



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

Phone: (608) 437-6884 Fax: (608) 437-3190

Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

PLAN COMMISSION/HISTORIC PRESERVATION COMMISSION AGENDA

Wednesday, July 26, 2023 at 7:00 PM

Municipal Building Board Room

138 E. Main Street

Mount Horeb, WI

- 1) Call to order
- 2) Roll call
- 3) Agenda Items
 - a. Consideration of June 28th 2023 Meeting Minutes
 - b. Consideration of Extraterritorial Certified Survey Map: Naujeck, 3200 STH 78
 - c. Discussion/Recommendation: Zoning Code Amendments
 - d. Discussion: Wisconsin Historical Society Certified Local Government Partnership Program
- 4) Committee Reports:
 - a. Plan Commission Chair Report
 - b. Village Planner Report
 - c. Building Inspector Report
- 5) Meeting adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR INFORMATION OR TO REQUEST THIS SERVICE, CONTACT ALYSSA GAFFNEY, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-9404.



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PLAN COMMISSION/HISTORIC PRESERVATION COMMISSION AGENDA

Wednesday, June 28, 2023 at 7:00 PM

DRAFT MEETING MINUTES

1) Call to order

2) Roll call

The Plan Commission/Historic Preservation Commission met on the above date in the Board Room of the Municipal Building, 138 E. Main Street, Mount Horeb, WI. Chair Ryan Czyzewski called the meeting to order at 7:00pm. Present were Commissioners Sarah Best, Chris Kirkland, Destinee Udelhoven and Peggy Zalucha. Nate Gauger and Andrew Kidd were absent. Also present were Village Administrator Nic Owen, Village Planner Ben Rohr, Assistant Clerk Jean Culberson, and Siobhan Mertz from the Town in Government program.

3) Agenda Items

a. Presentation on Certified Local Government by Jason Tish, Wisconsin State Historic Preservation Office

Jason Tish, Coordinator for the Certified Local Government program for the Wisconsin State Historic Preservation Office, gave a presentation on the voluntary Certified Local Government Partnership Program in Wisconsin. Communities make a commitment to local historical preservation standards. Tish spoke of the requirements, benefits and responsibilities of the program. The Commission discussed the steps involved in proceeding with the program. Tish to provide the Commission with additional information and recommendations.

b. Consideration of May 24, 2023 Meeting Minutes

Zalucha Motioned to approve the minutes and Best seconded. The motion carried by unanimous voice vote. Udelhoven requested striking 3a from the agenda due to a clerical mistake.

c. Village Ethics Policy

Czyzewski reminded the Commission to review and be aware of the policy.

d. Recommendation: Specific Implementation Plan, Academy of Little Vikings, 1991 Commerce Dr

Architect Paul Cuta gave an overview of the project. Rohr gave a recommendation to include the following waivers: for not including the

hard and durable material around the 40" base and for allowing greater than 0.5 footcandles to be emitted at the northern property line requiring the applicant to update the lighting plan. Village staff to review and approve the revised lighting plan. Udelhoven Motioned to accept with conditions as stated. Zalucha seconded and the motion carried by unanimous voice vote.

- e. Recommendation: Specific Implementation Plan, Steve Brown Apartments, 120 E Front Street

Dan Seeley, Vice President of Development for Steve Brown Apartments, and Architect Shane Frye gave an overview of the changes requested at the May meeting. Rohr gave an overview of recommendations and waivers. Czyzewski opened the floor to public comment. Steve Grundahl for Jeff Grundahl spoke in opposition and Marc Schellffeffe spoke requesting a review of the building. Owen informed on the angled parking. The Commission discussed the recommendations and waivers. The Commission voted on the color black for the center of the south wall. The Commission voted on the entrance remaining as depicted and increasing the east side first floor window size.

Rohr recapped the waivers as listed in the memorandum: deviation from the Victorian color palette for black portions of the facade, non-decorative service and garage doors on the eastern facade for the underground parking entry, metal awnings over the main entrance and the second story patio area.

Rohr recapped the following contingencies: the requirement of the mural and removal of the language related to the Village, additional staff review of any outstanding missing items, the south side of the building facade black instead of the center red color, the Commission to review the first floor window graphics and textures with the signage package, the eastern first floor window size change, the addition of benches or other bicycle facilities on the south side, and staff to review the mural and landscaping lighting. Udelhoven Motioned to approve waivers and contingencies as stated. Kirkland seconded and motion carried by unanimous voice vote.

4) Committee Reports:

- a. Plan Commission Chair Report
No Report.
- b. Village Planner Report
No Report.
- c. Building Inspector Report
Report in packet.

5) Meeting adjournment.

Kirkland Motioned to adjourn at 9:45pm and Best seconded. Motion passed by unanimous voice vote.

Minutes by Jean Culberson, Assistant Clerk

DRAFT



AGENDA ITEM REPORT

MEETING DATE

July 26, 2023

PREPARED BY

AGENDA ITEM # 3.b

Consideration of Extraterritorial Certified Survey Map: Naujeck, 3200 STH 78

BACKGROUND

Comments from Village Engineer Rob Wright:

We have reviewed the CSM for the ET parcels. As they are requesting to parcel off the home from the larger parcel, we do not see an issue (the 2 acre Lot 3). From the narrative, the remaining lots 1,2, & 4 appear to be being sold to a single buyer. The north Lots are obviously being setup for future sale as residential lots based upon the access restrictions and easements and SFR re-zone. As these parcels front along STH78 – there could be potential development opportunities, however they have slopes in the 10% range at this location with only a higher flat area that runs along a ridge setback from the highway. The survey does not depict the entire ownership boundary of the Trust that extends north to CTH J – (approximately 280 acres) – but is depicted on the USDA Map, and falls within the Towns of Vermont and Blue Mounds.

This area is along a string of smaller parcels extending from the village limits/CTH S north out of town. The village has not identified this area in the 2022 comp plan as a potential future urban service area for village growth. We do not see an issue with recommendation of approval of the CSM.

RECOMMENDATION

ATTACHMENTS

1. ETJ CSM Naujeck

June 29, 2023

Nick Owen / Planning and Zoning

We own a family farm of 285 acres about a 1 ½ miles North of Mt. Horeb. My Dad (Walter Naujeck) passed away about 18 months ago and my sister and I are presently in the process of selling the farm.

As you can see on the USDA aerial map we have split the farm into 3 parcels. The portion of it that is in the Township of Blue Mounds is the parcel we have under contract to be bought. The other 2 parcels in the Township of Vermont we aren't doing anything with at this time except surveying them into their own separate parcels.

We have been working closely with The Township of Blue Mounds and Curt Winter through the rezoning process. Site visits have been done and we're scheduled for final approval at their Town meeting on July 12th. Lot 3 is the main house which we surveyed off with 2 acres from the rest of the property and we as a family will retain ownership. The rest of the property will be sold to the same buyer.

I have filled out the application and would like to be at the July 26th Zoning and Planning meeting to answer any questions you may have.

My contact information is listed below and if you have any questions don't hesitate to call.

Thank you,



Doug Naujeck
608-335-2506
dwnaujeck@gmail.com



VILLAGE OF MOUNT HOREB
138 East Main Street
Mount Horeb, WI 53572
Phone (608) 437-6884 Fax: (608) 437-3190

APPLICATION FOR A CERTIFIED SURVEY MAP

Date: 6-29-2023

Fee: \$500⁰⁰

TO: THE VILLAGE PRESIDENT AND VILLAGE BOARD
138 E Main Street
Mt Horeb WI 53572

The undersigned owner (agent) of the property herein described hereby requests you to consider approval of a certified survey map for the following described property:

(1) Location of property (include street address, outlot, subdivision) Approx. 1 1/2 miles north of Mt. Horeb on Hwy 78, 3200 State Rd 78, Mt. Horeb

(2) Owner and Address Walter Naujeck Survivor and Irma Naujeck Family
3200 State Rd 78
Mount Horeb, WI 53572 Trusts

(3) The survey contains 4 lots and 65 acres.

(4) The proposed zoning, if different, will be Lot 1, 2, 3 will be SFR Lot 4 Ag
Remnant parcel will be Ag

All the data required by Section 18.23 of the Subdivision Ordinance (has) (has not) been provided.

SIGNED: Doug Naujeck
(applicant)

Son
(applicant's interest in the property)

3200 State Rd 78
Mt. Horeb, WI 53572
(applicant's address)

Applicant's Phone: 608-335-2506

Referred to: _____ Date: _____ Approved: _____

Date of Village Board approval: _____



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NE 1/4 of Section 1, T6N, R6E,
Town of Blue Mounds, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the NW 1/4 of the NE 1/4 of Section 1, T6N, R6E, Town of Blue Mounds, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North 1/4 Corner of said Section 1; thence S 89°51'44" E along the north line of said Section 1, 324.21 feet to the easterly right of way of State Highway "78" and also the point of beginning.

Thence continue S 89°51'44" E along said north line, 979.75 feet; thence due South, 430.20 feet; thence S 82°58'45" W, 445.00 feet; thence S 06°44'12" E, 254.09 feet; thence N 84°45'37" E, 204.82 feet; thence due South, 553.75 feet; thence N 89°47'56" W, 386.61 feet to the said easterly right of way; thence along said easterly right of way for the next 7 courses; thence N 19°12'22" W, 302.22 feet; thence N 05°27'23" W, 101.99 feet; thence N 16°48'52" W, 299.97 feet; thence N 19°39'33" W, 200.22 feet; thence N 15°48'04" W, 300.18 feet; thence N 18°20'15" W, 121.62 feet; thence N 18°09'37" W, 6.38 feet to the point of beginning. The above described parcel contains 771,209 square feet or 17.70 acres.

Williamson Surveying and Associates, LLC
by Noa T. Prieve

Date _____

Noa T. Prieve S-2499
Professional Land Surveyor

OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required by the Town of Blue Mounds.

WITNESS the hand seal of said owners this _____ day of _____, 20____.

The Walter Naujeck Survivors Trust
Authorized Representative

STATE OF WISCONSIN)
DANE COUNTY)

Personally came before me this _____ day of _____, 20____ the above named

_____ to me known to be
the person who executed the foregoing
instrument and acknowledge the same.

_____ County, Wisconsin.

My commission expires _____

Notary Public

Print Name

Sheet 2 of 5

SURVEYORS SEAL

PRELIMINARY

23W-157

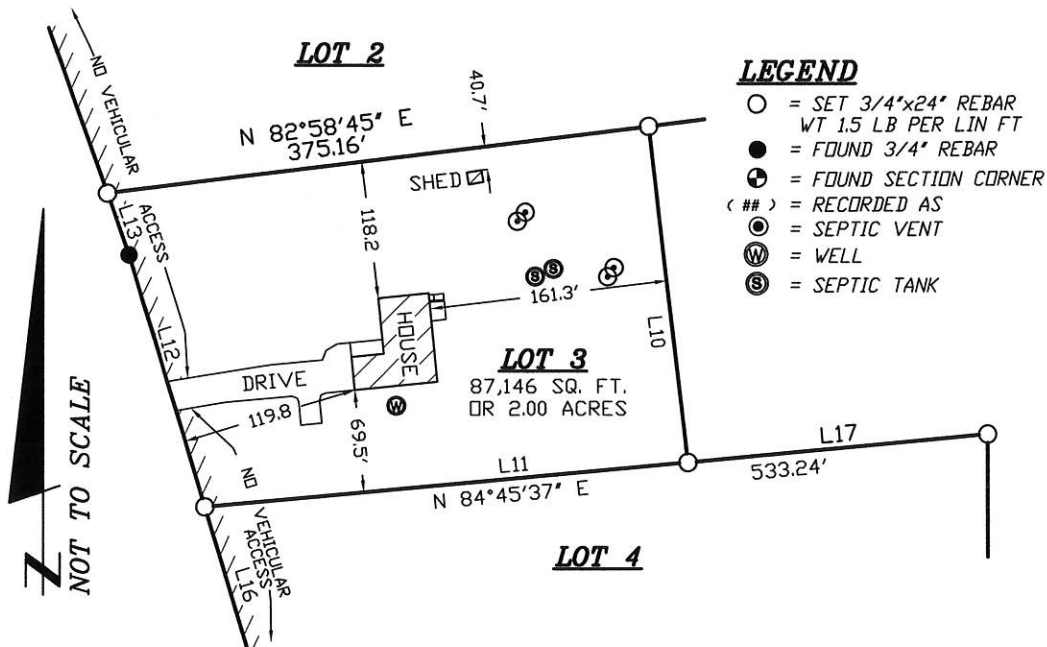


CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NE 1/4 of Section 1, T6N, R6E,
Town of Blue Mounds, Dane County, Wisconsin.



OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required by the Town of Blue Mounds.

WITNESS the hand seal of said owners this _____ day of _____, 20__.

Irma Naujeck Family Trust
Authorized Representative

STATE OF WISCONSIN
DANE COUNTY

Personally came before me this _____ day of _____, 20__ the above named

_____ to me known to be
the person who executed the foregoing
instrument and acknowledge the same.

_____ County, Wisconsin.

My commission expires _____

Notary Public

Print Name

Sheet 3 of 5

SURVEYORS SEAL

PRELIMINARY

23W-157

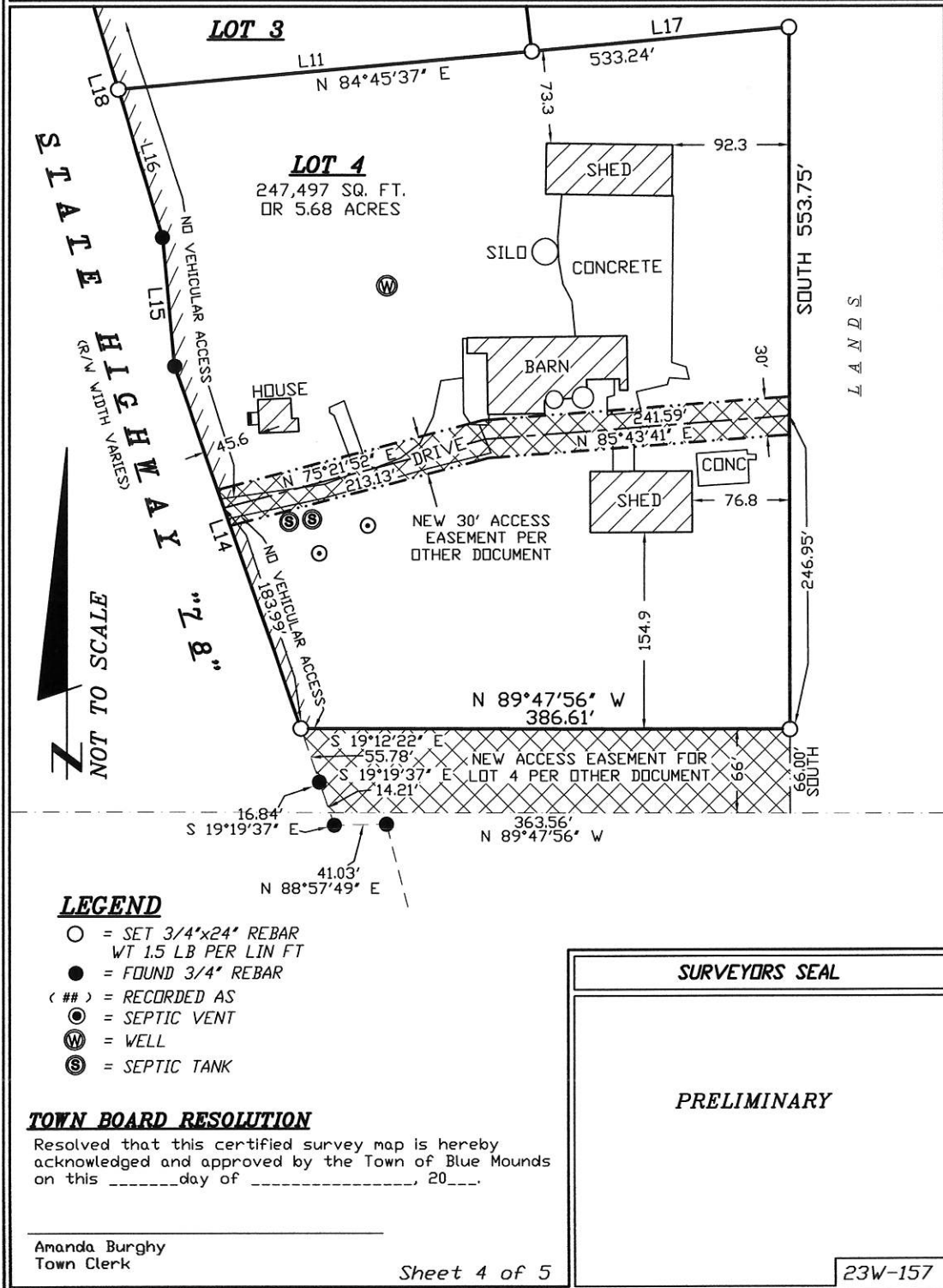


CERTIFIED SURVEY MAP

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Located in the NW 1/4 of the NE 1/4 of Section 1, T6N, R6E,
Town of Blue Mounds, Dane County, Wisconsin.



LEGEND

- = SET 3/4"x24" REBAR
WT 1.5 LB PER LIN FT
- = FOUND 3/4" REBAR
- (##) = RECORDED AS
- ⊙ = SEPTIC VENT
- ⊙ = WELL
- ⊙ = SEPTIC TANK

TOWN BOARD RESOLUTION

Resolved that this certified survey map is hereby
acknowledged and approved by the Town of Blue Mounds
on this _____ day of _____, 20____.

Amanda Burghy
Town Clerk

Sheet 4 of 5

SURVEYORS SEAL

PRELIMINARY

23W-157



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NE 1/4 of Section 1, T6N, R6E,
Town of Blue Mounds, Dane County, Wisconsin.

NOTES:

- 1.) THIS SURVEY WAS PREPARED WITH A 60 YEAR REPORT DONE BY PREFERRED TITLE, FILE NO. 123030105, DATED MARCH 6, 2023.
- 2.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) THIS PROPERTY IS SUBJECT TO AN EASEMENT TO WISCONSIN POWER AND LIGHT COMPANY RECORDED IN VOL. 243 OF MISC., PAGE 270 AS #826107; MODIFIED IN VOL. 13423 OF RECORDS, PAGE 68 AS #2167047.
- 4.) THIS PROPERTY IS SUBJECT TO A TELEPHONE BURIED PLANT RIGHT OF WAY EASEMENT RECORDED AS #2155782; MODIFIED BY #2167046.
- 5.) THIS PROPERTY IS SUBJECT TO A COVENANT RECORDED IN VOL. 4854 OF RECORDS, PAGE 1, AS #1797193.
- 6.) THIS PROPERTY IS SUBJECT TO A COVENANT RECORDED AS #3664176.
- 7.) ONLY ONE SECTION CORNER TIE WAS FOUND FOR THE NORTH 1/4 CORNER OF SECTION 1, SO A NEW SECTION CORNER TIE SHEET WILL BE MADE. FOR THE NE CORNER OF SECTION 1, ALL SECTION CORNER TIES WERE FOUND, CHECKED AND VERIFIED TO THE MOST RECENT SECTION CORNER TIE SHEET OF RECORD.

LINE TABLE

LINE #	BEARING	DISTANCE	RECORD
L1	SOUTH	216.56	
L2	N 15°48'04" W	172.58	
L3	N 18°20'15" W	101.03	
L4	N 18°09'37" W	6.38	
L5	S 89°51'44" E	69.59	
L6	SOUTH	213.64	
L7	N 19°39'33" W	130.04	
L8	N 15°48'04" W	300.18	(N 16°13'31" W) (300.04')
L9	N 18°20'15" W	20.59	
L10	S 06°44'12" E	254.09	
L11	S 84°45'37" W	328.42	
L12	N 16°48'52" W	178.00	
L13	N 19°39'33" W	70.17	
L14	N 19°12'22" W	302.22	(N 19°35'00" W)
L15	N 05°27'23" W	101.99	(N 05°52'15" W) (101.98')
L16	N 16°48'52" W	121.98	
L17	N 84°45'37" E	204.82	
L18	N 16°48'52" W	299.97	(N 17°10'50" W) (300.00')
L19	N 19°39'33" W	200.22	(N 20°02'34" W) (200.25')
L20	N 18°20'15" W	121.62	(N 18°36'47" W) (121.56')

REGISTER OF DEEDS:

Received for recording this ____ day of _____, 20____ at ____ o'clock ____M.
and recorded in Volume _____ of Dane
County Certified Surveys on pages _____
through _____.

Kristi Chlebowski
Register of Deeds

DOCUMENT NO. _____

CERTIFIED SURVEY MAP NO. _____

Sheet 5 of 5

SURVEYORS SEAL

PRELIMINARY

23W-157

Walter Naujeck Survivor and Irma Naujeck Family Trust
Doug Naujeck
3200 State Rd 78
Mount Horeb
Contact Info: 608-335-2506
dwonaujeck@gmail.com



United States
Department of
Agriculture

Dane County, Wisconsin

Entire Tract: IR / NI GR / FG unless
Name/Shares: otherwise
labeled



USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the pr accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determin

Ordinance No. Z 2023-3
(Walter Naujeck Survivor and Irma Naujeck Family Trusts)
Town of Blue Mounds

WHEREAS, The Town of Blue Mounds has given notice and set a time for hearing as provided by Wisconsin Statutes, for the purpose of considering the rezoning of certain land in the Town of Blue Mounds, Dane County, Wisconsin; and

WHEREAS, it appearing that at least ten (10) days notice has been given by publication in the official paper as a Class 2 Notice under Chapter 985 of the Wisconsin Statutes; and

WHEREAS, it appearing that a hearing has been had giving the opportunity to any person intended to be heard;

NOW, THEREFORE, the Town Board of the Town of Blue Mounds, Dane County, Wisconsin, do ordain as follows:

That Town Zoning Maps be amended so that the following parcel in the Town of Blue Mounds, Dane County, Wisconsin, be and are hereby deemed to be approved as rezoning of current Parcels # 0606-011-8000-7 and # 0606-011-8502-0 as follows and that the Zoning Map, Town of Blue Mounds, Dane County, Wisconsin, contain notations and references to this effect:

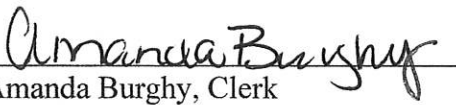
Combine parcels listed above and divide as defined on submitted preliminary CSM as follows:

CSM Lot 1	A-1(EX) (Legacy) to SFR	5.01 Acres
CSM Lot 2	A-1(EX) (Legacy) to SFR	5.01 Acres
CSM Lot 3	A-1(EX) (Legacy) to SFR	2.00 Acres
CSM Lot 4	A-1(EX) (Legacy) to AG	5.68 Acres
Remnant Parcel	A-1(EX) (Legacy) to AG	47.13 Acres

This Ordinance shall become effective upon passage and publication.


Dennis Jelle, Chairman

Dated 7/10/23


Amanda Burghy, Clerk

Dated 7/10/2023

Enc.: Preliminary CSM-Map "B"



AGENDA ITEM REPORT

MEETING DATE

July 26, 2023

PREPARED BY

AGENDA ITEM # 3.c

Discussion/Recommendation: Zoning Code Amendments

BACKGROUND

We learned during discussions when amending our comprehensive plan that our zoning code is old and not necessarily in line with some of our goals, such as providing a wide variety of housing options. Village staff is planning to include funds to rewrite the Village zoning code in 2024 with those goals in mind.

In June, Alex Pfister approached me with a concept development for two multifamily buildings on two vacant lots on Buechner Court. The lots are zoned R-3 multifamily and Pfister is having trouble meeting the setback and open space requirements for this zoning category. Pfister's two options to develop these lots with his current design are to apply for a rezone to PD - Planned Development and request waivers on those two items or to request an amendment to the Zoning code to reduce the setback and open space requirements. Pfister stated that he does not want to pursue a PD rezone, he would rather see the zoning code amended. With the Village considering the total rewrite of the zoning code next year, I wanted to bring this item to the Plan Commission for direction.

I have included an email exchange between Pfister, myself and Village Planner Ben Rohr for some additional background. Pfister will be attending the meeting to discuss this issue.

RECOMMENDATION

ATTACHMENTS

1. Zoning Changes

RE: Mt HorebR-3 Zoning restrictions

Benjamin Rohr

Mon 6/12/2023 1:50 PM

To:

- Nic Owen

Nic,

Correct. The only method for deviating from the green space and setback requirements would be through a Planned Development or a Variance. We try to avoid Variances as much as possible because they are really only applicable to very unique circumstances or situations which necessitates the need to vary from the code requirements. This is pretty rare. That's why we have used the Planned Development method more often and more recently.

I wholeheartedly agree with his statements. The code is very restrictive and out of date when it comes to all forms of residential development. That's why we find ourselves doing a PD almost every time now. I would have to look into the specific metrics he proposed more to see if I agree with those exactly, but I agree with the premise of the sentiments.

These ideas were specifically called out within the Comprehensive Plan as recommended zoning changes as part of the Village's full rewrite. I've additionally made note of these issues at several different Plan Commission meetings where we have been discussing the need for flexibilities on recent PDs.

I'd be happy to have a larger conversation about zoning and/or the Village's desired strategy for making changes. We haven't talked about it since the Comp Plan review process in the fall of 2021.

Thanks,

BEN ROHR, AICP

VANDEWALLE & ASSOCIATES INC.

Shaping places, shaping change

From: Nic Owen

Sent: Monday, June 12, 2023 1:10 PM

To: Benjamin Rohr **Subject:** Fw: Mt HorebR-3 Zoning restrictions

Hi Ben,

I have a set back and open space question, described in the email below. I think other than a code amendment their only option would be a PD rezone?

Let me know your thoughts.

From: Alex Pfister <
Sent: Friday, June 9, 2023 12:53 PM
To: Nic Owen >; John Carter <
Subject: Mt HorebR-3 Zoning restrictions

Hi Nic,

Thanks for taking the time to meet with us on the issues with the R-3 Zoning green space and set back restrictions in Mt Horeb

As we talked the other day, Mt Horeb green space requirements are currently 60% green space and 40% impervious.

Upon review of 11 neighboring R-3 properties we observed the average green space & impervious area averages of 42% green space and 58% Impervious. See attached chart and photo.

No additional zoning permission was given allowing a lower green space percentage, thus all these properties do not comply with the code, and they did not comply with the code when built.

We're certain you'll agree that the reason that no one complies with this code is because the code is from the 1970's and there is now no way to build on these lots unless you do not provide adequate parking and garages. And this is not a surprise because it was common in the 1970's and prior to only offer 1 off-street parking space because families typically had just 1 vehicle.

We feel strongly that Setback requirements also need to be considered.

The village's Front yard set back is 30 feet, Rear yard is set back is 25 feet, Side yard 15 feet. - as you are aware.

I have attached a copy of Verona's Setback requirements, please see attached. The MR & UR are the MultiFamily zoning districts. Note that Front yard setback is 20 feet, Rear yard is 20 feet, side yard is 5 feet.

Summarily, we would ask that the Village consider bringing the Green Space requirement in line with the current use. See attached chart of area town.

To meet existing buildings and what has been allowed in the PD's in Mt Horeb, the green space should be 25% green space and 75% impervious area. We would ask that the Village simply change to the 25% / 75% ratio.

To bring Lot Setbacks to 2023 Standards, we feel those should be Front yard 25 feet, Rear yard 20 feet and Side yard 10 feet.

We are happy to come to the Village Planning Commission/Village Board meetings and help answer any questions that may arise from this review. Please let us know of any meetings that are plan to hold on this matter.

Thank you for your consideration.
Alex and John



AGENDA ITEM REPORT

MEETING DATE

July 26, 2023

PREPARED BY

AGENDA ITEM # 3.d

Discussion: Wisconsin Historical Society Certified Local Government Partnership Program

BACKGROUND

At our last meeting, Jason Tish of the Wisconsin Historic Preservation Office presented the CLG program for Wisconsin. He provided comments on what changes we would need to make to our existing Historic Preservation Code to be compliant with the CLG program. The Historic Preservation Code with Jason's comments is included in your packet.

RECOMMENDATION

ATTACHMENTS

1. HP ordinance, 17.17 - MH - JLT Comments (2)

17.17. Historic preservation.

- (1) Purpose and intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:
 - (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.
 - (b) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
 - (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the Village.
 - (d) Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

CERTIFICATE OF APPROPRIATENESS — The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure, historic site or any improvement in an historic district.

COMMISSION — The Historic Preservation Commission under § 1.31 of this Municipal Code.

HISTORIC DISTRICT — An area that contains two or more historic improvements or sites, which has been designated an historic district pursuant to the provisions of this section.

HISTORIC SITE — Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred, and which has been designated as an historic site under this section, or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

HISTORIC STRUCTURE — Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Village, state or nation and which has been designated as an historic structure pursuant to the provisions of this section.

IMPROVEMENT — Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

- (3) Historic structure, historic site and historic district designation criteria.
 - (a) For purposes of this chapter, an historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Village, such as historic structures, sites or districts which:
 1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;

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2. Are identified with historic personages or with important events in national, state or local history;
 3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method or construction, or of indigenous materials or craftsmanship;
 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The Commission shall adopt specific operating guidelines for historic structure and historic site designation, providing such are in conformance with the provisions of this chapter.
- (c) The Commission shall select geographically defined areas within the Village to be designated as historic districts and shall prepare an historic preservation plan for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the Village, after application of the foregoing criteria. Each historic preservation plan prepared for or by the Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(4) Historic preservation commission powers and duties.

(a) Designation.

1. The Commission shall have the power to recommend designation of historic structures, historic sites and historic districts within the Village limits. All historic structure, historic site and historic district designations shall be made by the Village Board and shall be made pursuant to Subsection (5) hereof.
2. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section and shall continue to be subject to all other provisions of this Chapter 17, Zoning Code, of this Municipal Code, including those provisions and requirements specific to the particular zoning district in which the said historic structure, site or district is situated.

(b) Regulation of construction, reconstruction, alteration and demolition.

1. No owner or person in charge of an historic structure, historic site or structure within an historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
2. Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the applications unless:
 - a. In the case of a designated historic structure of historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

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- b. In the case of the construction of a new improvement upon an historic site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance or other neighboring improvements on such site or within the district;
 - c. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the Village and state;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- 3. If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The Commission shall make this decision within 45 days of the filing of the application.
 - 4. This issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
 - 5. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) Appeals. Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within 30 days. In addition, if the Commission fails to issue a certificate of appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of the section.
 - (d) Recognition of historic structures, sites and districts. At such time as an historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at Village expense, a suitable plaque declaring that such property is an historic structure, site or district.

(5) Procedures.

(a) Nominations.

- 1. Nominations to designate historic structures and historic sites may be made to the Commission by any person with a legal interest in the real estate subject to such designation (i.e., the owner or a purchaser under an accepted offer to purchase) on forms

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prescribed by the Commission, which shall be available from the Village office. ^{17.17} Such nominations may also be made by the Commission itself or by the Village Board.

2. Only the Commission or Village Board may nominate real estate for the creation of an historic district.
 - (b) Hearing. The Commission shall hold a public hearing to consider nominations for designation as historic structures and historic sites and for creation of historic districts. Notice of the time, place and purpose of the hearing shall be given to the owners of record, as listed in the Village tax roll, of the nominated property or whose property is situated in whole or in part within 200 feet of the said property. The notice of hearing shall be mailed to said owners at least 10 days prior to the hearing date.
 - (c) Commission recommendation. Following the hearing, the Commission shall vote on the nomination and make its recommendations thereon to the Village Board.
 - (d) Board action.
 1. Designation of historic structures and historic sites. Upon receipt of the recommendations from the Commission, the Village Board shall either designate the property an historic structure or an historic site or rescind such designation. After the designation or rescission has been made, the property owner or owners shall be notified of the Board's action. Any designation or rescission hereunder shall be recorded, at Village expense, in the Dane County, Wisconsin, Register of Deeds Office.
 2. Creation of historic district. Upon receipt of the recommendations from the Commission, the Village Board shall either designate or reject the historic district. Creation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.
- (6) Interim control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition is authorized by formal resolution of the Village Board as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.
- (7) Penalties for violations. Any person or persons violating any provision of this section shall be fined \$50 for each separate violation. Each and every day during which violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Building Inspector.



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
July 26, 2023	
AGENDA ITEM # 4.c	
Building Inspector Report	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	