



VILLAGE OF MOUNT HOREB

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PLAN COMMISSION AGENDA **Monday, February 17, 2025 at 6:00 PM**

Municipal Building Board Room
138 E. Main Street
Mount Horeb, WI

- 1) Call to order
- 2) Roll call
- 3) Agenda Items
 - a. Public Comments on Part One of Zoning Code Rewrite
 - b. Presentation and discussion on Part One of Zoning Code Rewrite
 - c. Public Comments on Tonight's Discussion
- 4) Meeting adjournment.

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AGENDA ITEM REPORT

MEETING DATE

February 17, 2025

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 3.b

Presentation and discussion on Part One of Zoning Code Rewrite

BACKGROUND

We are going to start this meeting by allowing members of the public to provide comments or questions on part one of the zoning code. Ben Rohr will then lead us through a discussion on the draft code. Following the presentation and commission discussion, we will again allow the public to make comments or ask questions about the items that are presented. To keep the meeting efficient and running smoothly, we do not plan on having a back and forth debate with the audience or allowing the audience to comment during Ben's presentation and the Commission discussion.

Included in the packets is a memo from Ben Rohr and Part 1 of the zoning code rewrite. Included in Ben's memo are some specific areas we felt should be discussed at tonight's meeting. Each area of discussion includes a spot to circle whether you feel we should keep the approach, remove the approach or modify the approach and provide your comments.

RECOMMENDATION

ATTACHMENTS

1. Part 1 Cover Memo 2.14.25
2. Public Draft Part 1 Village of Mount Horeb Zoning Code 2.5.25

Village of Mount Horeb Zoning Code Rewrite

Overview of Part 1

Content Included in Part One of the Draft Zoning Code

Part One of the draft Zoning Code establishes new zoning districts, land use regulations, bulk regulations, and how to address nonconforming situations. The first draft of Part One is completed and is being presented to the Plan Commission for review. This memo contains six big picture topics for Plan Commission discussion to obtain feedback on the approach to different situations. However, based on Plan Commission review of Part One, staff and V&A are available to discuss any other portions of the draft desired. To note, the new zoning districts, land uses in each district, and bulk dimensions associated with each district were reviewed during the July meeting.

Part Two of the draft Zoning Code will establish performance standards (parking, driveways, etc.), exterior building design standards, landscaping requirements, signage, administration and procedures, and definitions. This section is in progress and will be presented to the Plan Commission for review at a future meeting.

Part One Topics for Discussion

1. Mixed-Use Buildings (Pg. 28, 47)

Mixed-use buildings are proposed to be permitted in the following zoning districts: Downtown Mixed Use, Corridor Mixed Use, Neighborhood Mixed Use, and Institutional. These zoning districts are intended to promote walkable areas and preserve the commercial storefronts of downtown by requiring ground floor non-residential land uses. The draft Zoning Code requires Mixed-Use Buildings to have a minimum of 33 percent of the ground level gross floor area dedicated to non-residential use. For the Downtown Mixed-Use district, the requirements go one step further to require non-residential land uses (ie storefronts) within the first 50 feet of the building along the street facing façade. To note, standalone commercial buildings are permitted in each of these districts and do not require a residential component. The existing Zoning Code only permits accessory apartments that require the entire ground floor to be non-residential.

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

2. ADU Requirements (Pg. 31, 76)

The draft Zoning Code permits Accessory Dwelling Units (ADUs) in the SF-1, SF-2, TF-1, MF-1, and NMU zoning districts. An ADU is a residential dwelling unit located on the same lot as a single-family dwelling unit, either in the same building or in a detached building. This makes them distinct from In-Family

Suites, which are only located within an existing single-family structure and are only intended for a family member of the property owner. The draft ADU regulations include:

1. A maximum of one ADU per lot that's limited to one family and must meet all bulk dimensional standards of the lot (setback, height, impervious surface, etc.).
2. The ADU entrance on an existing building may not add an additional access point from the front façade.
3. An ADU within a detached structure can only be located in the rear or side yard, must meet principal building setbacks, and must have a paved walkway or driveway connection to it from the street.
4. An ADU may not be sold separately from the principal dwelling unit on the lot and must not exceed the gross floor area of the principal dwelling unit.

Additionally, the draft Zoning Code requires a Zoning Permit prior to establishing an ADU. This Zoning Permit is intended to help the Village know where these units are located, allow them to be inspected, and would give the Village a tool to enforce the standards of the municipal code. Today, ADUs are not permitted in Mount Horeb.

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

3. Multi-Family Density Approach (Pg. 97-100)

The existing Zoning Code includes an artificial limit of 12 units per residential building in all zoning districts, in addition to a minimum lot size requirement by individual multi-family unit. This existing approach means that almost any new multi-family project has to go through a PUD process. This is cumbersome for the Village and adds extra expense for the developer.

The draft Zoning Code proposes regulating density based on the lot size and removing the artificial limit to the number of units per building. This provides more flexibility than the existing approach and accounts for variations in lot sizes. There are three proposed options to implement this approach. Options A and B propose a flat number of square footage of lot per unit. Option C is a tiered approach, requiring a different amount of square footage of lot depending on the unit mix. All three of these approaches are intended to maintain a rational connection between the size of the lot and the total number of units allowed. This is a continuation of the discussion we last had with the Plan Commission this summer.

	Existing	Option A 1,000 SF/DU	Option B 1,200 SF/DU	Option C Tiered
Studio/ 1 Bedroom	1,800 SF	1,000 SF	1,200 SF	1,000 SF
2-Bedroom	2,900 SF	1,000 SF	1,200 SF	1,250 SF
3-Bedroom	3,200 SF	1,000 SF	1,200 SF	1,500 SF
4+ Bedroom	4,300 SF	1,000 SF	1,200 SF	1,500 SF

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

4. Front-Loaded Garages (Pg. 97-100)

Garages that comprise the entire front façade of the building create an unwelcoming environment and do not meet the aesthetic goals of the Village. The draft Zoning Code proposes that a garage can comprise a maximum of 50% of the front façade, and that it can only be a maximum of 8 feet closer to the street than the principal structure. These standards only apply to the front yard, and not on the street side yard for a corner lot. In the past discussion, the Plan Commission indicated that they did not want to require the front-loaded attached garage to be even with or behind the principal structure (as previously proposed), but would like to see some requirements in place to limit garage-dominated facades. The Village does not currently regulate front-loaded attached garages.

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

5. Short Term Rental Ordinance (Pg. 88)

The draft Zoning Code proposes detailed regulations for Short-Term Residential Rentals (ie. Airbnb and VRBO). These regulations establish standards for property management, parking requirements, site appearance, neighborhood impacts, and outdoor advertising signs. The existing Zoning Code regulates this through a conditional use permit, which limits the Villages ability to deny an application. The draft Zoning Code proposes a license for these uses that would give the Village a tool to enforce these standards and track where Short Term Rentals are located.

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

6. Non-Conforming Situations (Pg. 109-110)

There are existing nonconforming situations today in which land uses, lots, structures, and bulk dimensional standards are not reflective of the Zoning Code’s standards. The draft Zoning Code takes the approach of giving blanket conforming status to all existing lots, structures, and sites, meaning that they can be reinvested in overtime. However, anything new on the property will be required to meet the standards of the draft Zoning Code. Additionally, nonconforming uses can only be continued at the size and in the manner of operation that exists at the time of ordinance adoption, so eventually, nonconforming uses will not be permitted on the lot in perpetuity. This is a similar approach to the existing Zoning Code’s approach that was modified in 2013.

Please circle your opinion on the following approach:

Keep Approach

Remove Approach

Need To Modify Approach

Comments: _____

Additional Comments:

Do you have any additional questions or concerns about Part 1 of the draft Zoning Code?

DRAFT

VILLAGE OF MOUNT HOREB, WISCONSIN
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Section 17.01.01: Title

ARTICLE I: INTRODUCTION**Section 17.01.01: Title**

- (1) This Chapter shall be known, cited, and referred to as the Village of Mount Horeb Zoning Ordinance, except whereas referred to herein, where it shall be known as “this Chapter” or “this Ordinance.”

Section 17.01.02: Authority

- (1) This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Wis. Stats. § 62.23(7), 62.231, 87.30, Wisconsin Statutes.

Section 17.01.03: Purpose and Intent

This Chapter is adopted for the purpose of protecting the health, safety, and general welfare of the public. It is designed to implement the Village of Mount Horeb Comprehensive Plan, which is best done through zoning approaches, as enabled by Wisconsin Statutes. It is also the intent of this Chapter to:

- (1) Promote activity, safety, and economic viability;
- (2) Promote the appropriate density and intensity of development;
- (3) Regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land;
- (4) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities;
- (5) Encourage a mix of land uses, at densities that support multi-modal transportation;
- (6) Provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, and bicycle traffic;
- (7) Control and lessen congestion in the streets;
- (8) Be adaptable to new types, formats, and mixes of land uses to reflect changing preferences, economics, and technologies;
- (9) Reduce Mount Horeb’s contribution to climate change and adapt to our changing environment;
- (10) Promote the conservation of energy and utilization of renewable resources;
- (11) Protect and enhance natural resources;
- (12) Protect groundwater resources;
- (13) Avoid undue concentration of population;
- (14) Reduce inequalities of resource allocation and the externalities of the use of land;
- (15) Prevent the overcrowding of land;
- (16) Promote adequate light, air, privacy, and convenience of access to property;
- (17) Preserve, protect, and promote property values;
- (18) Promote property improvements and upkeep;
- (19) Preserve burial sites as defined in Wis. Stats. §157.70(1)(b); and
- (20) Secure safety from fire, panic, and other dangers.

Section 17.01.04: Separability and Non-Liability

Section 17.01.04: Separability and Non-Liability

It is hereby declared to be the intention of the Village of Mount Horeb Village Board that provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 17.01.05: Abrogation

It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

Section 17.01.06: Rules of Interpretation

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- (3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit per the Building Code (Chapter 14 of the Village of Mount Horeb Municipal Ordinance), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within two years from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no

Section 17.01.07: Jurisdiction

building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.

- (6) Except for outlots authorized by Chapter 18 Subdivision and Platting Regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 17.01.07: Jurisdiction

- (1) This Chapter is applicable to all territory located within the corporate limits of the Village of Mount Horeb.

Section 17.01.08: Reserved**Section 17.01.09: Effective Date**

- (1) This Chapter shall become effective upon passage and publication according to law, following the date of repeal and recreation of the Official Zoning Ordinance and Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions such as Planned Developments.

Section 17.01.10: Applicability

- (1) All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the Village of Mount Horeb. Beyond this Chapter, these kinds of activities are subject to all Village, State, and Federal requirements.
- (2) The use of land is generally addressed in **Articles II and III**. Development activities including redevelopment, and structure and site renovations are regulated throughout the ordinance rather than in any one section or article.
- (3) Where questions of applicability arise, the interpretation of applicability falls under the duties of the Zoning Administrator.

Sections 17.01.12 to 17.01.20: Reserved**Section 17.01.21: Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall,” “must,” and “will” are mandatory.
- (5) The words “may,” “can,” and “might” are permissive.
- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The word “village” shall mean the Village of Mount Horeb, Wisconsin.

Section 17.01.22: Abbreviations

- (8) The word “county” shall mean the County of Dane, Wisconsin.
- (9) The word “state” shall mean the State of Wisconsin.
- (10) The words “Plan Commission” shall mean the Village of Mount Horeb Plan Commission.
- (11) The word “Village Board” shall refer to the Village of Mount Horeb Village Board.
- (12) The words “Board” or “Board of Appeals” shall refer to the Village of Mount Horeb Zoning Board of Appeals.
- (13) The words “Title”, “Code”, “Ordinance” or “Chapter” refer to the Village of Mount Horeb Zoning Ordinance (Chapter 17), unless an alternative numeric reference is provided.
- (14) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

Section 17.01.22: Abbreviations

- (1) The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
ft	Foot
NA	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

Sections 17.01.23 to 17.01.99: Reserved

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 17.02.01: Purpose

- (1) The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Mount Horeb Comprehensive Plan, and to achieve the other purposes of this Chapter.

Section 17.02.02: Standard Zoning Districts

- (1) For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

Residential Zoning Districts	
SF-1	Single Family Residential – 1
SF-2	Single Family Residential – 2
TF-1	Two Family Residential – 1
MF-1	Multi-Family Residential – 1
MF-2	Multi-Family Residential – 2
MH-1	Mobile Home Residential – 1
Nonresidential Zoning Districts	
Mixed-Use	
INST	Institutional
NMU	Neighborhood Mixed-Use
CMU	Corridor Mixed-Use
DMU	Downtown Mixed Use
Industrial	
BP	Business Park
LI	Light Industrial
HI	Heavy Industrial
Other	
PR	Parks and Recreation
CON	Conservancy
AO	Adult Oriented-Business
IOA	Intensive Outdoor Activity
Agricultural	
AG	Agricultural

- (2) 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. See Wis. Stats. § 66.1003.
- (3) Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the AG Agricultural zoning district, unless the annexation ordinance temporarily places the land in another district. Following annexation and accompanying any application for a process included within **Article X**, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

Section 17.02.03: Interpretation of Zoning District Boundaries

Section 17.02.03: Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Mount Horeb:

- (1) Zoning district boundaries shown as following or approximately following the limits of any Village, town, or county boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village or Dane County tax maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Section 17.02.04: Description and Purpose of Zoning Districts

- (1) The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. The Intent statement of each zoning district is intended to convey the approximate gross densities for reference purposes, not regulatory purposes. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks. Definitions and regulations for land uses are provided in Article III. Section 17.03.05 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses. See Article IV for bulk dimensions regulations.
- (2) The Official Zoning Map of the Village of Mount Horeb is hereby adopted and approved as part of this Chapter and shall be effective on the effective date of this Chapter. Any Official Zoning Map amendments impacting the zoning classification of any property regulated by this Chapter shall follow the procedures in Section 17.10.30.

Sections 17.02.05 to 17.02.09: Reserved

Section 17.02.10: Zoning Districts

- (1) All Zoning Districts. Each individual Zoning District established by this Chapter shall be subject to the Principal Uses Permitted by Right, Principal Uses Permitted only as a Conditional Use, Accessory Land Uses Permitted by Right, Accessory Land Uses Permitted only as a Conditional Use, and Temporary Land Uses as established in Section 17.03.05 Table of Land Uses and applicable land use standards in Sections 17.03.06 through 17.03.30. Each individual Zoning District established by this Chapter shall also be subject to the Density, Intensity, and Bulk Regulations as established in 17.04.11 Table of Bulk Dimensions and any applicable standards in Article IV.
- (2) (SF-1) Single Family Residential-1 Zoning District.
 - (a) Intent. This district is intended to create, preserve, and enhance areas for single family detached dwellings.
- (3) (SF-2) Single Family Residential-2 Zoning District.
 - (a) Intent. This district is intended to create, preserve, and enhance areas for single family detached dwellings at generally higher densities than the SF-1 district.
- (4) (TF-1) Two Family Residential-1 Zoning District.
 - (a) Intent. This district is intended to create, preserve, and enhance areas for single family detached and two-family dwellings.
- (5) (MF-1) Multi-Family Residential-1 Zoning District.
 - (a) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses such as multiplexes or apartments.
- (6) (MF-2) Multi-Family Residential-2 Zoning District.
 - (a) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses such as multiplexes or apartments at generally higher densities than the MF-1 district.
- (7) (MH-1) Mobile Home Residential Zoning District
 - (a) Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for non-permanently attached manufactured and mobile homes.
- (8) (INST) Institutional Zoning District
 - (a) Intent. This district is intended to permit both large- and small-scale institutional development compatible with both residential and nonresidential zoning districts.
- (9) (NMU) Neighborhood Mixed-Use Zoning District
 - (a) Intent. This district is intended to provide for a variety of employment, retail, and community service opportunities in a small-scale setting while allowing some residential uses to occur at a density that can be accommodated within the bulk requirements of this zoning district.

(10) (CMU) Corridor Mixed-Use Zoning District

- (a) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planned to become mixed-use in character and to establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses intended to occur at a density that can be accommodated within the bulk requirements of this zoning district. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

(11) (DMU) Downtown Mixed-Use Zoning District

- (a) Intent. This district is intended to permit downtown commercial and mixed-use development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development in a downtown development pattern that is compatible with traditional “Main Street” characteristics of Downtown Mount Horeb. Residential uses are intended to occur at a density that can be accommodated within the bulk requirements of this zoning district.

(12) (BP) Business Park Zoning District

- (a) Intent. This district is intended to enable business parks to be developed to enhance the future of business growth in Mount Horeb in planned areas for the general mix of business, industrial, distribution, and some retail operations. Retail use may be permitted providing such uses are compatible with the adjoining Business Park uses and do not contribute to excessive congestion, alter the character, or otherwise detract from the primary purpose of the Business Park as a business/industrial employment center.

(13) (LI) Light Industrial Zoning District

- (a) Intent. This district is intended to permit both small- and mid-scale industrial at an intensity which is consistent with economic development objectives and compatible with adjacent development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some loading and unloading which are not typically associated with high noise, soot, odors, and other potential nuisances for adjoining properties.

(14) (HI) Heavy Industrial Zoning District

- (a) Intent. This district is intended to provide space for higher intensity manufacturing and industrial operations which may be incompatible with residential and commercial uses because of potential nuisance or hazard generation. The primary distinguishing feature of this district is that it is geared toward both indoor and outdoor industrial activities which may be associated with high noise, soot, odors, and other potential nuisances for adjoining properties. The Village will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

(15) (CON) Conservancy Zoning District

- (a) Intent. This district is established on lands that encompass lowland wetlands, combined with lands on the edge or fringe of wetlands, and upland areas. These areas are intended to be preserved as open space, natural habitat, scenic areas, lakeshores, wetlands, floodplains, drainageways, steep slopes, upland woodlands forests, floodways, or other similar environments. In addition, these areas may also be subject to various overlay districts present on the property

(see **Section 17.02.80**). Where there is no overlay district present, the regulations of this district shall apply.

(16) (PR) Parks and Recreation Zoning District

- (a) Intent. This district is established on lands owned by the Village of Mount Horeb and operated in conjunction with the activities of the Mount Horeb Parks and Recreation Department.

(17) (IOA) Intensive Outdoor Activity Zoning District

- (a) Intent. This district is intended to permit large-scale outdoor storage uses and quarrying, sand and gravel extraction, and landfill uses associated with significant impacts on neighboring properties, particularly related to material usage, noise, aesthetic, visibility, and other potential nuisances for adjoining properties. This district also permits large-scale outdoor commercial entertainment uses associated with significant impacts on neighboring properties, particularly related to traffic, parking, noise, operating hours, and lighting. If sited properly, the Village will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

(18) (AO) Adult Oriented Business Zoning District

- (a) Intent. This district is intended to permit adult uses associated with significant impacts on neighboring properties, particularly related to hours of operation, establishment functions, and other potential nuisances for adjoining properties. The Village will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

(19) (AG) Agriculture Zoning District

- (a) Intent. This district is intended to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain eligibility for farming incentive programs. This district is also intended to permit existing agricultural operations to continue directly following annexation of the property into the Village until such time as it is appropriate for said lands to be developed into urban development patterns.

Section 17.02.11: Planned Unit Development Zoning District (GDP or SIP)

- (1) Purpose. The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the base standards of any zoning district. In exchange for such flexibility, it is anticipated that development within a Planned Unit Development District will reflect the Village's planning policies as set forth in the Village's Comprehensive Plan and offer one or more of the following advantages:
 - (a) Positively contribute to the appearance and function of land uses and site design in the area.
 - (b) Promote a greater level of architectural quality while ensuring compatibility with other structures in the area.
 - (c) Conserve and protect environmentally sensitive areas, areas of natural beauty, and natural green spaces.
 - (d) Preserve the cultural and historic character and significance of existing structures or areas.
 - (e) Provide substantial buffers and transitions between different land uses and densities.
 - (f) Reduce congestion on streets and improve pedestrian and bicycle circulation.
 - (g) Development would not conflict with or cause overload on such facilities as schools, highways, police, fire, or utility services.
 - (h) Insure proper maintenance and preservation of any common areas for recreation and esthetic enhancement.
- (2) Intent. Planned unit developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the Village of Mount Horeb Comprehensive Plan. To this end, planned unit developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. The Planned Unit Development District shall allow development to be designed, reviewed, approved, constructed, and managed as approved by the Village Board rather than required by the underlying zoning district.
 - (a) The Village may permit flexibility in the types of uses, area and yard requirements, off-street parking, and/or other regulations set forth in this Chapter by use of exceptions/base standard modifications subject to the demonstration of their appropriateness for the area under consideration.
 - (b) It is not intended that the Village will automatically grant exceptions/base standard modifications in a Planned Unit Development District, and it is expected the Village will grant only such exceptions when they are consistent and comparable with benefits to the community that result from the Planned Unit Development.
 - (c) The Village may require, as conditions of approval, any reasonable stipulation, limitation, or design factor which will promote suitable development in the Planned Unit Development District.
 - (d) A public hearing process is required to review a request for a Planned Unit Development. This process will essentially combine the process for a Zoning Map Amendment (for the General Development Plan (GDP) Step) with that required for a Conditional Use (for the Specific Implementation Plan (SIP) Step), with several additional requirements. See [Section 17.10.45](#) for the General Development Plan and Specific Implementation Plan requirements.
- (3) Provision of Flexible Development Standards for Planned Unit Developments.

- (a) Permitted Location
 - 1. Planned Unit Developments shall be permitted with the approval of Planned Unit Development zoning map amendment, specific to the approved Planned Unit Development, within all zoning districts.
- (b) Flexible Development Standards
 - 1. The following exemptions to the development standards of a base zoning district may be provided with the approval of a Planned Unit Development.
 - a. Land Use Requirements
 - i. All land uses listed in **Article III** may be permitted within a Planned Unit Development.
 - b. Density, Intensity, and Bulk Requirements
 - i. All requirements listed in **Article IV** Bulk Regulations may be waived within a Planned Unit Development.
 - c. Performance Standards
 - i. All requirements listed in **Article VI** Performance Standards may be waived within a Planned Unit Development.
 - d. Exterior Building Design Standards
 - i. All requirements listed in **Article VII** Exterior Building Design Standards may be waived within a Planned Unit Development.
 - e. Landscaping Requirements
 - i. All requirements listed in **Article VIII** Landscaping Requirements may be waived within a Planned Unit Development.
 - f. Signage Requirements
 - i. All requirements listed in **Article IX** Signs may be waived within a Planned Unit Development.
- (4) Applicability. Areas that may be deemed appropriate for a Planned Unit Development include, but are not limited to:
 - (a) Transitional areas that involve locations with a mix of different land uses where new development is proposed in an area of preexisting uses and buildings.
 - (b) Infill areas located in a developed area that involve parcels that may have been bypassed during the normal course of urbanization or that have been cleared.
 - (c) Redevelopment areas where first or subsequent uses and/or structures are to be replaced by new uses and/or structures.
 - (d) Special areas that include locations that are considered community gateways or entryway corridors and those areas identified as special planning areas in the Village's Comprehensive Plan
 - (e) Development areas where base zoning standards may not be appropriate and/or needed, and where the developer and community will benefit from a greater level of flexibility in land use and bulk controls.
- (5) Existing Planned Unit Developments. The following applies to any Planned Unit Development, or portion thereof, that was adopted prior to the effective date of this Chapter. Prior to the effective date

of this Chapter, Planned Unit Developments were referred to as PD-1 Planned Development District or “PDDs.” For purposes of this Chapter and the Official Zoning Map, any reference to “Planned Development District” or “PDD” shall mean Planned Unit Development.

- (a) Any existing Planned Unit Development which has received both General Development Plan approval and Specific Implementation Plan approval, shall hereby reference the following most equivalent zoning district, as determined by the Zoning Administrator:

Figure 17.02.70a Zoning District Translation Table

Pre-2025 Zoning Districts	Most Equivalent Zoning District
R-1 Single-Family	SF-1, SF-2
R-2 Two-Family	TF-1
R-3 Multi-Family	MF-1
R-4 Elderly Housing	MF-2
MSB Main Street Business	NMU
NB Neighborhood Business	NMU
PB Planned Business	CMU
CB Central Business	DMU
PI Planned Industrial	BP
I-1 Restricted Industrial	LI
I-2 General Industrial	HI
A-1 Agricultural	AG
CO-1 Conservancy	CON, PR

- (b) Any existing Planned Unit Development which has received both General Development Plan and Specific Implementation Plan approval, but is not yet effective because all required conditions have not yet been met, shall hereby meet all required conditions of the adopted General Development Plan and Specific Implementation Plan prior to seeking building permits. If the required conditions are not met and the Planned Unit Development expires per Section 17.10.45, the property shall revert back to the most equivalent zoning district in Figure 17.02.70a based on its pre-GDP approval, as determined by the Zoning Administrator.
- (c) Any existing Planned Unit Development which has received only General Development Plan approval, but has not received Specific Implementation Plan approval, shall hereby be subject to all requirements for Specific Implementation Plan approval in Section 17.10.45. If the Specific Implementation Plan is not approved and the Planned Unit Development expires per Section 17.10.45, the property shall revert back to the most equivalent zoning district in Figure 17.02.70a based on its pre-GDP approval, as determined by the Zoning Administrator.

Sections 17.02.12 to 17.02.19: Reserved

Sections 17.02.20: Overlay Zoning Districts

- (1) Purpose. The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth above in this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include protections against natural hazards, protections of valued natural and cultural resources, and guidelines for unique development situations. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.
- (2) How to Use Sections 17.02.81 – 17.02.87.
 - (a) A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district. For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the development regulations.
- (3) For the purpose of this Chapter, the following overlay zoning districts are hereby established.
 - (a) (WH) Well-Head Protection Overlay Zoning District
 - (b) (HP) Historic Preservation Overlay Zoning District
- (4) Map of Overlay Zoning Districts
 - (a) Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Zoning Map, adopted and from time to time amended by the Village of Mount Horeb.

Section 17.02.21: Well-Head Protection Overlay Zoning District

- (1) Title. This section shall be known, cited, and referred to as the "Wellhead Protection Ordinance" or "WHP Ordinance."
- (2) Purpose and authority.
 - (a) The residents of the Village of Mount Horeb ("the Village") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities seriously threaten or degrade groundwater quality. The purpose of this section is to protect the Village's municipal water supply and areas from which the Village wells draw water, and to promote the public health, safety, and general welfare of the residents of the Village.
 - (b) This section is adopted pursuant to authority granted under §§ 61.34, 61.35 and 62.23, Wis. Stats.
- (3) Wellhead Protection Plan. Chapter NR 811, Wis. Adm. Code, requires the Village to adopt a Wellhead Protection Plan approved by the Wisconsin Department of Natural Resources before the Village places into service a new municipal well. Pursuant to this requirement, the Village has adopted a Wellhead Protection Plan. The Wellhead Protection Plan and the Wellhead Protection Map attached thereto is incorporated into this section as though fully set forth and described herein.
- (4) Permitting of new private wells within municipal boundaries. New private wells for residential, commercial and industrial use will not be permitted. All new customers shall use the Mount Horeb Utility's potable water source for all uses.
- (5) Applicability. This section shall be applicable only to those lands contained within Zone A and Zone B as described in the Wellhead Protection Map. Zone A and Zone B are collectively referred to as the "Wellhead Protection Area."

- (6) Definitions. As used in this section, the following terms shall have the meanings indicated:
- (a) **AQUIFER:** A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
 - (b) **EXISTING FACILITIES:** Current facilities, practices, and activities which may cause or threaten to cause environmental pollution within the Wellhead Protection Area. Existing facilities include, but are not limited to, potential contaminant sources listed in the Wisconsin Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, which is incorporated herein as if fully set forth.
 - (c) **GROUNDWATER PROTECTION OVERLAY DISTRICT:** The zoning district overlaying the Wellhead Protection Area.
 - (d) **RECHARGE AREA:** The land area which contributes water to a municipal well by infiltration of water into the subsurface and movement with groundwater toward the well.
 - (e) **WELL FIELD:** A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.
- (7) Groundwater Protection Overlay District.
- (a) Separation distances. The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District:
 - i. Fifty feet between a well and storm sewer main.
 - ii. Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station, or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet. (NOTE: Current AWWA C600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office, and the office of the Reviser of Statutes.)
 - iii. Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
 - iv. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services.
 - v. One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a land-spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718, Wis. Adm. Code, while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
 - vi. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140, Wis. Adm. Code, enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the state Department of Safety and Professional Services; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
 - (b) Groundwater Protection Overlay District Zones. The Groundwater Protection Overlay District is divided into two zones: Zone A and Zone B. The boundaries of Zone A and Zone B are identified in the wellhead protection map.

Section 17.02.21: Well-Head Protection Overlay Zoning District

- i. Zone A. Zone A is the primary source of water for a municipal water aquifer and is the area most likely to transmit groundwater contamination to a municipal well. The following are permitted uses in Zone A. Uses not listed shall be considered prohibited uses:
 - 1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
 - 2. Playgrounds.
 - 3. Wildlife areas.
 - 4. Nonmotorized trails, such as bike, skiing, nature and fitness trails.
 - 5. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).
 - ii. Zone B. Zone B is a secondary source of water for a municipal water aquifer due to a large cone of depression and a greater time of travel. The following are permitted uses in Zone B. Uses not listed shall be considered prohibited uses:
 - 1. All uses listed as permitted uses in Zone A.
 - 2. Aboveground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Ch. ATCP 93, Wis. Adm. Code.
 - 3. Residential, commercial, and industrial property which is municipally sewered or has a state-approved sewer and septic system.
 - 4. Motor vehicle filling and service stations that have received written approval from the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. ATCP 93, Wis. Adm. Code.
- (8) Review of permit application.
 - (a) The Village of Mount Horeb Utility Commission (the "Utility Commission") shall review all applications for land use permits for land located in a Groundwater Protection Overlay District.
 - i. If the proposed land use is a permitted use under Subsection (7)(b), the Utility Commission shall provide its approval of the proposed land use to the Zoning Administrator within 30 days of receiving a copy of the application.
 - ii. If the proposed land use is not a permitted use under Subsection (7)(b), the Utility Commission shall provide its written denial of the proposed land use to the Zoning Administrator within 30 days of receiving a copy of the application.
 - (b) The applicant shall be solely and exclusively responsible for any and all costs incurred by the Utility Commission in reviewing the application to determine if the proposed land use is a permitted use under Subsection (7)(b). These costs include, but are not limited to:
 - i. An environmental impact study.
 - ii. Groundwater monitoring or groundwater wells.
 - iii. Appraisal for the property or other property evaluation expense.
 - iv. Time spent by Village employees reviewing the application. This cost shall include the Village employee's hourly rate as well as an amount reflecting benefits provided to the employee, including insurance, sick leave, holidays, overtime, vacation and other similar benefits.
 - v. Consultant costs incurred by the Village, including, but not limited to costs related to the Village Engineer's and Village Attorney's review of the application.
 - vi. The cost of Village equipment employed.
 - vii. The cost of mileage reimbursed to the Village employees.
- (9) Requirements for existing facilities and land uses.
 - (a) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village.

Section 17.02.22: Historic Preservation Overlay Zoning District

- (b) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Utility Commission, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.
 - (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
 - (d) Existing facilities shall have the responsibility of devising and/or filing with the Village a contingency plan satisfactory to the Utility Commission for the immediate notification of the appropriate Village officers in the event of an emergency.
 - (e) Property owners with an existing agricultural use shall be exempt from requirements of this section as they relate to restrictions on agricultural uses; provided, however, that such exemption shall only apply to the property owners in existence at the time of passage of this section and this exemption shall not constitute a covenant running with the land.
- (10) Illegal discharge.
- (a) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide cleanup satisfactory to the Village.
 - (b) The individual and/or facility shall be responsible for all costs of cleanup and all costs incurred by the Village in reviewing, monitoring, administering or working on the cleanup. Such costs include, but are not limited to:
 - i. Cost of time spent by Village employees. This cost shall include the Village employee's hourly rate as well as an amount reflecting benefits provided to the employee, including insurance, sick leave, holidays, overtime, vacation and other similar benefits.
 - ii. Cost of Village equipment used on the cleanup.
 - iii. Cost of mileage reimbursed to Village employees attributed to the cleanup.
 - iv. Consultant costs, including, but not limited to, costs incurred by the Village Engineer and Village Attorney.
 - v. Following any such discharge, the Village may require additional test monitoring or other requirements.
- (11) Severability clause. If any section, subsection, sentence, clause, paragraph, or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph, or phrase or portion thereof. The Village Board of the Village of Mount Horeb hereby declares that they would have passed this section and each section, subsection, sentence, clause, paragraph, or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.
- (12) Repealer. All ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this section.

Section 17.02.22: Historic Preservation Overlay Zoning District

- (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:
 - (a) 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.
 - (b) Commission. The Historic Preservation Commission under § 1.31 of this Municipal Code.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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;
 - 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 may 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 a 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;
 - 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 or 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.

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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. Nominations for designation of a single property or an historic district under this chapter may be submitted to the Commission by a resident of the Village of Mount Horeb. The Commission shall review the nomination for completeness and eligibility under at least one of the criteria in [Section 17.02.82\(3\)\(a\)](#). The Commission, at its discretion, may then forward the nomination to the Village Board along with its recommendation for or against designation.
- (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 300 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 as 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

Sections 17.02.23 to 17.02.99: Reserved

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, upon conviction, be subject to a penalty as provided in Section 25.04 of the Village of Mount Municipal Code. Notice of violations shall be issued by the Building Inspector.

Sections 17.02.23 to 17.02.99: Reserved

Section 17.03.01: Purpose

ARTICLE III: LAND USE REGULATIONS**Section 17.03.01: Purpose**

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

Section 17.03.02: Regulation of Allowable Land Uses

The allowable land uses for each zoning district are established in Article II of this Chapter and in [Section 17.03.05](#). Detailed descriptions and regulations for uses are found in [Sections 17.03.06 through 17.03.30](#). No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to [Section 17.10.51](#). For land uses not specifically listed, the Zoning Administrator shall make an interpretation to identify a comparable use or determine if an amendment to this Chapter is necessary.

- (1) Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter “P” in [Section 17.03.05](#)) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable village, county, state, and federal regulations.
- (2) Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter “C” in [Section 17.03.05](#)) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in [Section 17.10.32](#). Except for uses approved under a general development plan and specific implementation plan in a planned unit development (see [Section 17.10.45](#)), all uses requiring a conditional use permit shall comply with the procedural requirements of [Section 17.10.32](#).
- (3) Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the following listed regulations.
 - (a) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use or structure, unless otherwise stated in this Chapter.
- (4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter “P” in the Table of Land Uses in [Section 17.03.05](#)) are permitted on a temporary basis subject to permitting requirements of [Section 17.10.30](#) of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter “C” in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of [Sections 17.10.32](#).

Section 17.03.03: Regulations Applicable to All Land Uses

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

Section 17.03.03: Regulations Applicable to All Land Uses

- (1) All land use and development of land shall comply with the regulations and requirements of the following Articles, as applicable. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the Village of Mount Horeb.
 - (a) Overlay Zoning District Requirements in Article II.
 - (b) Land Use Regulations and Requirements in Article III.
 - (c) Density, Intensity, and Bulk Regulations and Requirements in Article IV.
 - (d) Performance Standards in Article VI.
 - (e) Exterior Building Design Standards in Article VII.
 - (f) Landscape and Bufferyard Regulations in Article VIII.
 - (g) Signage Regulations in Article IX.
 - (h) Any other applicable requirements in the Village of Mount Horeb Municipal Code.
- (2) Number of Principal Buildings per Lot.
 - (a) Multiple principal buildings shall be permitted on the same lot within the following zoning districts if all land use (Article III) and bulk dimensional (Article IV) requirements are met:
 1. Multifamily Residential – 1 (MF-1)
 2. Multifamily Residential – 2 (MF-2)
 3. Business Park (BP)
 4. Light Industrial (LI)
 5. Heavy Industrial (HI)
 - (b) In all other zoning districts, a maximum of one principal building shall be permitted on any one lot, with the exception of the following:
 1. Group Developments (Section 17.06.02)
 2. Planned Developments (Section 17.02.70)
 3. Manufactured Home Parks (Section 17.03.07)
 4. Temporary Buildings (Section 17.03.30)
- (3) Residential Uses in a Building. Unless a legal dwelling unit is established within a structure in compliance with the Building Code (Chapter X), no building shall contain a residential land use.
- (4) Number of Land Uses per Building. Any number of land uses that are permitted by right can be combined within a building or on a given lot, per the limitations of those individual uses. Any number of land uses that require a conditional use permit can be combined within a building or on a given lot, per the limitations of those individual uses and with each approved through the conditional use process (Section 17.10.32).
- (5) Accessory Structures. Accessory structures may be allowed where they comply with the following conditions and requirements:
 - (a) Separation from Principal Structures. Detached accessory buildings shall be separated as regulated by the Uniform Dwelling Code. The “separation” distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be located in the required separation area and do not render the structures attached for setback

Section 17.03.03: Regulations Applicable to All Land Uses

purposes. All accessory buildings and structures on a lot are subject to the maximum impervious surface ratio requirements for each zoning district (Article IV).

- (b) Accessory Structures without Principal Structure.
 - 1. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure or the establishment of a principal land use.
 - 2. When an accessory structure becomes the only structure on a lot as the result of demolition of the principal building, the accessory structure shall be demolished within 18 months of the demolition of the principal building. The Zoning Administrator shall have the ability to extend this period by an additional 18 months if the property owner has a concept plan, as approved by the Zoning Administrator, to build a new principal building or otherwise redevelop the site in a manner that uses the accessory structure.
 - a. All driveways, paved areas, and below grade improvements on the lot shall also be removed. All public utilities shall be abandoned at their connection with the main unless written exception is obtained from the Village Engineer.
- (6) Group Development Requirements. A Group Development may include any of the land uses in this Chapter that is permitted by right or by conditional use permit in the subject zoning district. All uses and development of land within a Group Development shall comply with all requirements of **Section 17.06.02**.
- (7) Planned Development Requirements. All land uses and development of land within a planned development shall comply with all requirements of **Section 17.02.70 and 10.10.45**.
- (8) Nonconforming Uses, Lots, Structures, and Site Requirements.
 - (a) Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article V.
 - (b) Land uses located on substandard lots or on nonconforming lots, nonconforming sites, or in nonconforming structures shall comply with all the regulations and requirements of Article V.
- (9) Site Plan Review Required. All development involving physical modifications to a site including but not limited to new developments, building additions, alterations, or removal; and additions to paving are subject to site plan review and approval in accordance with **Section 17.10.43** of this Chapter, except for single family and two-family dwelling units in any zoning district.
- (10) Procedural Regulations and Requirements. All land use and development of land shall comply with all requirements of Article X, pertaining to the procedures necessary to secure review and approval of land use and development. Such regulations and restrictions address both procedural and technical requirements.
- (11) Demolition of a Principal Structure. Where a principal structure has been removed, all driveways, paved areas, and below grade improvements on the lot shall be removed. All public utilities shall be abandoned at their connection with the main unless written exception is obtained from the Village Engineer. All demolition activities shall be in accordance with the Village of Mount Horeb Municipal Code and all State and Federal regulations. Asbestos abatement and removal of any other hazardous materials, when required, must be documented before any demolition activity takes place. Applicant shall provide building inspector proof of liability insurance. Proof of proper abandonment of all utilities and proof of notification of police and public works as required. Applicant shall notify diggers hotline (dial 811) prior to commencing any scraping, excavating, or boring.

Section 17.03.04: Detailed Land Use Descriptions and Regulations

Section 17.03.04: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Sections 17.03.06 through 17.03.30. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 17.10.50 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

Section 17.03.05: Table of Land Uses

The Table of Land Uses establishes the permitted land uses within each of the Village of Mount Horeb's Zoning Districts as established in Article II.

Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1	NMU	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	AO	IOA
	Single Family Residential -1	Single Family Residential -2	Two Family Residential-1	Multifamily Residential-1	Multifamily Residential-2	Mobile Homes	Neighborhood Mixed Use	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Adult Entertainment	Intensive Outdoor Activity
Residential Land Uses (§17.03.06)																		
Apartments/ Multiplexes				P	P		P											
Boarding House Living Arrangement							C	C	C	C								
Duplex/Twin House			P	P	P		P											
Manufactured Home						P												
Manufactured Home Park						P												
Single Family Dwelling Unit	P	P	P	P	P	P	P							P				
Townhouse				P	P		P											
Two-Flat			P	P			P											
Mixed-Use Land Uses (§17.03.08)																		
Live/Work Unit							P	P	P	P								
Mixed Use Building							P	P	P	P								
Commercial Land Uses (§17.03.10)																		
Adult-Oriented Entertainment Business																	P	
Artisan Production Shop							P	P	P	P	P	P	P	P				
Bed and Breakfast	C	C	C	C			P	P	P									
Campground														P	C	P		P
Commercial Animal Boarding												P	P	P				
Commercial Animal Daycare											P	P	P	P				
Commercial Indoor Lodging							P	P	P		P							

Section 17.03.05: Table of Land Uses

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	Single Family Residential -1	Single Family Residential -2	Two Family Residential-1	Multifamily Residential-1	Multifamily Residential-2	Mobile Homes	Neighborhood Mixed Use	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Adult Entertainment	Intensive Outdoor Activity
Commercial Kitchen								P	P	P	P	P	P					
Drive-Through & In-Vehicle Sales or Service								P			P	P						
Golf Course								P						P		P		
Group Daycare Center (9+ children)							P	P	P	P	P	P						
Indoor Commercial Entertainment							P	P	P		P	P				C		P
Indoor Maintenance Service							P	P	P	P	P	P	P	P				P
Indoor Sales or Services							P	P	P	P	P	P	P					P
Indoor Shooting Range													C					C
Intensive Outdoor Activity													C					P
Office							P	P	P	P	P	P	P					P
Outdoor Commercial Entertainment							P	P	P	P	P	P	P	P		C		P
Outdoor Maintenance Service												P	P	P				P
Outdoor Sales and Display							P	P	P		P	P	P	P				P
Personal or Professional Service							P	P	P	P	P	P	P					
Vehicle and Boat Sales								P			P	P	P					
Vehicle Service and Repair								P				P	P					
Institutional Land Uses (§17.03.12)																		
Active Outdoor Recreation	P	P	P	P	P	P				P				P	C	P		P
Community Living Arrangement 1-8	P	P	P	P	P	P	P	P	P	P								
Community Living Arrangement 9-15	C	C	C	P	P	C	C	C	C	C								
Community Living Arrangement 16+				C	C		C	C	C	C								
Small Scale Public Services and Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Institutional	P	P	P	P	P	P	P	P	P	P	P	P	P	C		P		
Institutional Residential				P	P		P			P								

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Large Scale Public Services and Utilities							P	P	P	P	P	P	P	P		P		
Outdoor Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Institutional																		
Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Industrial Land Uses (§17.03.14)																		
Heavy Industrial													P					P
Indoor Food Production and Processing												P	P					P
Light Industrial											P	P	P					P
Medium Industrial											P	P	P					
Production Greenhouse											P	P	P					P
Storage Land Uses (§17.03.16)																		
Indoor Storage and Wholesaling											P	P	P					P
Outdoor Storage and Wholesaling												C	P					P
Personal Storage Facility												P	P					P
Transportation Land Uses (§17.03.18)																		
Airport														C				P
Distribution Center												P	P					P
Freight Terminal												P	P					P
Heliport											C	C	C	C				P
Off-Site Parking Lot				C	C		C	C	P	C	C	C	C	C		P		P
Off-Site Structured Parking					C			C	C	C	C	C	C					P
Transit Center								C	C	C	C	C	C					P
Telecommunications Land Uses (§17.03.20)																		
Communication Tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Extraction and Disposal Land Uses (§17.03.22)																		
Composting												C	C	C				P
Extraction																		P
Indoor Recycling Facility												C	C					P
Salvage or Junkyard																		P

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Sand and Mineral Processing																		P
Waste Disposal/Landfill																		P
Energy Production Land Uses (§17.03.24)																		
Large Solar Energy System													C	C				
Large Wind Energy System													C	C				
Agricultural Land Uses (§17.03.26)																		
Agricultural Services														C				
Community/Market Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P		P
Cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Husbandry														P				
Livestock Sales Facilities														C				P
Intensive Agriculture														C				
On-Site Agricultural Retail														P				
Accessory Land Uses (§17.03.28)																		
Accessory Dwelling Unit	P	P	P	P			P											
Communication Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Company Cafeteria								P	P	P	P	P	P					
Detached Residential Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		
Electric Vehicle Charging	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P
Farm Residence														P				
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Incidental Indoor Sales							P	P	P	P	P	P	P	P		P		P
Incidental Light Industrial							P	P	P	P	P	P	P	P				P
Incidental Outdoor Commercial Entertainment							P	P	P	P	P	P		P		C		P
Incidental Outdoor Display and Sales							P	P	P	P	P	P	P	P		P		P
Incidental Outdoor Storage								P		P	P	P	P	P				P
In-Family Suite	P	P	P	P	P	P	P							P				

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	Single Family Residential -1	Single Family Residential -2	Two Family Residential-1	Multifamily Residential-1	Multifamily Residential-2	Mobile Homes	Neighborhood Mixed Use	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Adult Entertainment	Intensive Outdoor Activity
In-Home Daycare (Less than 9)	P	P	P	P	P	P	P	P	P	P								
Migrant Employee Housing														C				
Nonresidential Accessory Structure							P	P	P	P	P	P	P	P	P	P	P	P
On-Site Parking Lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-Site Structured Parking				P	P		P	P	P	P	P	P	P					P
Personal Antenna and Towers	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Residential Apiary																		
Residential Chickens	P	P	P	P	P	P	P							P				
Residential Kennel	P	P	P											P				
Residential Stable														P				
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Short-Term Residential Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Small Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Small Wind Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Optional Minor Accessory Structures (§17.03.28)																		
Arbor/Trellis	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning/Canopy	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Basketball Hoop	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Bay Window/Balcony	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Birdbath, Bird House, or Birdfeeder	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Chimney	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Clothesline	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Decorative Pond	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Eaves and Gutters	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Egress Window	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Fire Escape	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Flagpole	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fountain	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Garden, Residential Composting, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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	Single Family Residential -1	Single Family Residential -2	Two Family Residential-1	Multifamily Residential-1	Multifamily Residential-2	Mobile Homes	Neighborhood Mixed Use	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Adult Entertainment	Intensive Outdoor Activity
Natural Landscaped Native Plant Pollinator Habitat Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gazebo/Picnic Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Little Food Pantry	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Little Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Mechanical Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Outdoor Kitchen	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Patio/Freestanding or Detached Deck	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Paved Play Court	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P
Picnic Table/Bench	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Porch	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Recreational Paved Path/Boardwalk/Platform	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Refuse Enclosure	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Seasonal Decorations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Statue/Art Object	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stoop/Landing	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Swing Set/Play Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Treehouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Walkways/Steps	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Land Uses (§17.03.30)																		
Farmer's Market							P	P	P	P						P		
Garage or Estate Sale	P	P	P	P	P	P	P	P	P	P				P				
Temporary Farm Product Sales/Roadside Stand							P	P	P	P	P	P		P				
Temporary Moving Container (Residential)	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Temporary On-Site Construction Storage, Project Office, and Real Estate Sales Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P

Section 17.03.05: Table of Land Uses

Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1	NMU	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	AO	IOA
	Single Family Residential -1	Single Family Residential -2	Two Family Residential-1	Multifamily Residential-1	Multifamily Residential-2	Mobile Homes	Neighborhood Mixed Use	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Adult Entertainment	Intensive Outdoor Activity
Temporary Outdoor Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Outdoor Sales							P	P	P	P	P	P	P	P		P		P
Temporary Outdoor Storage Container (non-res.)							P	P	P	P	P	P	P	P	P	P	P	P
Temporary Refuse Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Relocatable Building							P	P	P	P	P	P	P	P		P		P
Temporary Shelter Structure																		
Temporary Vehicle Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Section 17.03.06: Residential Land Uses

Section 17.03.06: Residential Land Uses

- (1) **Apartment/Multiplex:** This dwelling unit type consists of a single structure with three or more individual attached dwelling units.

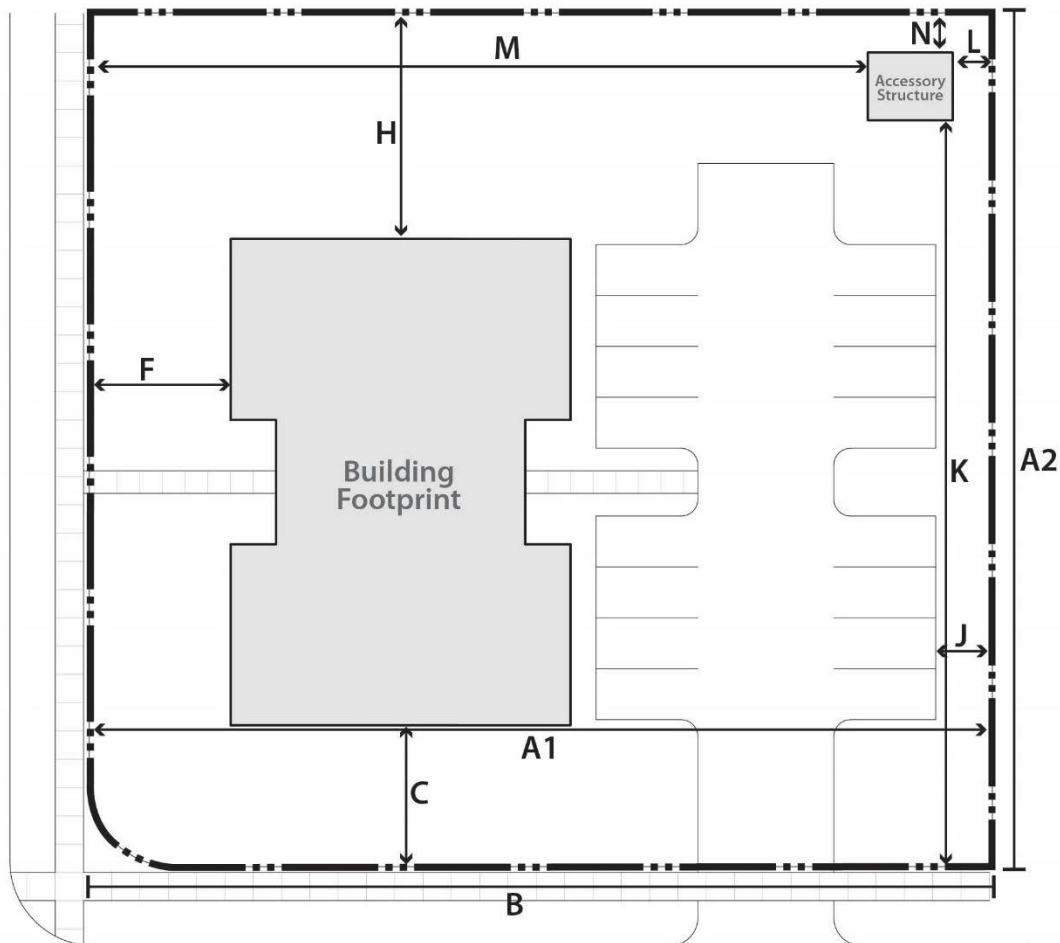
Regulations:

- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) See [Section 17.07.20](#) for multi-family design standards and [Section 17.06.41](#) for on-site recreation space requirements.
- (c) All development shall comply with the requirements of the Municipal Code.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment/Multiplex land uses. Specific requirements for Apartments can be found in [Sections 17.04.11 to 17.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

Section 17.03.06: Residential Land Uses

Figure 17.03.06a: Apartment/Multiplex**Key to Figure**

- A Lot area ($A1 \times A2$)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- H Rear setback and minimum attached deck setback (lot line to principal building or attached garage)
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard or street side yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



Section 17.03.06: Residential Land Uses

- (2) **Boarding House Living Arrangement:** A residential land use where occupancy of a dwelling unit is shared by six or more unrelated individuals. Boarding House Living Arrangements are a social configuration of occupants and must accompany one or more of the other Residential Land Use (Section 17.03.06) physical configurations.
- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
 - (b) Boarding House Living Arrangements require a license and an annual on-site inspection to confirm full compliance with all zoning and building code requirements.
 - (c) Minimum and maximum required parking: See Section 17.06.06.
- (3) **Duplex/Twin House:** This dwelling unit type consists of two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Duplexes and Twin Houses are attached side-by-side units, each with a ground floor and roof. Two dwelling units in a Duplex are located on one lot, while two dwelling units in a Twin House are located on separate lots (also known as a zero-lot line duplex)

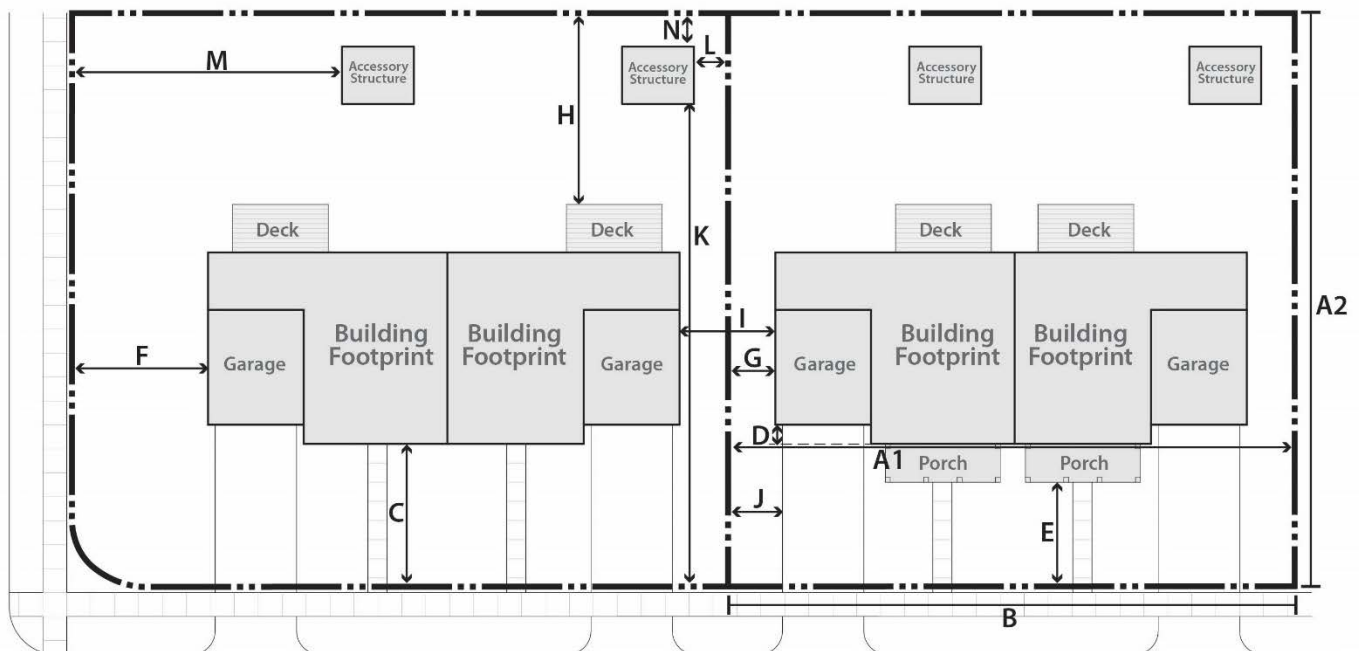
Regulations:

- (a) In the case where any dwelling unit is under separate ownership, recorded deed restrictions or covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) Duplex/Twin House Lots are subject to a perpetual easement along and 6 feet on either side of the existing water and sewer laterals for the purpose of maintaining, improving and repairing the same.
- (c) With the exception of V-Shaped Duplexes/Twin Houses, the common wall between the units shall be a one-hour fire wall extending from the basement floor to flush against the underside of the roof.
 - 1. V-Shaped Duplex/Twin Houses. This form of Duplex or Twin House is constructed with the two dwelling units attached at the front interior corner of the foundation, and with the two dwellings becoming increasingly separated from one another as distance increases from the building front to the building rear. The open area between the two dwellings from the attached front corner to the rear corner of each dwelling is described as the "V-area" (see Figure X.X.X.). Once originally constructed, no additions to either dwelling and no outdoor activity areas, such as playsets, patio grills, or minor structures defined in Section 17.03.28(7), may be constructed or used within the V-area. All other requirements in this Section shall also apply to a V-Shaped Duplex or Twin House.
- (d) Each Duplex or Twin House constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the two dwelling units in the structure.
- (e) See Section 17.07.10 for design standards for two family uses.
- (f) All development shall comply with the requirements of the Municipal Code.
- (g) Minimum and maximum required parking: See Section 17.06.06.
- (h) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex or Twin Houses land uses. Specific requirements for Duplexes or Twin Houses can be found in Sections 17.04.11 to 17.04.14 under the density, intensity, and bulk requirements for each residential zoning district.

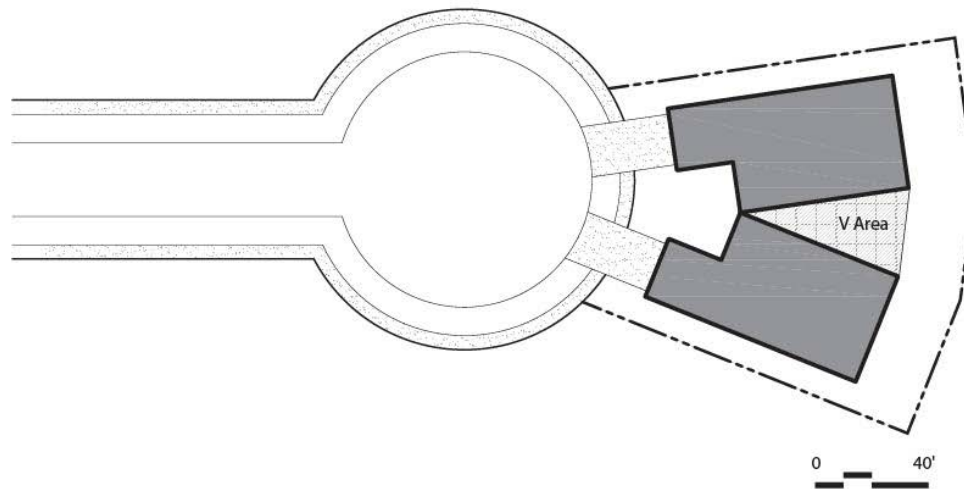
Section 17.03.06: Residential Land Uses

Figure 17.03.06b: Duplex/Twin Home**Key to Figure**

- A Lot area ($A1 \times A2$)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Attached garage setback (from principal building)
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback – interior (lot line to principal building or attached garage)
- H Rear setback and minimum attached deck setback (lot line to principal building or attached garage)
- I Building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard or street side yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



Section 17.03.06: Residential Land Uses

Figure 17.03.06c: V-Shaped Duplex

- (4) **Manufactured Home:** A type of dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Manufactured Home includes both a “mobile home” and a non-permanently affixed “manufactured home” as defined by Wisconsin Statutes. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle. A modular home is a home meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a Single-Family Dwelling Unit under [Section 17.03.06\(10\)](#).

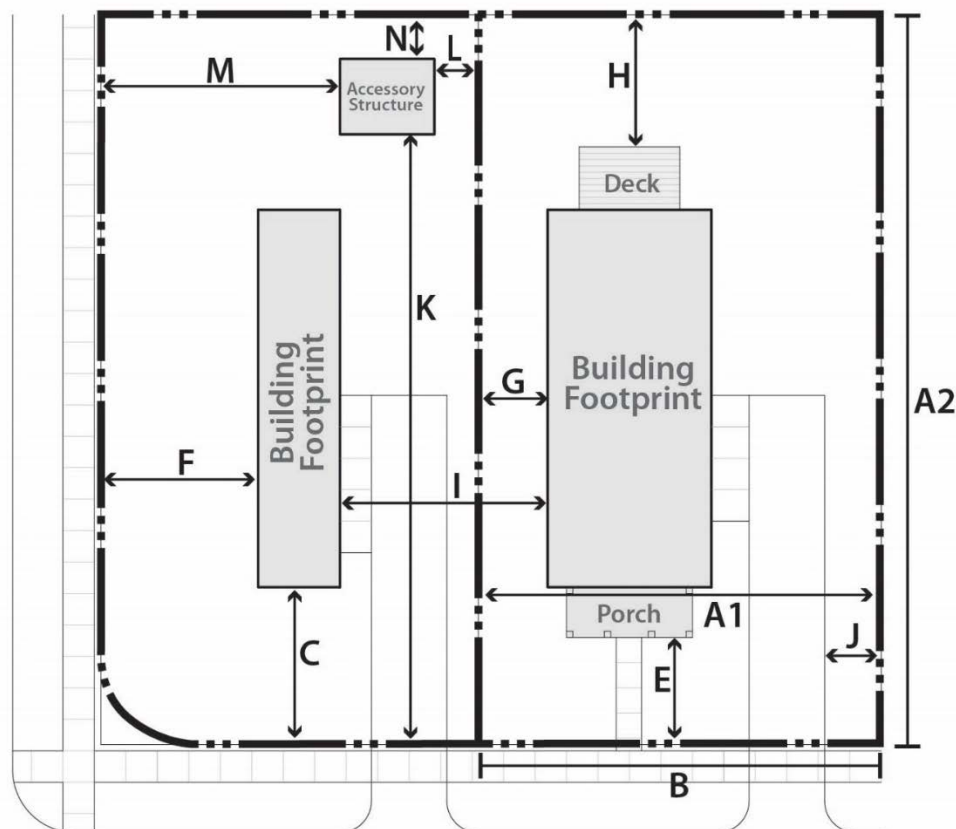
Regulations:

- (a) No Manufactured Home may be split into two or more residences.
- (b) The building design standards of [Section 17.07.10](#) shall not apply.
- (c) All development shall comply with the requirements of the Municipal Code.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Manufactured Home land uses. Specific requirements for Manufactured Homes can be found in [Sections 17.04.11 to 17.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

Section 17.03.06: Residential Land Uses

Figure 17.03.06d: Manufactured Home**Key to Figure**

- A Lot area ($A1 \times A2$)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback – interior (lot line to principal building or attached garage)
- H Rear setback and attached deck setback (lot line to principal building or attached garage)
- I Building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard or street side yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



Section 17.03.06: Residential Land Uses

- (7) **Manufactured Home Park:** This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Manufactured Homes. Each Manufactured Home must meet the requirements listed under [Section 17.03.06\(6\)](#), above.

Regulations:

- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (b) No access shall be permitted to local residential streets, except to the internal roadways and streets.
 - (c) All development shall comply with the requirements of the Municipal Code.
- (10) **Single Family Dwelling Unit:** This dwelling unit type consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family and have no roof, wall, or floor in common with any other dwelling unit. A single-family dwelling that contains an in-family suite or accessory dwelling unit is still considered a single-family dwelling. Two Single Family Dwelling Units may be attached by a common wall or located on the same lot within a Duplex or Twin House Land Use (see [Section 17.03.06\(3\)](#))

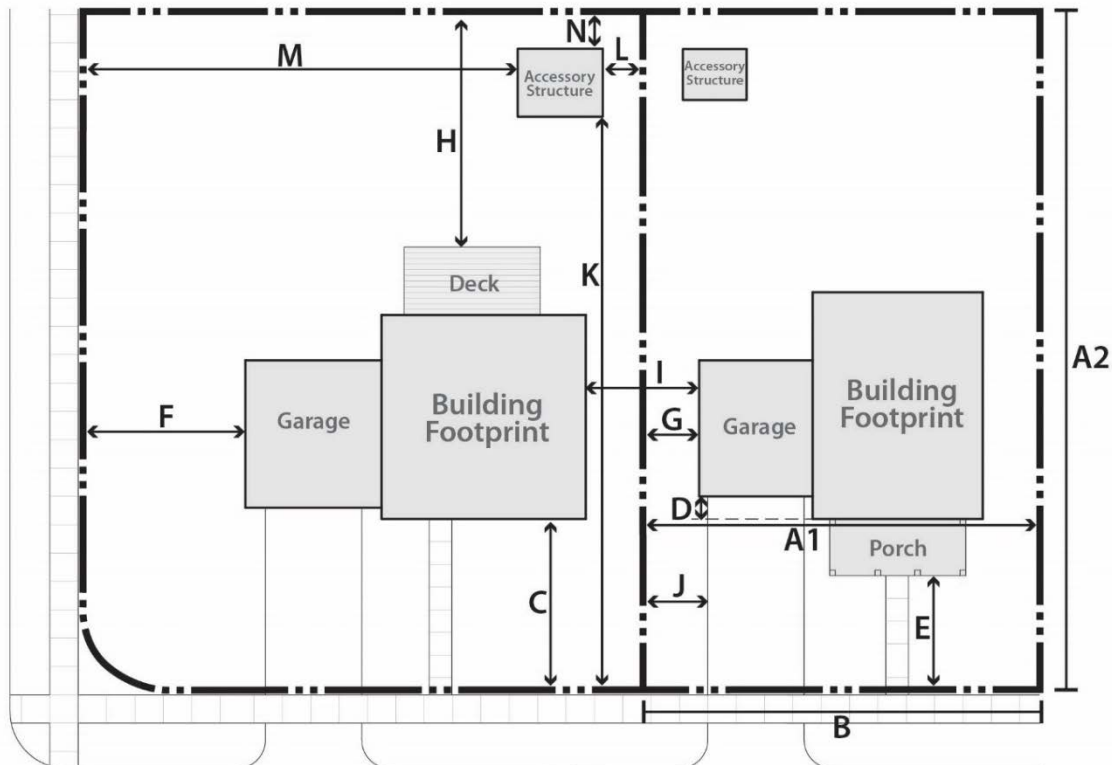
Regulations:

- (a) The dwelling unit shall be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a modular home as permitted by the UDC, or may be a manufactured home that has received a Federal Manufactured Housing Certificate label, meets all Building Code requirements for permanent foundations and footings, and the structure is permanently affixed to the permanent foundation with concrete anchors.
- (b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- (c) See [Section 17.07.10](#) for design standards for single family dwelling units.
- (d) All development shall comply with the requirements of the Municipal Code.
- (e) Minimum and maximum required parking: See [Section 17.06.06](#).
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family dwelling units. Specific requirements for Single Family dwelling units can be found in Article IV under the density, intensity, and bulk requirements for each residential zoning district.

Section 17.03.06: Residential Land Uses

Figure 17.03.06e: Single Family Dwelling Unit**Key to Figure**

A	Lot area ($A1 \times A2$)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (front and street side yards on corner lots)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side yard setback - interior (lot line to principal building or attached garage)
H	Rear setback and attached deck setback (lot line to principal building or attached garage)
I	Building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard or street side yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)



Section 17.03.06: Residential Land Uses

- (8) **Townhouse:** This dwelling unit type consists of attached structures, each having private, individual access. This dwelling unit type may be located on its own lot or attached on a single lot. Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

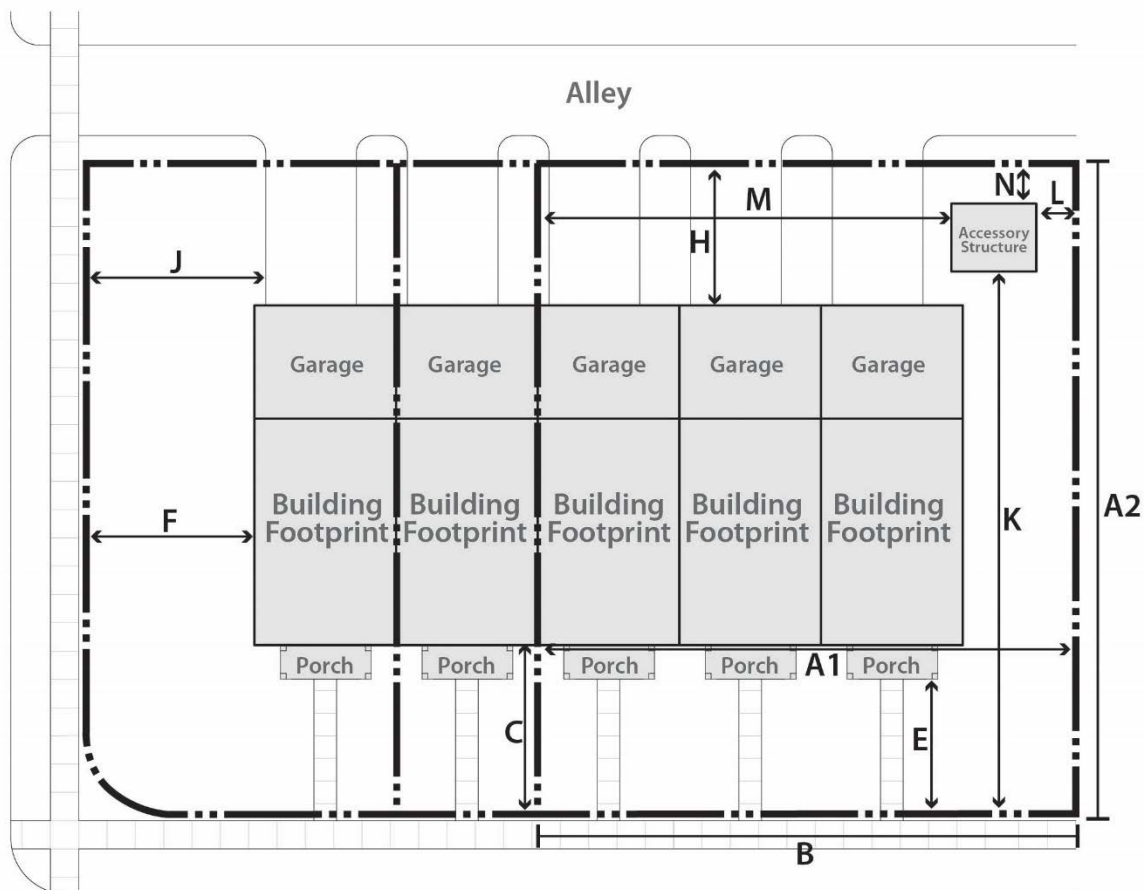
Regulations:

- (a) In the case where any dwelling unit is under separate ownership, recorded covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (b) Each townhouse constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the dwelling units in the structure.
- (c) With the exception of V-Shaped Townhouses, the common wall between the units shall be a one-hour fire wall extending from the basement floor to flush against the underside of the roof.
 - 1. V-Shaped Townhouse. This form of Townhouse is constructed with the two dwelling units attached at the front interior corner of the foundation, and with the two dwellings becoming increasingly separated from one another as distance increases from the building front to the building rear. The open area between the two dwellings from the attached front corner to the rear corner of each dwelling is described as the "V-area" (see Figure 17.03.06c.). Once originally constructed, no additions to either dwelling and no outdoor activity areas, such as playsets, patio grills, or minor structures defined in Section 17.03.28(7) may be constructed or used within the V-area. All other requirements in this Section shall also apply to a V-Shaped Townhouse.
- (d) See [Section 17.07.20](#) for multi-family design standards and [Section 17.06.41](#) for on-site recreation space requirements.
- (e) All development shall comply with the requirements of the Municipal Code.
- (f) Minimum and maximum required parking: See [Section 17.06.06](#).
- (g) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in [Sections 17.04.11 to 17.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

Section 17.03.06: Residential Land Uses

Figure 17.03.06f: Townhouse**Key to Figure**

- A Lot area ($A1 \times A2$)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- H Rear setback and minimum attached deck setback (lot line to principal building or attached garage)
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard or street side yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



Section 17.03.06: Residential Land Uses

- (9) **Two-Flat:** This dwelling unit type consists of a single structure with two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Two-Flats are attached units within a single structure with one unit above the other.

Regulations:

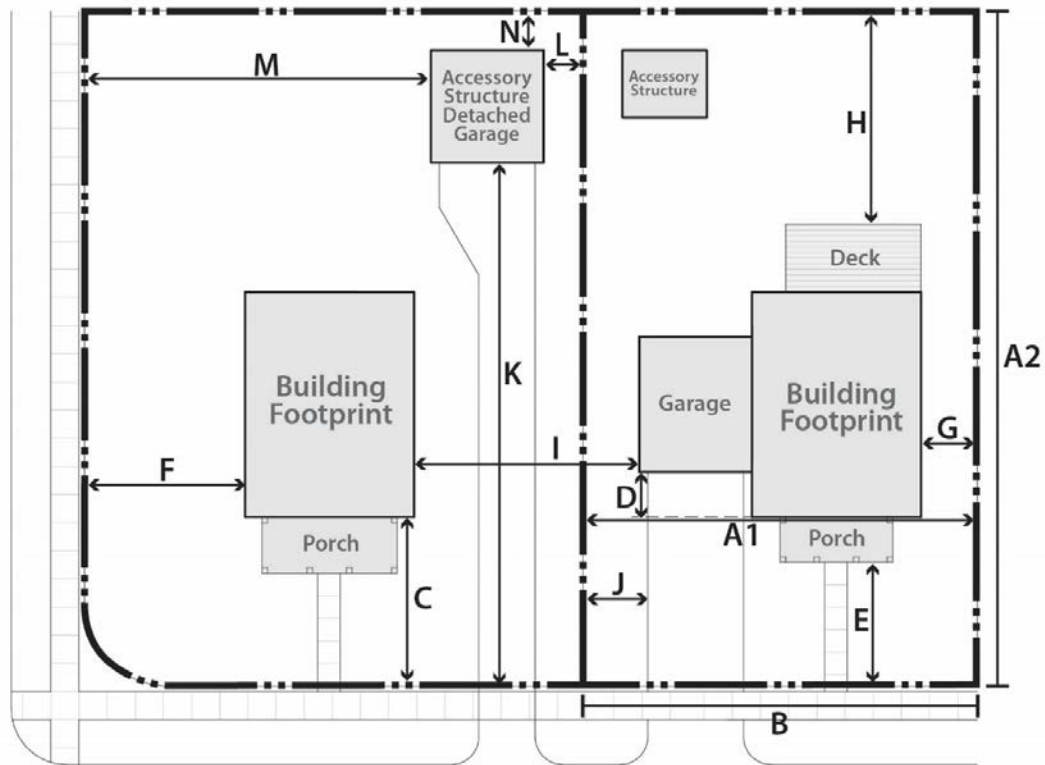
- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) This dwelling unit type may not be split into more than two residences and remain a Two-Flat. A building with three or more residences is considered an Apartment/Multiplex land use.
- (c) See [Section 17.07.10](#) for design standards for two family uses.
- (d) All development shall comply with the requirements of the Municipal Code.
- (e) Minimum and maximum required parking: See [Section 17.06.06](#).
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two-Flat land uses. Specific requirements for Two-Flats can be found in [Sections 17.04.11 to 17.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

Figure 17.03.06g: Two-Flat

Key to Figure

A	Lot area (A1 x A2)
A1	Front lot width (at building minimum setback line)
A2	Lot depth
B	Lot frontage at right-of-way
C	Front setback
D	Attached garage setback (from principal building)
E	Porch setback (front and street side yards on corner lots)
F	Street side setback (corner lots) (lot line to principal building or attached garage)
G	Side setback – interior (lot line to principal building or attached garage)
H	Rear setback and attached deck setback (lot line to principal building or attached garage)
I	Building separation
J	Pavement setback (lot line to pavement excluding driveway entrance)
K	Accessory building front yard or street side yard setback
L	Accessory building side (interior) (lot line to accessory building)
M	Accessory building side yard (corner)
N	Accessory rear setback (lot line to accessory building)

Section 17.03.07: Reserved



Section 17.03.07: Reserved

Section 17.03.08: Mixed-Use Buildings

Section 17.03.08: Mixed-Use Buildings

- (1) **Live/Work Building:** A multi-unit building, typically arranged in a townhouse format, in which each dwelling unit is occupied by the business operator of a commercial use (such as a shop, office, studio, or other workspace) in the same structure. Both uses shall be occupied by the same resident/business operator. The commercial use may be connected to the residential use.
- (a) Each unit in the live/work building shall be the primary dwelling of the occupant.
 - (b) The commercial use is subject to the regulations of the applicable land use category in [Section 17.03.10](#). The commercial component of the live/work building is limited to the following land uses:
 - 1. Office
 - 2. Personal or Professional Service
 - 3. Indoor Sales or Service
 - 4. Artisan Production Shop
 - 5. Indoor Maintenance Service (Nonresidential)
 - (c) Employees who are not residents of the unit are permitted.
 - (d) Both uses are subject to the density, intensity, and bulk requirements of Article II.
 - (e) Minimum and maximum required parking: See [Section 17.06.06](#).
 - (f) Live/Work Buildings shall comply with the design standards for commercial and mixed-use land uses. See [Section 17.07.30](#). See [Section 17.06.41](#) for on-site recreation space requirements.
- (3) **Mixed-Use Building:** A building containing a mix of principal nonresidential land uses and principal residential land uses.
- Regulations:
- (a) Both uses are subject to the density, intensity, and bulk requirements of Article II.
 - (b) Land Use Minimums.
 - 1. The principal indoor nonresidential use of any mixed-use building shall consist of a minimum of 33 percent of that principal structure's total ground level gross floor area. (See [Section 17.03.10](#) for Commercial and [Section 17.03.12](#) for Institutional.) The required nonresidential use floor area shall be calculated based on the total ground floor area of the principal structure. If the ground floor area is 10,000 square feet or greater, the minimum requirement for nonresidential use space shall be 3,300 square feet.
 - a. Up to 25 percent of any lobby or entryway spaces intended for use by both residential and nonresidential land uses shall count toward the minimum amount of ground floor nonresidential use floor area required in the calculation above.
 - 2. For any lot located within the Downtown Mixed-Use District, no residential land uses are permitted on the ground floor unless the use is located a minimum of 50 feet from the street right-of-way, not including alleys.
 - (c) Minimum and maximum required parking: See [Section 17.06.06](#).
 - (d) Mixed-Use Buildings shall comply with the design standards for commercial and mixed-use land uses. See [Section 17.07.30](#). See [Section 17.06.41](#) for on-site recreation space requirements.

Section 17.03.09: Reserved**Section 17.03.10: Commercial Land Uses**

- (1) **Adult-Oriented Entertainment Business:** An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health or sport club, adult steam room or bathhouse facility, or any other business in which the primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse.

Regulations

- (a) Refer to Village Code Section 12.095.

- (2) **Artisan Production Shop:** A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

Regulations.

- (a) Minimum and maximum required parking: See **Section 17.06.06**.

- (3) **Bed and Breakfast:** Bed and Breakfasts are places of lodging that provide rooms for rent in the owner's personal residence, are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property.
- (b) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.
- (c) The facility shall comply with the requirements of Wis. Stats. § 254.61 and Wis. Admin. Code Chap. DHS 197.
- (d) All such facilities shall be required to obtain a permit to serve liquor, if applicable. They shall be inspected annually at a fee as established by a separate fee ordinance, to verify that the land use continues to meet all applicable regulations.
- (e) It shall be unlawful for any persons to operate a bed-and-breakfast operation as defined and as permitted in the Municipal Code of the Village of Mount Horeb without first having obtained a conditional use permit.
- (f) Application requirements. Applicants for a license to operate a bed-and-breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with this article, with the terms of this chapter as a whole, and other applicable Village codes and ordinances.
- (g) Consideration of issuance. After application duly filed with the Clerk for a license under this division, Plan Commission review and recommendation for a conditional use permit, the Village Board shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Village. In the Board's determination of the number of bed-and-breakfast operations required to provide for such public convenience and necessity, the Board shall consider the effect upon residential

Section 17.03.10: Commercial Land Uses

neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.

- (h) Public nuisance violations. Bed-and-breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety or rights of others so as to constitute a nuisance.
 - (i) Suspension, revocation and renewal. Any license issued under the provisions of this chapter may be revoked by the Village Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or noncompliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.
 - (j) Minimum and maximum required parking: See [Section 17.06.06](#).
- (4) **Campground:** Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles, including recreational vehicle overnight stays in parking lots and other similar locations not in campgrounds.

Regulations:

- (a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
 - (b) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
 - (c) Minimum and maximum required parking: See [Section 17.06.06](#).
- (5) **Commercial Animal Boarding:** Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.

Regulations:

- (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all sides abutting residentially zoned property.
 - (b) Each animal shall be provided with an indoor containment area.
 - (c) Minimum and maximum required parking: See [Section 17.06.06](#).
- (6) **Commercial Animal Daycare:** Facilities where short-term pet daycare is provided. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.

- (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along sides abutting residentially zoned property.

- (b) Each animal shall be provided with an indoor containment area.

- (c) Minimum and maximum required parking: See [Section 17.06.06](#).

- (7) **Commercial Indoor Lodging:** Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as a separate land use.

Regulations:

Section 17.03.10: Commercial Land Uses

- (a) Customer entrances shall be located 50 feet from residentially zoned property.
 - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
 - (c) Minimum and maximum required parking: See **Section 17.06.06.**
- (8) **Commercial Kitchen:** A building or portion thereof used for the preparation of food that can be rented or used as a classroom by different organizations, businesses, or individuals. Products produced on site may be sold off site.

Regulations.

- (a) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
 - (b) Minimum and maximum required parking: See **Section 17.06.06.**
- (9) **Drive-Through and In-Vehicle Sales or Service:** Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

- (a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility.
- (b) Drive-through windows shall not be located between the principal building and the street right-of-way.
- (c) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- (d) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
- (e) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, or the principal building setback, whichever is greater; a minimum of 20 feet from all residentially zoned property lines; and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the roof height.
- (f) Any fuel pumps or pump islands shall be a minimum of 50 feet from any street or abutting lot line.
- (g) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (h) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands not part of an approved stormwater management system. Said curbs shall be 6 inches high.
- (i) Stacking lanes for drive-through facilities shall provide pavement markings and shall not impede on-site traffic movements, parking, or pedestrian crossings, unless the Zoning Administrator determines this to be infeasible on the lot.

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- (j) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as, but not limited to, Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.
- (10) **Golf Course:** An area of land developed and maintained for outdoor golfing, including related facilities and amenities such as clubhouses, restaurants, outdoor entertainment, swimming pools, and active or passive outdoor recreation uses.

Regulations:

- (a) Facilities using outdoor golf-oriented night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - (b) All structures and paved areas associated with outdoor recreational uses shall be located a minimum of 25 feet from any residentially zoned property.
 - (c) Indoor Commercial Entertainment may be established as an accessory use only with establishment of the principal land use, such as but not limited to a golf course clubhouse.
 - (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (11) **Group Daycare Center (9+ Children):** Facilities which provide childcare services for 9 or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a place of worship, school, business, or civic organization. In such instances, group daycare centers are considered a separate principal use and require review as such. See Wis. Admin. Code DCF §251.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.
 - (b) Minimum and maximum required parking: See [Section 17.06.06](#).
- (12) **Indoor Commercial Entertainment:** Land uses which provide restaurants, taverns, and entertainment services entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

Regulations:

- (a) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
 - (b) All uses selling alcohol shall comply with Chapter 12 of the Village of Mount Horeb Municipal Code.
 - (c) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
 - (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (13) **Indoor Maintenance Service:** Facilities where maintenance and repair service is provided and all operations are located entirely within an enclosed building, including the repair of clocks, vacuum cleaners, and small appliances. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

Regulations:

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- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (14) **Indoor Sales or Service:** The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Examples of such uses include, but are not limited to, general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, copy and printing centers, photo processing centers, and physical activity studios (yoga, dance, art, martial arts, gymnastics, music schools, etc.).

Regulations:

- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (15) **Indoor Shooting Ranges:** Land use which provides an indoor shooting range service entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified noise and lighting, safety and security, and late operating hours that extend significantly later than most other commercial land uses.

Regulations.

- (a) The building and method of operation shall conform to all applicable State and Federal standards for environmental protection and occupational health and safety. The applicant shall identify all such standards and demonstrate how the building and operation will comply including identification of any related state or federal reporting, inspection and permitting requirements.
- (b) The design and construction of the shooting range shall completely confine all ammunition rounds within the building in a safe, controlled manner.
1. Compliance shall be demonstrated by plans, certified by an architect or engineer licensed or certified by the State of Wisconsin with demonstrated experience in indoor shooting range design.
 2. Compliance with the standards and recommendations of the most current versions of the Range Design Criteria of the U.S. Department of Energy, Office of Health, Safety and Security or the National Rifle Association Range Source Book shall be prima facie evidence of satisfaction of this condition. Under no circumstance shall the applicant be relieved of the obligation to comply with any requirement otherwise imposed by state, federal or local law.
 3. The plans shall specify the type and caliber of ammunition the shooting range is designed to confine. No ammunition shall be used, stored, sold, or possessed within the indoor shooting range that exceeds the certified design and construction specification for the shooting range.
- (c) The applicant shall demonstrate that the operation shall not be a nuisance to neighboring property or other likely neighboring property uses including nuisances related to air quality and noise.
- (d) A security plan shall be established for the building securing the building from unauthorized entrants as well as security for any firearms stored on the premises. No firearms shall be stored on the premises unless they are stored in a gun safe or other locked storage facility or container.
- (e) The shooting range shall establish clear rules and procedures for the health, safety and order of the operation, its employees and patrons consistent with accepted industry practices which shall be conspicuously posted at the shooting range.
- (f) On-site supervision of the range shall be provided at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for taking all reasonable actions to assure the conduct of employees and patrons and the conditions of health, safety and order of the shooting range comply with all related rules and procedures.

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- (g) No person under the age of 18 shall be permitted within the shooting range unless accompanied by an adult at all times. This condition shall not apply to prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.
 - (h) Unless preempted by state or federal law, the Plan Commission may establish additional conditions or requirements including reporting or inspection requirements if it determines such conditions or requirements are reasonably necessary to protect the public health safety and welfare. Consideration shall be given to the cost and burden of such additional requirements upon the operation and upon Village resources compared to the additional public benefit to be achieved, industry practices and evidence of experiences with similar operations in other communities.
 - (i) Minimum and maximum required parking: See [Section 17.06.06](#).
- (16) **Intensive Outdoor Activity:** Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, outdoor water parks, fairgrounds, private outdoor stadiums, go cart tracks, paint ball, racetracks, ski hills, and drive-in theaters.

Regulations:

- (a) No Intensive Outdoor Activity shall take place before 7:00 am or after 10:00 pm except as explicitly authorized by the conditional use process.
 - (b) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
 - (c) Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
 - (d) Any activity area other than parking shall be set back a minimum of 100 feet from the property line.
 - (e) Minimum and maximum required parking: See [Section 17.06.06](#). The Zoning Administrator may require a parking study to determine parking requirements.
- (17) **Office:** Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.

Regulations:

- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (18) **Outdoor Commercial Entertainment:** Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include but are not limited to outdoor eating and drinking areas, sand volleyball courts, outdoor assembly areas, and outdoor swimming pools associated with another principal land use. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see [Section 17.03.10\(16\)](#)). Also see active outdoor recreation ([Section 17.03.12\(1\)](#)).

Regulations:

- (a) Customer entrances and outdoor activity areas shall be located a minimum of 50 feet from residentially zoned property.
- (b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the outdoor activity area abutting residentially zoned property.

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- (c) Minimum and maximum required parking: See [Section 17.06.06](#).
- (19) **Outdoor Sales and Display:** Land uses where the sale and display of merchandise or equipment is conducted outside of an enclosed building on more than a temporary basis. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, and manufactured and mobile housing sales. If the permanent Outdoor Sales and Display area is less than the equivalent of 25% of the total gross square footage of the building and is secondary to an Indoor Sales or Service use, such use shall instead be considered Incidental Outdoor Sales and Display under [Section 17.03.28\(12\)](#). Outdoor Sales and Display on a temporary basis shall be regulated by Temporary Outdoor Sales under [Section 17.03.30\(7\)](#). Also see Vehicle Sales ([Section 17.03.10\(24\)](#)).

Regulations:

- (a) The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.
- (b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (c) The display of items shall not be permitted in required setback areas, landscape areas, or bufferyards, unless located in a parking lot.
- (d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under [Section 17.03.22\(4\)](#), shall not be displayed.
- (e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by subsection (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.
- (h) Outdoor Sales and Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
- (i) Minimum and maximum required parking: See [Section 17.06.06](#).
- (20) **Outdoor Maintenance Service:** Facilities where maintenance and repair service are provided and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

Regulations:

- (a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high, solid fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

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- (b) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under [Section 17.03.22\(4\)](#), shall not be displayed.
- (c) Minimum and maximum required parking: See [Section 17.06.06](#).
- (21) **Personal or Professional Service:** Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services, as defined by the Incidental Light Industrial accessory use (see [Section 17.03.28\(11\)](#)).

Regulations:

- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (22) **Vehicle and Boat Sales:** The sale and display of vehicles or boats for sale or rent outside of an enclosed building. Such land uses shall also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

- (a) The display of vehicles shall not be permitted in green space areas, landscaped areas, or required bufferyards.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under [Section 17.03.22\(4\)](#), shall not be displayed.
- (e) Minimum and maximum required parking: See [Section 17.06.06](#).
- (23) **Vehicle Service and Repair:** Facilities where vehicle service or repair is provided entirely within an enclosed building, including unlicensed or inoperable vehicles used for spare parts.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside areas fully screened by a solid fence. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.11: Reserved**Section 17.03.12: Institutional Land Uses**

- (1) **Active Outdoor Recreation:** Recreational land uses which involve active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, and similar land uses.

Regulations:

- (a) Each location shall have appropriate hours of use and comply with the noise provisions of Article VI Performance Standards.
- (b) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (c) All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and baseball backstops shall be located a minimum of 25 feet from any residentially zoned property.
- (d) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
- (e) Minimum and maximum required parking: See **Section 17.06.06**.
- (f) An Active Outdoor Recreation Land Use that includes the following is required to obtain a Conditional Use Permit (17.10.32):

- 1. Any on-site exterior lighting that exceeds 10.0 foot-candles.

- (2) **Community Living Arrangement (1-8 Residents):** Facilities provided for in Wis. Stats. § 62.23(7)(i), including community living arrangements for adults as defined in Wis. Stats. § 46.03(22), community living arrangements for children as defined in Wis. Stats. § 48.743(1), foster homes as defined in Wis. Stats. § 48.02(6), and adult family homes and community-based residential facilities (CBRFs) as defined in Wis. Stats. § 50.01(1g).

Community Living Arrangements do not include Boarding Houses, Group Daycare Centers, nursing homes, homeless shelters, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. § 62.23(7)(i)1.-5., provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

- (a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
- (b) The total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population. The Zoning Administrator shall make this determination.
- (c) Foster homes housing four or fewer children and licensed under Wis. Stats. § 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
- (d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.
- (e) Minimum and maximum required parking: See **Section 17.06.06**.

Section 17.03.12: Institutional Land Uses

- (f) Driveways shall be considered legal “stacked” parking spaces, provided that each parking space is no less than 8 feet in width and 18 feet in depth. A driveway may contain one or more legal parking spaces.
- (g) Any application is required to disclose in writing the capacity of the community living arrangement proposed.
- (3) **Community Living Arrangement (9-15 Residents):** See description under Subsection (2), above.
Regulations:
 - (a) See Regulations under Section (17.03.12(2)), above.
- (4) **Community Living Arrangement (16+ Residents):** See description under Subsection (2), above.
Regulations:
 - (a) See Regulations under Section (17.03.12(2)), above.
- (5) **Indoor Institutional:** Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, places of worship, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses, jails, prisons, and similar land uses.
Regulations:
 - (a) An off-street passenger loading area shall be provided if the majority of the users will be children or seniors (as in the case of a school, place of worship, library, or similar land use).
 - (b) Minimum and maximum required parking: See **Section 17.06.06.**
- (6) **Institutional Residential:** Residential development designed to accommodate Institutional Residential land uses, such as convents, monasteries, dormitories, fraternities, sororities, senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convalescent homes, limited care facilities, rehabilitation centers, homeless shelters (with or without meal service), and similar land uses not considered to be Community Living Arrangements under **Sections 17.03.12(2-4)** of this ordinance or under the provisions of Wis. Stats. § 62.23.
Regulations:
 - (a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
 - (b) Minimum required parking: The following specific parking requirements may apply.
 - 1. Public or private dormitory: Determined by the Zoning Administrator.
 - 2. Monastery or convent: Determined by the Zoning Administrator.
 - 3. Assisted living facility or limited care facility: Determined by the Zoning Administrator.
 - 4. Nursing home or hospice: Determined by the Zoning Administrator.
- (7) **Large Scale Public Services and Utilities:** Large scale facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public or private utility substations, water towers, well houses, and similar land uses involving buildings or fenced enclosures. This does not include uses listed under Small Scale Public Services and Utilities (**Section 620.03.12(9).**).
Regulations:
 - (a) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property.

Section 17.03.13: Reserved

1. The siting of any new sewage treatment facility is subject to the required separation distances per NR 110.15(3)(d), unless a waiver is obtained through the Wisconsin Department of Natural Resources.
- (b) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (7) **Outdoor Open Space Institutional:** Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.

Regulations:

- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (8) **Passive Outdoor Recreation:** Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

Regulations:

- (a) Minimum and maximum required parking: See [Section 17.06.06](#).
- (9) **Small Scale Public Services and Utilities:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies and private utilities, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater detention or conveyance, or other comparable utilities. Small Scale Public Services and Utilities include such above-surface facilities as poles, guy wires, fire alarm boxes, water hydrants, lift stations, utility posts, police call boxes, cabinets, vaults, and standpipes. This land use category does not include larger utility facilities included under Large Scale Public Services and Utilities ([Section X.X.X](#)), such as electric substations, wastewater treatment plants, well houses, and water towers.

Regulations:

- (a) Small-Scale Public Services and Utilities are exempt from density, intensity, and bulk regulations.
- (b) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property. Does not include landscaping or storm water detention facilities.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.13: Reserved

Section 17.03.14: Industrial Land Uses

- (1) **Heavy Industrial:** Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: fruit, vegetable, grain, dairy, and meat product producer and by-product producers; slaughterhouses; tanneries; paper, pulp or paperboard producers; chemical and allied product

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producers (except drug producers) including poison or fertilizer producers; plastic refinement and raw plastics material production; petroleum and coal product producers; asphalt, concrete or cement producers; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Wis. Stats. § Chapter 125.

Regulations:

- (a) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements. All on-site outdoor activity, excluding Outdoor Sales and Display, areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
 - (b) All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property and shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.
 - (c) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (d), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (2) **Indoor Food Production and Processing:** Any business whose principal activity is the growing, production, or wholesaling of products that are either grown or stored on-site or shipped to the site for indoor production purposes. This land use also includes the following activities: the seasonal display of plants and related products outdoors; the farming of aquatic plants and animals under controlled conditions utilizing recirculating (closed) system technology; and aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system. This land use does not include Heavy Industrial uses ([Section 17.03.14\(1\)](#)) such as slaughterhouses or other related production uses that may have the potential to create certain nuisances which are detectable at the property line or may involve materials which pose a significant safety hazard.

Regulations:

- (a) Outdoor activity regulations.
 - 1. No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements. All on-site outdoor activity, excluding Outdoor Sales and Display, areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
 - 2. All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property and shall not be

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permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.

3. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (e), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 4. Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 5. Outdoor storage areas equivalent to 10 percent of the gross building floor area or up to 1,000 square feet, whichever is less shall comply with the requirements of Incidental Outdoor Storage under [Section 17.03.28\(14\)](#). Any outdoor storage areas exceeding those metrics stated above shall comply with the requirements of Outdoor Storage and Wholesaling as a principal use under [Section 17.03.16\(2\)](#).
 6. Outdoor display areas equivalent to 25% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under [Section 17.03.28\(12\)](#). Outdoor display areas exceeding those metrics stated above shall comply with the requirements of Outdoor Sales and Display as a principal use under [Section 17.03.10\(19\)](#).
 7. The on-site retail sale of goods shall be considered Incidental Indoor Sales subject to the provisions of [Section 17.03.28\(10\)](#), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed those metrics stated above shall be considered an Indoor Sales or Service principal land use under [Section 17.03.10\(14\)](#).
- (b) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line. All farming of aquatic plants and animals shall take place entirely within an enclosed building.
1. Prior to any approvals for the operation, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Village of Mount Horeb Public Works Department.
 2. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (c) On-site composting shall be permitted, subject to the following regulations:
1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
 2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (3) **Light Industrial:** Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to: manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, food or related products, motorized

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equipment assembly, production of plastic products and components from plastics pellets and related material refined or produced off-site, mass-produced arts and crafts, and contractors shops for electrical, plumbing, HVAC, painting, plasters, and other similar trades. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of [Section 17.03.28\(10\)](#) are complied with.

Regulations:

- (a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
 - (b) Minimum and maximum required parking: See [Section 17.06.06](#).
- (4) **Medium Industrial:** Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building, as determined by the Zoning Administrator. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of [Section 17.03.10\(3\)](#) are complied with.
- (a) All outdoor activity areas shall meet the requirements for Outdoor Storage ([Section 17.03.16\(2\)](#) or [78.03.28\(17\)](#)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity.
 - (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - (c) Minimum required parking: See [Section 17.06.06](#).
- (5) **Production Greenhouse:** Any business in which the principal activity is the growing and wholesaling of plants or plant byproducts such as flowers, shrubbery, trees, and horticultural and floricultural products (not including fruits and vegetables) that are grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

- (a) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (b) Outdoor display areas equivalent to 25% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under [Section 17.03.28\(12\)](#). Outdoor display greater than the equivalent to 25% of the total gross square footage of the building shall comply with the requirements of Outdoor Sales and Display as a principal use under [Section 17.03.10\(19\)](#).
- (c) Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished

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- by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - (e) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Sales and Display areas abutting residentially zoned property.
 - (f) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.15: Reserved**Section 17.03.16: Storage Land Uses**

- (1) **Indoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail associated with this use shall be considered accessory uses per [Section 17.03.28\(10\)](#).

Regulations:

- (a) All new construction of any indoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (b) Minimum and maximum required parking: See [Section 17.06.06](#).
- (2) **Outdoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (b) Outdoor storage areas accessory to a principal land use and occupying up to 10 percent of the gross building square footage or up to 1,000 square feet, whichever is less shall be regulated as Incidental Outdoor Storage under [Section 17.03.28\(14\)](#).
- (c) The storage of items shall not be permitted in landscaping areas, bufferyard areas, or green space areas.
- (d) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (h). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.

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- (f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
 - (g) All new construction of any outdoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (h) Minimum and maximum required parking: See [Section 17.06.06](#).
- (3) **Personal Storage Facility:** Also known as “mini-warehouses,” these land uses are oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
- (b) All storage shall take place entirely within an enclosed building.
- (c) All new construction of any personal storage facility land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.17: Reserved**Section 17.03.18: Transportation Land Uses**

- (1) **Airport:** Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. Takeoffs and landings of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

- (a) The Airport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
 - (b) The Airport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
 - (c) All new construction of any airport land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (d) Minimum required parking: Minimum and maximum required parking: See [Section 17.06.06](#).
- (2) **Distribution Center:** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per [Section 17.03.28\(10\)](#).

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

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- (c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
 - (d) All new construction of any distribution center land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (e) Minimum and maximum required parking: See [Section 17.06.06](#).
- (3) **Freight Terminal:** Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
 - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
 - (d) All new construction of any freight terminal land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (e) Minimum and maximum required parking: See [Section 17.06.06](#).
- (4) **Heliport:** An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

- (a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
 - (b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
 - (c) All new construction of any heliport land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
 - (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (5) **Off-Site Parking Lot:** Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable and which serve a principal land use located on a separate lot. See [Section 17.06.06](#) for additional parking regulations.

Regulations:

- (a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
 - (b) Parking lots shall comply with the landscaping requirements of Article VIII.
 - (c) This land use is exempt from minimum height requirements in the DMU zoning district.
- (6) **Off-Site Structured Parking:** Commonly referred to as a parking ramp or parking garage, Off-Site Structured Parking is a type of parking structure for the temporary parking of vehicles which are fully

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registered, licensed, and operable. Off-Site Structured Parking is a stand-alone, multi-level parking area in which one or more levels are supported above the lowest level. A parking structure may also include underground parking spaces. Parking structures that are incorporated into the same building as a separate principal land use shall be regulated as On-Site Structured Parking under [Section 17.03.28\(20\)](#). See [Section 17.06.06](#) for additional parking regulations.

Regulations:

- (a) Parking structures may contain other commercial uses on the ground floor level. Such uses shall be limited to those permitted by right or by conditional use permit in the applicable zoning district.
 - (b) Parking structures must meet all applicable bulk requirements.
 - (c) Clearly-marked pedestrian connections between the parking structure and adjacent uses shall be required.
 - (d) Screening or other improvements that shield parked vehicles from view at each level of the parking structure shall be required.
 - (e) Parking structures shall comply with the landscaping requirements of Article VIII.
 - (f) Exterior elevations shall be designed to minimize the use of blank concrete façades and shall have an architectural treatment that is compatible with the surrounding architectural context. Materials shall minimize glare in compliance with [Section 17.06.34](#). Exterior elevations are encouraged to be designed to replicate the regular window pattern and other architectural elements of adjacent buildings. See Article VII.
- (7) **Transit Center:** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (c) All new construction of any transit center land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 17.07.40](#)).
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).

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Section 17.03.20: Telecommunication Land Uses

- (1) **Communication Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. For satellite dishes and antennas accessory to a principal use, see [Section 17.03.28\(21\)](#) and [17.03.28\(25\)](#). Height shall be measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the mobile service support structure, supports, and equipment buildings.

Regulations:

Section 17.03.20: Telecommunication Land Uses

- (a) Applicability. This land use shall not be regulated or permitted as Small-Scale Public Services and Utilities, or Large-Scale Public Services and Utilities. This Section shall apply to the following:
 - 1. New towers. All new towers in the Village of Mount Horeb shall be subject to these regulations.
 - 2. Preexisting towers. Preexisting towers shall not be required to meet the requirements of this Section, other than the requirements of Subsection (b) of this Section.
 - 3. Towers shall be considered principal uses. A different use on the same lot shall not preclude the installation of a tower on such lot.
 - 4. See [Section 17.03.28\(3\)](#) for Communication Antennas, an accessory land use typically associated with Communication Towers.
- (b) Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §101-31 et seq., National Electrical Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (c) Submittal and review procedure requirements and other requirements specific to Communication Towers must be consistent with Wis. Stats. § 66.0404.
- (d) Permit Required. A permit is required for all new Communication Towers or modifications to existing Communication Towers. The permit application shall contain all of the following information:
 - 1. The name and business address of, and the contact individual for, the applicant.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - a. The application must also include a visual analysis, which may include an annotated photo montage, field mockup, or other technique prepared by or on behalf of the applicant which identifies the potential visual impacts, location, configuration, and the design capacity of the proposed facility to the satisfaction of the Plan Commission. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the impacts of the proposed facility and other existing telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed

Section 17.03.20: Telecommunication Land Uses

personal wireless services. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

- (e) All service carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the Village or outside the corporate limits from telecommunications facilities within the Village, and all communication tower owners, shall register and provide to the Village, pursuant to this ordinance, on forms to be provided by the Building Inspector and shall provide with each conditional use application the following information below. It shall be unlawful for any personal wireless services carrier or provider who offers or provides services within the Village, or any communication tower owner who owns or operates telecommunications facilities within the Village, to fail to register and provide the information required within thirty (30) days of such a request by the Village.
 - 1. The identity and legal status of the registrant, including any affiliates.
 - 2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
 - 3. A narrative and map description of registrant's existing telecommunications facilities within the Village, adjacent cities, villages and townships.
 - 4. Such other information as the Building Inspector may reasonably require.
- (f) Placement Requirements.
 - 1. Towers and guyed wires shall be set back from any property line a minimum distance equal to 100% of the height of the communication tower.
 - a. If an applicant provides an engineering certification showing that a proposed communication tower is designed to collapse within a smaller area than the setback area, the setback requirement is reduced in accordance with the findings of the engineering certification, unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 - 2. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings.
 - 3. No communication tower shall be installed closer than one-quarter mile from another communication tower, measured from the base of the tower to the base of the proposed tower, unless it is a tower situated on a multi-tower zoning lot, or credible evidence to a reasonable degree of certainty acceptable to the Plan Commission is submitted showing a clear need for said new tower and the infeasibility of co-locating it on an existing site. For the purposes of this requirement, exempt telecommunications facilities unavailable for co-location shall not be included in the one-quarter mile computation.
- (g) Structural Requirements. Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Wis. Admin. Code Chap. COMM 62.35 to 62.41, amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes, in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days or such time as determined by the Building Inspector to bring such tower into compliance with said codes. Failure to bring such tower into compliance within said 30 days or such time as determined by the Building Inspector shall constitute grounds for the removal of the tower or antenna at owner's expense.
- (h) Basic Tower and Building Design. All new communication towers, except exempt facilities as defined in subsection (i) below, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.

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1. Communication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the Village to be otherwise.
 2. Telecommunication support facilities see (i) Equipment Buildings below.
 3. The Village shall have the authority to require reasonable special design (materials, architectural features and color) of the communication tower where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).
 4. Communication towers shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
 5. Accessory communication antenna shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible.
 6. All new communication towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards above, a communication tower of such height to accommodate three antenna arrays is unwarranted. Multi-user communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the Plan Commission this will minimize overall visual impact to the community.
- (i) Equipment buildings. Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
 2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
 3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and/or is screened from view from adjacent roads and properties.
 4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential and commercial uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
 5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (j) Height Requirements.
1. Tower height shall be restricted to 200 feet. Zoning District height restrictions shall not apply to commercial communication towers.
- (k) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for two additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

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- (l) Advertising. No form of advertising or identification, or sign is allowed on the tower other than the customary manufacturer identification plate.
- (m) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority.
- (n) Fencing. A tower shall be enclosed by solid fencing not less than 6 feet in height or a bufferyard with a minimum opacity of 0.40 and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (o) Color. The wireless communication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.
- (p) Abandonment.
 - 1. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 365 days, the applicant shall remove the tower or transmitters upon request from the Village.
 - 2. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.
 - 3. If unused facilities are not removed, the Village may remove the items at the expense of the owner of the property upon which the tower was placed.
- (q) Inventory and Tracking System. The Zoning Administrator shall compile a list of existing telecommunications facilities within the Village's jurisdiction based upon information provided by personal wireless services providers and communication tower owners. The Zoning Administrator shall maintain and update said list on a regular basis. The list shall also include the location of public facilities that may be available for co-location.
- (r) Exempt Facilities.
 - 1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (s) Applications and Fees.
 - 1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the Village within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
 - 2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

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Section 17.03.22: Extraction and Disposal Land Uses

Section 17.03.22: Extraction and Disposal Land Uses

- (1) **Composting Facility:** Land uses devoted to the collection, storage, processing, and/or disposal of vegetation or food waste.

Regulations:

- (a) Composting facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
- (e) Minimum and maximum required parking: See **Section 17.06.06.**

- (2) **Extraction:** Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Regulations:

- (a) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
- (b) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
- (d) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Dane County.
- (e) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third-party selected by the Village), shall be filed with the Village by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually.
- (f) Minimum and maximum required parking: See **Section 17.06.06.**

- (3) **Indoor Recycling Facility:** Land uses providing indoor materials recycling services including materials unloading, materials storage, materials sorting, and materials shipping. This land use does not involve any outdoor activities.

- (a) Indoor Recycling facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
- (c) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
- (d) Minimum and maximum required parking: See **Section 17.06.06.**

Section 17.03.22: Extraction and Disposal Land Uses

- (4) **Salvage or Junkyard:** Lands or structures used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Service and Repair.

Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property. A minimum 8-foot fence is required.
 - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - (c) In no instance shall activity areas be located within a landscaping or bufferyard areas.
 - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
 - (e) Minimum and maximum required parking: See **Section 17.06.06.**
 - (f) Facility shall secure a salvage dealer license as required by the State of Wisconsin.
- (5) **Sand and Mineral Processing:** Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that removes the desired product from the mineral or enhances the characteristics of the sand or mineral.

Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
 - (b) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all roads and lot lines.
 - (c) In no instance shall activity areas be located within a bufferyard area.
 - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
 - (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Dane County.
 - (f) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third-party selected by the Village), shall be filed with the Village by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually.
 - (g) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
 - (h) Minimum and maximum required parking: See **Section 17.06.06.**
- (6) **Waste Disposal/Landfill:** Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. § 289.01(33), but not including Indoor Recycling or Composting operations.

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Regulations:

- (a) Waste Disposal/Landfill facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
- (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
- (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
- (f) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually. The requirement for said surety is waived for waste disposal facilities owned by public agencies.
- (g) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.23: Reserved**Section 17.03.24: Energy Production Land Uses and Structures**

- (1) **Large Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Large Solar Energy Systems are the only principal land use permitted on a property and are designed primarily to generate energy for commercial sale off-site. See [Section 17.03.28\(27\)](#) for Small Solar Energy Systems.
 - (a) Rooftop, ground-mounted, and building-mounted large solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where a rooftop or building-mounted system exceeds the maximum height limit, the panel must be set back from the edge of the roof a minimum distance equal to or greater than the height of the panel.
 - (b) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish, and color that is non-reflective.
 - (c) All electrical connections shall be located underground or within a building.
 - (d) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
 - (e) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
 - 1. A Landscaping Plan per [Section 17.08.20](#) is required for the entire property. Native plantings and pollinators are encouraged to co-exist with Large Solar Energy Systems.
 - (f) All access doors or access ways and electrical equipment shall be lockable.
 - (g) A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:

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1. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 17.10.43.
 2. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
 3. A standard foundation design along with specifications for the soil conditions at the site.
 4. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
 5. A description of emergency and normal shutdown procedures.
 6. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Subsection.
 7. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
 8. Evidence of compliance with Federal Aviation Administration requirements.
- (h) The requirements of Wisconsin Statutes, including but not limited to Wis. Stats. §§ 66.0401 and 66.0403, shall apply to all solar energy systems and in the evaluation of such requests. Solar energy systems are a conditional use.
1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
- (2) **Large Wind Energy System:** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. Large Wind Energy Systems have a total installed nameplate capacity of more than 300 kW or consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.
- (a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code PSC 128, as amended, and this Section.
 - (b) Wind energy systems are a conditional use in every district that they are permitted. The Village will apply Wis. Stats. § 66.0401 and Wis. Admin. Code PSC Chapter 128, as amended, in the evaluation of such requests.
 1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.

Section 17.03.25: Reserved**Section 17.03.26: Agricultural Land Uses**

- (1) **Agricultural Service:** Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see [Section 17.03.22\(1\)](#)).

Regulations:

- (a) New Agricultural Service uses shall not be located in an existing or platted residential subdivision.
 - (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
 - (c) Once discontinued for a period of 365 days, Agricultural Service uses shall not be re-established except by the granting of a conditional use permit, and shall only be permitted in the Agricultural Zoning District.
 - (d) Minimum required parking: Minimum and maximum required parking: See [Section 17.06.06](#).
- (2) **Community or Market Garden:** Community or Market Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands where on-site sales of crops are permitted.

Regulations:

- (a) Community and Market Gardens are permitted on lots of one acre in size or less. They are permitted to occur on lots with residential dwelling units as a standalone principal use or in combination with a residential dwelling unit principal land use as long as a Home Occupation permit is issued under [Section 17.03.28\(9\)\(q\) and \(r\)](#).
 - 1. All activity and garden areas, signs, and structures shall be located a minimum of 10 feet from the lot line.
- (b) A site plan shall be submitted to the Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, park shelter, and availability of public parking.
- (c) Accessory Buildings.
 - 1. The following structures are permitted in Community and Market Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
 - 2. A combined total of 1,200 square feet of gross floor area of tool sheds, shade pavilions, restroom facilities, and planting preparation houses are permitted on the property by right so long as all structures meet minimum setback requirements in Article IV.
- (d) Signs shall comply with the regulations of Article IX.

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- (e) Fences shall comply with the regulations in [Section 17.06.40](#).
 - (f) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
 - (g) Minimum and maximum required parking: See [Section 17.06.06](#).
- (3) **Cultivation:** Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site.

Regulations:

- (a) Cultivation is not permitted on buildable lots that have permanently constructed infrastructure such as water, sewer, stormwater, roads, or sidewalks.
 - (b) Except in the Agricultural District, cultivation uses, once discontinued for a period of 12 months, shall not be reestablished except with the granting of a conditional use permit.
 - (c) Minimum and maximum required parking: See [Section 17.06.06](#).
- (4) **Husbandry:** All operations primarily oriented to the on-site raising or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered Husbandry land uses. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds), in addition to Residential Apiary and Residential Chicken accessory land uses (see [Section 17.03.28\(22\)](#) and [Section 17.03.28\(23\)](#)).

Regulations:

- (a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
 - (b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.
 - (c) Except in the Agricultural District, husbandry uses, once discontinued for a period of 12 months, shall not be reestablished except with the granting of a conditional use permit.
 - (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (5) **Livestock Sales Facilities:** All operations primarily oriented to the on-site sale of animals as defined in Husbandry (Section 17.03.26(4)).

Regulations:

- (a) New Livestock Sales Facilities shall not be located in or adjacent to an existing or platted residential subdivision.
- (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
- (c) Livestock Sales Facilities shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.

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- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (6) **Intensive Agriculture:** All operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit per acre or agricultural activities requiring structures, equipment or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and other operations meeting this criterion.

Regulations:

- (a) New Intensive Agricultural uses shall not be located in or adjacent to an existing or platted residential subdivision.
- (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
- (c) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.
- (d) Minimum and maximum required parking: See [Section 17.06.06](#).
- (7) **On-Site Agricultural Retail:** The sale of agricultural products grown exclusively on the site, not including those uses as defined under Community or Market Garden (Section 17.03.26(2)). The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations and shall be regulated as a distinct land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

Regulations:

- (a) No structure or group of structures shall exceed 500 square feet in floor area.
- (b) No structure shall exceed 12 feet in height.
- (c) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
- (d) Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit.
- (e) The sale of products which are grown or otherwise produced on nonadjacent property under the same ownership, or on property under different ownership, shall be prohibited.
- (f) Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.
- (g) On-Site Agricultural Retail uses, once discontinued for a period of 365 days, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the Agricultural Zoning District.
- (h) Minimum and maximum required parking: See [Section 17.06.06](#).

Section 17.03.27: Reserved**Section 17.03.28: Accessory Land Uses and Structures**

- (1) **Accessory Dwelling Unit (ADU):** 1) Residential dwellings located directly above the ground floor of a building used for an office, commercial, or institutional land use, or 2) a residential dwelling unit located on the same lot as a single-family dwelling unit, either in the same building as the single-family

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dwelling unit or in a detached building. An ADU is independently habitable and provides the basic requirements of shelter, heating, cooking and sanitation.

Regulations:

- (a) Conversion of Accessory Structures to Accessory Dwelling Units. The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which ADUs are a permitted use in Article VI. The resulting occupancy shall comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.
 - (b) The number of occupants of the Accessory Dwelling Unit shall not exceed one family.
 - (c) Additional entrances shall not be added to the front elevation of an existing building but may be added to side, rear, or street side elevations.
 - (d) Accessory Dwelling Unit entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway. The owner shall post one on-building locational sign displaying the address of the ADU, in compliance with Chapter 14.08 of the Municipal Code.
 - (e) Accessory Dwelling Units shall adhere to the principal setback requirements and other regulations for the underlying zoning district.
 - (f) For Accessory Dwelling Units located on the same lot as a single-family dwelling unit, the following additional regulations shall apply:
 - 1. The Accessory Dwelling Unit shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
 - 2. The maximum size of an Accessory Dwelling Unit shall not exceed the size of the principal dwelling's floor area.
 - 3. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
 - (g) Minimum required off-street parking: None.
 - (h) A Zoning Permit shall be required pursuant to **Section 17.10.41** prior to establishing any Accessory Dwelling Unit.
- (2) **Communication Antenna:** Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including associated equipment buildings/cabinets.

Regulations:

- (a) Applicability.
 - 1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
 - 2. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
 - 3. Allowed as a permitted use in all zoning districts if the communication antenna meets all requirements in subsection (b) below.
- (b) General Requirements.

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1. Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §10-31 et seq., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
2. Co-Location of Communication Antennas on Communication Tower and Commercial Building: Antennas may be placed on commercial communication towers, and commercial, institutional, and industrial buildings.
 - a. Unless applicant is submitting an application to locate or co-locate upon an existing tower or structure, an analysis shall be prepared by or on behalf of the applicant; subject to the approval of the Plan Commission, which identifies all reasonable, technically feasible alternative locations and/or facilities which would be useable for the proposed personal wireless services. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental impacts, including aesthetics, of facilities necessary to provide the needed services to the Village and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the Plan Commission making a finding that the proposed site results in fewer or less severe environmental impacts, including aesthetics, than any feasible alternative site. The Village may require independent verification by a qualified engineer of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
3. Height Requirements. Antenna height shall be restricted to 200 feet above grade when located on a commercial communication tower. Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.
4. Alternative Structures. Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
5. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
6. Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
7. Stealthing requirements.
 - a. Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - b. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must for technical reasons. The antenna and cables on roofs shall not be visible from an adjacent public right-of-way.

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- (c) Equipment buildings: Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
 - 1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
 - 2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
 - 3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and surrounded by a bufferyard with a minimum opacity of 0.40.
 - 4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
 - 5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district, and shall be located in the side or rear yards.
- (d) Exemption: If an applicant provides an engineering certification showing that a proposed communication tower is designed to collapse within a smaller area than the setback area, the setback requirement is reduced in accordance with the findings of the engineering certification, unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
- (e) Abandonment.
 - 1. The applicant shall provide a written agreement stating that if the antenna or transmitters are unused for a period exceeding 365 days, the applicant shall remove the antenna or transmitters upon request from the Village.
 - 2. Within 30 days of the date on which the antenna use ceases, the permit holder shall provide the commission written notice of the cessation of use.
 - 3. If unused facilities are not removed, the Village may remove the items at the expense of the owner of the property upon which the tower was placed.
- (f) Exempt Facilities.
 - 1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (g) Applications and Fees.
 - 1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the Village within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
 - 2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

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- (3) **Company Cafeteria:** A food service operation which provides food only to company employees and their guests.

Regulations:

- (a) Company Cafeterias shall meet state food service requirements.
 - (b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.
- (4) **Detached Residential Accessory Building:** Detached buildings accessory to a residential use including but not limited to buildings used to shelter parked passenger vehicles (including garages and carports), sheds and similar structures used to store residential maintenance equipment on the subject property, workshops, kennels, greenhouses, boathouses, and pool houses, per the Building Code. Such structures shall comply with the definition for Accessory Structure, Detached in [Section 17.01.23](#).

Regulations:

- (a) **Size.** A combined total of 1,000 square feet of building footprint area for all detached accessory buildings on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of the building footprint area of all detached accessory buildings on the property shall be increased by one square foot for every 100 square feet of lot area over one acre. In no instance shall the detached accessory building area exceed the ground floor area of the principal building used for residence. Attached garages shall not count toward this total.
 - (b) **Height.** See [Sections 17.04.11 to 17.04.14](#) for detached accessory building maximum building heights.
 - (c) **Location.** Detached accessory buildings are permitted in the rear yard only, in compliance with minimum setback requirements for accessory structures in [Section 17.04.11-17.04.14](#).
- (5) **Electric Vehicle Charging:** Includes all indoor and outdoor charging facilities for electric and hybrid electric vehicles. This land use is typically accessory to on-site parking, off-site parking, driveways, or indoor parking facilities.

Regulations:

- (a) **Equipment.** Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards.
 - (b) **Posted information.** Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
 - (c) **Maintenance.** Electric vehicle charging stations must be maintained in all respects, including functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning, or other problems are encountered.
 - (d) Electric Vehicle Charging in all residential zoning districts (see Article II) shall not be operated as a commercial venture and is limited to use only by residents and guests of residents. On any lot zoned SF-1, SF-2, or TF-1, Electric Vehicle Charging shall only occur indoors.
 - (e) Parking requirements for Electric Vehicle Charging can be found in [Section 17.06.06\(6\)](#).
- (6) **Farm Residence:** A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in [Section 17.03.26](#).
- (7) **Minor Accessory Structures and Obstructions:** Minor accessory structures are those features that are generally less than 16 feet in height and less than 120 sf in area and which, in the determination of the Zoning Administrator, are similar in size, character, and function to those listed. Obstructions are those features that are integral to or otherwise permanently attached to the principal structure. Other

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integral or attached features, which in the opinion of the Zoning Administrator are not similar to those listed in this table, shall comply with the principal building setbacks. See [Section 17.11.23](#) for definitions of awning, balcony, canopy, deck, patio, porch, and recreational equipment.

Regulations:

- (a) No items listed below shall be located within the vision triangle or any established easements on the property.

Minor Accessory Structures Permitted in Required Yard Setbacks

Minor Accessory Structures and Obstructions	Front	Side	Rear	Limitations
Structure Types				
Arbor/Trellis	√			Not more than 16 feet in height covering less than 10% of required setback.
Arbor/Trellis		√	√	Not more than 16 feet in height covering less than 50% of required setback.
Awning/Canopy	√	√	√	See Article IV for maximum encroachment standards.
Basketball Hoop	√	√	√	Not more than 16 feet in height. Concrete must be 5 feet from property lines and out of all easements.
Balcony	√	√	√	See Article IV for maximum encroachment standards.
Bay Window/Balcony	√	√	√	See Article IV for maximum encroachment standards.
Birdbath, Birdhouse, or Birdfeeder	√	√	√	
Chimney	√	√	√	See Article IV for maximum encroachment standards.
Clothesline			√	Not more than 7 feet in height.
Decorative Pond		√	√	
Eaves and Gutter	√	√	√	See Article IV for maximum encroachment standards.
Egress Window	√	√	√	See Article IV for maximum encroachment standards.
Fire Escape	√	√	√	See Article IV for maximum encroachment standards.
Flagpole	√	√	√	Not more than 20 feet in height. Must be a minimum of 5 feet from the property line.
Fountain	√	√	√	Not more than 5 feet in height, no closer than 3 feet to any property line and no more than 20 square feet, which includes the water feature and supporting structure.
Garden, Residential Composting, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale		√	√	See landscaping requirements in Section 17.08.30 and bioswale/raingarden requirements in Section 17.08.50 .
Natural Landscaped Native Plant Pollinator Habitat Areas	√	√	√	See Section 10.03 "Weeds and Grass"
Gazebo/Picnic Shelters		√	√	Not more than 16 feet in height and no larger than 120 square feet.
Greenhouse		√	√	Must comply with all accessory setbacks.
Little Food Pantry	√			Not more than 5 feet in height, no larger than 4 square feet.
Little Library	√			Not more than 5 feet in height, no larger than 4 square feet.
Mechanical Equipment		√	√	
Outdoor Kitchen			√	Must comply with all accessory setbacks.
Patio/Freestanding or Detached Deck		√	√	Not more than 1 foot above established grade and in compliance with minimum landscape area ratio and minimum accessory structure setback of the zoning district.
Paved Play Court (basketball, tennis, pickle ball, etc.)			√	Must comply with all accessory structure setbacks.
Picnic Table/Bench	√	√	√	
Porch	√	√	√	See Article IV for maximum encroachment standards.

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Minor Accessory Structures Permitted in Required Yard Setbacks

Minor Accessory Structures and Obstructions	Front	Side	Rear	Limitations
Recreational Paved Path/Boardwalk/Platform	√	√	√	Minimum pavement setbacks apply.
Refuse Enclosure		√	√	All dumpsters shall be screened on four sides with a solid fence, wall, or gate 6 feet in height.
Seasonal Decorations	√	√	√	Not displayed longer than 90 days.
Statue/Art Objects	√	√	√	Not more than 5 feet in height with a footprint no larger than 20 square feet.
Stoop/Landing	√	√	√	
Swimming Pools			√	See Section 17.06.42 for requirements.
Swing Set/Play Equipment		√	√	Not more than 16 feet in height and covering no more than 200 square feet.
Treehouse			√	No more than 20 feet in height.
Walkways/Steps	√	√	√	Not more than 1 foot above grade.

- (8) **Home Occupation:** Economic activities performed within a principal or accessory residential dwelling unit that do not significantly alter the residential character of the dwelling unit, dwelling structure, or the parcel and are secondary and incidental. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are those that include on-site customers or non-resident employees and are limited to low intensity businesses and businesses with limited overlap of customer visits. As of the adoption of this ordinance, any existing Home Occupation land use is a legal conforming land use.

Regulations:

- The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or the enclosed area of a residential accessory building or garage.
- The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- No more than two clients shall be seen at any given time.
- No Home Occupations shall have a non-resident employee or clients between the hours of 7:00 p.m. and 8:00 a.m.
- There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a residential dwelling unit. For Home Occupation Sign requirements see [Figure 17.09.11\(3\)](#).
- No structural alterations or construction involving features not customarily found in dwellings are allowed.
- No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.
- The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

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- (j) No vehicle larger than a 3/4-ton capacity truck or van that is used in conjunction with a home occupation shall be parked on the premises. Also, see Section 10.06(g)(k) of the Village of Mount Horeb Municipal Code.
- (k) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.
- (l) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 25 percent of the principal structure or 600 square feet, whichever is less.
- (m) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.
- (n) The following activities shall not be permitted as home occupations:
 - 1. Any repair of motorized vehicles, other than those titled to that site, including the painting or repair of automobiles, trucks, trailers, boats, motorbikes, motorcycles, snowblowers, or lawn equipment.
 - 2. Commercial animal boarding (Section 17.03.10(5)).
 - 3. Commercial animal daycare (Section 17.03.10(6)).
 - 4. Indoor commercial entertainment
 - 5. Funeral chapels or homes, crematoria, mausoleums
 - 6. Medical or dental clinics, provided that nothing in this chapter shall prohibit the performance of house calls or emergency medical services in a residential dwellings.
 - 7. Any facility where products are manufactured, produced or assembled when the home occupation operator is not in the retail sale for such products.
 - 8. Indoor shooting range/ sale of firearms or ammunition
 - 9. Industrial land uses
 - 10. Contractor businesses, including general construction, landscaping, and all other building trades, if the conduct of such business includes any of the following:
 - a. Delivery of business goods or materials, other than office supplies, to the premises;
 - b. On-premises assembly and/or storage of goods and materials utilized in the operation of such business; or
 - c. Use of the premises as a rendezvous point, meeting area, or vehicle parking area for off-premises employees.
- (o) Items shall not be sold or offered for sale on the premises. This provision shall not apply to online sales.
- (p) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.
- (q) Permit Required.
 - 1. The applicant shall submit a completed application and any supporting documentation to the Zoning Administrator.
 - 2. A permit shall not be issued until the Zoning Administrator determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.
 - a. All Community or Market Garden uses shall be required to obtain a Home Occupation permit, but are only subject to the provisions of **Section 17.03.26(2)**.
- (r) Special Permit Provisions.

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1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.
2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.
3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.

- (9) **Incidental Indoor Sales:** Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Indoor Storage and Wholesaling on the same site.

Regulations:

- (a) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
- (b) Minimum required parking: See [Section 17.06.06](#).

- (10) **Incidental Light Industrial:** Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

- (a) The total area devoted to light industrial activity shall not exceed 50 percent of the total area of the buildings on the property.
- (b) Minimum required parking: See [Section 17.06.06](#).

- (11) **Incidental Outdoor Commercial Entertainment:** Land uses which provide outdoor commercial entertainment which is incidental to a principal land use on the same site.

Regulations:

- (a) The total area devoted to outdoor commercial entertainment activity shall not exceed 25% of the total area of the buildings on the property.
- (b) Customer entrances and activity areas shall be located a minimum of 50 feet from residentially zoned property.
- (c) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the outdoor activity area abutting residentially zoned property.
- (d) Minimum and maximum required parking: [See Section 17.06.06](#).

- (12) **Incidental Outdoor Sales and Display:** The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.

Regulations:

- (a) Incidental Outdoor Sales and Display land uses shall comply with all regulations of [Section 17.03.10\(19\)](#).
- (b) The display area shall not be greater than the equivalent to 25% of the gross floor area of the building. Display area in excess of equivalent to 25% of the gross floor area of the building shall be considered Outdoor Sales and Display as a principal use under [Section 17.03.10\(19\)](#).
- (c) The outdoor display areas shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.

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- (d) The display of items shall not be permitted in required setback areas, landscape areas, or bufferyards, unless located in a parking lot.
 - (e) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under **Section 17.03.22(4)**, shall not be displayed.
 - (f) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by subsection (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (g) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (h) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.
 - (i) Incidental Outdoor Sales and Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
- (13) **Incidental Outdoor Storage:** Outdoor storage which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

- (a) All open storage areas and open containers shall be fully screened from view by a wall and a solid gate made of wood or similar material. The exterior of the wall must match the materials and color of the principal structure and shall be a minimum of 8 feet in height.
 - (b) The storage area shall not exceed 10 percent of the gross building floor area or up to 1,000 square feet, whichever is less. Storage area in excess of 10 percent of the gross building floor area or 1,000 square feet shall be regulated as Outdoor Storage and Wholesaling under **Section 17.03.16(2)**.
- (14) **In-Family Suite:** An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external entries serving as the primary or only access to the In-Family Suite are prohibited.

Regulations:

- (a) In-Family Suites may not be occupied by a non-family member.
- (b) The maximum floor area cannot exceed 20% of the existing dwelling unit's finished habitable area.
- (c) In-Family Suites shall be considered and regulated as part of a single-family dwelling unit.
- (d) The principal dwelling unit and the In-Family Suite shall together appear as a single-family dwelling.
- (e) A separate walled garage area or driveway is not permitted.
- (f) A separate address for the In-Family Suite is not permitted.

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- (g) A separate utility connection or meters are not permitted.
 - (h) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.
 - (i) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as “not a separate dwelling unit or apartment,” and a signed letter from the applicant stating agreement with this condition shall be filed.
- (15) **In-Home Daycare:** Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. Wis. Stats. § 66.1017(1)(a).
- (16) **Migrant Employee Housing:** Migrant Employee Housing includes any facility subject to the regulation of Wis. Stats. § 103.90(3)(a).
- Regulations:
- (a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed-use zoning districts.
 - (b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.
- (17) **Nonresidential Accessory Structure:** Structures primarily used to shelter business vehicles or to store maintenance equipment for the subject property.
- Regulations:
- (a) The combined floor area of all structures shall not exceed the floor area of the principal building on the parcel.
 - (b) See Sections 17.04.11 to 17.04.14 for accessory structure maximum building heights and setbacks.
 - (c) All nonresidential accessory structures must meet the design requirements of the principal land use on the site. See Article VII.
- (18) **On-Site Parking Lot:** On-Site Parking Lots are any areas located on the same site as the principal land use which are used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. See Section 17.06.06 for additional parking regulations.
- Regulations:
- (a) Access and vehicular circulation shall be designed to prevent cut-through traffic.
 - (b) This land use is exempt from minimum height requirements in the DMU zoning district.
- (19) **On-Site Structured Parking:** Structured parking which is accessory to a principal land use such as Apartments, Office, and Mixed-Use Buildings, and which is incorporated into the same building as the principal land use. Stand-alone structured parking that is not integrated with another land use shall be regulated as Off-Site Structured Parking, a principal use under Section 17.03.18(6). See Section 17.06.06 for additional parking regulations.
- Regulations:

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- (a) On-Site Structured Parking shall comprise no more than 50% of the ground floor level on the primary street frontage. Underground parking that is partially above grade shall not count toward this total.
- (20) **Personal Antenna and Towers:** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure, supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

- (a) In the SF-1, SF-2, TF-1 districts, there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.
- (b) In all districts, freestanding towers with antennas may not be located in a front yard or street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less.
- (c) The minimum required setback for freestanding towers with antennas shall be equal to the combined height of the tower and antenna.
- (d) Towers are restricted to 50 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.
- (e) Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
- (f) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited.
- (21) **Residential Apiary:** The assembly of one or more colonies of honey bees on a single residential lot.
- (a) Residential Apiary uses are prohibited.
- (22) **Residential Chickens:** The keeping of chickens including accommodating and raising chickens, defined as a domestic fowl of the subspecies *Gallus gallus domesticus*, in covered enclosures (coops) and fenced enclosures (runs).
- (a) The keeping of chickens shall comply with Chapter 11 of the Village of Mount Horeb Municipal Code.
- (b) Fences shall comply with Section 17.06.40.
- (c) All chickens shall register with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
- (d) Accessory structures used to keep chickens on-site shall conform to all Detached Residential Accessory Building requirements see Section 17.03.28(4).
1. Chickens shall not be allowed to be kept within any principal structures on-site.
- (23) **Residential Kennel:** An enclosed structure designed for the keeping of dogs that is accessory to a residential use.

Regulations:

- (a) A maximum of any combination of two dogs and/or cats (over six months of age) are permitted by right for any one residential unit. Any residence housing a number of dogs and or cats exceeding this number shall be considered a residential kennel. Such a kennel (dogs only) shall

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require licensing by the Village. All dogs must be licensed. See Chapter 12 of the Village of Mount Horeb Municipal Code.

- (b) For any number over three animals, a maximum of one additional animal per five acres shall be permitted.
 - (c) Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties with a minimum bufferyard of 0.2.
- (24) **Residential Stable:** An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.

Regulations:

- (a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
 - (b) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.
 - (c) A maximum of one horse per five acres of fully enclosed (by fencing or structures) area is permitted.
 - (d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- (25) **Satellite Dish:** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private use.

Regulations:

- (a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.
 - (b) In the SF-1, SF-2, TF-1, MF-1, MF-2 and MH-1 districts satellite dishes 3 feet in diameter and larger may only be located in rear yards or on the roof of a detached structure, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
 - (c) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings so long as the roof side does not face a street frontage, or in side or rear yards; but shall not be located in street or front yards.
 - (d) No advertising or graphic designs exceeding 1 square foot are permitted on satellite dishes in any zoning district.
 - (e) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this Chapter, the Board of Zoning Appeals may grant a variance to allow the placement of a satellite dish in any location.
- (26) **Short-Term Residential Rental:** Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses ([Section 17.03.06\(12\)](#)) or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ACTP § 73.
- (a) Definitions.
 - 1. Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment.

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2. Operator. An "operator" is a person who is the owner or lessee of property being used as a Short-Term Residential Rental and who is conducting the Short-Term Residential Rental business by, among other things, interacting digitally and in person with guests and is identified in Short-Term Residential Rental listings and advertisements as the Short-Term Residential Rental "host." An operator may not be an LLC, Trust, Nonprofit, or other corporate entity.
 3. Primary Residence. A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.
- (b) Permitted by Right: All zoning districts.
1. Land Use Requirement: Short-Term Residential Rental shall only be located as an Accessory Land Use to a Residential Land Use as defined in [Section 17.03.06](#).
 2. Annual Village License Required: Each Short-Term Residential Rental shall operate only during the valid period of an Annual Village of Mount Horeb Short-Term Residential Rental License for each calendar year. Operating a Short-Term Residential Rental without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of [Section 17.10.60](#). The following information shall be provided on an annual basis, prior to issuance of said Annual Village of Mount Horeb Short-Term Residential Rental License:
 - a. Completed Village of Mount Horeb Short-Term Residential Rental Application, which includes the property owner's contact information; the designated operator's contact information; emergency contact information, the period of operation; and room tax registration information.
 - b. A current floor plan for the Short-Term Residential Rental at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
 - c. General Building Code Inspection by Village, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
 - d. Proof of valid property and liability insurance for the dwelling unit;
 - e. Copy of State of Wisconsin Tourist Rental House License;
 - f. Copy of Public Health Madison Dane County Tourist Rooming House License;
 - g. Payment of an Administrative Fee, set annually by the Village, to cover the costs to the Village of administering the above.
 - h. The Village of Mount Horeb Short-Term Residential Rental License shall be issued with the completion of the above requirements.
 3. Property Management Requirements. Each Short-Term Residential Rental shall be managed consistent with the following requirements:
 - a. Only the owner of the property may operate a Short-Term Residential Rental, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a Short-Term Residential Rental in a dwelling unit that is subject to rules,

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regulations, or bylaws of a condominium association may only operate the dwelling unit as Short-Term Residential Rental if explicitly allowed by the condominium association.

- b. If the Short-Term Residential Rental is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the Short-Term Residential Rental may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the Short-Term Residential Rental operator must give the Zoning Administrator notice of the first rental of any 365-day period.
 - c. If the Short-Term Residential Rental is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.
 - d. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above occupies the residence at the time of rental, there is no limit to the number of days the Short-Term Residential Rental may operate.
 - e. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of rental, the Short-Term Residential Rental may operate no more than thirty (30) days per permitting year.
 - f. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of the rental, the Short-Term Residential Rental may not be rented to Multiple Unassociated Parties at the same time.
 - g. Maximum tourist or transient occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of 12 shall not count toward the maximum tourist occupancy.
 - h. Each Short-Term Residential Rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.
 - i. Each Short-Term Residential Rental shall maintain the following written Business Record for each rental of the Short-Term Residential Rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one consecutive day), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.
4. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
- a. Parking Requirements:
 - i. A minimum of one off-street parking spaces shall be provided on the subject property for each Short-Term Residential Rental. If the Short-Term Residential Rental provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.
 - ii. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.
 - b. Site Appearance Requirements:

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- i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Residential Rental visible on the exterior of the subject property.
 - ii. No exterior signage related to the Short-Term Residential Rental is permitted, other than the property address.
 - iii. No outdoor storage related to the Short-Term Residential Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
 - iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.
 - c. Neighborhood Impact Requirements:
 - i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
 - ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article VI of the Mount Horeb Zoning Ordinance.
 - iii. No vehicular traffic shall be generated by the Short-Term Residential Rental at levels exceeding those typical for a detached single-family dwelling unit.
 - d. Short-Term Residential Rental Advertising:
 - i. No outdoor advertising is allowed on the subject property.
 - ii. The Short-Term Residential Rental shall not be advertised for availability in any form of media unless the required Village of Mount Horeb Short-Term Residential Rental License has been issued.
5. Penalties and License Revocation
- a. For violations see **Section 17.10.60**.
 - b. The Annual Short-Term Residential Rental License may be revoked for more than two violations of the requirements of the License, the requirements specific to Short-Term Residential Rental, the License, or the remainder of Zoning Code.

(27) **Small Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems are accessory to a principal land use on a property and are designed primarily to generate energy for said principal land use.

Regulations:

- (a) Except for in the Conservancy (CON) district, where they are allowed only as a conditional use, solar energy systems (rooftop, building-mounted, and freestanding) are permitted uses in all zoning districts as accessory structures. All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, are void (Wis. Stats. § 236.292).
- (b) Freestanding solar energy systems shall only be located within the side and rear yards.
 - 1. They shall not be considered an impervious surface in the measurement of the maximum impervious surface ratio if the surface under the panels is pervious.
- (c) Rooftop and building-mounted small solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where the system exceeds the maximum height limit, the panel must be setback from the edge of the roof a minimum distance equal to or greater than the height of the panel.

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- (d) See Sections 17.04.11 to 17.04.14 for specific bulk, density, and intensity requirements for accessory structures in each district. There are no screening or design requirements for Small Solar Energy Systems.
 - (e) The Village will apply Wis. Stats. §§ 66.0401 and 66.0403 in the evaluation of small solar energy system plans.
 - 1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative renewable system of comparable cost and efficiency.
- (28) **Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.
- (a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code Chap. PSC 128, as amended, and this Section.
 - (b) Wind energy systems are a conditional use in every district. The Village will apply Wis. Stats. § 66.0401 and Wis. Admin. Code Chap. PSC 128, as amended, in the evaluation of such requests.
 - 1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative renewable system of comparable cost and efficiency.

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Section 17.03.30: Temporary Uses

All of the following temporary uses shall comply with the standards and procedures herein. Unless stated otherwise below, temporary uses are limited to 90 days per calendar year. Temporary uses may be extended in duration through the conditional use process (See Section 17.10.32).

- (1) **Farmer's Market.** Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, or crafts from vehicles or temporary stands located within a parking lot.

Regulations:

 - (a) Farmer's Market land uses are limited to the operating hours of 7 a.m. to 10 p.m.
- (2) **Garage or Estate Sale (Auction).** Any temporary display of used household goods for sale on a property customarily used as a residence that does not exceed four days in duration and that occurs no

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more than four times in one calendar year. Such sales are also commonly referred to as rummage sales or yard sales.

Regulations:

- (a) The person or persons conducting the Garage or Estate Sale shall reside on the lot where the sale is conducted. Permits are not required for Garage or Estate Sales.
 - (b) Sales shall occur only during daylight hours.
 - (c) Garage or Estate Sales shall not exceed 4 days in duration.
 - (d) Garage or Estate Sales shall not be held more than four times in any 12-month period and shall not be held more than two times in any 30-day period.
 - (e) Signs shall comply with the regulations of Article IX.
- (3) **Temporary Farm Product Sales/Roadside Stand:** This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

- (a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - (b) Sales and display activities shall be limited to daylight hours.
 - (c) Minimum required parking: Two spaces per vendor.
- (4) **Temporary Moving Container (Residential):** Portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

- (a) The container shall not exceed outside dimensions of 20 feet in length, 8 feet in width, and 9 feet in height.
 - (b) The container shall be permitted on the property for up to 90 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
 - (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
 - (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (5) **Temporary On-Site Construction Storage, Contractor's Project Office, and On-Site Real Estate Sales Office:** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project, a structure containing an on-site construction management office for an active construction project, or a building which serves as an on-site sales office for a development project.

Regulations:

- (a) The land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit. Temporary Real Estate Offices shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- (b) Projects requiring the construction storage or contractor's project office structure to be in place for more than 365 days shall require a conditional use permit. Temporary On-Site Real Estate Sales Office uses that exceed 90 days per calendar year shall require a conditional use permit.

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- (c) The storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

- (6) **Temporary Outdoor Assembly:** Includes any organized outdoor assembly such as outdoor weddings, wedding receptions, or tent meetings.

Regulations:

- (a) Temporary Outdoor Assembly uses that exceed 3 days per calendar year shall require a conditional use permit.
- (b) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (c) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.
- (d) A street use permit is required for all activities within a dedicated public right-of-way. The following information shall be described within the application and deemed adequate for the proposed event by the Chief of Police and Village Administrator:
 - 1. Proposed use of the street (including a detailed description of all activities such as vending, music, selling of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event.)
 - 2. Recording or sound amplification equipment.
 - 3. Description of any public facilities or equipment to be used.
 - 4. Adequate parking, drinking water, and toilet facilities.
 - 5. Adequate provisions for crowd control.
- (e) Signage shall comply with the requirements for temporary signs in Article IX.

- (7) **Temporary Outdoor Sales:** Includes the display of any items outside the confines of a building, which is not a permitted or conditional use or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and fireworks sales. Food or beverage trucks, carts, stands, or trailers are regulated in Chapter 12.055 of the Village of Mount Horeb Municipal Code.

Regulations:

- (a) Temporary Outdoor Sales uses that exceed 90 days per calendar year shall require a conditional use permit.
- (b) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (c) If the subject property is located adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.
- (d) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any event or sales activity.
- (e) Minimum required parking: None.

- (8) **Temporary Outdoor Storage Container (Nonresidential):** Enclosed, lockable storage containers such as shipping containers, semi-trailers, storage pods, or other fully enclosed trailers for use on a limited basis on a nonresidential property. Other forms of temporary outdoor storage containers are prohibited.

Regulations:

Section 17.03.30: Temporary Uses

- (a) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
 - (b) The container shall be permitted on the property for up to 30 days per calendar year. Containers in place for more than 30 days per calendar year shall be regulated as Outdoor Storage and Wholesaling under [Section 17.03.16\(2\)](#) or Incidental Outdoor Storage under [Section 17.03.28\(14\)](#).
- (9) **Temporary Refuse Container:** Includes any receptacle or container used for the temporary disposal of refuse on-site usually in the form of a dumpster or other similarly large metal container associated with a construction, remodeling, moving, or other similar project on-site.
- Regulations:
- (a) The container shall not exceed outside dimensions of 25 feet in length, 8 feet in width, and 8 feet in height or 40 yards of capacity.
 - (b) The container shall be permitted on the property for up to 30 consecutive days.
 - (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
 - (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (10) **Temporary Relocatable Building:** Includes any manufactured building which serves as a temporary building for less than 6 months. Examples include office, personal and professional services, indoor institutional, etc.
- Regulations:
- (a) Facilities serving for more than 6 months shall be considered conditional uses and are subject to the general standards and procedures presented in [Section 17.10.32](#).
 - (b) The structure shall be limited to a maximum area not exceeding 20 percent of the property's gross site area.
 - (c) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any activity.
 - (d) The structure must be placed on asphalt, concrete, or a similar hard-paved surface.
 - (e) Minimum required parking: None.
- (11) **Temporary Shelter Structure:** These shelters are typically supported by poles, have a fabric or plastic roof and/or sides, and are commonly used for short term temporary storage of vehicles and other personal property. This does not include camping tents or permanent Residential Accessory Structures. Temporary Shelter Structures are prohibited.
- (12) **Temporary Vehicle Sales:** Includes the sale of personal vehicles and equipment on trailers such as ATVs, snowmobiles, motorcycles, horse trailers, campers, etc.

Regulations:

- (a) No more than one vehicle or trailer shall be for sale on any property at any given time for up to a maximum of 30 days per calendar year.
- (b) Vehicles or trailers for sale must be licensed.
- (c) Vehicles or trailers for sale must be owned by one of the following:
 - 1. The property owner or lessee.
 - 2. An employee of the property owner or lessee, only during the hours in which the employee is working.

Sections 17.03.31 to 17.03.99: Reserved

- (d) Vehicles or trailers for sale must be parked in a legal parking space or a residential driveway.
Vehicles or trailers for sale shall not be parked on a lawn or other landscaped area.

Sections 17.03.31 to 17.03.99: Reserved

Section 17.04.01: Purpose

ARTICLE IV: BULK REGULATIONS**Section 17.04.01: Purpose**

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the Village of Mount Horeb. The provisions of this Article are established for each Zoning District in Article II. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

Sections 17.04.02 to 17.04.09: Reserved**Section 17.04.10: Bulk Standards**

- (1) All structures shall comply with the requirements listed for each zoning district in Sections 17.04.11 to 17.04.14.
- (2) All lots shall conform to Chapter 18 Subdivision and Platting of the Municipal Code and the minimum requirements herein.

Sections 17.04.11 Table of Bulk Dimensions – Residential Zoning Districts

	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1
	<i>Single Family Residential</i>	<i>Single Family Residential</i>	<i>Two Family Residential</i>	<i>Multifamily Residential</i>	<i>Multifamily Residential</i>	<i>Mobile Homes</i>
Density and Intensity Limits						
Maximum Impervious Surface Percentage	60%	75%	70%	70%	75%	50%
Maximum Lot Dwelling Unit Density (1)	1 Dwelling Unit	1 Dwelling Unit	2 Dwelling Units	Based On Minimum Lot Area Provided	Based On Minimum Lot Area Provided	1 Dwelling Unit
Lot Requirements:						
Minimum Lot Area (2)	7,200 sq ft	5,000 sq ft	5,000 sq ft(2)	10,000 sq ft(2)	20,000 sq ft(2)	7,200 sq ft
Minimum Lot Width (at front setback line) (2)	60 ft	50 ft	50 ft or 25 ft (2)	75 ft or 25 ft (2)	75 ft or 25 ft (2)	60 ft
Minimum Lot Frontage at Right-of-Way	30 ft	30 ft	30 ft	30 ft	50 ft	30 ft
Principal Building Setbacks						
Minimum Front Street and	20 ft	15 ft	20 ft	20 ft	20 ft	20 ft

Sections 17.04.11 Table of Bulk Dimensions – Residential Zoning Districts

	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1
	<i>Single Family Residential</i>	<i>Single Family Residential</i>	<i>Two Family Residential</i>	<i>Multifamily Residential</i>	<i>Multifamily Residential</i>	<i>Mobile Homes</i>
Street Side Corner Setback						
Minimum Porch Setback - Front and Street Side Setback	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Side Yard Setback – Interior	8 ft	6 ft	8 ft or 0 ft (2)	8 ft or 0 ft (2)	10 ft or 0 ft (2)	8 ft
Minimum Rear Yard and Attached Deck Setback (3)	20 ft	No Alley: 20 ft Alley: 5 ft (3)	No Alley: 20 ft Alley: 5 ft (3)	No Alley: 20 ft Alley: 5 ft (3)	25 ft	20 ft
Maximum Building Height	35 ft or 2.5 stories	35 ft or 2.5 stories	35 ft or 2.5 stories	36 ft or 3 stories	60 ft or 5 stories	18 ft
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Front-Loaded Garage Setback (for attached garages) (4)	No more than 8 ft in front of the plane of the principal structure	No more than 8 ft in front of the plane of the principal structure	No more than 8 ft in front of the plane of the principal structure	No more than 8 ft in front of the plane of the principal structure	No more than 8 ft in front of the plane of the principal structure	No more than 8 ft in front of the plane of the principal structure
Accessory Building Requirements						
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code

Sections 17.04.11 Table of Bulk Dimensions – Residential Zoning Districts

	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1
	<i>Single Family Residential</i>	<i>Single Family Residential</i>	<i>Two Family Residential</i>	<i>Multifamily Residential</i>	<i>Multifamily Residential</i>	<i>Mobile Homes</i>
Minimum Side Yard Setback	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Minimum Rear Yard Setback	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Maximum Building Height (5)	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft
Minimum Pavement Setbacks						
Minimum Pavement Setback - Street or Right-of-Way	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear Yard	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
1. Accessory Dwelling Units and In-Family Suites are permitted in the SF-1, SF-2, TF-1, MF-1, and NMU Zoning Districts. For any land use with three or more dwelling units in the same structure, maximum lot density is equal to 1 dwelling unit per 1,000 sq ft of lot area provided. 2. When individual attached dwelling units are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached dwelling units are located on separate parcels, the minimum lot with and side setback shall be the second figure stated above. 3. Districts are designed to allow alleys in the rear of the lot. See Chapter 18 Subdivision and Platting Regulations for minimum alley dimensions. 4. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street. Front porches are not considered part of the front plane of the principal structure. These standards shall only apply to the front yard and not the street side yard on a corner lot. 5. Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot.						

Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

	NMU	CMU	DMU	INST
	<i>Neighborhood Mixed Use</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
Density and Intensity Limits				
Maximum Impervious Surface Percentage	80%	75%	100%	75%
Maximum Lot Dwelling Unit Density (1)	Based On Minimum Lot Area Provided	Based On Minimum Lot Area Provided	Based On Minimum Lot Area Provided	Based On Minimum Lot Area Provided
Lot Requirements				
Minimum Lot Area (2)	None	15,000 sq ft (2)	None	10,000 sq ft
Minimum Lot Width (at front setback line) (2)	25 ft	75 ft or 25 ft (2)	None	60 ft or 25 ft (2)
Minimum Lot Frontage at Right-of-Way	20 ft	50 ft	None	30 ft
Principal Building Setbacks				
Minimum Front Street and Street Side Corner Setback	10 ft	20 ft	Min: 0 ft Max: 10 ft	20 ft
Minimum Side Yard Setback – Interior (2)	5 ft or 0 ft (2)	10 ft or 0 ft (2)	Min: 0 ft (2) Max: 10 ft	8 ft
Minimum Rear Yard and Attached Deck Setback (3)	20 ft	20 ft	Min: 0 ft (3) Max: 10 ft	25 ft
Maximum Building Height (6)	36 ft or 3 stories	60 ft or 5 stories	Min: 20 ft or 1.5 stories Max: 50 ft or 60 ft or 5 stories	48 ft or 4 stories
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Front-Loaded Garage Setback (for attached garages)	No more than 8 ft in front of the plane of the principal structure (4)	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Accessory Building Requirements				
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code

Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

	NMU	CMU	DMU	INST
	<i>Neighborhood Mixed Use</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
Minimum Side Yard Setback	5 ft	5 ft	5 ft	5 ft
Minimum Rear Yard Setback	5 ft	5 ft	5 ft	5 ft
Maximum Building Height (5)	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft
Minimum Pavement Setbacks				
Minimum Pavement Setback - Street or Right-of-Way (all pavement)	10 ft	10 ft	0 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement)	5 ft	5 ft	0 ft	5 ft
1. Accessory Dwelling Units and In-Family Suites are permitted in the SF-1, SF-2, TF-1, MF-1, and NMU Zoning Districts. For any land use with three or more dwelling units in the same structure, maximum lot density is equal to 1 dwelling unit per 1,000 sq ft of lot area provided. 2. When individual attached dwelling units are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached dwelling units are located on separate parcels, the minimum lot width and side setback shall be the second figure stated above. 3. District is designed to allow alleys in the rear of the lot. See Chapter 18 Subdivision and Platting Regulations for minimum alley dimensions. 4. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street. Front porches are not considered part of the front plane of the principal structure. These standards shall only apply to the front yard and not the street side yard on a corner lot. 5. Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot. 6. For any property located within the Downtown Mixed Use Zoning District, minimum building height shall be 20 feet or 1.5 stories and maximum building height shall be 50 ft or 4 stories if any part of the property directly abuts the Main Street right-of-way or 60 ft or 5 stories for any other property that does not directly abut Main Street.				

Section 17.04.13 Table of Bulk Dimensions – Industrial Zoning Districts

Section 17.04.13 Table of Bulk Dimensions – Industrial Zoning Districts

	BP	LI	HI
	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>
Density and Intensity Limits			
Maximum Impervious Surface Percentage	75%	75%	75%
Maximum Lot Dwelling Unit Density	Not Applicable	Not Applicable	Not Applicable
Lot Requirements			
Minimum Lot Area	20,000 sq ft	20,000 sq ft	40,000 sq ft
Minimum Lot Width (at front setback line)	100 ft	100 ft	100 ft
Minimum Lot Frontage at Right-of-Way	50 ft	50 ft	50 ft
Principal Building Setbacks			
Minimum Front Street and Street Side Corner Setback	25 ft	25 ft	25 ft
Minimum Side Yard Setback - Interior	15 ft	20 ft	30 ft
Minimum Rear Yard Setback	20 ft	20 ft	20 ft
Maximum Building Height	60 ft or 5 stories	60 ft or 5 stories	60 ft or 5 stories
Minimum Building Separation	See Building Code	See Building Code	See Building Code
Minimum Front-Loaded Garage Setback (for attached garages)	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Accessory Building Requirements			
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	10 ft	10 ft	10 ft
Minimum Rear Yard Setback	10 ft	10 ft	10 ft
Maximum Building Height	60 ft	60 ft	60 ft
Minimum Pavement Setbacks			
Minimum Pavement Setback - Street or Right-of-Way (all pavement)	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement)	5 ft	5 ft	5 ft

Section 17.04.14 Table of Bulk Dimensions –Agriculture, Open Space, and Other Zoning Districts

Section 17.04.14 Table of Bulk Dimensions –Agriculture, Open Space, and Other Zoning Districts

	AG	CON	PR	AO	IOA
	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Adult Entertainment</i>	<i>Intensive Outdoor Activity</i>
Density and Intensity Limits					
Maximum Impervious Surface Percentage	25%	10%	25%	75%	75%
Maximum Lot Dwelling Unit Density	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Lot Requirements					
Minimum Lot Area	None	None	1 Acre	1 Acre	1 Acre
Minimum Lot Width (at front setback line)	150 ft	None	100 ft	100 ft	100 ft
Minimum Lot Frontage at Right-of-Way	50 ft	None	50 ft	50 ft	50 ft
Principal Building Setbacks					
Minimum Front Street and Street Side Corner Setback	30 ft	None	20 ft	25 ft	25 ft
Minimum Side Yard Setback - Interior	30 ft	None	20 ft	20 ft	20 ft
Minimum Rear Yard Setback	30 ft	None	20 ft	20 ft	20 ft
Maximum Building Height (for principal building)	35 ft or 2.5 stories	None	20 ft	36 ft or 3 stories	50 ft or 4 stories
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	N/A	N/A	N/A	N/A
Minimum Front-Loaded Garage Setback (for attached garages)	None	None	N/A	N/A	N/A
Accessory Building Requirements					
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	None	None	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code

Section 17.04.15 to 17.04.19: Reserved

	AG	CON	PR	AO	IOA
	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Adult Entertainment</i>	<i>Intensive Outdoor Activity</i>
Minimum Side Yard Setback	45 ft	None	10 ft	10 ft	10 ft
Minimum Rear Yard Setback	45 ft	None	10 ft	10 ft	10 ft
Maximum Building Height	100 ft	None	45 ft	15 ft or 24 ft	60 ft
Minimum Pavement Setbacks					
Minimum Pavement Setback - Street or Right-of-Way	10 ft	None	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear Yard	5 ft	None	5 ft	5 ft	5 ft

Section 17.04.15 to 17.04.19: Reserved

Section 17.04.20: Exceptions to Maximum Height Regulations

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Sections 17.04.11 to 17.04.14 are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

- The following are permitted to exceed the maximum height regulations within any district where permitted: church spires; belfries; cupolas; penthouses and domes (not used for human occupancy); public monuments; stage towers or scenery lofts; water towers; fire and hose towers; tanks; utility poles; flag poles; chimneys; cooling towers; exhaust pipes; ventilators; skylights; telecommunications towers and antennas; satellite dishes; elevator bulkheads, grain elevators, feed mills, grain and seed mixing bins, concrete mixing bins, and other necessary mechanical appurtenances usually carried above roof level; and similar features. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

Sections 17.04.21 to 17.04.29: Reserved

Section 17.04.30: Yard Setback Adjustments

- Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- Limited Access Highways and Military Ridge Trail

Sections 17.04.31 to 17.04.39: Reserved

- (a) See **Section 18.40(3)** for additional setbacks required for newly-platted development along Military Ridge Trail and limited access highways.
- (3) Yard Setback Adjustments: In Residential and Mixed-Use zoning districts, a setback may be adjusted based on the following criteria
 - (a) Front Yard Setback Adjustment:
 - 1. Front Yard Setback Reduction: To match the existing character of the neighborhood, the front yard setback may be reduced to the smallest setback among other lots located on the same block. In no case shall a front or street side yard setback be less than 6 feet. The minimum setback for an attached or detached accessory building facing the front yard or street side yard shall be at least 20 feet.
 - (b) Side Yard Setback Adjustments
 - 1. Street Side Yard Setback Adjustments (for Corner Lots). On corner lots, the street side yard setback may be reduced to 8 feet, as may be necessary to attain at 30-foot buildable width. The required interior side yard setback must be maintained.
 - 2. Side Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required side setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.
 - 3. Side Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 50 feet in width, the side yard may be reduced to 10 percent of the lot width but not less than 4 feet.
 - (c) Rear Yard Setback Adjustments.
 - 1. Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required rear setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.
 - 2. Rear Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 100 feet in depth, and where the minimum lot depth is required to be at least 100 feet, the rear yard may be reduced to 20 percent of the lot depth.

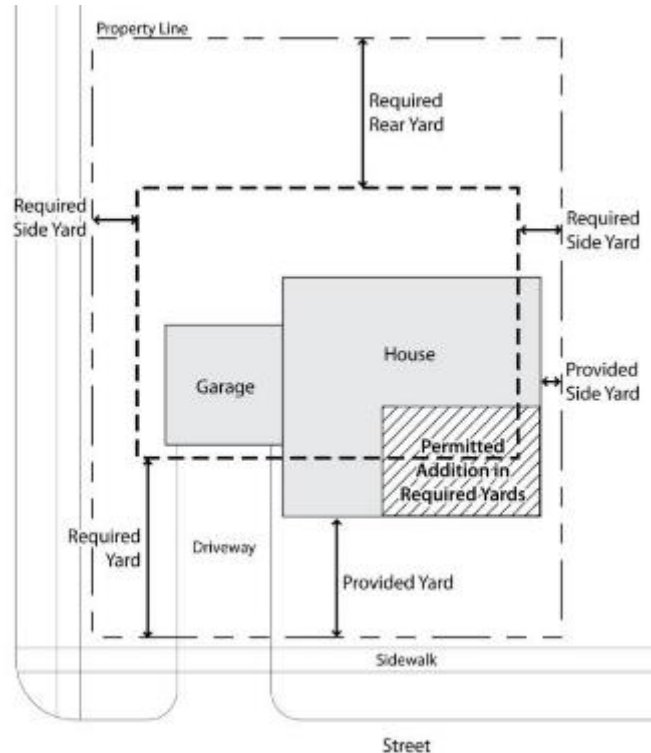
Sections 17.04.31 to 17.04.39: Reserved**Section 17.04.40: Projections into Required Yards**

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) With the exception of fences, minor accessory structures permitted in the front or street side yard, and the permitted projections described in this Section, no principal or accessory structures shall be permitted within any portion of a front or street side yard.
- (2) Permitted Projections into All Required Yards.
 - (a) For principal and accessory residential buildings, the ordinary projection of sills, belt courses, cornices, gutters, eaves, overhangs, ornamental features, pilasters, lintels, bay windows, chimneys, egress windows, and flues, provided they do not extend more than 2 feet into the required yards.

Section 17.04.40: Projections into Required Yards

- (b) Fences shall meet the requirements of [Section 17.06.40](#).
- (c) Additions to the existing building (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever is more permissive. If the addition is a front-loaded garage or front-loaded garage addition, the minimum setback when facing the front yard or street side yard shall be at least 15 feet. In no instance shall any new addition be within 10 feet of an adjacent principal structure or within 5 feet of an adjacent property line. See [Figure 17.04.40a](#).

Figure 17.04.40a: Permitted Additions to Existing Structures in Required Yards

Note: Building additions must meet the design standards of Article VII.

- (d) Handicap Accessible Ramps.
- Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in any required setbacks, provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code or Wisconsin Uniform Dwelling Code for accessible ramps and that no other location is feasible outside the required setbacks. Only temporary and removable ramps shall be permitted to encroach into the required setbacks.
 - Handicap Ramp Permit. Handicap ramps proposed for placement within required setback areas shall secure a Building Permit from the Building Inspector prior to construction. An application for a permit shall include a written statement explaining the reasons for the placement of the handicap ramp. The Zoning Administrator may also require a statement from a physician verifying the need for a handicap ramp.

Section 17.04.40: Projections into Required Yards

3. Handicap Ramp Removal. When a handicap ramp is placed within the required setback, the Zoning Administrator may periodically require verification of the continual need for the handicap ramp. When it has been determined the handicap ramp is no longer needed, the Zoning Administrator may order its immediate removal.
- (e) Any other provisions identified elsewhere in this Chapter (landscape features, accessory structures, and other features where specific setbacks are established).
- (3) Permitted Projections into Required Front Yards.
 - (a) All of the permitted projections listed under Subsection (2) above.
 - (b) Reference Sections 17.04.11 to 17.04.14 for porch dimensions and Section 17.03.28 for minor accessory structures.
 - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 5 feet into the front yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (4) Permitted Projections into Required Street Side Yards (for Corner Lots).
 - (a) All of the permitted projections listed under Subsection (2) above.
 - (b) Reference Sections 17.04.11 to 17.04.14 for porch dimensions and Section 17.03.28 for minor accessory structures.
- (5) Permitted Projections into Required Interior Side Yards.
 - (a) Reference Sections 17.04.11 to 17.04.14 for porch dimensions and Section 17.03.28 for minor accessory structures.
 - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a side yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
 - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the interior side yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (6) Permitted Projections into Required Rear Yards.
 - (a) Reference Sections 17.04.11 to 17.04.14 for porch dimensions and Section 17.03.28 for minor accessory structures.
 - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
 - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the rear yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the

Sections 17.04.41 to 17.04.99: Reserved

distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.

- (7) Permitted Projections in the Planned Unit Development District (PUD): Per approved Specific Implementation Plan (see [Section 17.02.70](#)).
- (8) Permitted Projections in the Overlay Districts. See [Section 17.02.81](#).

Sections 17.04.41 to 17.04.99: Reserved

Section 17.05.01: Purpose

ARTICLE V: NONCONFORMING SITUATIONS**Section 17.05.01: Purpose**

The purpose of this Article is to establish regulations for the following nonconforming situations created legally prior to the effective date of this Chapter: nonconforming uses, nonconforming and substandard lots, nonconforming structures, and other nonconforming sites.

Sections 17.05.02 to 17.05.09: Reserved**Section 17.05.10: Nonconforming Uses**

- (1) Definition. A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) Continuance of a Nonconforming Use.
 - (a) Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
 - (b) Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit to be granted legal conforming status.
 - (c) If a parcel or lot contains an existing nonconforming use, the addition of a new conforming use on that parcel or lot shall require a conditional use permit, subject to the standards, criteria, and procedures prescribed by [Section 17.10.32](#), in order to ensure compatibility with the existing nonconforming use. Whether uses are compatible shall be determined by the Plan Commission.
 - (d) In the absence of a conditional use permit granting it legal conforming status, a nonconforming use shall be discontinued before a new conforming use may be added to the parcel.
- (3) Modification of a Nonconforming Use. A structure containing a nonconforming use shall not be enlarged or increased to occupy a greater area of lot, parcel, site, or structure than was occupied at the time of the effective date of this Chapter.
- (4) No nonconforming use of a premise shall be moved in whole or in part to any other portion of the lot, parcel, site or structure than was occupied upon the effective date of this Chapter.
- (5) Discontinuance of a Nonconforming Use.
 - (a) When any nonconforming use of any structure or land is discontinued for a period of one year, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter. The discontinuance of a nonconforming use is defined as the discontinued use of any building or premises for any trade or industry for which the building or premise was used when the ordinance took effect.
 - (b) The property owner has the burden to prove that the nonconforming use has been continuously maintained over time. Potential forms of documentation include but are not limited to utility bills; tax records; business licenses; listing in telephone, business, or Village directories; advertisements in dated publications; building, land use, or development permits; insurance policies; leases; dated aerial photos; insurance maps that identify use or development such as Sanborn Maps; or land use and development inventories prepared by a government agency.
- (6) Ordinary Maintenance and Repairs of a Structure and Land Containing a Nonconforming Use.

Sections 17.05.11 to 17.05.19: Reserved

- (a) The ordinary maintenance and repairs made to a structure or land containing or related to a nonconforming use is permitted. Ordinary maintenance and repairs are defined as follows:
 - 1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
 - 2. Overlaying an off-street parking or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking or loading lot.
 - 3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, or access drives without exposing the base course and overlaying such area.
- (b) In no instance shall said maintenance and repairs exceed, over the life of the structure, 50 percent of the present equalized assessed value of said structure or property prior to said repairs, in accordance with Wis. Stats. § 62.23(7)(h).

Sections 17.05.11 to 17.05.19: Reserved**Section 17.05.20: Nonconforming and Substandard Lots**

- (1) **Definition.** A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
- (2) **Applicability:** The following Section shall apply to all lots in the Village except in the following circumstances:
 - (a) The lot did not legally exist as of the effective date of this Chapter.
 - (b) The lot is subject to a court order to the contrary of this Section.
- (3) **Blanket Conforming Status.**
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
 - (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district, except any lot located within a subdivision platted prior to the effective date of this Chapter may return to its originally-platted dimensions and configurations.
- (4) **New Development:** A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

Sections 17.05.21 to 17.05.29: Reserved**Section 17.05.30: Nonconforming Structures**

- (1) **Definition.** A nonconforming structure is a structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.

Section 17.05.30: Nonconforming Structures

- (2) The following Section shall apply to all structures in the Village except in the following circumstances:
- (a) The structure did not legally exist as of the effective date of this Chapter.
 - (b) The structure is subject to a court order to the contrary of this Section.
 - (c) Where there are conflicts between or among regulations within this Section and other regulations such as floodplain, wetland, environmental corridor, and shoreland regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Blanket Conforming Status.
- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter.
 - (b) The repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure is permitted in accordance with Wis. Stats. § 62.231(5m).
 - (c) Structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Board of Zoning Appeals under [Section 17.10.51](#).
 - (d) This Subsection is intended to eliminate the new or continued classification of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations:
 - 1. Any structure erected prior to the original adoption of zoning by the Village of Mount Horeb that does not meet some or all of the bulk or intensity requirements of this Chapter.
 - 2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.
 - (e) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (4) Continuation. Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (5) Unsafe Conditions. Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (6) Alterations.
- (a) For the purposes of this Section, alterations shall be defined as being one or more of the following:
 - 1. Adding, removing, changing, or rearranging the supporting members of an existing structure, such as load-bearing walls, columns, beams, girders, trusses, or interior partitions.
 - 2. Pulverizing or removing asphalt or concrete from off-street parking and loading facilities or access drives to the extent of exposing the base course, whether or not repaving of such area occurs.
 - 3. Full-depth reclamation and mix and mill in-place processes that pulverize the parking facility surface and blend it on-site with the existing aggregate base.
 - 4. For the purposes of this Section, “size” is defined as the site coverage, physical dimension, volume, height, length, width, or gross floor area.
 - (b) A nonconforming structure may be altered provided that the nonconforming structure does not encroach any further into the established nonconforming yard setbacks or required yard setbacks.

Section 17.05.30: Nonconforming Structures

- (7) Additions.
- (a) An addition shall be defined as anything that increases the size of an existing building or structure.
 - (b) Additions made to nonconforming structures shall be permissible in required setbacks subject to the following:
 - 1. The addition shall not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
 - 2. The addition shall conform to all other requirements of the district in which it is located.
 - (c) Additions shall meet all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (8) Relocation.
- (a) Relocation shall be defined as any repositioning of a structure on its site or moving any structure to another site.
 - (b) No structure shall be moved in whole or in part to any other location on the same or any other site unless the structure complies with all of the provisions of this Chapter.
 - (c) If a structure is relocated to a new site, it shall also comply with all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (9) Ordinary Maintenance and Repairs.
- (a) The ordinary maintenance and repairs made to a nonconforming structure is permitted.
 - (b) Ordinary maintenance and repairs are defined as follows:
 - 1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
 - 2. Overlaying an off-street parking or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking or loading lot.
 - 3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
- (10) Destruction and Reconstruction. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either (a) or (b), below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
- (a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. § 62.23(7) on or after March 2, 2006.
 - (b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.
 - (c) For special regulations pertaining to the reconstruction of nonconforming single family or two-family driveways, refer to [Section 17.06.03\(13\)\(a\)1](#). For special regulations pertaining to the reconstruction of nonconforming multi-family or commercial parking lots, refer to [Section 17.06.06\(7\)\(e\)](#).

Sections 17.05.31 to 17.05.39: Reserved**Section 17.05.40: Other Nonconforming Sites**

- (1) Definition. A nonconforming site is a site legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter because it does not meet the building and site design requirements of this Chapter. Such building and site design components may include one or more of the following:
 - (a) Bulk, intensity, and density requirements.
 - (b) Exterior building materials requirements.
 - (c) Exterior building design requirements.
 - (d) Number of parking spaces required.
 - (e) Landscaping requirements.
 - (f) Bufferyard requirements.
 - (g) Fencing requirements.
 - (h) Lighting requirements
- (2) Blanket Conforming Status.
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.
 - (b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (1)(a) through (g), above, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.
 - (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter.
 - (d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- (3) New Development. All new buildings, structures, parking areas, and parking stall counts, including reconstructions, shall comply with all site design requirements of this Chapter, including the components of (1)(a) through (h), above, for the new or reconstructed portion of the development.
- (4) Conformance Required Where Possible. On nonconforming lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, any change that would make compliance with the site design requirements of this Chapter impossible shall not be permitted, as determined by the Zoning Administrator.
- (5) On nonconforming lots where the site configuration and undeveloped area are not sufficient to comply with all site design requirements, but space is available to reduce the degree of one or more nonconformities, the Zoning Administrator, shall determine the manner and degree to which each site nonconformities shall be brought into conformance, specifically to improve public safety and/or reduce public nuisances.
- (6) Creation of Additional Nonconformity Prohibited. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted.

Sections 17.05.41 to 17.05.99: Reserved



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
February 17, 2025	
AGENDA ITEM # 3.c	
Public Comments on Tonight's Discussion	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	