dwellings served by public sewer, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Manufactured homes complying with Section 13-1-30 and all of the following requirements and limitations:
    - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
    - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
    - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
    - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
    - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Elk Mound.
    - f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:

1. Horizontal aluminum, steel or vinyl siding;
  2. Wood or simulated wood; or
  3. Brick or stone.
- (3) One (1) private garage with not more than three (3) stalls for each residential parcel, per Section 13-1-200 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-200.
    - b. Off-street parking facilities.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by Village ordinances.
  - (5) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (6) Foster family care.
  - (7) Home occupations and professional home offices. (See Section 13-1-93.)
  - (8) Family day care limited to eight (8) children. Family day care homes shall be subject to state licensing requirements.
  - (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
  - (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-1 District:
- (1) Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
  - (2) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
  - (3) Bed and breakfast inns [7011]. (See Section 13-1-92).
  - (4) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems, incinerators and shops.
  - (5) Public utility structures, except those incompatible with the characteristics of the district.
  - (6) Parks and playgrounds.
  - (7) Planned residential developments.
  - (8) Golf courses and private clubs.
  - (9) Nursery schools.
  - (10) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum eight thousand (8,000) square feet.
    - b. Width: Minimum sixty-six (66) feet.

- (2) **Building Height.** Maximum thirty (30) feet.
- (3) **Building Area.** Eight hundred (800) square feet, minimum; a minimum of twenty-four (24) feet wide.
- (4) **Roof Overhang.** A minimum of two (2) foot sides; one (1) foot end.
- (5) **Yards.**
  - a. Front: Minimum twenty-five (25) feet.
  - b. Rear: Minimum twenty-five (25) feet.
  - c. Side: Minimum eight (8) feet each side.

### **Sec. 13-1-44 R-3 Two-Family Residential District.**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units, particularly in new subdivisions and growth areas.
- (b) **Permitted Uses.**
  - (1) Two-family dwellings (duplex).
  - (2) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
  - (3) Foster family care.
  - (4) Home occupations and professional home offices.
  - (5) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
  - (6) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.**
  - (1) Parks and playgrounds.
  - (2) Multiple family dwellings.
  - (3) Golf courses and private clubs.
  - (4) Planned residential developments.
  - (5) Lodge and fraternal buildings.
  - (6) Nursing homes.
  - (7) Nursery schools and day care centers.
  - (8) Retirement homes.
  - (9) Utilities.
  - (10) Schools and churches.
  - (11) Government, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
  - (12) Single-family homes.
  - (13) Family day care, limited to eight (8) children. Family day care homes shall be subject to state licensing requirements.

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- (14) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
- Area: Minimum fourteen thousand (14,000) square feet [seven thousand (7,000) square feet per unit].
  - Width: Minimum one hundred ten (110) feet [sixty-six (66) feet for conversion of existing units].
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Yards.**
- Street: Minimum twenty-five (25) feet.
  - Rear: Minimum twenty-five (25) feet.
  - Side: Minimum eight (8) feet each side.
- (e) **Special Conditional Use -- Zero-Lot Line Duplexes.** Zero-lot line duplexes are conditional uses for single-family residential uses in each unit in the R-3 Two-Family Residential District under the following conditions:
- (1) **Lot Area; Width.**
- Area: A zero-lot line duplex may be built/divided on the dividing line between two (2) halves of a legal lot of record having at least fourteen thousand (14,000) square feet in area [seven thousand (7,000) square feet per unit side]. Neither unit of a zero-lot line duplex, after division of the lot, may be conveyed unless each unit is located on a portion of the lot which is a minimum of seven thousand (7,000) square feet in surface area.
  - Width: Minimum of at least one hundred ten (110) feet of lot width [sixty-six (66) feet for post-conversion or construction of units].
- (2) **Side Yard Setbacks.** Zero (0) feet on side of common wall with adjacent unit. Opposite side yard setback shall be ten (10) feet. The minimum side yard setback shall be measured along a line parallel to the street from the closest point of the single structure to the side property line. A two (2) foot eave protrusion shall be permitted across the zero-lot line into the adjoining lot.
- (3) **Street and Rear Yard Setbacks; Height Limitations.** Same as for undivided two-family dwelling structures in the R-3 District.
- (4) **Common Dividing Wall.** The common wall dividing the zero-lot line duplex shall be centered on the dividing line between the two (2) halves of the lot, and shall be a minimum of one (1) hour fire wall construction per State Building Code standards. The common fire wall shall be constructed from the lowest floor level, including the basement, to the underside of the roof sheathing. Such common wall shall be masonry in the basement area.
- (5) **Separate Utilities Required.** Each lot/unit shall have separate water laterals and shut-off valves, separate sewer laterals, separate water meters, and separate electrical service meters. Each unit shall be equipped with its own forced-air furnace heating

system. When zero-lot line duplex dwelling units are created, the plans, specifications, and construction of such building shall require that the installation and the construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit.

- (6) **Joint Maintenance Agreement.** When zero-lot line duplex dwelling units are created, a joint maintenance agreement shall be entered into by the owners of both zero-lot line units to ensure that equal and reasonable maintenance and repairs are performed for both single-family attached residential units. Prior to the issuance of a building or zoning permit for the construction or conversion of a zero-lot line duplex, or occupancy of either unit, the property owner(s) shall cause the fully executed joint maintenance agreement to be recorded with the County Register of Deeds so that the terms and conditions of the agreement will be a covenant running with each of the lots and binding upon all owners of each of the lots on which the zero-lot line duplex is located. A copy of the recorded joint maintenance agreement, showing the recording information, shall be filed with the Village at the time of issuance of a building, zoning or occupancy permit, or prior to occupancy of a unit. The joint maintenance agreement deed restriction shall include the following provisions, but not be limited to:
- a. Each side of the building shall be constructed at the same time and in such a manner as to be harmonious with the other side so that the overall effect is aesthetically pleasing. The agreement shall address the provision of common siding, roofing, and driveway materials.
  - b. The duplex structure shall be painted, stained, or sided one (1) color scheme and any subsequent repainting, staining, or siding shall be of one (1) color scheme, or according to the plan established by the covenants. The agreement shall include provisions on the allocation of costs and method of determining if repairs or replacement are necessary.
  - c. Each side of the zero-lot line duplex shall be provided with a minimum of two (2) trees and foundation plantings covering two-thirds (2/3) of the street side of the unit. Lots shall be maintained equally with respect to lawn care, pruning of shrubs and trees.
  - d. No fences shall be permitted along the zero-lot line in the front or rear yards.
  - e. Each unit shall have an attached garage for at least one (1) vehicle.
  - f. A basement shall be provided across zero lot lines as necessary for water, sewer, and other utilities services.
  - g. A twelve (12) foot maintenance easement [six (6) feet on each side of the zero-lot line side property line] to allow for normal maintenance of each single-family residential unit shall be recorded with the County Register of Deeds and a recorded copy filed with the Village. This easement shall also be provided on the Certified Survey Map (CSM) or plat dividing the property.
  - h. A provision against the construction of a detached single-family residence on either lot in the event either or both sides of the zero-lot line duplex are destroyed.

- i. A dispute resolution system shall be provided for in the agreement.
  - j. Violation of these covenants contained in the agreement shall be addressed by the signing parties to the agreement; the Village shall not be held responsible for the same. The Village, however, reserves the right to enforce violations of the requirements of a conditional use permit.
  - k. The written agreement shall provide that it may not be terminated, amended, or otherwise altered without the approval of the Village. Changes to the agreement, covenants or deed restrictions shall require an amendment to the conditional use permit required by the Zoning Code.
- (7) **Division of Lots.** Each lot on which is located a zero-lot line duplex, prior to conveyance into separate ownership, shall be described by a Certified Survey Map (CSM) or plat showing lots that comply with the requirements of this Subsection and other applicable Village ordinances, and that is recorded with the County Register of Deeds.

### **Sec. 13-1-45 R-4 Multiple-Family Residential District.**

- (a) **Purpose.** The purpose of this District is to provide the opportunity for construction and maintenance of multiple-family dwelling units at varying dwelling units per acre densities.
- (b) **Permitted Uses.**
  - (1) Two-family dwellings (duplex).
  - (2) Multiple-family dwellings.
  - (3) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (c) **Conditional Uses.**
  - (1) Parks and playgrounds.
  - (2) Professional home offices and home occupations.
  - (3) Planned residential developments.
  - (4) Golf courses and private clubs.
  - (5) Barbering and beauty culture.
  - (6) Utilities.
  - (7) Schools and churches.
  - (8) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
  - (9) Nursery schools.
  - (10) Retirement homes.
  - (11) Day care centers (state licensed).
  - (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.



(d) **Area, Height and Yard Requirements.**

- (1) **Lot Frontage.** Minimum one hundred (100) feet.
- (2) **Lot Area.** Minimum fourteen thousand (14,000) square feet, plus two thousand seven hundred (2,700) square feet per dwelling unit over one (1).
- (3) **Principal Building.**
  - a. Street: Minimum twenty-five (25) feet.
  - b. Side Yards: Minimum twelve (12) feet.
  - c. Rear Yard: Minimum twenty-five (25) feet.
- (4) **Building Height.** Maximum thirty-five (35) feet.
- (5) **Percentage of Lot Coverage.** Maximum of seventy percent (70%).
- (6) **Lot Area Per Dwelling Unit.** Minimum two thousand seven hundred (2,700) square feet.

## **Sec. 13-1-46 R-5 Mobile Home Park Residential District.**

(a) **Purpose.**

- (1) The R-5 District is intended to aid in providing for the mobile home needs of the community at a comparatively high density in areas that have community services available. The District is established to provide a regulatory framework designed to encourage and promote improved environmental design and allow for greater flexibility in the establishment and development of mobile home parks while insuring substantial compliance with the basic intent of the Zoning Code and the general plan for community development. This District is further intended to encourage rational and economic development with relationship to public services and to encourage and facilitate the preservation of open spaces.
- (2) The requirements for properties in the R-5 Mobile Home Park Residential District shall be as provided in Article O of this Chapter.

(b) **Permitted Uses.** Land may be used for the location of mobile homes and buildings or structures may be erected, altered, enlarged or used for only one (1) or more of the following purposes:

- (1) Mobile home parks subject to the requirements of the Wisconsin Administrative Code.
- (2) One (1) private garage for each mobile home.
- (3) Playgrounds and recreational areas.
- (4) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (5) Uses customarily accessory to any of the preceding permitted uses.

(c) **Conditional Uses.**

- (1) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.

- (d) **Nonconforming Use Outside Parks; Replacement.**
- (1) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Section may be continued in such location, provided that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and Village. Such nonconforming use shall automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.
  - (2) Nothing herein shall prevent the owner of a mobile home under Subsection (e)(1) hereof from replacing the mobile home with a model of better physical condition, as determined by Village officials, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.
- (e) **Temporary Placement.** It shall be unlawful or any person to park, store or locate any mobile home in the Village of Elk Mound at any site other than a licensed mobile home park complying with the requirements of this District, except that the Village Board may authorize temporary parking or storing of a mobile home outside of a mobile home park until such time as a proper parking space is available in an authorized mobile home park within the Village. At such time, the owner or occupant of such mobile home shall relocated the mobile home to the mobile home park within one hundred twenty (120) days. Persons temporarily locating a mobile home outside of a mobile home park pursuant to this Subsection shall, as a condition to such placement, enter into a contract with the Village agreeing to fully comply with the requirements of this Subsection.

## **Sec. 13-1-47 R-6 Residential Estate District.**

- (a) **Purpose.** The R-6 Residential Estate District is intended to provide for a single-family residential countryside estate development, at densities not to exceed one (1) dwelling unit per gross two (2) or more acres, served by municipal sewer and water facilities. This District is for executive/estate type large lots of a rural or estate character.
- (b) **Permitted Uses.** The following uses are permitted in the R-6 District:
- (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
  - (2) Manufactured homes complying with Section 13-1-30 and all of the following requirements and limitations:
    - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
    - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The

enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

- c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
  - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
  - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Elk Mound.
  - f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
    1. Horizontal aluminum, steel or vinyl siding;
    2. Wood or simulated wood; or
    3. Brick or stone.
- (3) Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.
  - (4) Essential services.
  - (5) Home occupations/professional home offices. (See Section 13-1-93).
  - (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (c) **Conditional Uses.**
- (1) Utility substations.
  - (2) Solar collectors erected as an accessory structure.
  - (3) Community living arrangements which have a capacity for nine (9) or more persons.
  - (4) Single-family dwelling units meeting the requirements of this Section served by private sewer and water systems where the Village determines public service is impractical.
  - (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area. Lots shall be a minimum of two (2) acres in area and shall be not less than one hundred twenty-five (125) feet in width at front setback.
    - b. Height. No building or parts of a building shall exceed thirty-five (35) feet in height.
    - c. Building Area.
      1. The total floor area of a dwelling shall be not less than one thousand six hundred (1,600) square feet.

2. Building coverage on the lot shall not exceed thirty-five percent (35%) of the total lot area.
- (2) **Yards.**
- a. Street. There shall be a minimum building setback of thirty-five (35) feet from the street right-of-way.
  - b. Side. There shall be a side yard on each side of all buildings not less than twenty (20) feet in width.
  - c. Rear. There shall be a rear yard of not less than fifty (50) feet.
- (e) **Other Development Standards.**
- (1) Rural cross section streets may be permitted with special permission from the Village Board under the following circumstances and conditions of development:
    - a. Minimum roadway design standards:
      1. Twenty-two (22) feet blacktop pavement width per Village standards.
      2. A one and one-half (1-1/2) foot rolled curb concrete shoulder or curb with a minimum of seven (7) inches on each side of the blacktop.
      3. Sixty-six (66) foot right-of-way.
      4. One hundred thirty-two (132) feet cul-de-sac bulb right-of-way.
    - b. Where rural cross sections are used, the developer shall submit and the Village Board shall approve detailed grading plans for the swale network. The swale system shall be installed at time of street work and shall be designed as a component of the storm water management plan.
    - c. A culvert installation permit and detailed lot grading permit shall be granted by the Building Inspector prior to any disturbance of the site associated with grading, excavation or culvert installation. The developer shall secure a performance bond or deposit of Five Hundred Dollars (\$500.00) plus twenty-five percent (25%) of the total cost to ensure appropriate culvert installation and shall pay an administrative and inspection fee of One Hundred Dollars (\$100.00) prior to the grading of a culvert installation permit.
  - (2) Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-6 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-6 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

## **Sec. 13-1-48 C-1 Conservancy District.**

- (a) **Purpose.** The purpose of this District is to preserve, protect, and maintain the natural environment and character of areas exhibiting significant natural resource features which contribute to the productive, recreational, or aesthetic value of the community.

(b) **Permitted Uses.**

- (1) Farming and related agricultural uses when conducted in accordance with conservation standards.
- (2) Forest and game management.
- (3) Hunting, fishing and hiking.
- (4) Parks and recreation areas; arboreta; botanical gardens; greenways.
- (5) Stables.
- (6) Utilities.
- (7) Non-residential buildings used solely in conjunction with the raising of water, fowl or fish.
- (8) Harvesting of wild crops.
- (9) Recreation related structures not requiring basements.
- (10) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.

(c) **Conditional Uses.**

- (1) Animal hospitals, shelters and kennels.
- (2) Archery and firearm ranges, sports fields and skating rinks.
- (3) Land restoration, flowage, ponds.
- (4) Golf courses and clubs.
- (5) Ski hills and trails.
- (6) Yacht clubs and marinas.
- (7) Recreation camps.
- (8) Public and private campgrounds.
- (9) Riding stables.
- (10) Planned residential developments.
- (11) Sewage disposal plants.
- (12) Governmental, cultural and public buildings or uses.
- (13) Utilities.
- (14) Hunting and fishing clubs.
- (15) Professional home offices.
- (16) Farm structures.
- (17) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.

(d) **Area, Height and yard Requirements.**

- (1) **Lot.**
  - a. Area: Minimum one and one-half (1-1/2) acres.
  - b. Width: Minimum one hundred fifty (150) feet.
- (2) **Building Height.** Maximum thirty-five (35) feet.
- (3) **Other Structures Height.** Maximum one-half (1/2) the distance from the structures nearest lot line.

- (4) **Yards.**
- a. Street: Minimum twenty (20) feet.
  - b. Rear: Minimum twenty (20) feet.
  - c. Side: Minimum twenty (20) feet except structures used for the housing of shelters of animals must be one hundred (100) feet from lot lines.

### **Sec. 13-1-49 B-1 General Commercial District.**

- (a) **Purpose.** The B-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:
- (1) Paint, glass and wallpaper stores. [523]
  - (2) Hardware stores. [525]
  - (3) Department stores, variety stores, general merchandise stores. [53]
  - (4) General grocery stores, supermarkets, fruit and vegetable stores, delicatessens, meat and fish stores and miscellaneous food stores. [54]
  - (5) Candy, nut or confectionery stores. [544]
  - (6) Dairy products stores, including ice cream stores. [545]
  - (7) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery. [546]
  - (8) Clothing and shoe stores. [56]
  - (9) Furniture, home furnishings, floor covering and upholstery shops/stores. [57]
  - (10) Restaurants, lunch rooms and other eating places, except drive-in type establishments. [5812]
  - (11) Taverns, bars and other drinking places with permit by Village Board. [5813]
  - (12) Drug stores and pharmacies. [591]
  - (13) Liquor stores. [592]
  - (14) Antique stores and secondhand stores. [593]
  - (15) Sporting goods stores and bicycle shops. [5941]
  - (16) Bookstores, not including adult books. [5942]
  - (17) Stationery stores. [5943]
  - (18) Jewelry and clock stores. [5944]
  - (19) Camera and photographic supply stores. [5946]
  - (20) Gift, novelty and souvenir shops. [5947]
  - (21) Florist shops. [5992]
  - (22) Tobacco and smokers' supplies stores. [5993]

- (23) News dealers and newsstands. [5994]
- (24) Wholesale merchandise establishments, only for retail items listed above; e.g., #19 would allow wholesale camera sales.
- (25) Banks and other financial institutions. [60-62]
- (26) Offices of insurance companies, agents, brokers and service representatives. [63-64]
- (27) Offices of real estate agents, brokers, managers and title companies. [65-67]
- (28) Miscellaneous business offices.
- (29) Heating and plumbing supplies.
- (30) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and launderettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments. [721]
- (31) Photographic studios and commercial photography establishments. [722]
- (32) Barbershops, beauty shops and hairdressers. [723-4]
- (33) Shoe repair shops and shoe shine parlors. [725]
- (34) Trade and contractor's offices (office only).
- (35) Advertising agencies, consumer credit reporting, news agencies, employment agencies. [731-2, 735-6]
- (36) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services; small print shops. [733]
- (37) Computer services. [737]
- (38) Commercial parking lots, parking garages, parking structures. [752]
- (39) Watch, clock and jewelry repair services. [763]
- (40) Motion picture theaters, not including drive-in theaters. [7832]
- (41) Miscellaneous retail stores. [5999]
- (42) Offices/clinics of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, optometrists and chiropractors, but not veterinarian's offices. [801-4]
- (43) Law offices. [811]
- (44) The offices, meeting places, churches, and premises of professional membership associations; civic, social, and fraternal associations; business associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other non-profit membership organizations. [86]
- (45) Engineering and architectural firms or consultants. [891-3]
- (46) Accounting, auditing and bookkeeping firms or services. [8721]
- (47) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations. [899]
- (48) The offices of governmental agencies and post offices. [91-92, 431]
- (49) Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages. [411-14]
- (50) Telephone and telegraph offices. [481-2]

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- (51) Day care centers. [481-2]
- (52) Massage therapy and bodyworks.
- (53) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the B-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Village Board with regard to such matters.
- (1) Miscellaneous repair shops and related services. [769]
- (2) Garment pressing establishments, hand laundries, hat cleaning and blocking shops and coin-operated dry cleaning establishments. [721]
- (3) Establishments engaged in the publishing and printing of newspapers, periodicals or books. [2711]
- (4) Dwelling units, provided that no dwelling shall be permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- (5) Farm supplies, wholesale trade. [5191]
- (6) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers. [551-2, 556]
- (7) Stores for the sale and installation of tires, batteries, mufflers or other automotive accessories. [553]
- (8) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line. [5541]
- (9) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers. [703]
- (10) Establishments engaged in daily or extended-term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers. [751]
- (11) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes. [754]
- (12) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc. [70]
- (13) Farm implement sales.
- (14) Mini-warehouses.



- (15) Outdoor sports facilities or beer gardens at licensed premises (see Section 7-2-19).
- (16) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Lot, Yard and Building Requirements.**
  - (1) **Lot Frontage.** Minimum sixty (60) feet.
  - (2) **Lot Area.** Minimum six thousand (6,000) square feet.
  - (3) **Principal Building.**
    - a. Front Yard: Minimum twenty-five (25) feet.
    - b. Side Yard: Minimum ten (10) feet if sideyard is necessary to be compatible with neighborhood; otherwise none.
    - c. Rear Yard: Minimum twenty (20) feet if rear yard is necessary to be compatible with neighborhood; otherwise none.
- NOTE:** Pre-existing structures may be nonconforming. In blocks in the business districts which are already developed, the dimensional requirements of this Chapter can be modified if in the opinion of the Board of Appeals, such action would be in keeping with the purpose of this Code where a practical difficulty or hardship would result from a literal enforcement of the requirements.
- (4) **Building Height.** Maximum forty-five (45) feet.
- (5) **Percent of Lot Coverage.** Maximum ninety percent (90%).
- (6) **Alley Setback.** Minimum fifteen (15) feet.
- (e) **Other Development Regulations.**
  - (1) A site development plan, prepared in accordance with Section 13-1-224, shall be submitted before a permit can be granted for any expanded or all new use in this District.
  - (2) No outdoor storage of any material shall be permitted in this District except within enclosed containers or properly screened, as determined by the Village Board.
  - (3) No lighting shall be permitted which would glare from this District onto any street right-of-way or onto any adjacent property.

## **Sec. 13-1-50 B-2 Highway Commercial District.**

- (a) **Purpose.** The B-2 Highway Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes, of those businesses and customer services which are logically related to and dependent upon highway traffic, or which are specifically designated to serve the needs of such traffic.
- (b) **Permitted Uses.** Except as specified, all uses within this District are conditional, requiring a public hearing and consideration of specific site factors and impacts on surrounding land uses. All conditional uses must be approved in accordance with the procedures established in Article E:

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- (1) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (c) **Conditional Uses.** The following are specific conditional uses in this Chapter:
- (1) Amusement activities.
  - (2) Automobile and truck retail services.
  - (3) Automobile repair and fuel services.
  - (4) Bars and taverns.
  - (5) Candy, nut and confectionery sales.
  - (6) Gasoline service stations.
  - (7) Gift, novelty and souvenir sales.
  - (8) Hotels, motels and tourist courts.
  - (9) Night clubs and dance halls.
  - (10) Restaurants.
  - (11) Sales, service and installation of tires, batteries and accessories.
  - (12) Residential dwelling units.
  - (13) Animal hospital, shelters and kennels.
  - (14) Clinics.
  - (15) Public assembly uses.
  - (16) Commercial recreation facilities.
  - (17) Off-season storage facilities.
  - (18) Lodges and fraternal buildings.
  - (19) Nursing homes.
  - (20) Nursery and day care centers.
  - (21) Retirement homes.
  - (22) Drive-in food and beverage establishments.
  - (23) Drive-banks.
  - (24) Drive-in theaters.
  - (25) Vehicle sales and service.
  - (26) Public parking lots.
  - (27) Taxi stands.
  - (28) Sewage disposal plants.
  - (29) Governmental, cultural, and public buildings or uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
  - (30) Utilities.
  - (31) Schools and churches.
  - (32) Mobile home sales.
  - (33) Log stacks are a conditional accessory use in the B-2 District, provided that they are located a minimum of sixty (60) from the center of adjacent public road right-of-ways.
  - (34) Farm implement sales.

- (35) Outdoor sports facilities or beer gardens at licensed premises (see Section 7-2-19).
  - (36) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
  - (37) Other uses similar to or customarily incidental to any of the above uses.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Building Area: Eight thousand (8,000) square feet.
    - b. Width: Minimum sixty (60) feet.
    - c. Lot Area: One-half (1/2) acre minimum.
  - (2) **Building Height.** Maximum thirty-five (35) feet.
  - (3) **Yards.**
    - a. Street: Minimum fifty (50) feet (may include parking).
    - b. Rear: Minimum twenty (20) feet.
    - c. Side: Minimum twenty (20) feet each side.

### **Sec. 13-1-51 B-3 Business Park District.**

- (a) **Purpose.** The B-3 Business Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, non-nuisance type manufacturing operations and research and development institutions. The essential purpose of this District, is to achieve development, which is an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development in a dedicated business park setting.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-3 District:
- (1) State-classified manufacturing operations. [20, 23-28, 30, 32-39]
  - (2) Warehousing or distribution operations, not including predominantly retail sales to customers on site. [50-51]
  - (3) Offices of construction firms, shops, display rooms and enclosed storage. [15-17]
  - (4) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations. [8071, 8731-34]
  - (5) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services. [73]
  - (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182. [48]
- (c) **Conditional Uses.** The following are permitted as conditional uses within the B-3 District:
- (1) Public utilities and public services. [49]
  - (2) Conference centers and hotel facilities. [701]
  - (3) Ancillary retail sales and service operations that serve employees within the business park.

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- (4) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Lot, Yard and Building Requirements.**
- (1) **Lot Frontage.** Minimum one hundred (100) feet.
  - (2) **Lot Area.** Minimum twenty-one thousand seven hundred eighty (21,780) square feet.
  - (3) **Front Yard.** Minimum twenty-five (25) feet.
  - (4) **Side Yard.** Minimum fifteen (15) feet.
  - (5) **Rear Yard.** Minimum thirty (30) feet.
  - (6) **Building Height.** Maximum thirty-five (35) feet.
- \* Requirements may be modified by conditional use permit.
- (e) **Other Requirements.** Uses permitted and conditional in the B-3 District are subject to the following requirements:
- (1) No building or improvement shall be erected, placed or altered on any lands in the B-3 District until the plans for such building or improvement including site, landscaping and building plan and specifications, have been approved by the Village Board. The Village Board shall review and approve, approve conditionally or disapprove such plans with respect to conformity with deed restrictions and protective covenants placed on the land in the B-3 District. The deed restriction and protective covenants must be approved by the Village Board. The approved deed restriction and protective covenants must be recorded on the land prior to rezoning to the B-3 District.
  - (2) Design standards in the B-3 District shall include as a minimum the following standards:
    - a. All uses shall comply with Village performance standards for air pollution, fire and explosive hazards, glare and heat, liquid or solid wastes, noise and vibration, odors, radioactivity and electrical disturbances and refuse.
    - b. All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
    - c. The building coverage on any zoning lot shall not exceed fifty-five percent (55%), nor be less than twenty-five percent (25%).
    - d. All areas not covered by buildings or parking lots shall be landscaped subject to detail requirements of restrictive covenants.
    - e. All zoning lots abutting residentially zoned districts shall be screened.

## **Sec. 13-1-52 I-1 Industrial District.**

- (a) **Purpose.** This District is intended to provide an area for manufacturing, marketing, and industrial and agribusiness activities not located in a planned B-3 business park setting. It is also intended to provide an area for a variety of uses which require relatively large