

## 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.

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- (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 13-1-24 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 13-1-140 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-140.
    - 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 13-1-72.)
  - (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 13-1-134.
  - (10) Uses customarily incidental 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 13-1-71.)
  - (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 13-1-134.
- (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 13-1-24 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 13-1-140 specifications.
  - (4) Accessory uses and buildings as follows:
    - a. Gardening, tool and storage sheds incidental to the residential use per Section 13-1-140.
    - 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 13-1-72.)
  - (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 13-1-134.
  - (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 13-1-71.)
  - (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 13-1-134.
- (d) **Area, Height and Yard Requirements.**
- (1) **Lot.**
    - a. Area: Minimum eight thousand (8,000) square feet.
    - b. Width: Minimum sixty-six (66) feet.

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- (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 13-1-134.
  - (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.

- (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 13-1-134.
- (d) **Area, Height and Yard Requirements.**
  - (1) **Lot.**
    - a. Area: Minimum fourteen thousand (14,000) square feet [seven thousand (7,000) square feet per unit].
    - b. 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.**
    - a. Street: Minimum twenty-five (25) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum eight (8) feet each side.

### **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 13-1-134.
- (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 13-1-134.

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(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 13-1-134.
- (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 13-1-134.

- (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 for 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 relocate 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 13-1-24 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 13-1-72.)
- (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-134.
- (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 13-1-134.
- (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.