

## Article B: General Provisions

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### **Sec. 13-1-20 Jurisdiction and Compliance.**

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall include all structures, air, lands and water within the corporate limits of the Village of Elk Mound, Dunn County, Wisconsin.
- (b) **Compliance.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, county and state regulations.

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

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services and the following shall be permitted in that district:
- (b) **Performance Standards.** Performance standards listed in Article H shall be complied with by all uses in all districts.
- (c) **Conditional Uses.** Provisions applicable to conditional uses generally:
  - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board, upon the recommendation of the Plan Commission, in accordance with Article D of this Chapter excepting those existent at time of adoption of the Zoning Code.
  - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Plan Commission to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
  - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board, upon the recommendation of the Plan Commission in accordance with Article D.
  - (4) 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 by the Village Board, upon the recommendation of the Plan Commission, in accordance with Article D.
  - (5) Conditional uses authorized by the Village Board, upon the recommendation of the Plan Commission shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
  - (6) Conditional uses authorized by the Village Board, upon the recommendation of the Plan Commission, shall not be subject to substitution with other conditional uses,

whether similar type or not, without Board approval and the procedures required in Article D.

(d) **Uses Not Specified in Code.**

- (1) Uses not specified in this Chapter which are found by the Village Board, upon the recommendation of the Plan Commission, to be sufficiently similar to specified permitted uses for a district shall be allowed by the Village Board, upon the recommendation of the Plan Commission.
- (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board, upon the recommendation of the Plan Commission, public hearing and approval in accordance with Article D.

### **Sec. 13-1-22 Reduction or Joint Use.**

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.

### **Sec. 13-1-23 Site Regulations.**

- (a) **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 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 Village Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion 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 Village Board may affirm, modify, or withdraw its determination of unsuitability.
- (b) **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 forty (40) feet; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located.
- (c) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. Except in any residential lot, the Village Board, upon the recommendation of the Plan Commission, may permit as a conditional use more than one (1) principal structure per lot in any district where more

than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, upon the recommendation of the Plan Commission, may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

- (d) **Dedicated Street.** 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.
- (e) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) 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.
- (f) **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, following a recommendation from 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.
- (g) **Decks/Porches.** For purposes of this Chapter, particularly regarding setbacks, decks and/or porches shall be considered a part of the principal building or structure being served.
- (h) **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.

Added Article (i) Corner Lot Setbacks 2-21-2018

## **Sec. 13-1-24 Dwelling Design and Construction.**

Dwellings as defined and permitted by this Chapter shall conform to the following:

- (a) Shall be attached to a permanent foundation meeting the requirements of applicable Building Code provisions in such manner as to comply with standards for vertical loading, uplift and lateral forces and so designed and constructed that the floor elevation is reasonably compatible with other dwellings in the area.
- (b) Shall have a first story minimum area of eight hundred (800) square feet and be not less than twenty-four (24) feet in its smallest horizontal dimension exclusive of attached garage, carport or open deck.

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- (c) 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.
- (d) Shall have a double pitched roof having a minimum of three (3) inches of vertical rise per foot of horizontal run.
- (e) Shall have roof overhang of one (1) foot minimum measured from the vertical sides of the structure.
- (f) Shall have roofing material of a type customarily found on conventionally constructed dwellings including wood shakes or shingles, asphalt composition shingles, fiberglass composition shingles; but not reflective corrugated metal or corrugated fiberglass.
- (g) Shall have exterior siding of a type customarily found on conventional constructed dwellings including wood clapboards, simulated clapboards such as vinyl, metal or masonite type siding, wood shakes, wood shingles, brick, stone or other masonry type siding, wood shakes, wood shingles, brick, stone or other masonry type veneer materials, but not smooth, ribbed or corrugated metal or plastic panels except when part of solar collector systems.

**Sec. 13-1-25 through Sec. 13-1-39      Reserved for Future Use.**