VILLAGE OF MOUNT HOREB
E. Main Street
Mount Horeb, WI 53572
Phone: (608) 437-6884 Fax: (608) 437-3190
Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

VILLAGE BOARD AGENDA
Wednesday, March 4, 2026 at 7:00 PM

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

1) Call to order
2) Pledge of Allegiance
3) Roll call
4) Public Comments on Non-Agenda Items*
5) Consent Agenda
   a. Consideration of February 16, 2026 Special Village Board & Finance/Personnel Committee Minutes
   b. Consideration of February 4, 2026 Meeting Minutes
   c. Consideration of January 26, 2026 Special Meeting Minutes
   d. Consideration of Compensation Study Bid as Advised by Finance & Personnel Committee
   e. Consideration of Resolution 2026-04 Approving Conditional Use Permit (CUP) for Cultivation of Fruit Trees in R-1 - Single Family Residential Zoning District
   f. Consider traffic patterns on Academy Street during school construction
   g. Consideration of Street Use Permit application from Mt Horeb Summer Frolic Committee for Frolic Parade route, June 14, 2026
   h. Acceptance of public utilities and roadway for Phase 1 of the Brookstone Hills Subdivision
   i. Consideration of Preliminary Draft Resolution authorizing Special Assessments for 2026 Street Projects
6) Agenda Items
   a. Presentation from Kristen Fish-Peterson on TIF
   b. Repeal and Re-enact Chapter 17 of the Municipal Code of Ordinances, Zoning Code and Official Zoning Map
      1. Presentation on the Proposed Zoning Code and Map

2. Consideration of Ordinance 2026-01 to Repeal and Re-enact Chapter 17 of the Municipal Code of Ordinances, the Zoning Code
3. Consideration of Ordinance 2026-02 To Repeal and Re-enact the Official Zoning Map

c. Ordinance 2026-03 Naming Village Administrator As Zoning Administrator

d. Consideration of TIF Agreement for JT Klein Multi-Family Development, 101 Perimeter Rd, TIF 6

1. Consideration of TIF Incentive Request (JT Klein Multi-Family project). The Village Board may convene in closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

7) Committee Reports:

a. Community Development Authority
b. Dane County Cities & Villages Association Report
c. Finance/Personnel
d. Historic Preservation Committee Report
e. Library Board
f. Mount Horeb Area Chamber of Commerce
g. Mount Horeb Area Joint Fire Department
h. Parks, Recreation, and Forestry Commission
i. Plan Commission
j. Public Safety Committee
k. Public Works Committee
l. School Liaison
m. Sustainability and Natural Resources Committee
n. Tourism Commission
o. Utility Commission

8) Village President's report
9) Village Administrator's report
10) Village Clerk’s report
11) Meeting adjournment.

***Public Comment Policy**
Members of the public are invited to speak at meetings of all Mount Horeb Public Bodies. To comment, please complete a Public Comment Form at the Meeting Room entrance and submit it to staff before the meeting begins. Comments are limited to **three minutes**, must be made from the podium, and the speaker must return to the audience after speaking.

- **Non-agenda item comments** are heard at the start of the meeting. Public Body members and staff will not engage in discussion during public comment but may consider topics for future agendas.
- **Agenda item comments** are heard during the relevant item, after the proposers or staff present the item and before Public Body discussion. All public comments on the item will be heard before any discussion by the Public Body.

Members of the public will only be allowed to speak outside these public comment times if they are invited by the meeting chair to share additional information requested by the Public Body. If so invited to speak, the member of the public must do so from the podium.
Written comments are also welcome. Written comments shall include the name and address of the submitter and should be submitted to the Deputy Treasurer/Governance Coordinator by email at niki.erickson@mounthorebwi.info (subject line: *Public Comment Request-Name of Public Body*) or delivered by to the Village at: 138 E Main Street, Mount Horeb WI, 53572, ATTN *Public Comment Request-Name of Public Body*.

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

VILLAGE OF MOUNT HOREB
JOINT VILLAGE BOARD/FINANCE & PERSONNEL COMMITTEE MEETING
MINUTES
FEBRUARY 16, 2026

The Village Board and Finance & Personnel Committee met in special session in-person on the above date in the 3rd Floor Conference Room of the Mount Horeb Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 6:00pm. Present were Trustees Fendrick, Jones, and White, and Committee members Healy and Hook. Trustees Best and Gauger were absent.

Discussion of Recruitment Process for Administrator: This discussion took place during the closed session item.

Closed Session: Discuss Recruitment Process for Administrator. The Finance & Personnel Committee and Village Board may convene in closed session as authorized by Section 19.85(1)(c) of Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Finance & Personnel Committee and Village Board may reconvene in open session and discuss and take action on the subject matter discussed in closed session: Czyzewski moved, Jones seconded to convene to closed session at 6:01pm. Motion carried by unanimous roll call vote. Schellpfeffer moved, White seconded to adjourn at 7:40pm, at the end of closed session. No action was taken.

Minutes by Alyssa Gaffney, Village Clerk

VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
FEBRUARY 4, 2026

The Village Board met in regular session in-person on the above date in the 2nd Floor Board Room of the Municipal Building, 138 E Main Street.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 7:00pm. The Pledge of Allegiance was recited. Present were Trustees White, Fendrick, Schellpfeffer, Gauger, and Best. Trustee Jones was absent. Also present were Administrator Nic Owen, Village Clerk Alyssa Gaffney, and Youth-In-Government students Aaron Fendrick and Jenna Jones.

Public Comments on Non-Agenda Items: None

Consent Agenda: Fendrick moved, Gauger seconded to approve the following consent agenda items: January 7, 2026 meeting minutes; Final Energy Plan; and Resolution 2026-02 Green Tier Legacy Community Program. Motion carried by unanimous voice vote.

Consideration of Specific Implementation Plan for JT Klein Senior Affordable and Market Rate Multi-Family Housing, 101 Perimeter Rd: Owen explained this item. JT Klein representatives were present and spoke about the project. The board discussed. Gauger moved, Schellpfeffer seconded to approve the Specific Implementation Plan, with staff notes included. Motion carried by unanimous voice vote.

Consideration of General Development Plan rezoning from A-1 Agricultural to R-3 Multifamily to PD-Planned Development and Certified Survey Map to convert Outlot into Standard lot for cottages at Brookstone Hills Pocket Neighborhood: Owen and Czyzewski explained this item. The board discussed. Schellpfeffer moved, Fendrick seconded to approve the rezone. Motion carried by unanimous voice vote. Best moved, Gauger seconded to approve the Certified Survey Map. Motion carried by unanimous voice vote.

Discussion/Consideration of Nomination for Register of Historic Places for Structures, Sites or Entities: 108 & 110 E Main Street, Vestibule Investments, LLC: Property owner Mark Johnson spoke about the building and its history. White moved, Best seconded to approve the nomination. Motion carried by unanimous voice vote.

Committee reports: All committee reports were given, with no action taken.

Village President's report: Czyzewski spoke about the Energy Plan, Veteran's Memorial signage, Citizen Nomination forms, and the Front Street Station. He also thanked those who attended the joint meeting.

Village Administrator's report: Owen spoke about meeting with Chamber staff, online parking maps, the ribbon cutting for Sugar Troll, and the Lukken Farm RFP.

Village Clerk's report: Gaffney spoke about the Spring Primary election and details on absentee voting times and public testing.

Adjournment: With no further business before the board, Schellpfeffer moved, Best seconded to adjourn @ 8:15pm. Motion carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

DRAFT

VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
January 26, 2026

The Village Board met for a special session in-person on the above date in the Board Room of the Mount Horeb Municipal Building.

Call to Order/Roll Call: Village President Ryan Czyzewski called the meeting to order at 6:00pm. Present were Trustees Jones, White, Fendrick, Schellpfeffer, Gauger, and Best. Also present were Administrator Nic Owen, Village Planner Ben Rohr, Assistant Clerk Jean Culberson, and Youth-In-Government student Aaron Fendrick.

Agenda Items:

Continued Discussion/Recommendations on Draft Zoning Code
Owen summarized the zoning code rewrite including the Community Development Authority (CDA) downtown concerns listed in the Memo in the packet. The Board discussed the following:

- Mixed-use building nonresidential ground floor requirement in the DMU district.

The draft standard is currently 50' from the right-of-way along all street frontages. The CDA suggested a lesser of 25' from the Main Street right-of-way or 20% of the lot depth from Main Street. The Board referred this to Plan Commission. Staff to review ideas and visuals and determine a recommendation.

- Building height in the DMU district for parcels that front along Main Street.

The draft standard is currently 40' and 3 stories with a stepback of the building facade after the second story. The CDA suggested removing the stepback requirement and using a 40-60' building facade articulation requirement. The Board generally agreed.

- Building height in the DMU district for parcels not fronting Main Street.

The draft standard is currently 50’ and 4 stories with a stepback of the building façade after the third story. The CDA suggested increasing the maximum height to 60’ and 5 stories with the stepback of the building façade after the fourth story. The Board had mixed opinions and did not provide consensus direction. Some members agreed that allowing a taller building would potentially provide more options for developers without the need for TIF assistance but others disagreed that the scale of buildings this size do not align with development patterns other than Duluth and the future Steve Brown project.

DRAFT

- Downtown residential parking minimums (DMU district).

The draft standard is currently 1.2 on-site parking spaces required per multi-family dwelling unit in any building that has 10 or more dwelling units. The CDA suggested reducing this standard to 1 on-site parking space per 1 dwelling unit . The Board had mixed opinions, but the majority appeared to be in favor of retaining the 1.2 approach with reducing 10 units to 5 or 6.

- Proposed zoning around the Military Ridge State Trail in the downtown area.

The Board discussed the proposed zoning of parcels in this area. Direction was given to retain the proposed approach on the draft map and allow individual property owners to request a Zoning Map Amendment.

- Downtown setback standards (DMU district).

The draft setback standards include a 0-10' range. the Board requested that the side setbacks be reviewed for lots that do not have alley access and only one street frontage.

- No Vision triangle requirements in the DMU district

No requirement due to existing buildings that do not meet this. No recommended change was requested.

- On-site recreational space standards for multi-family land uses.

Draft standards require 200 square feet of space per building, plus 25 square feet per bedroom of usable common gathering space for multi-family development projects. Rohr confirmed that the draft standards included indoor and outdoor space to meet this requirement. No recommended change was requested.

Other requests:

All public hearing notices be required to notify any property owner within 300' of the subject parcel. Staff will confirm it is in the draft code.

Another chapter of the Municipal Code be amended to ensure that the Zoning Administrator role is clearly established.

Adjournment: Fendrick moved, Gauger seconded to adjourn @ 7:12pm. Motion carried by unanimous voice vote.

Minutes by Jean Culberson, Assistant Clerk

DRAFT

HERITAGE
COMMUNITY
OPPORTUNITY

Compensation Study Consultant Comparison and Recommendation

Background

December 2025

It was determined that a professional market analysis should be completed on full-time positions within the Village. In the past few years, HR has been relying on compensation studies from other municipalities to determine whether our wages are competitive. Gathering compensation data directly from other municipalities is useful, but it becomes problematic when it is treated as definitive market benchmarking rather than informal reference data. The issue with informal surveys is data validity and comparability. Data is often self-reported and lacks standardization. Positions are rarely true job matches - benchmarking requires matching the position, not just matching a job title. I have found that municipal titles are inconsistent:

Public Works Superintendent – May oversee utilities, streets, parks, or only streets

Administrator – May function as a CEO or operational coordinator

Village Clerk – Some Clerks have multiple job titles – Election Official, Records Custodian, Human Resources, Governance Advisor, or may be responsible for completing administrative duties.

January 2026

The Village solicited proposals to conduct a Classification and Compensation Study to evaluate market competitiveness, internal equity, and long-term pay structure sustainability across Village positions.

Two consulting firms submitted proposals:

- QTI Consulting Group (Madison, WI)
- McGrath Human Resources Group (National Public-Sector Consultant)

HERITAGE
COMMUNITY
OPPORTUNITY

Consultant Comparison Summary		
Evaluation Area	QTI Consulting Group	McGrath HR Group
Location	Madison, WI	National Consulting Firm
Primary Focus	Compensation & Total Rewards	
Approach	Market-based pay analysis and Range Design Classification & Job Analysis	
Project Scope	Practical Compensation Modernization	Full Structural Compensation Framework
Deliverables	Market study, pay ranges, cost modeling, implementation recommendations	Job analysis, classification review, compensation system redesign and implementation support
Estimated Cost	$15,000 (estimated total project cost)	$13,120 + travel cost not to exceed $5,000
Estimated Timeline	12 weeks or less	16 weeks
Communication During Proposal Process	Highly responsive and collaborative	Responsive initially; limited follow-up after proposal

Additional Considerations

- QTI is a Wisconsin-based firm, allowing easier access, collaboration, and ongoing support.
- QTI previously completed a Senior Center Director compensation analysis at no cost, and the outcome was in alignment.
- QTI's reporting format is straightforward and practical for implementation
- One additional firm was contacted; however, no proposal was received due to consultant availability constraints.

Recommendation

Both firms are qualified to perform the study. Based on responsiveness, clarity of deliverables, local accessibility, and familiarity with the Village's current objectives, staff recommends proceeding with QTI Consulting Group to conduct the study.

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	Nicholas Owen, Administrator

AGENDA ITEM # 5.e

Consideration of Resolution 2026-04 Approving Conditional Use Permit (CUP) for Cultivation of Fruit Trees in R-1 - Single Family Residential Zoning District

BACKGROUND

The applicant purchased the 0.6 acre, triangle parcel located on STH 92 between the School District's ball fields and single family homes with the idea of using it as a small-scale fruit tree orchard. The property is currently zoned as R-1 Single-Family Residential and cultivation is a permitted conditional use in this zoning district. The applicant has indicated they will not be using any commercial scale equipment on the site for harvesting, and will only access the site with their personal vehicle. The Plan Commission held a public hearing. No one was in attendance to speak for or against. The Plan Commission recommends approval.

RECOMMENDATION

ATTACHMENTS

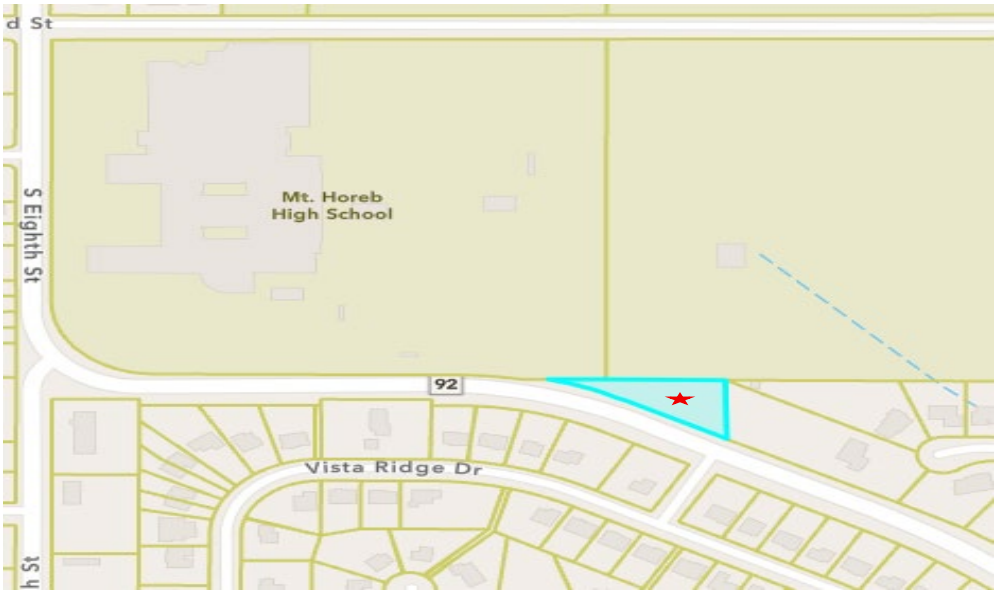
1. Kamas STH 92 Cultivation CUP 300 letter
2. Zoning Map
3. reso 2026-04 CUP Kamas cultivation

VILLAGE OF MOUNT HOREB
PUBLIC HEARING
FEBRUARY 25, 2026

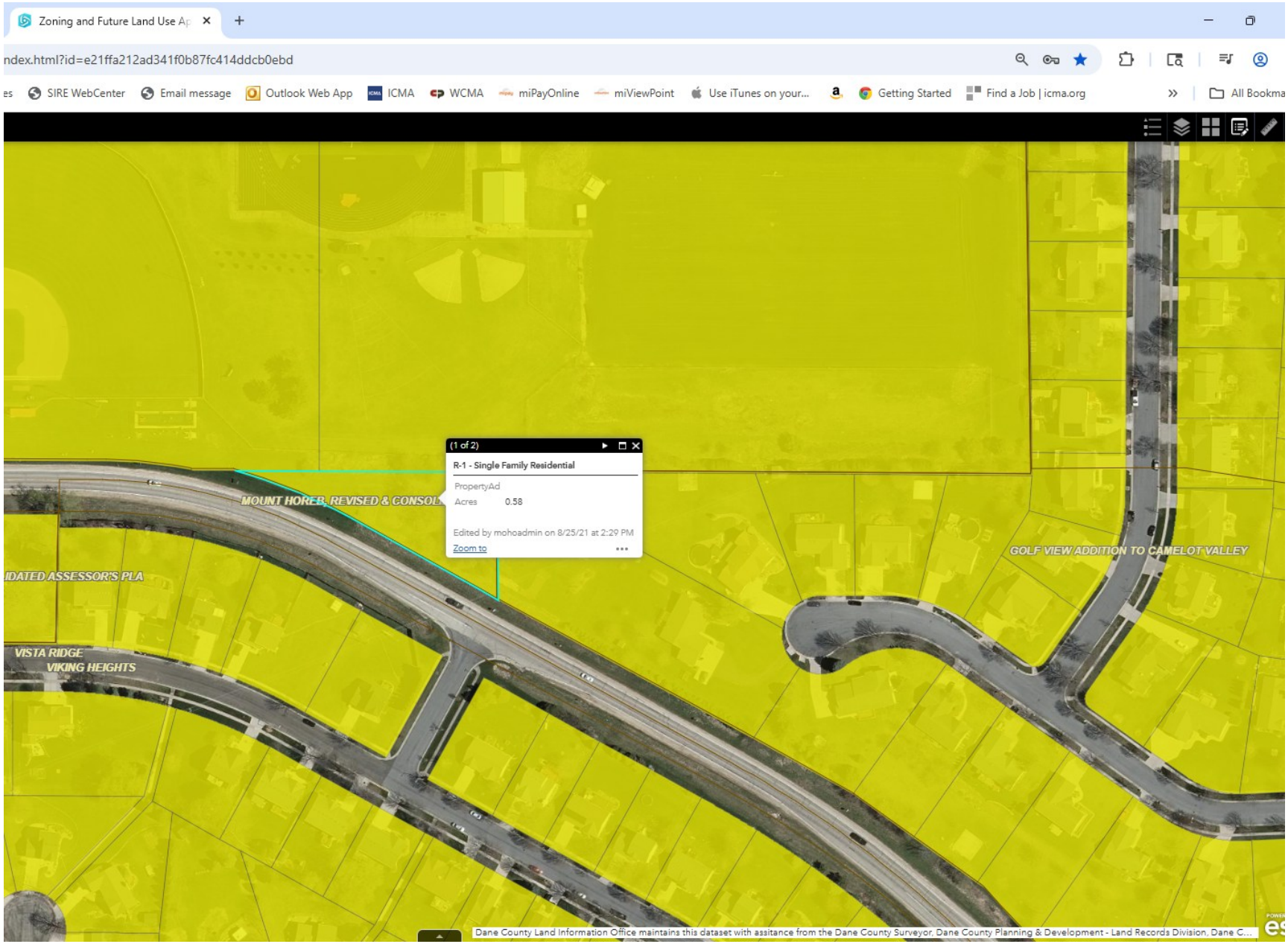
The Plan Commission of the Village of Mount Horeb will hold a public hearing on the above date at 7:00pm in the Board Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. The purpose of the hearing is to consider a Conditional Use Permit Application from Nicolas Kamas to allow cultivation of fruit trees in R-1 Single-Family Residential zoning on Parcel 0606-131-2000-4.

The Plan Commission will hear all persons concerning all matters and/or objections written or oral pertaining thereto at that time.

PUBLISH: Mount Horeb Mail February 5, 2026
February 12, 2026



PROPERTY OWNERS: You are receiving this notice as you own property that is within 300 feet of the proposed request. Please contact Village Administrator Nic Owen at 608 437-6884 ext 2109 or email nic.owen@mounthorebwi.info with any questions


Zoning and Future Land Use Ap
ndex.html?id=e21ffa212ad341f0b87fc414ddcb0ebd
SIRE WebCenter
Email message
Outlook Web App
ICMA
WCMA
miPayOnline
miViewPoint
Use iTunes on your...
Getting Started
Find a Job | icma.org
All Bookma
(1 of 2)
R-1 - Single Family Residential
PropertyAd
Acres 0.58
Edited by mohoadmin on 8/25/21 at 2:29 PM
Zoom to
MOUNT HOREB, REVISED & CONSOL
IDATED ASSESSOR'S PLA
VISTA RIDGE
VIKING HEIGHTS
GOLF VIEW ADDITION TO CAMELOT VALLEY
Dane County Land Information Office maintains this dataset with assitance from the Dane County Surveyor, Dane County Planning & Development - Land Records Division, Dane C...

RESOLUTION 2026-04

CONDITIONAL USE PERMIT TO ALLOW CULTIVATION IN THE R1 SINGLE-FAMILY RESIDENTIAL DISRICT

WHEREAS, an application for a Conditional Use Permit to allow the cultivation of fruit trees at parcel 0606-131-2000-4, located on STH 92 has been filed with the Village of Mount Horeb by Nicolas Kamas; and

WHEREAS, said property is currently zoned R1-Single-Family Residential in which the Zoning code 17.37(2)(j) states that Cultivation is a permitted conditional use; and

WHEREAS, the matter was the subject of a public hearing before the Plan Commission on February 25, 2026, after due notice as required by law; and

WHEREAS, the Plan Commission is recommending approval of the following Conditional Use from Village Code 17.37(2)(j).

WHEREAS, after due consideration and being fully advised in the premises, the Board of Trustees of the Village of Mount Horeb deems it to be in the interest of the general public to allow the desired exception of said property, as hereinafter set forth, as a Conditional Use; and

WHEREAS, the proposed use is consistent with the Village of Mount Horeb Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Mount Horeb, Dane County, Wisconsin, that a Conditional Use Permit to allow Cultivation of Fruit Trees at parcel 0606-131-2000-4 is hereby granted, with the following conditions:

No Commercial Equipment be used for harvesting of fruit.

Introduced and passed this 4th day of March, 2026.

By: _____
Ryan Czyzewski, Village President

ATTEST:

_____
Alyssa Gaffney, Village Clerk

DRAFT

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	

AGENDA ITEM # 5.f

Consider traffic patterns on Academy Street during school construction

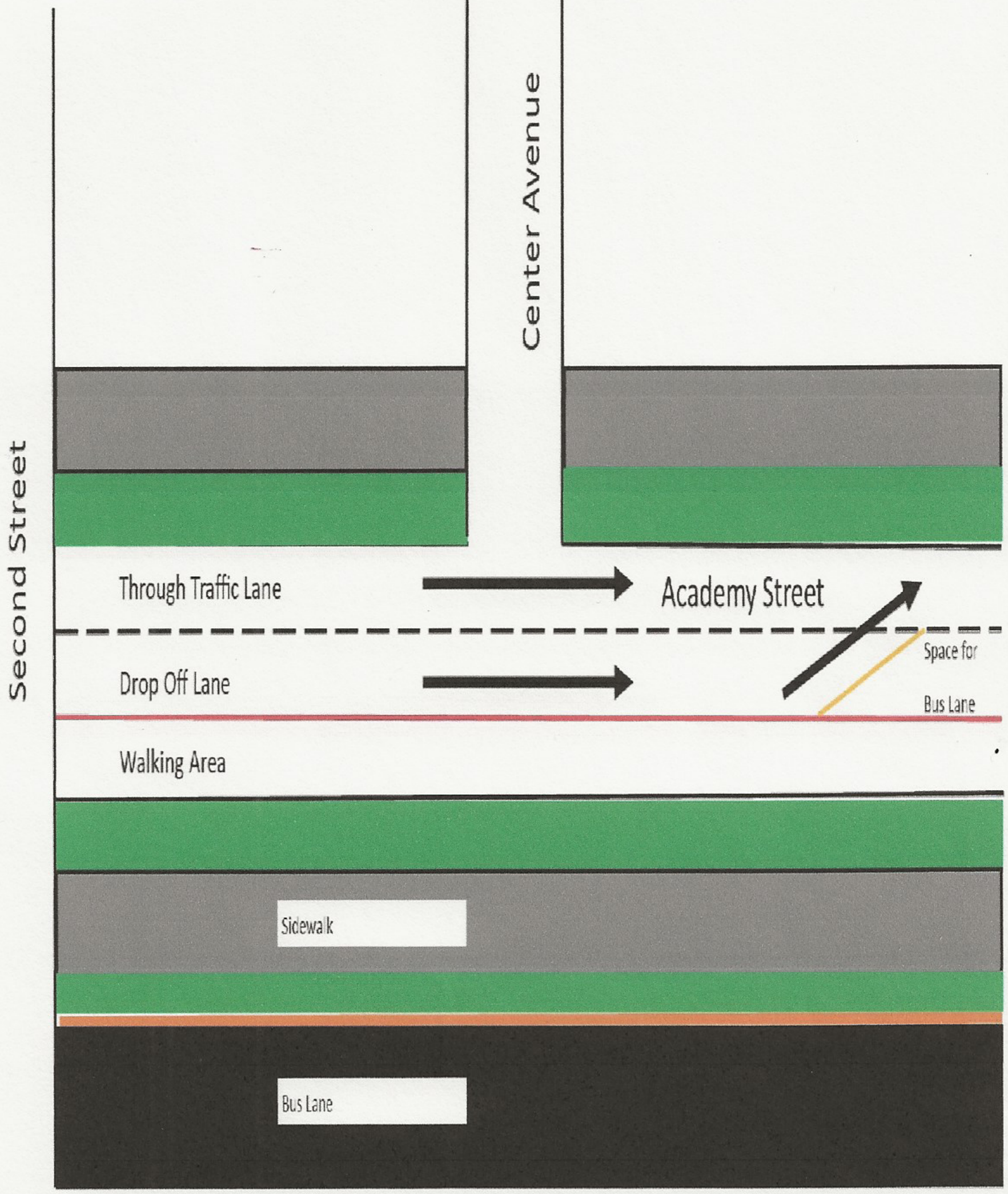
BACKGROUND

With the upcoming plan of construction at the Primary Center on Academy Street, the Police Dept. and school have been collaborating on looking ahead to student safety. The main driveway will be closed for construction during the 2026-2027 school year. This makes student pick up and drop off an issue in the interim. The plan is to turn Academy Street into a one-way street between S. Second St. and S. Fourth St. Academy St. will act as the drop-off lane with traffic barriers and two lanes (one for drop-off and one for through traffic). Once approved, information will be shared with those living on Academy Street. The temporary change will last from July 2026 through August 2027 (dependent on construction). This has been discussed with the school, Village Administrator, Public Services and Pellitteri Waste. The Public Safety Committee and Public Works Committee have reviewed and recommended approval.

RECOMMENDATION

ATTACHMENTS

1. Academy St traffic pattern


Second Street
Center Avenue
Through Traffic Lane
Academy Street
Drop Off Lane
Space for
Bus Lane
Walking Area
Sidewalk
Bus Lane

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	Alyssa Gaffney, Village Clerk

AGENDA ITEM # 5.g

Consideration of Street Use Permit application from Mt Horeb Summer Frolic Committee for Frolic Parade route, June 14, 2026

BACKGROUND

RECOMMENDATION

ATTACHMENTS

1. STREET USE PERMIT APP- FROLIC PARADE 2026

Village of Mt Horeb
Street Use Permit Application

$20.00

Applicant Name: Mt. Horeb Summer Frolic Committee

Address: _____ Telephone: _____

Event Sponsor (if different than above): N/A

Address: _____ Telephone: _____

Responsible Person(s) (if different than above): Randy Hefty

Address: _____ Telephone: (608) 513-2627

Event Information

Start date: 6/14/2026 Time: 9 am End Date: 6/14/2026 Time: 2 pm
Include set-up and tear-down/clean-up time

Detailed description of street(s) proposed to be used: Garfield to 1st, 1st to Henry, Henry to Grundahl Park

Estimated number of persons: 80-90 units (Certificate of Insurance may be required)

Use of street (include 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): Parade vehicles and Personnel

If using recording or sound amplification equipment please describe: MC at Center Avenue

Designate any public facilities or equipment to be used (additional costs may be incurred): Street cones and Barricades

I certify that I have read and understand the Village of Mount Horeb Ordinance 2006-17 An Ordinance To Require Street Use Permits, and agree to adhere to all of the rules and requirements outlined in the Ordinance and that all information provided on this application is true and correct.

Randy Hefty 2/4/2026 1-20-2026
Signature Date

****

CHIEF OF POLICE: D ACCEPTED ____ DECLINED VILLAGE ADMINISTRATOR: ____ ACCEPTED ____ DECLINED

RECEIPT#: _____ LICENSE# _____

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	

AGENDA ITEM # 5.h

Acceptance of public utilities and roadway for Phase 1 of the Brookstone Hills Subdivision

BACKGROUND

RECOMMENDATION

ATTACHMENTS

None

VILLAGE OF MOUNT HOREB
RESOLUTION 2026-06

PRELIMINARY RESOLUTION TO LEVY SPECIAL ASSESSMENTS

RESOLVED, by the Village Board of the Village of Mount Horeb, Wisconsin:

1. The Village Board hereby declares its intention to exercise its police power under 66.0701, Stats., to levy special assessments upon property in the assessment districts hereafter described for benefits conferred upon such property by reason of the following public work and improvements.

SOUTH FIRST STREET FROM CARVER STREET TO FRONT STREET:

Street Rehabilitation consisting of the removal and replacement of all existing base course, bituminous pavement, concrete curb and gutter, and spot repair of existing sidewalks and driveways in kind where necessary.

Sidewalk Improvement consisting of installation of new sidewalks where they do not exist.

HENRY STREET FROM PARKWAY DRIVE TO SOUTH FIRST STREET:

Street Rehabilitation consisting of the removal and replacement of all existing base course, bituminous pavement, concrete curb and gutter, and spot repair of existing sidewalks and driveways in kind where necessary.

Sidewalk Improvement consisting of installation of new sidewalks where they do not exist.

2. The assessment district consists of all those properties having frontage on either side of the above-named streets as listed on Attachment A.

3. The total amounts to be assessed against the properties in the assessment district shall not exceed the following percentages of the total project cost of the improvements.

SOUTH FIRST STREET FROM CARVER STREET TO FRONT STREET:

- 100% of the cost to remove and install bituminous and concrete driveways.
- 50% of the cost to remove and replace sidewalks meeting the Village's Sidewalk Replacement Criteria under the Village's policy.
- 25% of the cost to install concrete sidewalks where none exist, and the areas are located on the Village's Sidewalk Improvement Plan.

HENRY STREET FROM PARKWAY DRIVE TO SOUTH FIRST STREET:

- 25% of the cost to install concrete sidewalks where none exist, and the areas are located on the Village's Sidewalk Improvement Plan.

4. The Village Board determines that the improvements constitute an exercise of the police power for the health, safety, and general welfare of the Village and its inhabitants.

5. The Village Engineer shall prepare a report which shall consist of preliminary plans and specifications for the improvements, an estimate of the entire project costs, and a schedule of the proposed assessments.

6. The Village Engineer shall file a copy of the report with the Village Clerk for public inspection.

7. Upon receiving a copy of the report of the Village Engineer, the Village Clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and report.

8. Assessments in a total amount less than $500.00 shall be paid within 30 days of receipt. Assessments of $500.00 but less than $5,000.00 may be paid in five equal annual installments. Assessment over $5,000.00 may be paid in ten equal annual installments. Any unpaid balance shall accrue interest at a rate one percent per annum greater than the rate at which the Village borrowed funds for the improvements.

The above resolution was duly adopted by the Village Board of the Village of Mount Horeb, Dane County, Wisconsin, at a meeting held on March 4, 2026.

VILLAGE OF MOUNT HOREB

By: _____
Ryan Czyzewski, Village President

ATTEST:

_____
Alyssa Gaffney, Village Clerk

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	

AGENDA ITEM # 6.a

Presentation from Kristen Fish-Peterson on TIF

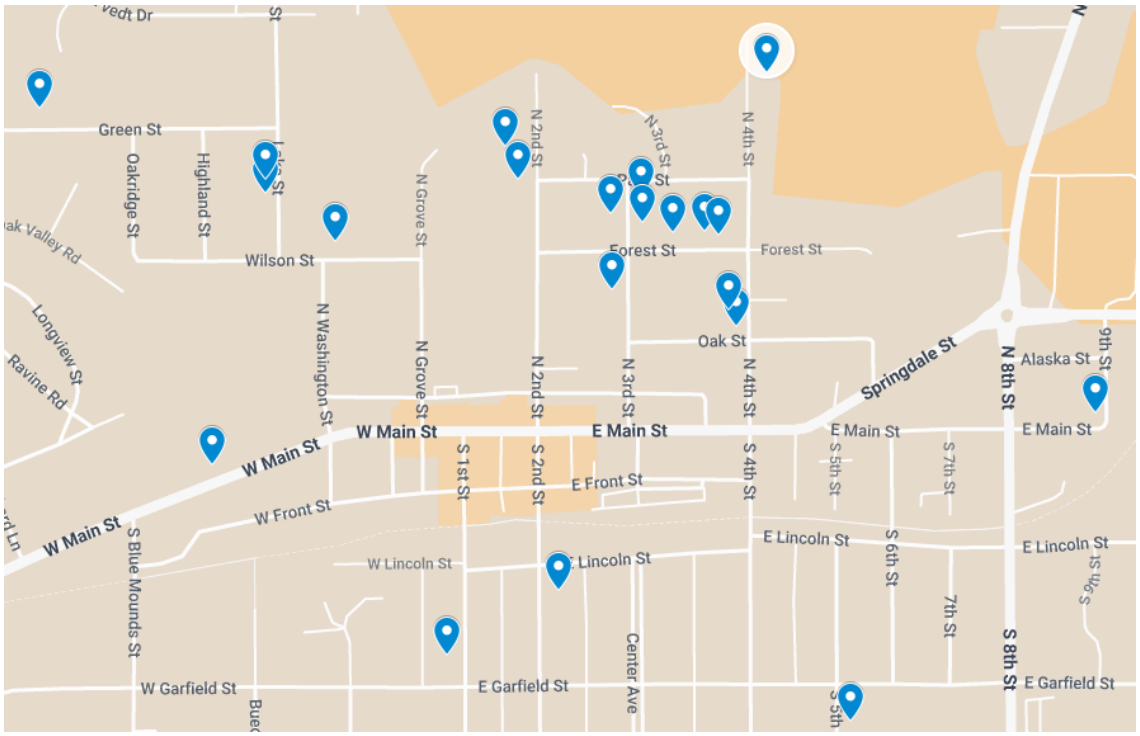
BACKGROUND

RECOMMENDATION

ATTACHMENTS

1. Residential Improvement Grant Recipients
2. Commercial Table-TID5 Beneficiaries
3. TIF PRESENTATION

Residential Improvement Grant Recipients



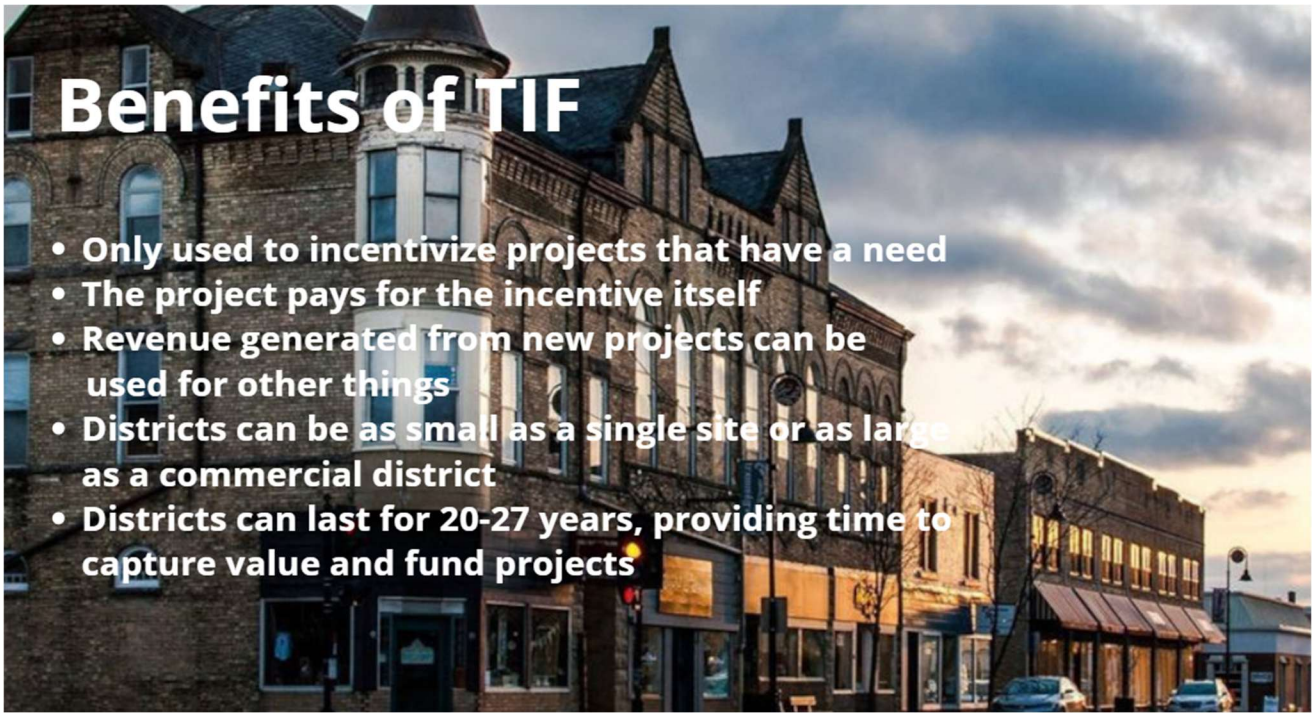
Year	Applicant	Address
2023	Constance & Matthew Nankee	306 Forest St
2023	Jeanne Wright	200 N 4th St
2023	Brad Delwiche	510 Green St
2023	Ward Hammond & Patty Schlafer	210 Lake St
2023	Kyle & Caitlin Frisch	305 S 5th St
2023	Matthew Caygill/Melissa Clark	316 W Main St
2023	Kim Wedberg	212 Lake St
2023	Jed Tank & Maggie Milcarek	209 S 2nd St
2024	Jackie & Ryan Monfils	307 N 3rd St
2024	Anthony Miller	210 Wilson St
2024	Tom Castello	302 Forest St
2024	Grahm Cronin	303 N 3rd St
2024	Adam Melka	302 N 2nd St
2024	Jack & Janet Sale	304 N 3rd St
2024	Anna King & Davis Svingen	204 N 3rd St
2025	Steve & Daniva Penne	210 S 1st St
2025	Judy & Jim Vandenbrook	210 N 2nd St
2025	Caitlynn Nemer & Matt Dolfin	810 E Main St
2025	John & Amy Lee	308 Forest St
2025	Heidi Clayton	202 N 4th St
2025	Jackie Sale	411 N 4th St

Commercial TIF Incentives							
Year	**Property (current use)**	**Address**	**Façade Improvement Grant**	**Building Improvement Grant**	**Loan**	**Project Cost (estimate)**	**Awarded (estimate)**
*	*	*				*	*
*	American Family Insurance	402 E Main St	x	x	x	*	*
2022	Mount Horeb Family Pharmacy	203 W Main St	x			$ 13,241	$ 3,310
2022	Driftless Social	128 E Main St	x	x		$ 59,408	$ 14,851
2023	Wisco Boxes/Botham Investments	305 E Main St.	x	x		$ 17,000	$ 4,150
2023	Olson's Flowers	214 E Main St	x			$ 37,795	$ 9,449
2023	Thirstea Troll / Viking Bar & Grill	114 & 118 E Main St	x (2 addresses)			$ 40,000	$ 10,000
2024	MoHo Makers Market	100 S 1st St		x		$ 82,465	$ 20,616
2024	Isaac's Antiques	132 E Main St		x		$ 9,300	$ 2,325
2025	Melrose on Main/Olson's Flowers	400 E Main St	x	x		$ 200,000	$ 30,000
2025	MoHo Makers Market	100 S 1st St	x (2 sides)			$ 80,000	$ 10,000
2025	Telsaan Tea / Sift & Winnow	108 & 110 E Main St	x (2 addresses)			$ 50,000	$ 10,000
2025	Lassen Associates / Rural Mutual	209 & 211 W Main St	x			$ 5,000	$ 20,000
						$ 594,209	$ 134,701
	*Details not available in CivicPlus (source of information and estimates)						


Tax Increment Financing (TIF)
How the Mount Horeb Uses TIF
Benefits and Necessity of TIF
Common Misconceptions


Quick TIF Basics
1 TIF is a financing tool
2 There is a time limit to its use
3 Only incremental value is at play
4 Base value (existing) is set
5 School Dist., County, Tech College all agree to plan
HOFF


How We've Used TIF
Incentive
Duluth Trading Co. Corporate HQ
Residential Improvements
21 homes over past three years
Street Reconstruction
Front Street Reconstruction
Facade Grants/Loans
12 commercial properties = over $134,000, levering $595,000


Benefits of TIF
• Only used to incentivize projects that have a need
• The project pays for the incentive itself
• Revenue generated from new projects can be used for other things
• Districts can be as small as a single site or as large as a commercial district
• Districts can last for 20-27 years, providing time to capture value and fund projects



Benefits of TIF Continued - TID #6

TID #6 - Former Karakahl Site - Projected revenue $15,000,000

- **Utility Extension** **$ 500,000**
- **Incentives to Developers** **$ 7,000,000**
- **Contribution to the CDA** **$ 50,000 annually**
- **Financing Costs** **$ 30,000 annually**
- **Administration** **$ 45,000 annually**



Common Misconceptions

1. **"My taxes are going to go up"**
   Residents' taxes do not go up when money is spent in a TID. Use of TIF is a self-funding mechanism. New projects pay for all activity in a tax increment district.

2. **"TIF shouldn't be used on infill projects"**
   Infill projects are good candidates for TIF due to higher costs to redevelop than new development. Higher costs include things like demolition, zoning approvals, building within existing parameters (buildings in close proximity, existing ingress/egress, utilities).

Common Misconceptions continued



3. Developers are just looking for a handout

Developers have to prove their project would not happen with help from the Village. Village staff carefully reviews development proformas and sources & uses to ensure there is a gap in the project budget. **Incentives are not awarded to projects that cannot prove their need. The "but for" test ensures that project would not occur in the same manner at this time without help from the Village. The "but for" test must be met and is verified once the financials are analyzed carefully by Village staff and contracted professionals, and reviewed and approved by the CDA.**

TIF Timelines

- **Tax Increment Districts cannot go on forever. They have a time horizon of between 20-27 years (depending on the type of district).**
- **Time is limited in which the Village can spend money on new projects within a district.**
- **Municipalities cannot make new expenditures within five years of a district's closure.**
- **Districts may be extended by one year and increment contributed to an "Affordable Housing Fund.**
- **Developer agreement are created with the end of the district in mind.**
- **When a district closes, the new tax increment flows to all the taxing jurisdictions.**

VILLAGE OF MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	Nicholas Owen, Administrator

AGENDA ITEM # 6.b

Repeal and Re-enact Chapter 17 of the Municipal Code of Ordinances, Zoning Code and Official Zoning Map

BACKGROUND

In 2022 The Village went through the process of updating it's Comprehensive Plan. One of the tasks identified in the Comp Plan update was a full rewrite of the zoning code to be more modern and up to date with modern building techniques and practices. Around 2 years ago, we started off on this process and, through various twists and turns, and ups and downs like a ride through the Mount Horeb Countryside, we have arrived at our destination. Over that period, we have had more than 15 meetings at which various parts of the zoning code were discussed to get to last week's public hearing for additional input on the final draft of the rewrite of the Village's Zoning code.

Chapter 17, the zoning code, has a lot of information and regulates the Village's growth, development and redevelopment now and into the future. The zoning code, and all parts of the Village code, are meant to be a living, breathing document, and is meant to be adopted from time to time. So as we go through implementation, if there are parts of code that we don't like or don't fit just right, they can be amended. The proposed draft is our best attempt at updating the old code to be more modern, address the issues we have seen in the last code, and to provide more opportunities to address the growing housing shortage we have seen nationwide, and particularly in Dane County and Mount Horeb.

Attachments for the packet include Village Planner Rohr's executive summary information, including an executive summary including the zoning code rewrite process and slides highlighting portions of the code and requested changes from committees and property owners, as well as the Public Hearing Draft of the code and zoning map. Also included in the map is my memo of changes approved by the Plan Commission at last week's meeting. If staff has the time, they will incorporate the changes into the full code body and add the full rewritten code to the packet and update the two changes to the zoning map prior to Wednesday's meeting.

At 9:30 on Wednesday, March 4th, we posted updated versions of the zoning

code, zoning map and slide presentation reflecting the recommendations made by the Plan Commission at their meeting last week.

RECOMMENDATION

ATTACHMENTS

1. Memo for March 4 Board Consideration
2. Village of Mount Horeb Zoning Code Rewrite Executive Summary 2.25.26
3. Plan Commission Summary Review Materials 2.25.26
4. Mount Horeb Zoning Code Rewrite Adoption Meeting 3.4.26
5. Final Draft Village of Mount Horeb Zoning Code 3.2.26
6. Mt Horeb Proposed Zoning Map - 3-2-26
7. Public Hearing Notice - Zoning Ordinance and Map
8. Ord 2026-01 Adoption of the Zoning Ordinance
9. Ord 2026-02 Adoption of the Zoning Map

HERITAGE
COMMUNITY
OPPORTUNITY

VILLAGE OF MOUNT HOREB
E. Main Street
Mount Horeb, WI 53572
Phone: (608) 437-6884 Fax: (608) 437-3190
Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

Memo

To: Village Board

From: Administrator Owen

cc:

Date: February 27, 2026

Re: Plan Commission Recommendation for Zoning Code and Zoning Map

Following a summary presentation by Planner Ben Rohr and a public hearing, the Plan Commission reviewed the list of discussion topics brought up from Village Committees, zoning change requests submitted by property owners, public comments from the hearing and finally discussion topics from the plan commissioners. These topics and the Plan Commission Recommendations are listed below:

1. **Section 17.04.12 Table of Bulk Dimensions – Max Height Downtown (on Main Street):** The current maximum height standard for properties on Main Street is 50 feet or 4 stories, the final recommended standards included in the proposed code were 40 feet or 3 stories with a stepback at the 2nd floor. Both the Community Development Authority (CDA), Village Board and Historic Preservation Commission (HPC) all recommended using the recommended max of 40 feet or 3 stories but removing the required stepback and adding a design standard for articulation every 40 feet along the street facing façade. The main reasons behind the change is that the stepback feature does not match the existing development pattern in the Village and the 40 foot design articulation would better reflect the traditional narrow storefront design of the existing Main Stret properties. The Plan Commission recommends approval of using the Village Board/CDA/HPC recommendation including descriptions of options for façade articulation and providing Plan Commission the ability to interpret the use of articulation standards. They also recommend that in addition to Main Street fronting properties,

these standards apply to the Downtown Mixed Use - DMU zoned properties north of Main Street as well.

2. **Section 17.04.12 Table of Bulk Dimensions – Downtown Building Height (off Main Street):** As with the last item, the existing maximum height in the downtown, for properties off Main Street, is 50 feet or 4 stories. The final draft standard in the proposed code for DMU zoned properties South of Main Street was 50 feet and 4 stories with a stepback after the third floor. The Village Board discussed this issue at a special meeting and were split on making a recommendation and sent the item back for Plan Commission for further discussion. The CDA recommends increasing the allowed height to 60 feet and 5 stories with a stepback after the fourth floor to allow for more affordability for buildings and to reduce the need for TIF requests for projects and the extra height would match buildings already approved on Front Street. After a lengthy discussion the Plan Commission voted to recommend leaving the standard at 50 feet and 4 stories but removing the stepback provision since it does not exist on any buildings in the Downtown.

3. **Figure 17.06.06.a Downtown Parking Minimums**
   The existing code has no parking requirements for either commercial or residential development. The final draft code includes standards of 1.2 parking spaces per residential unit for buildings with more than 10 residential units. The CDA recommended decreasing the requirement to 1.0 spaces/unit to allow for greater financial feasibility of projects by reducing the cost of the project devoted to parking. The Village Board is recommending sticking with the 1.2 spaces/unit, but reducing the number of units per building that trigger compliance to over 6. The Plan Commission is recommending the 1.2 units for buildings with over 6 residential units.

4. **Section 17.04.12 Table of Bulk Dimensions – Downtown Side/Rear Setback**
   The existing standard for rear and side yard setbacks in the downtown zoning is 0 feet, the new standard included in the code is a minimum of 0 with a maximum of 10 feet. The Village Board and CDA are recommending consideration of the 0 min/10 max but also consideration of allowing a maximum of 24 feet for midblock properties that need driveway access to rear-yard parking lots. The minimum code standard for 2-way vehicle access for a driveway is 24 feet, and lots with smaller parking lots can request less than the 24 feet if they will not need two-way vehicle ingress and egress. The Committee recommends approval of the Village Board/CDA standard for mid-block properties.

5. **Section 17.03.08 (2) (b) (2): Downtown Mixed-Use Standards**

Currently all ground floor uses in the downtown zoning category must be non-residential uses. The proposed zoning code includes a requirement that the first 50 feet of the ground floor from the right-of-way, excluding alleys, must be non-residential use. The CDA requested consideration of a reduction of this standard and offered an example of 25 feet or 20% of lot depth from the right of way. The Village Board was split on this item and sent it to Plan Commission for the final recommendation.

Since the Village Board review Planner Rohr reviewed other standards and optimal depths for retail spaces and provided some options and examples to assist with the consideration. From his research he found that 30-feet was the minimum space needed to create usable retail space. Rohr also provided a mock-up map of areas where the Commission could consider applying the minimum non-residential frontage standard. Following an in-depth discussion, the Plan Commission voted to recommend using a new standard of no residential uses within 30 feet or 40% of the lot depth, whichever is greater, measured from the front right-of-way, for the entire DMU zoning district. Corner lots and lots with double street frontage would choose which side of the building the rule would apply to.

I recommend the Board revisit this item and consider some alternatives. The vote on this followed a long period of discussion and confusion over what the exact interpretation and implementation of the new code language and specifically how it would be applied to side streets, corner lots and double frontage lots.

An example I thought of after the meeting was the Duluth Retail Building at the corner of Main Street and Grove Street. Using the recommended language, they could choose Grove Street as their non-residential store front and occupy the Main Street frontage with residential uses. This is a dramatic example and one that likely would not make business sense, but it was the first one that came to mind and I do not believe this was the intent of the Plan Commission when they voted on this item.

One concept that I feel warrants further discussion is Ben's concept map which highlights in red, areas that already have active store fronts or are mentioned in plans as desirable areas for continuation of active store fronts. This approach would still need to call out an approach for corner lots and the double frontage lots, mainly those that have frontage on Main and Front Street. I think we can simply fix some of the double frontage lots that have frontage on Main and Front Street by ending the red line area to not include the back side of those lots, or prioritizing Main Street frontage on all corner

and double frontage lots. Also, when thinking of existing corner lots at the busy intersections at Main and S 1st and S Second Streets, and Front and S 1st and Second, these buildings would likely already meet the 30/40% requirement, and if they ever have to be rebuilt we would likely want them to meet this again. The downside of using this concept is that it would allow full residential usage on some of the lots that front on Perry or Grove Street, but as the downtown is redeveloped, this map could be amended to address this.

6. **Section 17.04.11 Table of Bulk Dimensions: Residential Accessory Alley Setbacks:**
   The existing standard for residential alley setbacks to accessory structures is a minimum of 10 feet. The final draft includes a reduction of this standard to 5 feet. The Electric Utility Superintendent expressed a concern due to safety requirements for buildings being located within 10 feet of an electric transformer and requested consideration of increasing back to 10-feet. After discussion the Commission is recommending the language be amended to a 5-foot setback in alleys, unless utility regulations require a larger setback.

7. **Zoning Change Request 301 N 2nd Street:**
   As part of the zoning code rewrite, we are also amending the zoning map and changing the zoning classification for every property in the Village. As part of the process property owners had the opportunity to submit a request to change the zoning of their property. The current zoning for this property is R-1 Single-family, and the zoning proposed in the new map would be SF-1 Single Family. The owner is requesting the zoning be changed to TF-1 Two Family to match the existing use of the property as a two-family dwelling, which is consistent with the Future Land Use designation for the property in the Comprehensive Plan. The Plan Commission recommends approval of the change to TF-1.

8. **Zoning Change Request 410 N 4th Street:**
   The existing zoning for the property is A-1 Agriculture and the future land use designation for the property in the comprehensive plan is single-family, so the proposed zoning for the property was recommended as SF-1 Single-Family. The property owner submitted a request for the property to remain as its current zoning of AG Agriculture which will allow him to replace some existing outbuildings on site. The plan commission recommends the change of the zoning to AG, to retain the existing zoning classification for the property.

9. **Zoning Change Request 130 S 1st Street (3 parcels)**:

The property is currently zoned as I-1 Industrial and proposed to be zoned as LI Light Industrial in the new zoning map. The future land use in the comprehensive plan shows the property designated use as Planned Mixed Use, which is consistent with the current use of the property as business with residential apartments above. The owner is requesting consideration to change the zoning of the property to MF-1 Multi-family. The Commission recommended to deny the request to change the zoning and are recommending the owner submit an application to follow the standard rezoning process to provide more details on the request.

10. **Section 17.07.50 DMU District Design Standards 5. Design Standards for Project Review. h. Exterior Material:**

2. Siding: The HPC discussed and recommended the removal of "thin board texture vinyl" from the optional may be appropriate material list. They are not opposed to vinyl being used in certain circumstances but felt having it listed would encourage people to use it when other more historically appropriate materials are available. After a discussion, the Plan Commission approved the removal of vinyl siding as a listed option, and added "other appropriate quality materials." The Commission felt the additional language clarified that other materials, such as quality vinyl designed to match historic looks, could be used where appropriate.

4. Colors:

The HPC discussed the color palette examples provided in the draft code for the DMU zoning district and are recommending eliminating the examples provided in the current draft of Sherwin Williams and Benjamin Moore and simplifying it to be the "Sherwin Williams Exterior Historic Colors." The Plan Commission recommended using this language.

11. **Section 17.02.11 Planned Unit Development Zoning District:**

The Commission discussed a request made during public comment to consider eliminating the use of PUD Zoning in the DMU zoning district. Rohr walked the Commission through the PUD approval process detailed in section 17.10.45 so the commission has an understanding that the review and approval process has not significantly changed from the previous code. After discussion the Commission voted to recommend amending the PUD code to not allow PUD flexibilities on height or parking standards in the DMU.

12. **Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts**

Another comment from the public hearing was that the Plan Commission should consider prohibiting additional apartments in the downtown. Currently there are no residential density limits in the DMU, the number of residential units are limited by the size of the building that can fit on the lot. The Plan Commission was satisfied with the density standards in the code as written and took no action on this request.

13. **Section 17.07.50 DMU Zoning District Design Standards:**
    Chair Czyzewski raised the question on item 5.j.2. prohibiting aluminum or suspended metal canopies. The Committee is recommending removing this prohibition from the code as the code requires that the structure match the design and look of the building and there are existing examples of awnings in the downtown that meet this standard.

14. **Section 17.01.03 Purpose and Intent:**
    Commissioner Udelhoven requested consideration of the addition of "historic resources" to item 11 under the purpose and intent section. The commission approved the addition.

15. **Section 17.10.20 Review and Approval Activities and Bodies:**
    Commissioner Udelhoven requested consideration of the addition of the HPC to the chart. The Commission agreed and voted to add the HPC to the chart.

Following the conclusion of reviewing potential changes, the commission voted to recommend approval of the overall zoning code rewrite and zoning code map amended with the changes approved at that night's meeting. The proposed zoning code and zoning map now go to the Village Board for consideration.

I big thank you goes out to Village Planner Ben Rohr for working through our numerous changes and updates and the hiccups we encountered along the way. Also thank you to the CDA, HPC and SNR Committee that took time at their regular meetings to review sections of the code pertinent to their respective missions and provide input to the Plan Commission. Thank you to the citizens that attended meetings, wrote emails and letters or called or stopped in with questions or concerns on the rewrite or the process. Last but not least, a special thank you to all the Plan Commissioners for the time and dedication you put in to a very detail oriented, time-consuming process that at some point you probably wondered if it would ever end. It truly does take an entire Village to see a project such as this through to the end and to produce an updated, modern, more user friendly and understandable zoning code that will help guide our land use decisions.

Village of Mount Horeb
Draft Zoning Ordinance Review
Executive Summary

February 2026

Process

Public Meetings/Discussions	Timing
Issues Identification and Evaluation Report	May 22, 2024
Zoning Districts, Bulk Dimensional Standards, and Land Uses	July 24, 2024
Residential Density and Impervious Surfaces	September 26, 2024
Full Part 1	February 14, 2025
Parking	March 26, 2025
Zoning Map and Other Committee Feedback	May 5, 2025
May Follow-Up and Landscaping and Exterior Design	June 30, 2025
Signage	October 13, 2025
Full Draft Zoning Code	October 29, 2025
HPC Full Draft Zoning Code	November 11, 2025
Village Board Full Draft Zoning Code	November 19, 2025
Exterior Lighting	December 17, 2025
Village Board Full Draft Zoning Code	January 26, 2026
Exterior Lighting	January 28, 2026
Plan Commission Public Hearing/Recommendation	February 25, 2026
Village Board Adoption	March 4, 2026

Process Goals

- Implement the Comprehensive Plan
- Modernize ordinance and its regulations
- Improve user-friendliness, flexibility, and predictability

Outcomes of Meetings/Discussions

May 22, 2024: Issues Identification and Evaluation Report

- Combined Comprehensive Plan process feedback with existing code evaluation to identify key issues to be addressed, including:
    - Need for new zoning districts
    - Update bulk dimensions (setbacks, lot sizes, heights, etc.)
    - Accommodate missing middle housing formats
    - Increase user-friendliness and improve predictability

    - Explore areas to allow in-family suites and ADUs
    - Reduce the need for planned development districts
    - Update accessory and temporary use regulations
    - Defined exterior building design and landscaping standards
    - Allow a mix of uses
    - Update and standardize performance standards
    - Address parking requirements
    - Make the zoning ordinance compliant with state and federal laws
    - Reduce the need for conditional uses in response to Wisconsin Act 67
    - Update the sign code
    - Update definitions for increased clarity
    - Advance community sustainability objectives
- Comments to be addressed within the process:
    - How is the Historic Preservation Committee involved in reviewing projects?
    - Is there a required process for concept review and public input moving forward?
    - Need to have a defined density approach rather than a moving target.
    - How does the Plan Commission get involved early with larger-scale projects?
    - Should the Village allow neon for downtown signs?

June 24, 2024: Zoning Districts, Bulk Dimensional Standards, and Land Uses

- Reviewed draft zoning district, bulk dimensional standards, and land use translation tables (existing vs. proposed), in addition to the draft land use definitions.
    - Zoning districts: combined/removed unneeded districts, created new districts to address key issues, and renamed all zoning districts
    - Bulk dimensions: retained some standards, reduced lot sizes and setbacks to enable greater flexibility, simplified standards, and created some new standards
    - Land uses: added new modern land uses, removed many conditional uses, and retained the organization of land uses into groups (residential, commercial, mixed use, institutional, industrial, etc.)
- Discussion feedback:
    - Residential Density (p.102)
        - Didn't like the idea of using bulk dimensional standards (height, lot coverage, and setbacks) as the only basis for maximum density and would like to retain a similar minimum lot size per dwelling unit approach in the new code.
    - Downtown Building Height (p.104)

        - Retain existing maximum heights (50') for Main Street and taller buildings could be in other areas of downtown off Main Street (60').
    - Garage Setbacks (p.102)
        - Don't want to require the garage to be behind the principal structure. Instead, provide some flexibility to have the garage extend to a defined distance in front of the structure.
    - Impervious Surface Ratio (p.102-107)
        - Agree with increasing it, but would like to see what other communities are doing as a comparison.

September 26, 2024: Residential Density and Impervious Services

- Residential density: evaluated options for residential densities in comparison to past projects and existing standards (p.102)
    - Leaning toward a 1,200-sf minimum lot size per unit and could consider a tiered approach by unit type as part of this standard.
    - Requested visual examples of this in practice and how it could impact projects.
- Impervious surfaces: evaluated options for increased impervious surface ratios based on a comparison of other communities and existing standards (p.102-107)
    - Reduce the larger single-family district to 50% ISR and the two-family district to be in line with the other communities compared.

February 14, 2025: Full Part 1 Review

- Article 1: Introduction (p.1)
    - New code purpose, rules of interpretation, and general provisions
- Article 2: Establishment of Zoning Districts (p.5)
    - New base districts, modified Planned Unit Development district, and retention of existing Overlay Districts
- Article 3: Land Use Regulations (p.21)
    - Updated land use definitions with new example diagrams and regulations
- Article 4: Bulk Regulations (p.101)
    - New bulk dimensional standards and unique situation provisions
- Article 5: Nonconforming Situations (p.113)
    - New nonconforming approach for structures, lots, and sites
- Discussion feedback:
    - Mixed Use (p.49)
        - Keep downtown approach as written (first 50' facing the street must be nonresidential).
        - Use percentage approach for other areas, but increase min. to 40% from 33%.

- ADUs (p.81)
    - Add square footage or percentage maximum (75% or 800 sf, whichever is less).
    - Require same parking as single-family minimums.
    - Height should be shorter than principal building capped at 50% of the principal building's roof slope height.
    - Design should generally match existing structure on the lot.
    - Did not change setbacks (principal still apply).
- Density (P.102)
    - Option B of 1,200 sf/unit was selected.
    - Did not change density for infill and downtown properties (1,200 sf/unit across all areas).
- Front Loaded Garages (p.102)
    - Remove max. 50% frontage requirement, but retain 8' max projection from the front façade.
    - Define front of the home (already defined in the draft, no change).
- Short-Term Rentals (p.93)
    - Keep license approach and no longer use Conditional Use Permit process.
    - Add notification to neighbors after license that matches zoning amendment approach (300').
    - Use existing occupancy regulations instead of proposed more strict approach.
- Nonconforming Situations (p.113)
    - Keep as drafted (all existing structures, lots, and sites are legal).
- Downtown Building Height (p.104)
    - The Historic Preservation Commission will provide feedback on the height of Opera House.

March 26, 2025: Parking Standards

- Goals: clear standards for each land use, reduce parking minimums, explore parking maximums
- Discussion feedback:
    - Residential Parking (p.125-126)
        - Keep lower minimums as drafted (1 per studio/1-bed, 1.5 per 2+ bed).
    - Commercial Parking (p.125-126)
        - Keep lower minimums as drafted (1 per 500 sf), but remove the maximums as they are not needed at this time.
    - Industrial Parking (p.125-126)

        - Keep consistent minimums as drafted (1 per employee), but remove the maximums as they are not needed at this time.
    - Downtown Parking (p.125-126)
        - Only multi-family land uses should have required minimum parking (threshold of density for this trigger).
        - Plan Commission can require a parking study for higher density projects.
        - Minimum residential standards are reduced from other areas to be 1 stall per unit.
        - All other land uses maintain the existing standard where there are no minimum parking requirements.

May 5, 2025: Zoning Map and Other Village Committee Feedback Review

- Process of creating the new map: direct translation of most comparable existing districts, parcel-by-parcel analysis to uncover issues, reviewed in depth with staff, and reviewed with Plan Commission
- Changes from existing map: complete set of new zoning districts, corrected existing mismatched zoning, and includes some downzoning, but mostly upzoning to enable more options
- Application of new districts: residential districts where those occur today to match existing, mixed-use districts along commercial corridors and where they exist today, industrial districts in areas where those occur today, open space districts where those exist today, and other districts for future use (if needed)
- Discussion feedback:
    - Draft Zoning Map
        - Reviewed how the map was created, fielded questions, and no requested changes were identified.
    - Cottage Courts (p.41)
        - Desire to create a zoning district and land use for this development format. Plan Commission would like to review it again.
    - Downtown Parking (p.125-126)
        - Keep the previous downtown parking approach from the March meeting, outside of one change – allow the downtown parking requirements for multi-family to be met through the use of on-site and off-site parking, if the off-site parking is not a public lot (10 units is threshold for multi-family parking standards).
    - Downtown Residential Density (p.104)
        - Remove the 1,200 sf/unit density metric for any property zoned DMU to allow flexibility for redevelopment of small lots.

- Downtown Building Height (p.104)
    - Roofline of Opera House is the maximum height permitted downtown (need to confirm, but think it's around 48').
    - Plan Commission would like to allow 4 stories to take place.
    - Need to determine the elevation of the Opera House roof line to apply in the DMU district as properties to the south of Main Street (down the hill) could go higher than a foot-based metric if they are lower than the roofline.

June 30, 2025: May Follow-Up and Landscaping and Exterior Design

- Article 7: Exterior Building Design Standards (p.155)
    - New standards that require certain materials by façade and articulation
    - Provides metric-based standards (ex. percentage of the façade)
- Article 8: Landscaping (p.173)
    - New standards that apply to different areas of the site using a point-based system
    - Provides clear standards, but flexibility in implementing them within a given site
- Discussion feedback:
    - Downtown Building Height (p.104)
        - The Historic Preservation Commission recommended the maximum height be 40' to retain the Opera House as the tallest building on the Main Street corridor.
        - The Plan Commission debated the maximum height approach and there were mixed opinions. The direction given was to include the following within the draft and discuss it further:
            - Maximum height of 50' and 4 stories for properties fronting on Main Street.
            - Maximum height of 60' for buildings located in other areas of downtown, not fronting on Main Street.
            - Require a front façade stepback on the fourth floor for any building 3 stories or greater.
    - Cottage Courts (p.41)
        - Keep the proposed new zoning district and land use as drafted, but change the name to "Pocket Neighborhood" and edit the example graphic to include additional sidewalks, different unit sizes, units with and without garages, and a combination of different unit types.
    - Site Plan/Design Review Approach (p.229)
        - Keep the proposed approach as drafted, but consider if there is an appropriate area to include language like "creating and maintaining an

attractive appearance" and if triggers are needed for requiring a Traffic Study.

- Exterior Design Standards (p.155)
  - 40" hard durable base should only be a requirement for the street and public facing portions of the façade (i.e. parking lot), not the entire building.
  - Retain the tower element requirement on Springdale Street and add a map where this requirement applies.
  - Change the language to be clearer that there are no design standards for single and two-family land uses.
  - Add the proposed public art ordinance by reference to the new Zoning Code.
  - Need further discussion on the ground floor façade parking requirement. It could be something like a percentage of the ground floor façade can be in-building parking for higher-density projects only.
  - Retain the language as drafted for prohibiting primary colors and do not add any new language about limiting black to only be used as an accent color.
  - Allow metal roofs, but ensure that fasteners are not visible and unarticulated metal roofs are not permitted (shack style design or other examples).
  - Allow canopy roofs to have any kind of pitch and no longer require them to have the same pitch as the principal building. However, retain requirements for canopies to match materials and colors of the principal structure.
  - Bring back the proposed approach on how downtown projects will be handled to the Plan Commission for discussion to determine how the HPC fits into the new system.
  - For the new downtown design standards, soften the language to allow for exterior materials and surface features to be replaced with the same type of appearance, but not necessarily require identical materials and features.
- Landscaping Standards (p.173)
  - The Plan Commission agreed with the proposed new approach.
  - The only requested change was to provide 2x the point totals for saving of mature vegetation and retain the 1.5x point incentive for native plantings as proposed.

        - Permeable pavement incentives were discussed, but not ultimately recommended as a component of the landscaping standards because they tend to fail over time and become impervious surface that doesn't accomplish the community's goals.

October 13, 2025: Signage Standards

- Article 9: Signage (p.193)
    - Goals: become compliant with federal law (content-neutral), reduce ambiguity, consolidate similar sign types, create summary tables, retain what's working
    - Grouping: three overarching sign groups with a set of sign categories and sign types within each (four summary tables)
    - Changes: changed sign names (content-neutral), consolidated redundant sign types, retained existing standards for most sizes, locations, and number per building, increased user-friendliness with summary table, clearly prohibited signs in the right-of-way and off-premise, and reduced approval time with staff review and approval process for all signs.
- Discussion feedback:
    - Content-Neutrality (p.196)
        - Keep the proposed approach for sign naming, grouping, and prohibition of off-site signs.
        - Add new sign type for interior community-oriented signs (ex. baseball outfield fence sign) to be the only sign type that permits off-site signs and that's only permitted within the Institutional Zoning District.
    - Staff Approvals (p.207)
        - Keep the proposed approach that signs are reviewed and approved by Village staff.
        - Add clarification that Metal Plaque Signs are only related to historic structures and keep them being reviewed and approved by the Historic Preservation Committee.
        - Add into the process that the Plan Commission can assist with sign interpretations, if needed.
    - Wall Signs (p.201)
        - Keep the proposed approach.
    - Downtown Color Pallet (p.207)
        - Keep the proposed approach where no color pallet consistency being required for downtown signs.
        - Add a new standard that includes downtown signs can only use bright, neon, bold, metallic, etc. colors as an accent up to 20% of the total sign

area. If proposed to be greater, then Plan Commission review and approval required.
        - Add a new standard that signs using neon or exposed bulbs must come before the Plan Commission for review and approval, footcandle standards at the property line are exempt for downtown sign lighting, and require a maximum lumen level of downtown signs with auto diming requirements. Ensure sign and lighting sections are consistent within the new ordinance.
    - Other
        - Define distance for inside building wall signs.
        - Look into the proposed approval, construction, and sign permit validity timeframes to ensure they are all consistently applied and work together.
        - Clarify the minimum color and materials standard to include language about complementing the building façade, maintaining legibility, and avoiding visual clutter.
        - Provide an opportunity for monument sign bases to have greater material choice flexibility than just masonry and aluminum. Change to be consistent with tables in permitting durable all weather materials.
        - Remove the requirement for mortar joint masonry fastening only, but keep mortar joint masonry fastening requirements for historic structures. Allow mounting hardware to be visible as it can be a unique design feature.
        - Change the reference from the Zoning Board Appeals to the Plan Commission for interpretations and variances for signs.
        - Allow projected signs and window signs within the multi-family zoning districts.

October 29, 2025: Full Draft Code Review

- Overview of full draft code: review of past meetings and discussion outcomes reflected within the draft.
- Introduction to other elements not previously reviewed:
    - Article 6: Performance Measures (p.118-154)
        - Group developments (multiple buildings per lot)
        - Access, visibility, driveway, traffic circulation, and loading standards
        - Parking standards (discussed during multiple meetings)
        - Exterior lighting, storage, and screening standards
        - On-going compliance standards: vibration, noise, air pollution, odor, glare, fire, toxic materials, and electromagnetic emissions
        - Fencing and swimming pool standards

        - On-site recreational standards (for multi-family)
    - Article 10: Administration and Procedures (p.215-242)
        - Process steps associated with each procedure in the code
    - Article 11: Definitions (p.243)
        - Terms used throughout the code for interpretation purposes
- Discussion feedback:
    - Downtown Building Height (p.104)
        - Change the maximum height to 40' and 3 stories for properties fronting on Main Street. Front stepback after second story.
        - Change the maximum height to 50' and 4 stories for buildings located in other areas of downtown, not fronting on Main Street. Front stepback after third story.
    - Downtown Parking Ratios (p.125-126)
        - Change the parking standard for any residential land use with 10 or more units to be a parking ratio of 1.2 stalls/unit
    - Exterior Lighting (p.136)
        - Add dark sky provisions into the existing framework of the lighting code (purpose statement, reduced lighting levels, requirements for extinguishing lighting at night).
    - Historic Preservation Commission (p.16)
        - Move HPC duties and role from Historic Preservation Overlay section to Article 10 to match other bodies
        - Add the HPC as another body that can host a concept review in Article 10
    - DMU Zoning District Design Requirements (p.164)
        - Seek guidance from the HPC on the DMU district color pallet. The existing color pallet is listed in the code right now.
        - Adjust the purpose statement of this section to include language similar to the existing Central Business District that talks about historical context and surroundings.
    - Fences (p.148)
        - Work with staff to revise the nonresidential fence standards along Springdale Street for double frontage lots.

November 11, 2025: HPC Full Draft Code Review

- Overview of full draft code: review of Historic Preservation Commission sections of the full draft code.
- Discussion feedback:
    - Historic Preservation Overlay (p.16)

        - Add language to specify what happens if nomination is denied to match other processes in the code (reapply in 6 months).
        - Retain powers, duties, etc. in this section, but add another section in Article 10 that cross references where these standards can be found.
    - Neighborhood Mixed Use Heights (p.104)
        - Change the maximum height to 40' and 3 stories to match changes made within the Downtown Mixed Use zoning district along Main Street.
    - DMU Zoning District Design Requirements (p.164)
        - Remove "multi-story structure" from the design theme description and defer to the bulk dimensional standards for the zoning district.
        - Reword the color pallet requirements to include language about matching the era of building construction, restoration, or historical significance and list potential color pallets that would achieve this requirement.
        - Remove inconsistent language about ground floor residential that's in conflict with the mixed-use building requirements for the district.
    - DMU Zoning District Design Review (p.164)
        - Clearly outline the process for HPC involvement for both locally-designated (HPC review and approval) and non-locally-designated properties (HPC input, PC review and approval).
    - Other
        - Very minor typo and wording revisions within the Historic Preservation Overlay, DMU Zoning District Design Requirements, and DMU Zoning District Design Review sections.

November 19, 2025: Village Board Full Draft Code Review

- Overview of full draft code: review of full draft ordinance and map.
- Discussion feedback:
    - Zoning Map
        - Keep existing two-family zoning for neighborhoods surrounding downtown.
    - ADUs (p.81)
        - Ensure existing structures can be converted into ADUs that may not meet the principal building setbacks for the lot.
    - Downtown Color Pallet (p.164)
        - Keep proposed approach recommended by HPC (define pallet with option to match era of intended use/design).
    - Downtown Building Height (p.104)

        - Did not complete discussion on standards and continued discussion during the January 26, 2026 meeting.

December 17, 2025: Exterior Lighting Standards

- Exterior Lighting Standards (p.136)
    - Reviewed proposed changes, comments, and additional information provided by the Sustainability and Natural Resources Committee related to dark sky best practices.
- Discussion feedback:
    - Incorporate Illuminating Engineering Society (IES) Standards into the new code.
    - Require existing lighting to be brought into conformance with the new standards over time (anytime Building Permit is required).
    - Provide additional resources and updated draft ordinance for further discussion on January 28, 2026.

January 26, 2026: Village Board Full Draft Code Review (Continued)

- Discussion feedback:
    - Mixed-Use Buildings Downtown (p.49)
        - CDA suggested changing the draft standards from 50' for nonresidential along all right-of-frontages to a metric using a smaller minimum (ex. 25') or lot depth percentage (ex. 20%) from the primary right-of-way frontage. The Village Board requested examples and that the Plan Commission further discuss potentially refining this standard to reflect the CDA ideas.
    - Downtown Building Height (p.104)
        - CDA suggested changing the draft standards to remove the stepback requirement for properties along Main Street and the Village Board agreed with the addition of an articulation requirement every 40-60' to make buildings look like individual storefronts to reflect existing development patterns.
        - CDA suggested changing the draft standards to increase maximum heights off of Main Street to 60' and 5 stories with a stepback after the fourth story. The Village Board had mixed opinions and did not provide any recommended changes, but requested further Plan Commission discussion.
    - Downtown Residential Parking Minimums (p.125-126)
        - CDA suggested changing the draft standards to one space per dwelling unit. The Village Board disagreed and was comfortable with the draft

standards (1.2 spaces per dwelling unit), with a change to the threshold in which the standards would apply (ex. 5-6 units).

- Zoning Map
  - Proposed retention of the industrial zoning for properties around the Military Ridge State Trail downtown. The Village Board agreed with this approach to require future projects to request a Zoning Map Amendment.
- Downtown Setback Standards (p.104)
  - The Village Board recommended a proposed change to the 0-10' setback requirements for mid-block parcels not served by an alley to allow for greater side or rear setbacks to accommodate access to rear on-site parking (up to 24').
  - The Village Board recommended retaining the draft standards of waiving the vision triangle requirement for downtown properties.
- On-Site Recreational Space for Multi-Family (p.153)
  - The Village Board recommended retaining the draft standards of 200 square feet per building, plus 25 square feet per bedroom of usable common gathering space (in-building or outdoors on-site).
- Other
  - The Village Board requested that all public hearing notices notify property owners within 300' of the subject property.
  - The Village Board requested that a different chapter of the Municipal Code be amended to ensure the Zoning Administrator is a clearly defined position and role.

January 28, 2026: Exterior Lighting Standards (Continued)

- Exterior Lighting Standards (p.136)
  - Reviewed proposed changes from December discussion, which included new color temperature, reduced maximum footcandles, and zero-uplight standards.
- Discussion feedback:
  - Keep proposed approach as shown in the draft ordinance mark-up, with the following changes:
    - Require lighting to not be adjustable beyond 3000K.
    - Add an exception to the footcandle maximums at the property line for adjacent properties under the same ownership.
    - Clarify the security lighting standards to be the property line vs. site perimeter.

Village of Mount Horeb Zoning Code Rewrite
Plan Commission Public Hearing 2.25.26

Brief Project Recap

The Village of Mount Horeb has been developing, discussing, revising, and refining the draft new Zoning Ordinance and Map since Spring of 2024. This included eleven Plan Commission meetings, two Village Board meetings, and multiple CDA, HPC, and SNR Committee meetings. Each meeting discussion has been open to the public with an opportunity to provide comments and recorded for long-term viewing, each meeting packet has been available for download and long-term viewing on the Village website, and the Project Webpage has been continuously updated throughout the process to keep the public informed.

The Executive Summary, which was first presented in October/November 2025, has since been updated to reflect the discussions and policy directions since that time (see attached).

Today, the Final Draft Zoning Ordinance and Map will be reviewed, and the Plan Commission will hold a public hearing and consider action on the Final Draft. If the Plan Commission recommends approval, the Village Board will consider action at its next meeting on March 4, 2026.

Final Draft Changes Incorporated

The November 11, 2025 draft Zoning Ordinance and Map remained unchanged for nearly three months as an opportunity for the public, staff, Plan Commission, Village Board, and other committees to review and provide feedback. There remain multiple outstanding policy items for the Plan Commission to consider and act upon during today's meeting. Each is documented in the section below. For those items where clear direction has been provided by staff, the Plan Commission, or the Village Board, a Final Draft has been produced that incorporates the following changes. Most changes are minor adjustments to language to provide greater clarity and consistency within the ordinance.

1. Section 17.03.05 Modified the permitted principal land uses in the DMU zoning district to remove Outdoor Sales and Display and only permit this use as accessory under the Incidental Outdoor Sales and Display land use to better fit the desired downtown land use patterns.
2. Section 17.03.06(3)(c)1. and (8)(c)1. Clarified that V-shaped duplexes and townhomes may also be attached only via the footings/foundation and run parallel to one another to reflect modern Building Code allowances.
3. Section 17.03.08(2)(b)1.b. and 2.b. Ensured that the Mixed-Use land use is clear that nonresidential uses may be located anywhere in the building so long as the ground floor minimum is met.
4. Section 17.03.10(9)(b) Clarified that the Drive-Through and In-Vehicle Service land use clearly identifies how to address corner and double frontage lots regarding where drive-throughs may be located.
5. Section 17.03.12(1) Ensured consistency between outdoor lighting standards associated with Active Outdoor Recreation land uses and the recommended exterior lighting changes incorporated into Section 17.06.20.
6. Section 17.03.28(1) Reorganized the Accessory Dwelling Unit land use standards to be more user-friendly for administration purposes and ensured that existing structures may be converted into an

ADU without having to meet the principal setbacks on the lot. Only new structures or additions are subject to the principal setbacks.

7. Section 17.03.28(4) Clarified that residential accessory structures are permitted in the side and rear yards to match the bulk dimensional standards table in Section 17.04.11.
8. Section 17.03.28(26) Ensured that the Short-Term Rental land use standards are consistent by removing specified parking requirements within the land use section and referencing those standards only within parking tables (Figure 17.06.06a). Retained existing on-site parking requirements for this land use.
9. Section 17.04.12 Modified the accessory structure setbacks to be 0'-10' to match those standards for principal structures within the DMU zoning district to provide a more consistent approach to all structure setbacks in this zoning district.
10. Figure 17.06.06c Modified stall depth minimum requirements to be in alignment with minimum stall length requirements for improved consistency.
11. Section 17.06.06(7)(d)1.a. Clarified that determining if proposed on-site traffic circulation patterns are too complicated should come from advice provided by the Village Engineer.
12. Section 17.06.06(7)(d)11. Clarified that the minimum throat length requirements have consistent language throughout that specifies the measurement is from the curb of the road into the site.
13. Section 17.06.20 Incorporated the Exterior Lighting changes from the January 28, 2026 Plan Commission meeting.
14. Section 17.06.43 Ensured that the On-Site Recreational Space standards for multi-family land uses were clear on both indoor and outdoor spaces being applicable to meeting the standards.
15. Section 17.08.40 Minor adjustments to permitted landscaping species lists to reflect some of the SNR Committee member feedback and other feedback received from V&A's in-house landscape architects. SNR Committee member feedback not incorporated in the Final Draft included:
    - Retaining existing approach of allowing Japanese Yew (appropriate in some locations) and Karl Forester (common and well proven species) within the landscaping species tables.
    - Retaining existing approach for point value bonuses associated with native plantings vs. requiring 50% of plantings to be native.
    - Retaining existing approach of no special requirements for areas within the Upper Sugar River Watershed.
16. Section 17.09.05(1)(a)1. Clarified the Monument Sign definition language matches other requested changes regarding the allowable width of the base.
17. Corrected any identified typos or reference errors.
18. Zoning Map: Reflected the recently approved Zoning Map Amendment for parcel 060614141771 to Planned Development associated with the GDP for Encore Homes (pocket neighborhood).

Final Draft Changes NOT Incorporated (Discussion Items)

Each item listed below has not been incorporated into the Final Draft. The Plan Commission will be asked to address each during the meeting, provide direction (keep or change), and individually vote on any proposed change to the Final Draft so that it is clearly documented for Village Boad consideration. Finally, the Plan Commission will be asked to recommend a Final Draft Zoning Ordinance and Map to the Village Board (inclusive of any changes) for consideration of adoption.

Village Board/CDA

1. **Downtown Building Heights on Main Street (DMU)**
    A. Draft Standards (Section 17.04.12):
        - Maximum of 40'/3 stories for properties that have frontage along Main Street.
        - Minimum front façade stepback after the second floor.
    B. Village Board and CDA Recommended Changes:
        - Maximum of 40'/3 stories for properties that have frontage along Main Street.
        - Remove front façade stepback after the second floor.
        - Add requirement within Section 17.07.50 to specify articulation requirements every 40' along the street facing facades to reflect traditional storefront designs.
2. **Downtown Building Heights off of Main Street (DMU)**
    A. Draft Standards (Section 17.04.12):
        - Maximum of 50'/4 stories for properties that don't have frontage along Main Street.
    B. CDA Recommended Changes (Note: the Village Board was undecided on this change):
        - Increase the maximum to 60'/5 stories for properties that don't have frontage along Main Street.
3. **Downtown Parking Standards (DMU)**
    A. Draft Standards (Section Figure 17.06.06a):
        - Minimum of 1.2 parking spaces per dwelling unit for residential land uses of 10 or more total dwelling units in the same structure.
    B. CDA Recommended Changes:
        - Minimum of 1 parking space per dwelling unit for residential land uses of ten or more total dwelling units in the same structure.
    C. Village Board Recommended Changes:
        - Retain the minimum of 1.2 parking spaces per dwelling unit.
        - Reduce the threshold for minimum parking standards for residential land uses to be 6 or more total dwelling units in the same structure.
4. **Downtown Side and Rear Yard Setback Standards (DMU)**
    A. Draft Standards (Section 17.04.12):
        - Minimum 0' side and rear yard setback, maximum of 10' side and rear yard setback.
    B. Village Board and CDA Recommended Changes:
        - Retain the 0'-10' setback, but add an option for increasing the side or rear setback to be a maximum of 24' when needed to accommodate driveway access to parking areas behind the building.
5. **Downtown Mixed Use Land Use Standards (DMU)**
    A. Draft Standards (Section 17.03.08(2)):

- Minimum nonresidential land use within the first 50' of the lot from all street right-way lines, not including alleys.

B. CDA Recommended Changes:
   - Minimum nonresidential land use within the first 25' of the lot or 20% of lot depth (whichever is less) from the Main Street right-of-way.

C. Village Board Recommended Changes:
   - Explore different options for how to change this standard to allow for greater flexibility, be more market feasible, and allow the minimum parking requirements to still be met.

D. Village Staff Recommended Changes:
   - Minimum nonresidential land use within the first 30' of the lot from the following street right-of-way: Main Street, Front Street, and S. 1st and 2nd Street.
     - Depth may only be shorter for entry or lobby areas
     - Any street intersection shall have a nonresidential use depth of a min. of 30'
     - Plan Commission may consider alternatives (not meeting minimums) as part of Site Plan review process, if the project includes:
       - A unique or constrained property configuration exists that does not enable the minimums to be met.
       - First floor facades with active street frontage and traditional storefront design elements such as 60% or more transparency, pedestrian/storefront entries only, and minimum floor to ceiling heights of 12'.

Village Staff

6. Residential Zoning District Accessory Structure Alley Setbacks (SF-2, TF-1, and MF-1)

A. Draft Standards (Section 17.04.11):
   - Minimum alley setback of 5'.

B. Village Staff Recommended Changes:
   - Increase the standard to be a minimum alley setback of 10'.

Property Owner Requests

7. 301 N. 2nd Street (JP Heres)
   A. **Draft Zoning on Zoning Map:** SF-1, based on existing zoning of the property as R-1.
   B. **Property Owner Requested Changes:** TF-1 to be consistent with existing use of the property today as a two-family and to be consistent with the Future Land Use Map designation of two-family on the property.
8. 410 N. 4th Street (Steve Helwig)
   A. **Draft Zoning on Zoning Map:** SF-1, based on existing use and the Future Land Use Map designation of single-family on the property.
   B. **Property Owner Requested Changes:** AG to be consistent with the existing zoning of the property today which is A-1.
9. 130 S. 1st Street (3 parcels) (Jeff Grundahl)
   A. **Draft Zoning on Zoning Map:** LI, based on existing use and existing zoning of I-1.
   B. **Property Owner Requested Changes:** MF-1 to be consistent with the Future Land Use Map designation of Planned Mixed Use on the property today (multi-family is permitted as part of the PMU land use category).

Public Hearing Comments

10. TBD following the public hearing.

VB Meeting Notes 1.26.26

Mixed-use building nonresidential ground floor requirement in the DMU district.
The draft standard is currently 50' from the right-of-way along all street frontages, but there are many lots that don't have enough space to allow anything else in the building using the 50' metric from each frontage. The CDA suggested a possible idea of the lesser of 25' from the Main Street right-of-way or 20% of the lot depth from Main Street to allow for usable space behind the commercial frontage. The Village Board would like this to be discussed by the Plan Commission. Direction was given for staff to come up with a few different ideas and visuals for the group to review and determine a recommendation to the Village Board.

Building height in the DMU district for any parcel that fronts along Main Street.
The draft standard is currently 40' and 3 stories with a stepback of the building facade after the second story. The CDA suggested removing the stepback requirement because it does not reflect downtown development patterns. They suggested using a 40-60' building facade articulation requirement instead so that any building longer than 40-60' would look like individual storefronts using articulation, rhythms, and patterns that you'd see throughout downtown today. The Village Board generally agreed with the suggested approach.

Building height in the DMU district for any parcel that does not front along Main Street.
The draft standard is currently 50’ and 4 stories with a stepback of the building façade after the third story. The CDA suggested increasing the maximum height to 60’ and 5 stories with the stepback of the building façade after the fourth story. The Village Board had mixed opinions on this topic and did not provide consensus direction. Some members agreed with the CDA that allowing a taller building would potentially provide more options for developers to accomplish redevelopments downtown without the need for TIF assistance (ex. Steve Brown), but others disagreed that the scale of buildings this size do not align with development patterns other than Duluth and the future Steve Brown project.

Downtown residential parking minimums (DMU district).
The draft standard is currently 1.2 on-site parking spaces required per multi-family dwelling unit in any building that has 10 or more dwelling units. The CDA suggested reducing this standard to 1 on-site parking space per 1 dwelling unit because that’s potentially more in line with parking demand for downtown projects. The Village Board had mixed opinions, but the majority appeared to be in favor of retaining the 1.2 approach. However, they would like to see the threshold for requiring parking to be reduced from 10 units down to something closer to 5 or 6 to reflect the actual maximum number of units in the existing buildings on Main Street that don’t provide residential parking today.

Proposed zoning around the Military Ridge State Trail in the downtown area.
The Village Board discussed the proposed zoning of parcels in this area because these hold the greatest opportunity for redevelopment potential. The direction was given to retain the proposed approach on the draft map and allow individual property owners to request a Zoning Map Amendment in the future if they desire to do something different with their property.

Downtown setback standards (DMU district).
The draft setback standards in the DMU district include a 0-10' range to provide some flexibility, but ensure that buildings have similar development patterns as those lots that exist today that are almost entirely built out. However, for any parcel that does not have alley access and only one street frontage, this standard would mean that vehicle access could only be provided through the building. The Village Board requested that the side setbacks be looked into further and potentially modified for those lots that do not have alley access. This could include a 24' side or rear setback for those lots to enable the minimum size of a two-way driveway to be placed in the side or rear yard to access on-site parking that is not permitted to occur facing the street (only behind the building).

Similarly, the Village Board discussed the draft code's approach to waiving the vision triangle requirements in the DMU district. It was discussed that this approach was proposed because many existing buildings do not meet those requirements, it would be counterintuitive to require a vision triangle setback greater than the maximum building setback, and that larger sidewalks in many areas of downtown provide an adequate distance from the travel lanes to the building for visibility. No recommended change was requested.

On-site recreational space standards for multi-family land uses.
The draft standards require 200 square feet of space per building, plus 25 square feet per bedroom of usable common gathering space for multi-family development projects. The Village Board wanted to ensure that this included both indoor and outdoor space. It was confirmed that the draft standards include options to meet this requirement through outdoor play areas, gathering spaces, etc. and indoor spaces such as fitness centers, shared balconies/rooftop spaces, community rooms, etc. No recommended change was requested.

Other
The Village Board requested that all public hearing notices be required to notify any property owner within 300' of the subject parcel. Staff will ensure this is the case in the draft code.

The Village Board requested that another chapter of the Municipal Code be amended to ensure that the Zoning Administrator role is clearly established, so it can be linked to the new code's use of that term.

HERITAGE
COMMUNITY
OPPORTUNITY

VILLAGE OF MOUNT HOREB
E. Main Street
Mount Horeb, WI 53572
Phone: (608) 437-6884 Fax: (608) 437-3190
Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

Memo

To: Plan Commission

From: Administrator Owen

cc: Village Board

Date: January 21, 2026

Re: Zoning Standards Effect on Redevelopment

At their January 14th meeting the Community Development Authority (CDA) discussed the recent revisions to the Downtown Mixed Use (DMU) zoning district in the zoning code rewrite and how it effects redevelopment efforts in the downtown. The main concern being the financial feasibility to undertake a development without significant investment from the Village in the form of Tax Incremental Financing incentives.

The CDA's concerns are as follows:

- ***§17.03.08 Mixed Use Building: (2)(b)(2)" For any lot located within the Downtown Mixed-Use District, no residential Land uses are permitted on the ground floor unless such use is located a minimum of 50 feet from the street right-of-way lot line,".***

    - The CDA discussed the intent of the requirement and strongly supports the requirement for commercial along the fronting street of developments in the DMU zoning district. The concern is related to requiring an arbitrary dimension depth of non-residential land uses from the front lot line. There are variety of lot depths within the DMU zoning designated properties. The goal is to provide commercial space along the main street front of those properties zoned DMU and allow for the flexibility from the design professional to integrate a viable commercial space into the proposal. If there is a concern the CDA would suggest looking solution that reduces the dimension and sets a minimum to be established that suggests a given minimum depth

dimension or a percentage of the overall depth of the lot (whichever is the less of the two.)

As an example, there are lots that are 80' deep within the DMU zoning. If we were to suggest a 50' dimension and require parking as part of the proposal on site there is no room left for parking in the 30' of remaining depth. If we were to look at a suggestion that said commercial space needs to be 25' deep from the front lot line or 20% of the overall depth of the lot (whichever is the less of the two) that would leave an 80' deep lot with needing to meet the requirement of the lesser of 25' or 20% of 80' which is 16'. This would then require the 80' deep lot to have 16' of commercial depth while allowing for a 60' dimension for parking which is a typical double loaded parking situation and structural walls of the building itself.

- The CDA's main concern is that this requirement is too stringent to accommodate the many different lot sizes in the downtown. The 50-foot requirement may work for the larger 100+ foot deep lots on the north side of Main Street, but on the smaller lots on the south side it would be nearly impossible to provide a 50-foot-deep commercial space and parking for apartments in a mixed-use building.

- ~~o~~ Further, the CDA is unsure if 50-foot is the best requirement for commercial space. A retail shop will need less commercial frontage than a restaurant. If we are requiring a larger commercial space than what is needed are we setting up a building for an unleasable space? From research we have found optimal square footage for a standard small-town retail store ranges from x to y, meaning a 50-foot requirement would be significantly too large. This would cause them to either lease too large of a space or the building owner added expense in dividing up the building to meet the requirement and the needs of the tenants~~.~~

- ***§17.0412 Table of Bulk Dimensions – Mixed Use Zoning Districts – Maximum Building Heights – DMU Max 40 feet and 3 stories with a front façade step back above the second story on Main Street. 50 feet and 4 stories off Main Street with a façade step back above the third story.***
  - The step back provision is an architectural element is added to tall buildings to reduce the impact the height of the building from a pedestrian viewpoint. The CDA agrees that the 40-foot and 3 story restriction on Main makes sense to keep with the existing look of downtown, however they do not think the step back makes sense. No existing buildings on Main Street have a step back and they feel there are other architectural tools that can help new buildings better match the look and feel of downtown.

  - Due to the lower limit on Main Street and existing 5 story buildings located off Main Street and the recommended heights referenced in the Comprehensive Plan, the CDA believes the off Main Street

maximum height should be placed back at 60 feet and 5 stories. *The group did discuss the idea of still requiring a step back at the 5th story as part of this increase to 5 stories in height.*

- **Recommendations:** Downtown Mount Horeb is without a doubt an economic hub of Mount Horeb. For years it has been, and with sound planning will continue to be a draw for Mount Horeb residents and tourists alike. To help preserve and enhance the Downtown as an economic driver for Mount Horeb for years to come, the CDA sees maintaining the ability to redevelop vacant, underutilized, or in the unfortunate event of a disaster, a damaged or destroyed building as essential.

  Based on their review and discussion, the CDA recommends the following amendments to the proposed DMU Zoning District to help ensure that redevelopment in the downtown is financially feasible while preserving the Historic look and feel that makes Downtown Mount Horeb the draw it is today.

  - Change the 50-foot of commercial frontage to a percentage of the building. As detailed before, 50 feet seems arbitrary and not a good fit for all buildings, especially lots that are not as deep as the lots on the North side of Main Street.

    A suggestion would be requiring the greater of 15-feet or 30% of the primary street frontage of a building to be active commercial use. Active commercial use would be defined as commercial showrooms, lobbies, retail sales area, dining rooms, customer-accessible spaces. In active commercial use would be defined as parking, storage, kitchen area, mechanical equipment.

  - Reduce the parking minimums back to the original 1 parking space per residential unit recommendation from the current 1.2. Parking is an item that does not generate revenue but has an upfront hard cost as well as ongoing operating costs. If there is no willingness to give on the parking minimums, it is essential for the financial feasibility of developments that the 50-foot commercial frontage rule is amended.

  - As mentioned earlier, the CDA is okay with the 3-story and 40-foot height maximum. They also recognize that the reduction of the maximum height from 4-stories to 3-stories will result in increased incentive requests from developers due to the reduced revenue from the loss of the extra floor. as they feel it does match the building mix of the downtown and retains the Opera House as the focal point. They would like to see the step back provision eliminated and instead a include architectural options and improved design standards.

Suggestions for design standards include a maximum design width of 40 or 60 feet before needing to articulate the building elevation so the buildings look like separate narrow buildings like a majority of the existing buildings on Main Street, even if they are located on larger lots or combined lots. The buildings could even include step backs where one building is a full three-stories and the next is a two-story that steps back to a three-story. The buildings could also have differing roof-lines like the buildings in the 100 block of E Main Street. Whether a building is one large building, or a series of buildings built over time the end product is to create a pedestrian experience that moves along a building elevation scale that is sympathetic to that of downtown.

- For buildings off Main Street the CDA would also request that the off main street height maximum be changed back to 5-stories or 60 feet. With the reduced height on Main Street and existing 5-story buildings in the area off Main Street they feel that this is a good compromise to allow for redevelopment opportunities that are more financially feasible without significant TID incentives. They do feel that the step back provision for the top floor is appropriate for the off Main Street buildings.

The CDA recognizes the need for the updating of the Village's existing code. The new code should be clear and concise and provide developers with a set of standards that they can understand and draft a proposal for a project without the need of Planned Development or substantial TIF incentives to make a project work. We recognize TIF incentives may still be needed; that is the very reason the Downtown TID was created as redevelopment is more challenging and costly than building on a green field site. The CDA believes that their recommended amendments are a fair compromise that aims at preserving the historic look of Main Street while also helping to make redevelopment opportunities more feasible.

SNR Committee Comments

Hello Nic:

Following up with suggested revisions to the landscaping section of the draft ordinance.

Pages 179 delete “Callery Pear “ as it appears on page 183 as an undesirable species.

Page 180 of the draft:

- note that Japanese Yew under the category of “medium evergreen shrubs” has toxic berries to humans and dogs. May not be suitable for all locations, especially if small children are present.

- Under the “ornamental grasses” section of the table suggesting landscaping plants. I would like to remove the species Karl.Foerster.Feather.Reed.Grass and in place suggest the following native grass species:

• Big bluestem (Andropogon gerard)

• Indiangrass (Sorghastrum nutans)

• Northern Sea Oats (Chasmanthium latifolium)

• Switchgrass (Panicum virgatum)

Reason why: When designing or planning parking areas, there is growing documentation of the role of native plants (especially native warm season grasses) in breaking down pollutants, especially hydrocarbons. The term is "phytoremediation,”

For more detailed information:

See: https://ozark.wildones.org/wp-content/uploads/sites/91/2021/04/Ozark-Native-Plant-Species-for-Phytotoremediation-of-Petroleum.pdf

A well-designed parking lot incorporates a bioswale of native grasses to help capture and filter run-off. This could be an explanationt in favor of giving more points for native grasses, sedges and rushes. See the link document for a listing of plants and their phytoremediation properties. Or, just search "phytoremediation" and "native plants.”

Hi Nic.

Here is language I had proposed to Article VIII: Landscaping Requirements in perhaps Section 17.08.10 : Applicability or Section 17.08.30: Landscaping Requirements?

“ It is recommended that the majority (>50%) of plantings be native plants, shrubs and trees of southern Wisconsin in Village landscaping plans”.

Additionally, I had also proposed that “ the extra special consideration be given for native plantings and prairie areas, in the Village, of the West Branch of the Upper Sugar River Watershed” . This is the watershed for which WDNR Adaptive Management Plan requirements are to be met based on the Mount Horeb WWTP WPDES permit. Pollutant reductions, especially phosphorus, are critically important in this watershed with stream sampling sites located accordingly. I think our Zoning Code should environmentally recognize and bring special attention/emphasis to this watershed through stormwater management, minimizing impervious surfaces and the plantings of a majority of native plants. Perhaps this consideration could be stated as one sentence in the Purpose of the Landscaping Requirements Section 17.08.01? Or other section?

If this special watershed consideration is not appropriate to be included in the zoning code revisions, then hopefully the Zoning Administrator and Planner will be especially cognizant of growth/ development and environmental safeguards for the Village in the upper watershed in which it is located.

Thank you for the opportunity to provide these suggestions and comments regarding our zoning code revisions-landscaping requirements. Have a good week. Jack

Outlook

Re: Zoning

From Jeff Grundahl <Jeff@JGDevelopment.com>
Date Thu 2/5/2026 9:03 AM
To Benjamin Rohr <brohr@vandewalle.com>; Nic Owen <Nic.Owen@mounthorebwi.info>

Ben yes that is correct. Thank you

Jeff Grundahl | **Chairman**

Mobile: (608) 576-7850
jeff@jgdevelopment.com

455 S. Junction Rd., Madison, WI 53719
(608) 437-6181 | 100% Employee Owned |
www.jgdevelopment.com/brio | www.jgdevelopment.com/supreme



From: Benjamin Rohr <brohr@vandewalle.com>
Sent: Thursday, February 5, 2026 6:23:52 AM
To: Nic Owen <Nic.Owen@mounthorebwi.info>; Jeff Grundahl <Jeff@JGDevelopment.com>
Subject: Re: Zoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeff,

I want to ensure that I have accurately documented your request. I'm assuming that you are referring to all parcels under ownership by 130 South First Street, LLC. That would include three total parcels as shown below.



Please let me know if this is accurate. Thank you.

Ben Rohr, AICP
Vandewalle & Associates Inc.
Shaping places, shaping change
120 E. Lakeside St.
Madison, WI 53715
CELL PHONE: 608-449-4912
www.vandewalle.com

From: Nic Owen <Nic.Owen@mounthorebwi.info>
Sent: Wednesday, February 4, 2026 10:13 AM
To: Jeff Grundahl <Jeff@JGDevelopment.com>; Benjamin Rohr <brohr@vandewalle.com>
Subject: Re: Zoning

Hi Jeff,

Thank you for submitting your request. We will take this request to the Plan Commission and Village Board with the other individuals that have requested zoning changes for consideration with adoption of the new code and zoning map.

If you have any questions let me know.

Nic

Nicholas Owen
Administrator
Village of Mount Horeb
Nic.owen@mounthorebwi.info
608-437-9409

VILLAGE OF MOUNT HOREB

From: Jeff Grundahl <Jeff@JGDevelopment.com>
Sent: Wednesday, February 4, 2026 10:06 AM
To: Benjamin Rohr <brohr@vandewalle.com>; Nic Owen <Nic.Owen@mounthorebwi.info>
Subject: Zoning

I would like to request the zoning on my properties at the "feedmill" /130 South first street and the adjacent empty lot to the west be future zoned multi family. Please call with any questions.

Jeff Grundahl | **Chairman**

Mobile: (608) 576-7850

jeff@jgdevelopment.com

455 S. Junction Rd., Madison, WI 53719
(608) 437-6181 | 100% Employee Owned |
www.jgdevelopment.com/brio | www.jgdevelopment.com/supreme



Outlook

Re: 301 N 2nd Street

From Benjamin Rohr <brohr@vandewalle.com>
Date Tue 12/2/2025 7:58 AM
To John-Paul Heres <johnpaul.heres@gmail.com>; Nic Owen <Nic.Owen@mounthorebwi.info>

JP,

Thank you for bringing this to our attention. I don't need anything else beyond what you've already provided. This email chain will serve as the property owner's request to change the zoning to Two-Family. I appreciate you reaching out and identifying this situation.

The next step will be to bring this request (along with all other requested changes) to the Plan Commission's meeting on January 28th. This group will determine which changes they recommend be incorporated within the new Zoning Code and Map that Village Board considers for adoption in February. You are more than welcome to attend these meetings, but you are not required to do so because I will pass along your comments/request.

Please let me know if you have any questions or need any additional information. Look for the potential change to take effect in February. Thanks.

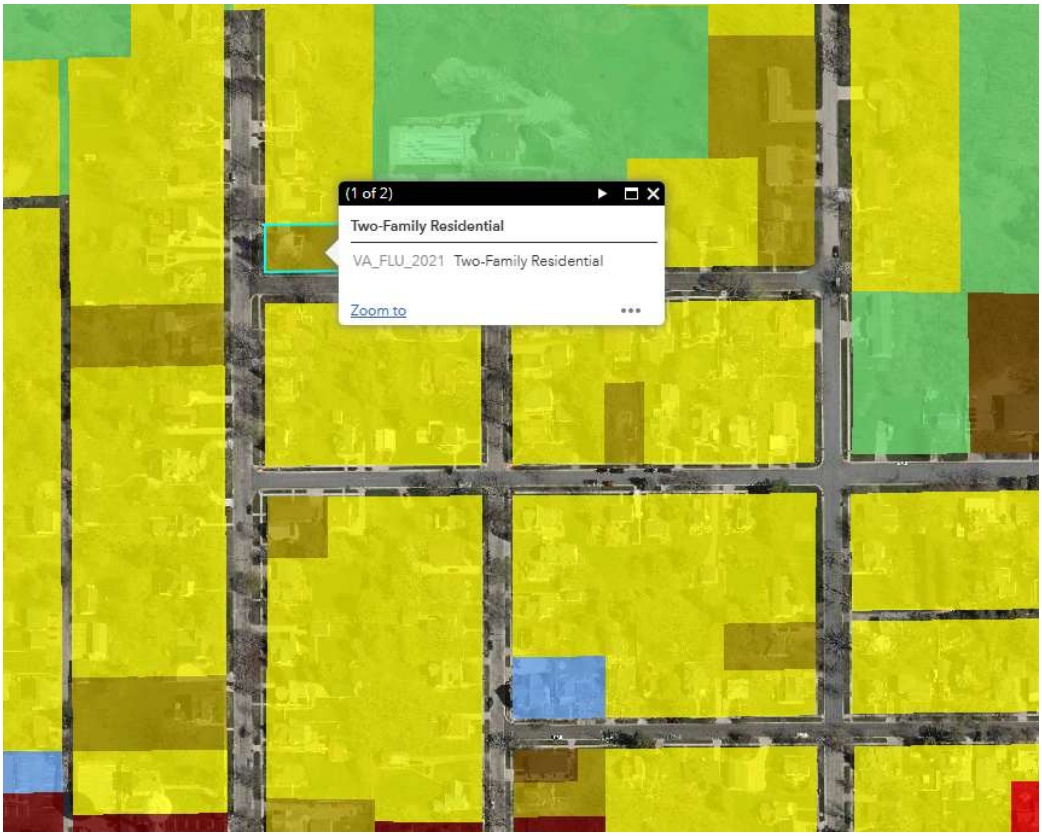
Ben Rohr, AICP
Vandewalle & Associates Inc.
Shaping places, shaping change
120 E. Lakeside St.
Madison, WI 53715
CELL PHONE: 608-449-4912
www.vandewalle.com

From: John-Paul Heres <johnpaul.heres@gmail.com>
Sent: Monday, December 1, 2025 2:19 PM
To: Nic Owen <Nic.Owen@mounthorebwi.info>; Benjamin Rohr <brohr@vandewalle.com>
Subject: Re: 301 N 2nd Street

Thanks, Nic. I think the online map actually has the current and future zoning reversed if I've been reading the proposed changes correctly (below).

Ben, please let me know what you need from me.

Thanks,
JP



On Mon, Dec 1, 2025 at 2:09 PM Nic Owen <Nic.Owen@mounthorebwi.info> wrote:

> Hi JP,
>
> I'm including a screen shot of the current zoning from your property below; which shows your property zoned as R-1 Single Family Residential. I'm not sure if a Conditional Use Permit was ever obtained for this property or if it was rezoned with a previous rezoning to make it R-1 and it is now an existing non-conforming use, but the new draft zoning map is just carrying forward the current zoning for the property. I am including our Planner, Ben Rohr on my reply to assist with the direction on this, but I believe property owners can submit a request to have their property rezoned, in your case to two-family, as part of this rezoning process.
>
> Thank you.
>
> Nic



Nicholas Owen
Adminisrator
Village of Mount Horeb
Nic.owen@mounthorebwi.info
608-437-9409

VILLAGE OF MOUNT HOREB

From: John-Paul Heres <johnpaul.heres@gmail.com>
Sent: Tuesday, November 25, 2025 3:24 PM
To: Nic Owen <Nic.Owen@mounthorebwi.info>
Subject: 301 N 2nd Street

Hi Nic,

I was reviewing the proposed zoning changes and noticed that my property goes from Two-Family Residential to R-1 Single Family Residential (at least on the maps). Currently, it has two units/occupants in it.

What do I need to do to make sure that it properly retains its current use under the proposed zoning?

Thanks,
JP Heres
301 N 2nd Street

Outlook

Re: Proposed Zoning - 410 North 4th Street Mt Horeb

From Benjamin Rohr <brohr@vandewalle.com>
Date Wed 1/14/2026 2:14 PM
To Steve Helwig <steve@helwigauto.com>; Nic Owen <Nic.Owen@mounthorebwi.info>

Hello Steve,

You are correct. The property is zoned A-1 today and the draft new Zoning Map shows the property as SF-1 (equivalent to the existing R-1 zoning district).

The property appeared to be in a single-family use when we were reviewing and developing the draft new Zoning Map. Additionally, the Comprehensive Plan shows the property as Single-Family. These reasons led to the proposed change.

However, as the property owner, you have the ability to request something different than what's proposed as part of the draft new Zoning Map.

We have received other requests via email like yours. We have been documenting those requests this way without any other formal request being needed.

What we will do is bring this request forward to the Plan Commission with the other Zoning Map change requests from property owners. The Plan Commission and Village Board will ultimately have to vote to approve the request as part of the adoption of the new code/map. As of right now, we are targeting the February 25th Plan Commission and the March 4th Village Board meeting. You do not need to appear in person for these meeting, unless you'd like to do.

Thanks.

Ben Rohr, AICP
Vandewalle & Associates Inc.
Shaping places, shaping change
120 E. Lakeside St.
Madison, WI 53715
CELL PHONE: 608-449-4912
www.vandewalle.com

From: Steve Helwig <steve@helwigauto.com>
Sent: Tuesday, January 13, 2026 4:12 PM
To: Nic Owen <Nic.Owen@mounthorebwi.info>; Benjamin Rohr <brohr@vandewalle.com>
Subject: Proposed Zoning - 410 North 4th Street Mt Horeb

Good afternoon gentlemen,

I have been reviewing the proposed zoning changes,

It appears that the parcel I live at 410 North 4th Street is proposed to change from A-1 to R-1. Does this in fact have to occur?

It would be my preference to keep zoned as A-1, it is more aligned with my intended use.

Let me know if I need to submit any formal request.

Thank You!

Steve

Steve Helwig
Helwig Auto Clinic LLC
3137 State Road 78
Mount Horeb, WI 53572
608-437-5112 Office
608-575-6908 Direct

Village of Mount Horeb Zoning Ordinance Rewrite

Village Board
March 4, 2026

VANDEWALLE & ASSOCIATES INC.

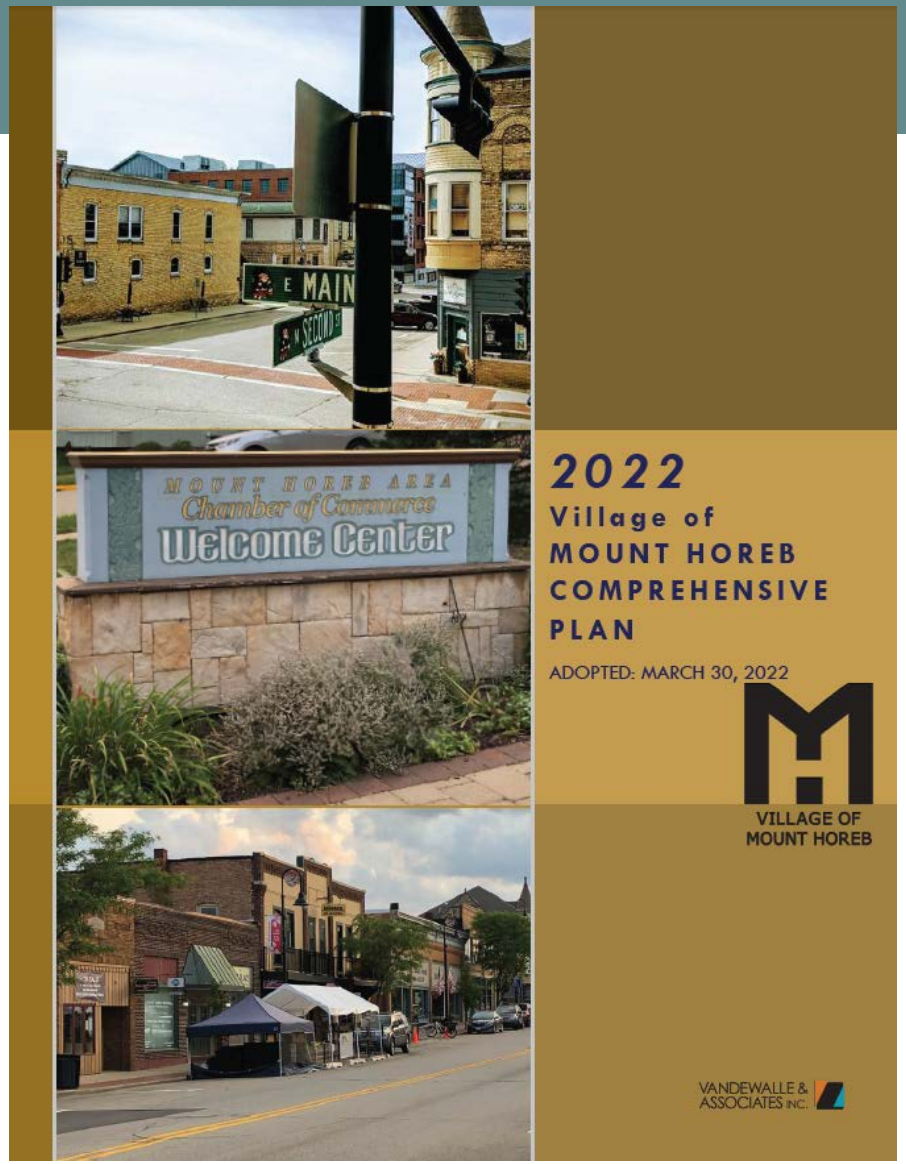
Project Timeline

Number	Public Meetings/Discussions	Timing
1	Issues Identification and Evaluation Report	May 22, 2024
2	Zoning Districts, Bulk Dimensional Standards, and Land Uses	July 24, 2024
3	Residential Density and Impervious Surfaces	September 26, 2024
4	Full Part 1	February 14, 2025
5	Parking Standards	March 26, 2025
6	Zoning Map and Other Committee Feedback	May 5, 2025
7	May Follow-Up and Landscaping and Exterior Design	June 30, 2025
8	Signage Standards	October 13, 2025
9	Full Draft Zoning Code	October 29, 2025
10 & 11	HPC and VB Full Draft Review	November 2025
12 & 13	Exterior Lighting (2)	December/January
14	VB Full Draft Review	January 26, 2026
15	Plan Commission Public Hearing and Recommendation	February 25, 2026

2022 Comprehensive Plan

Recommended the Village rewrite the Zoning Ordinance to:

- Accommodate a variety of housing options
- Reflect law changes
- Facilitate mixed-use development
- Enable infill and redevelopment
- Reduce CUPs and need for PDs



Project Purpose and Goals

- Implement the Comprehensive Plan
- Modernize the ordinance and its regulations
- Improve user-friendliness, flexibility, and predictability

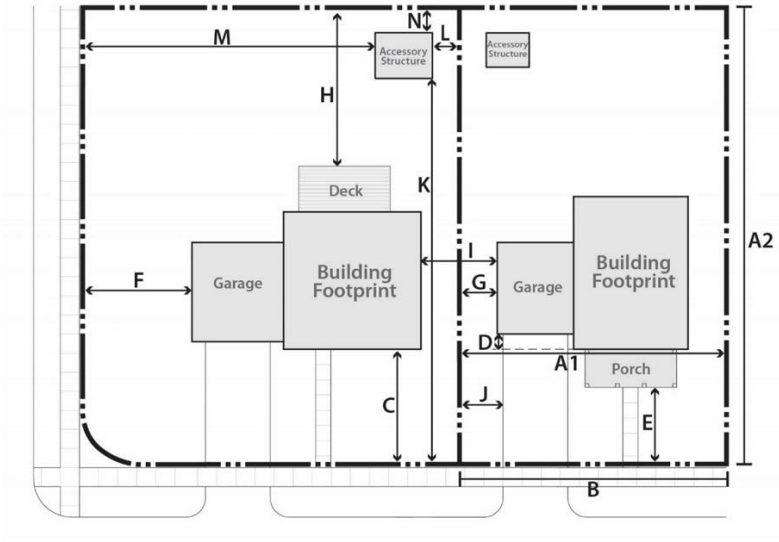
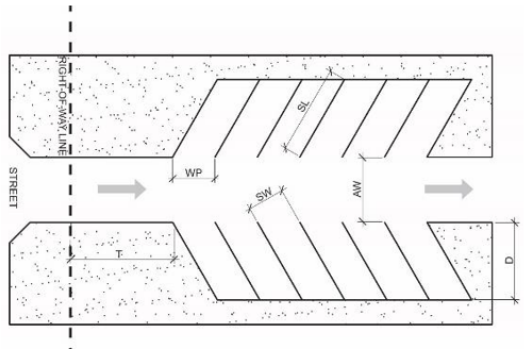
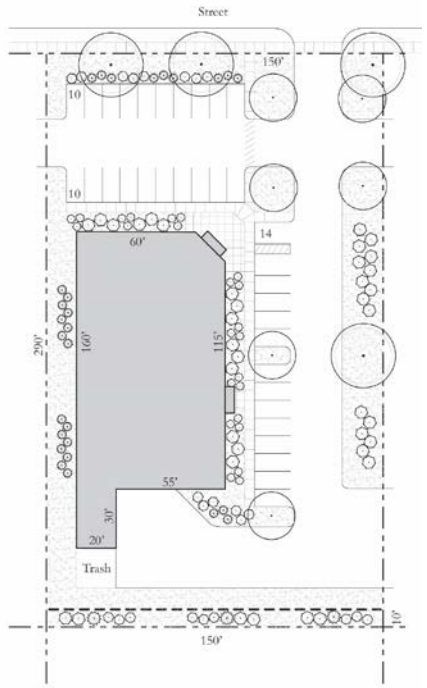


Figure 10.06.06d: Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees 0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	20'	12'6"	10'3"	9'3"	9'
Stall Depth to Wall (D)[1]	9'	18'	18'	18'	18'
Stall Length (SL)	18'	25'	22'	20'	18'6"
Cross Aisle Width for 1-way traffic flow (AW)	14'	14'	16'	23'	24'
Cross Aisle Width for 2-way traffic flow with angled parking	24'	24'	24'	24'	24'
Throat Length (right-of-way to parking angle) (T)[2]	Figure 10.06.06i				

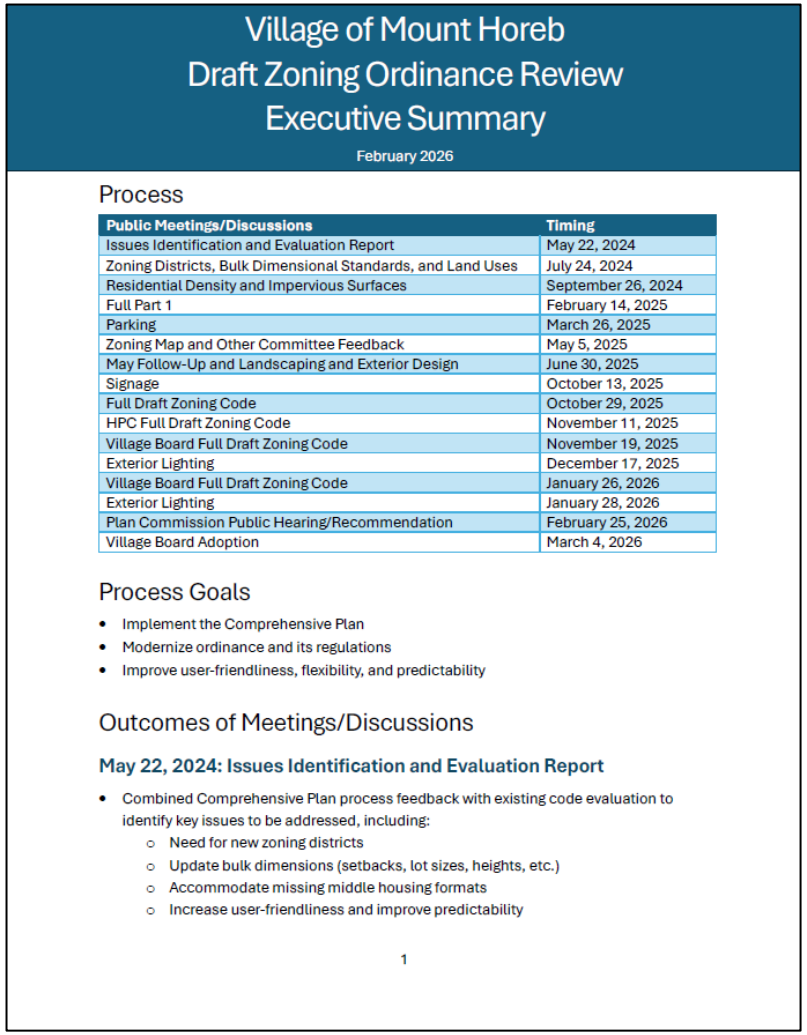
Notes:
[1]Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.
[2]In no case shall the throat length be less than the required setback.





Outcomes of Meetings/Discussions

- See the Executive Summary
  - Updated from November version
- Decisions reflected in Final Draft



Village of Mount Horeb
Draft Zoning Ordinance Review
Executive Summary

February 2026

Process

Public Meetings/Discussions	Timing
Issues Identification and Evaluation Report	May 22, 2024
Zoning Districts, Bulk Dimensional Standards, and Land Uses	July 24, 2024
Residential Density and Impervious Surfaces	September 26, 2024
Full Part 1	February 14, 2025
Parking	March 26, 2025
Zoning Map and Other Committee Feedback	May 5, 2025
May Follow-Up and Landscaping and Exterior Design	June 30, 2025
Signage	October 13, 2025
Full Draft Zoning Code	October 29, 2025
HPC Full Draft Zoning Code	November 11, 2025
Village Board Full Draft Zoning Code	November 19, 2025
Exterior Lighting	December 17, 2025
Village Board Full Draft Zoning Code	January 26, 2026
Exterior Lighting	January 28, 2026
Plan Commission Public Hearing/Recommendation	February 25, 2026
Village Board Adoption	March 4, 2026

Process Goals

- Implement the Comprehensive Plan
- Modernize ordinance and its regulations
- Improve user-friendliness, flexibility, and predictability

Outcomes of Meetings/Discussions

May 22, 2024: Issues Identification and Evaluation Report

- Combined Comprehensive Plan process feedback with existing code evaluation to identify key issues to be addressed, including:
  - Need for new zoning districts
  - Update bulk dimensions (setbacks, lot sizes, heights, etc.)
  - Accommodate missing middle housing formats
  - Increase user-friendliness and improve predictability

1

Final Draft Changes Made Pre-Public Hearing

- Minor typos, formatting, and reference errors corrected
- Other changes from input/review between November – today:
  - Mostly clarification and consistency changes
  - Each is documented within the summary materials and has been made within the Final Draft Code and Map

Final Draft Changes Made Post-Public Hearing

- Changes were considered individually by the Plan Commission during the Feb. meeting based on feedback from the following:
  - Village Board/CDA
  - Village staff
  - Property owners
  - HPC
  - SNR
  - Public hearing

Each was voted upon by the Plan Commission and incorporated into the Final Draft (redline edits)

PC Discussion Item Outcomes

PC Discussion Item Outcomes

Item Number	Discussion Item	Past Draft Approach	PC Recommendation
1.	Downtown Height (Main Street)	40'/3 stories, 3rd floor stepback All properties abutting Main St.	40'/3 stories, no stepback Min. articulation every 40' All properties abutting/north of Main St.
2.	Downtown Height (off Main Street)	50'/4 stories, 4th floor stepback	50'/4 stories, no stepback
3.	Downtown Parking	1.2 spaces/unit for 10+ unit buildings	1.2 spaces/unit for 6+ unit buildings
4.	Downtown Side/Rear Setback	Min. 0', Max. 10'	Min. 0', Max. 10' Max 24' if midblock parcel needs access
5.	Downtown Mixed Use	Min. 50' ground floor nonresidential from all right-of-way, excluding alleys	Min. 30' ground floor nonresidential or 40% of the lot depth from all right-of-way, whichever is greater Corner/double frontage = only 1 street facing side required

PC Discussion Item Outcomes

Item Number	Discussion Item	Past Draft Approach	PC Recommendation
6.	Residential Accessory Alley Setback	5’ from the alley	5’ from the alley, unless Village utilities requires a greater distance
7.	301 N. 2nd Street	Zoning: SF-1	Zoning: TF-1 (match use)
8.	410 N. 4th Street	Zoning: SF-1	Zoning: AG (retain existing zoning)
9.	130 S. 1st Street (3 parcels)	Zoning: LI (industrial)	Zoning: LI (retain existing zoning)
10.A.	Downtown Design Standards	Thin board texture vinyl (listed material)	Remove think board texture vinyl Add “other appropriate high-quality materials may be considered”
10.B.	Downtown Design Standards	Reference to Sherwin Williams and Benjamin Moore color pallets	Only “Sherman Williams historic exterior collection colors”

PC Discussion Item Outcomes

Item Number	Discussion Item	Past Draft Approach	PC Recommendation
11.	Downtown PUDs	PUD could be granted for any requested flexibility	DMU base zoned properties cannot request PUD for parking or height
12.	Downtown Residential Density	No maximum density cap on number of units, based on setbacks and height	No change
13.	Downtown Canopies	Prohibit aluminum/suspended metal canopies	Remove prohibition and allow
14.	Zoning Purpose and Intent Statement	Reference to protect and enhance natural resources	Add to that “protect and enhance natural, cultural, and historic resources”
15.	Review and Approval Bodies/Processes Table	No reference to HPC listed	Add HPC and their duties to table

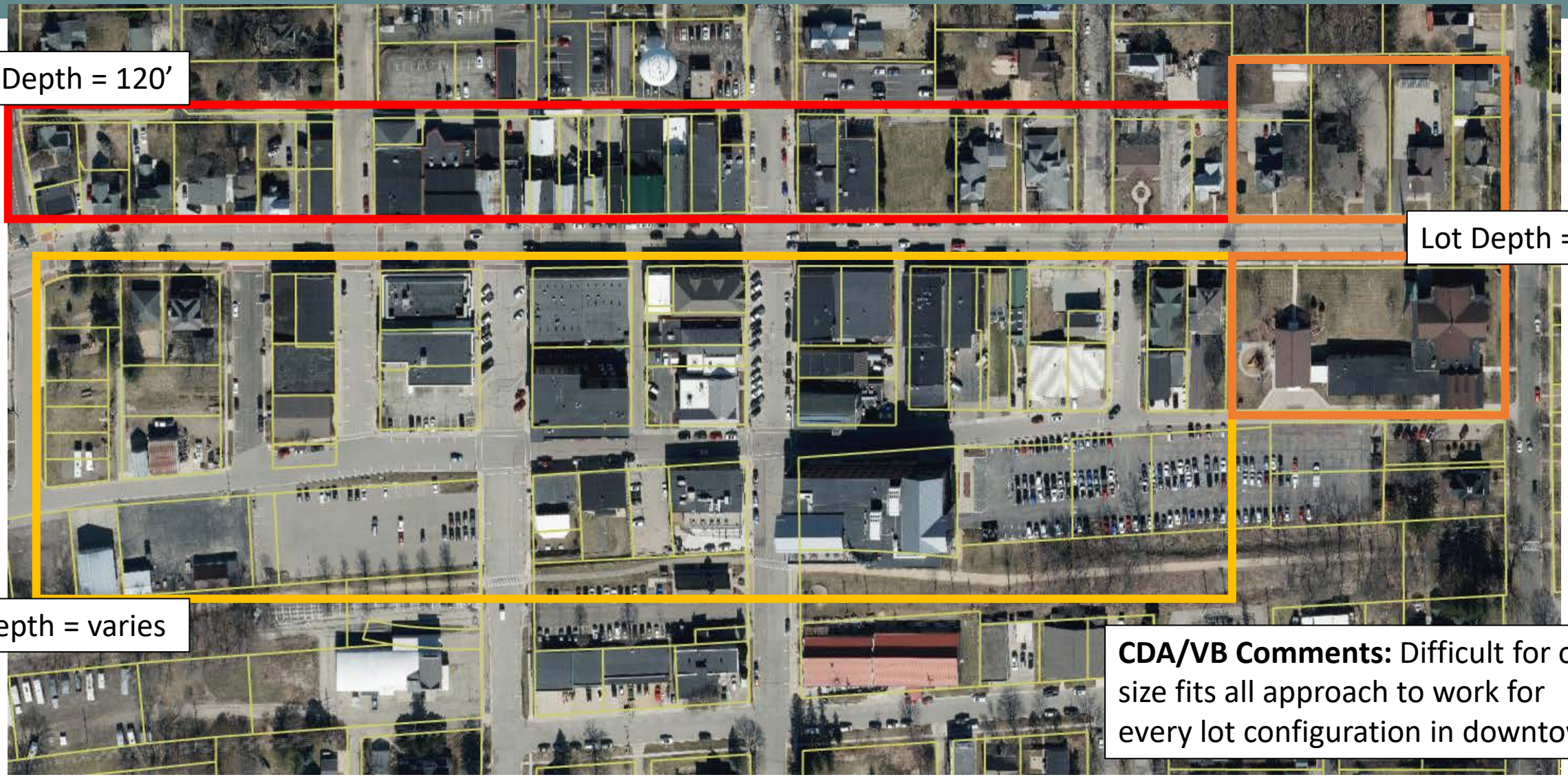
Next Steps

- Consider Action on Zoning Ordinance (with changes)
- Consider Action on Zoning Map (with changes)

Village Staff Optional Approach

- **Min. 30’ ground floor nonresidential**
  - Based on research for min. retail depth needed for usable space
- **Standard applies to frontages along defined ROW (Main, Front, and S. 1st and 2nd Street)**
  - Based on research where some communities further customize standards by street frontage seeking to keep activated
- **Option for Plan Commission to consider less than min., if conditions are met (active street frontage design and unique circumstances)**
  - Based on research where some communities use CUP or other method to allow less than min.

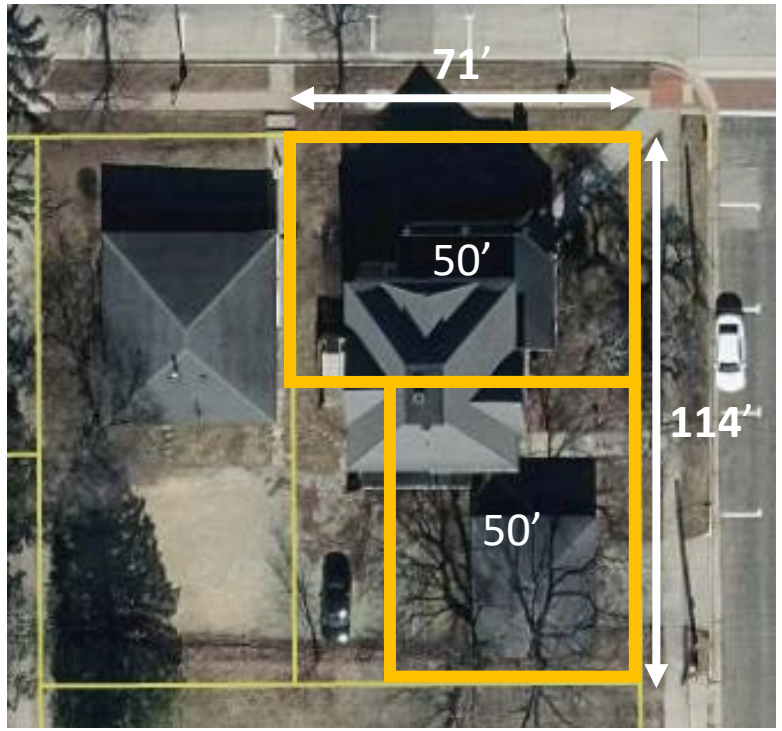
Downtown Mixed Use Standards



CDA/VB Comments: Difficult for one size fits all approach to work for every lot configuration in downtown

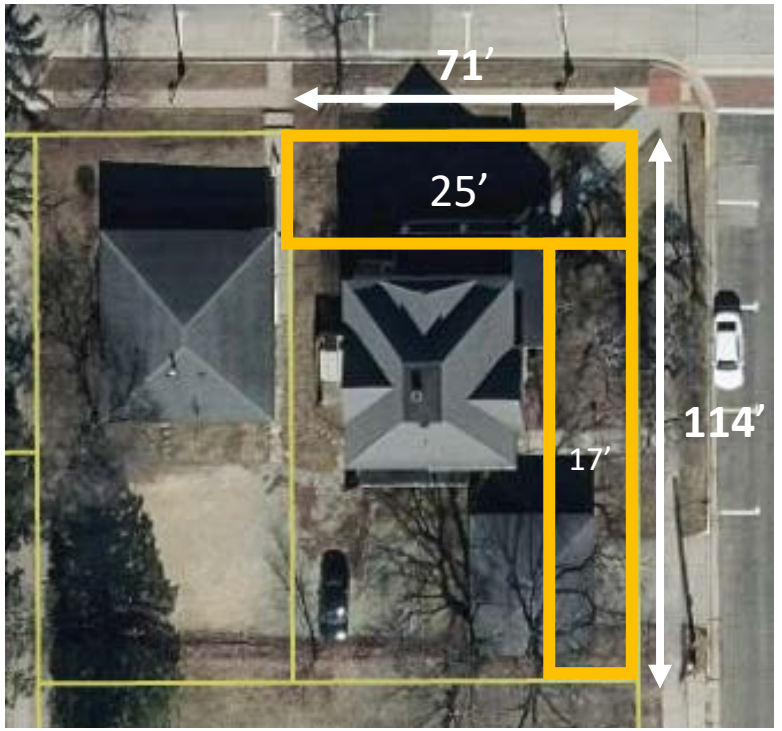
Downtown Mixed Use Standards

50’ For Example Purposes Only



Potential Issue = no ground floor space for anything else

25’ or 25% Lot Depth
For Example Purposes Only



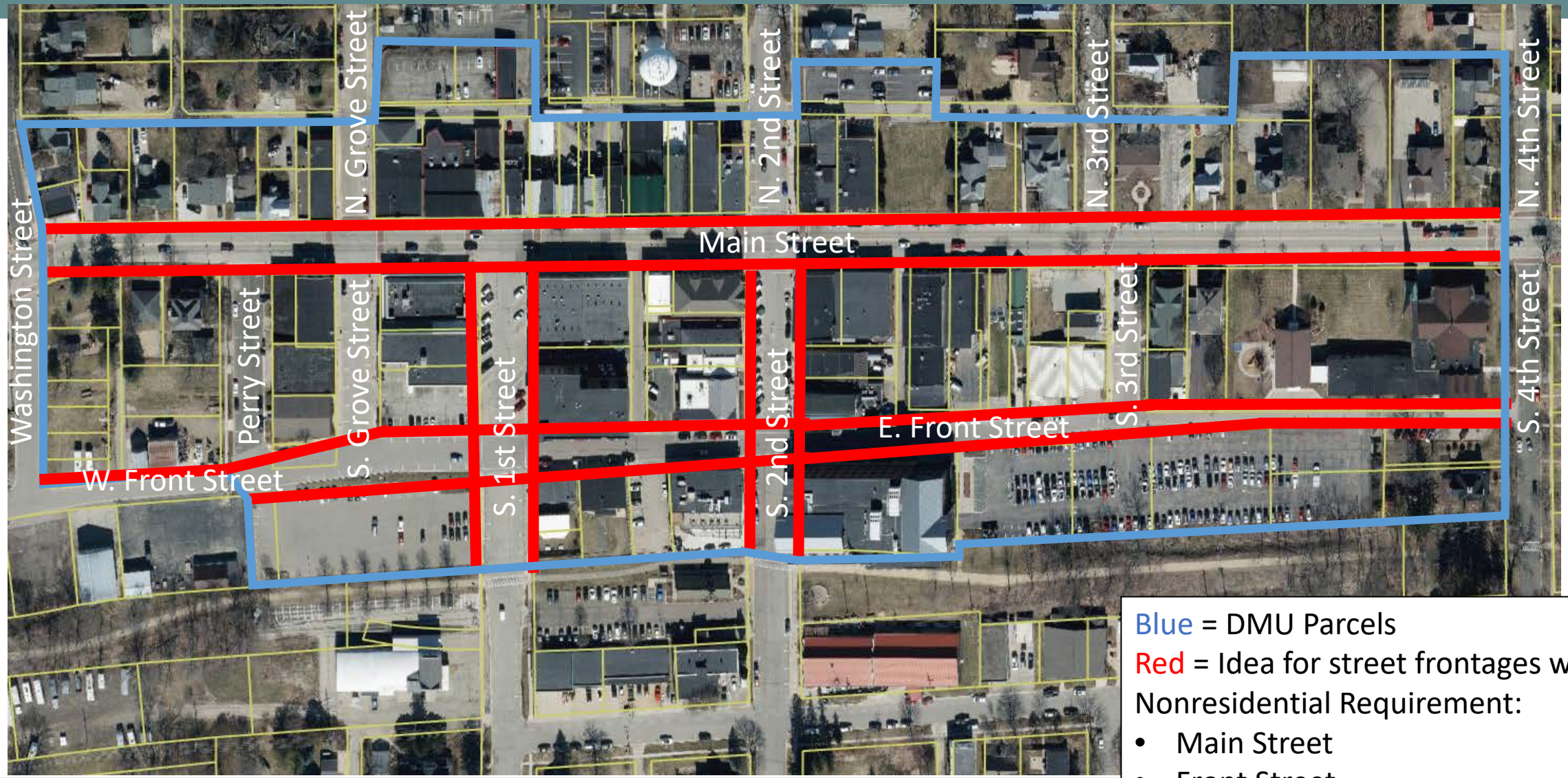
Potential Issue = 17’ isn’t enough for usable space

30’ From Defined ROW
For Example Purposes Only



Potential Issue = less nonres. space required

Downtown Mixed Use Standards



Blue = DMU Parcels

Red = Idea for street frontages with Nonresidential Requirement:

- Main Street
- Front Street
- South 1st and 2nd Street

FINAL DRAFT

MARCH 2026

VILLAGE OF MOUNT HOREB, WISCONSIN

CHAPTER 17: ZONING ORDINANCE

Article I: Introduction 1
Article II: Establishment of Zoning Districts 5
Article III: Land Use Regulations 21
Article IV: Bulk Regulations 101
Article V: Nonconforming Situations 113
Article VI: Performance Standards 118
Article VII: Exterior Building Design Standards 155
Article VIII: Landscaping Requirements 174
Article IX: Signage 194
Article X: Administration and Procedures 216
Article XI: Definitions 244

TABLE OF CONTENTS

Article I: Introduction 1
Section 17.01.01: Title 1
Section 17.01.02: Authority 1
Section 17.01.03: Purpose and Intent 1
Section 17.01.04: Separability and Non-Liability 2
Section 17.01.05: Abrogation 2
Section 17.01.06: Rules of Interpretation 2
Section 17.01.07: Jurisdiction 3
Section 17.01.08: Reserved 3
Section 17.01.09: Effective Date 3
Section 17.01.10: Applicability 3
Sections 17.01.12 to 17.01.20: Reserved 3
Section 17.01.21: Word Usage 3
Section 17.01.22: Abbreviations 4
Sections 17.01.23 to 17.01.99: Reserved 4
Article II: Establishment of Zoning Districts 5
Section 17.02.01: Purpose 5
Section 17.02.02: Standard Zoning Districts 5
Section 17.02.03: Interpretation of Zoning District Boundaries 6
Section 17.02.04: Description and Purpose of Zoning Districts 6
Sections 17.02.05 to 17.02.09: Reserved 6
Section 17.02.10: Zoning Districts 7
Section 17.02.11: Planned Unit Development Zoning District (GDP or SIP) 10
Sections 17.02.12 to 17.02.19: Reserved 12
Sections 17.02.20: Overlay Zoning Districts 13
Section 17.02.21: Well-Head Protection Overlay Zoning District 13
Section 17.02.22: Historic Preservation Overlay Zoning District 16
Sections 17.02.23 to 17.02.99: Reserved 20
Article III: Land Use Regulations 21
Section 17.03.01: Purpose 21
Section 17.03.02: Regulation of Allowable Land Uses 21
Section 17.03.03: Regulations Applicable to All Land Uses 21
Section 17.03.04: Detailed Land Use Descriptions and Regulations 24
Section 17.03.05: Table of Land Uses 24
Section 17.03.06: Residential Land Uses 34
Section 17.03.07: Reserved 48
Section 17.03.08: Mixed-Use Buildings 49
Section 17.03.09: Reserved 51
Section 17.03.10: Commercial Land Uses 51
Section 17.03.11: Reserved 60

Section 17.03.12: Institutional Land Uses....60
Section 17.03.13: Reserved....63
Section 17.03.14: Industrial Land Uses....63
Section 17.03.15: Reserved....66
Section 17.03.16: Storage Land Uses....66
Section 17.03.17: Reserved....67
Section 17.03.18: Transportation Land Uses....67
Section 17.03.19: Reserved....70
Section 17.03.20: Telecommunication Land Uses....70
Section 17.03.21: Reserved....74
Section 17.03.22: Extraction and Disposal Land Uses....74
Section 17.03.23: Reserved....76
Section 17.03.24: Energy Production Land Uses and Structures....76
Section 17.03.25: Reserved....78
Section 17.03.26: Agricultural Land Uses....78
Section 17.03.27: Reserved....81
Section 17.03.28: Accessory Land Uses and Structures....81
Section 17.03.29: Reserved....97
Section 17.03.30: Temporary Uses....97
Sections 17.03.31 to 17.03.99: Reserved....100

Article IV: Bulk Regulations....101

Section 17.04.01: Purpose....101
Sections 17.04.02 to 17.04.09: Reserved....101
Section 17.04.10: Bulk Standards....101
Sections 17.04.11 Table of Bulk Dimensions – Residential Zoning Districts....102
Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts....104
Section 17.04.13 Table of Bulk Dimensions – Industrial Zoning Districts....106
Section 17.04.14 Table of Bulk Dimensions –Agriculture, Open Space, and Other Zoning Districts....107
Section 17.04.15 to 17.04.19: Reserved....108
Section 17.04.20: Exceptions to Maximum Height Regulations....109
Sections 17.04.21 to 17.04.29: Reserved....109
Section 17.04.30: Yard Setback Adjustments....109
Sections 17.04.31 to 17.04.39: Reserved....110
Section 17.04.40: Projections into Required Yards....110
Sections 17.04.41 to 17.04.99: Reserved....112

Article V: Nonconforming Situations....113

Section 17.05.01: Purpose....113
Sections 17.05.02 to 17.05.09: Reserved....113
Section 17.05.10: Legal Nonconforming Uses....113
Sections 17.05.11 to 17.05.19: Reserved....114
Section 17.05.20: Legal Nonconforming Lots....114
Sections 17.05.21 to 17.05.29: Reserved....114

Section 17.05.30: Legal Nonconforming Structures 114
Sections 17.05.31 to 17.05.39: Reserved 117
Section 17.05.40: Other Nonconforming Sites 117
Sections 17.05.41 to 17.05.99: Reserved 117
Article VI: Performance Standards 118
Section 17.06.01: Purpose 118
Section 17.06.02: Group Development Standards 118
Section 17.06.03: Access and Visibility Standards 120
Sections 17.06.04 through 17.06.05: Reserved 124
Section 17.06.06: Off-Street Parking and Traffic Circulation 124
Section 17.06.07: Off-Street Loading Standards 135
Sections 17.06.08 to 17.06.19: Reserved 136
Section 17.06.20: Exterior Lighting Standards 136
Section 17.06.21: Exterior Storage and Screening Standards 138
Sections 17.06.22 to 17.06.29: Reserved 140
Section 17.06.30: Vibration Standards 140
Section 17.06.31: Noise Standards 141
Section 17.06.32: Air Pollution Standards 141
Section 17.06.33: Odor Standards 142
Section 17.06.34: Glare and Heat Standards 142
Section 17.06.35: Fire and Explosions 143
Section 17.06.36: Toxic, Noxious, and Waste Materials 143
Section 17.06.37: Hazardous Materials 143
Sections 17.06.38: Radioactivity and Electrical Disturbances 144
Section 17.06.39: Reserved 144
Section 17.06.40: Residential Fencing Standards 144
Section 17.06.41: Non-Residential Fencing Standards 148
Section 17.06.42: Swimming Pool Standards 151
Section 17.06.43: On-Site Recreational Space Requirements 153
Sections 17.06.44 to 17.06.49: Reserved 153
Section 17.06.50: Regulations for Vacant Buildings 153
Sections 17.06.51 to 17.06.99: Reserved 154
Article VII: Exterior Building Design Standards 155
Section 17.07.01: Purpose and Applicability 155
Section 17.07.02: Springdale Street Design Standards 156
Sections 17.07.03 to 17.07.09: Reserved 157
Section 17.07.10: Single- and Two-Family Uses 157
Sections 17.07.11 to 17.07.19: Reserved 157
Section 17.07.20: Multi-Family Uses 157
Sections 17.07.21 to 17.07.29: Reserved 160
Section 17.07.30: Business Park Zoning District and Commercial, Mixed-Use, and Institutional Uses 160
Sections 17.07.31 to 17.07.39: Reserved 162

Section 17.07.40: Industrial Uses....162
Sections 17.07.41 to 17.07.49: Reserved....164
Section 17.07.50: DMU Zoning District Design Standards....164
Section 17.07.51: DMU District Design Review....170
Sections 17.07.52 to 17.07.99: Reserved....173
Article VIII: Landscaping Requirements....174
Section 17.08.01: Purpose....174
Sections 17.08.02 to 17.08.09: Reserved....174
Section 17.08.10: Applicability....174
Sections 17.08.11 to 17.08.19: Reserved....175
Section 17.08.20: Landscape Plan....175
Sections 17.08.21 to 17.08.29 Reserved....175
Section 17.08.30: Landscaping Requirements....175
Sections 17.08.31 to 17.08.39: Reserved....185
Section 17.08.40: Classification of Plant Species....185
Sections 17.08.41 to 17.08.49: Reserved....190
Section 17.08.50: Standards for Rain Gardens and Bioswales....191
Sections 17.08.51 to 17.08.59: Reserved....192
Section 17.08.60: Installation Requirements....192
Sections 17.08.61 to 17.08.99: Reserved....193
Article IX: Signage....194
Section 17.09.01: Purpose....194
Section 17.09.02: Reserved....194
Section 17.09.03: Definitions....194
Section 17.09.04: Reserved....197
Section 17.09.05: Definitions Related to Sign Groups, Sign Categories, and Sign Types....197
Sections 17.09.06 to 17.09.07: Reserved....200
Section 17.09.08: Electronic Message Signs....200
Section 17.09.09: Fuel Price Signs....201
Section 17.09.10: Sign Encroachment on Main Street (STH 78) Right-Of-Way....201
Section 17.09.11: Permitted Sign Rules....201
Sections 17.09.12 to 17.09.14: Reserved....206
Section 17.09.15: Sign Setback, Height, Measurement, and Flexibility....206
Section 17.09.16: Plan Commission Review Authority....208
Sections 17.09.17 to 17.09.26: Reserved....208
Section 17.09.27: Sign Approvals and Permits – Application, Enforcement, and Revocation....208
Section 17.09.28 through 17.09.29: Reserved....211
Section 17.09.30: Sign Prohibitions and Limitations....211
Sections 17.09.31 to 17.09.32: Reserved....212
Section 17.09.33: Appearance, Construction, and Maintenance of Signage....212
Section 17.09.34: Reserved....214
Section 17.09.35: Nonconforming Signs....214

Section 17.09.36: Reserved 214
Section 17.09.37: Removal of Sign and Sign Structures Where Business Is No Longer In Operation 214
Sections 17.09.38 to 17.09.39: Reserved 215
Section 17.09.40: Violations, Penalties, and Fees 215
Sections 17.09.41 to 17.09.99: Reserved 215
Article X: Administration and Procedures 216
Section 17.10.01: Purpose 216
Section 17.10.02: Exempt Activities 216
Sections 17.10.03 to 17.10.09: Reserved 216
Section 17.10.10: Zoning Administrator 216
Section 17.10.11: Plan Commission 216
Section 17.10.12: Village Board 217
Section 17.10.13: Zoning Board of Appeals 217
Section 17.10.14: Historic Preservation Commission 218
Section 17.10.15 to 17.10.19: Reserved 218
Section 17.10.20: Review and Approval Required 218
Section 17.10.21: Notice of Public Hearings 220
Section 17.10.22: Neighborhood Meetings 220
Section 17.10.23: Concept Plan Review 220
Section 17.10.24 to 17.10.29: Reserved 221
Section 17.10.30: Zoning Ordinance or Zoning Map Amendment 222
Section 17.10.31: Reserved 224
Section 17.10.32: Conditional Use Permit Procedures 224
Sections 17.10.33 to 17.10.40: Reserved 229
Section 17.10.41: Zoning Permit Review and Approval Procedures 229
Section 17.10.42: Certificate of Occupancy 230
Section 17.10.43: Site Plan Review and Approval Procedures 230
Section 17.10.44: Reserved. 233
Section 17.10.45: Planned Unit Development Review and Approval Procedures 233
Sections 17.10.46 to 17.10.49: Reserved 238
Section 17.10.50: Interpretations 238
Section 17.10.51: Variances 241
Section 17.10.52: Appeals of Zoning Interpretations 242
Section 17.10.53: Administration and Enforcement of Performance Standards 243
Sections 17.10.54 to 17.10.59: Reserved 243
Section 17.10.60: Violations and Penalties 243
Section 17.10.61: Fees 243
Sections 17.10.62 to 17.10.99: Reserved 243
Article XI: Definitions 244
Section 17.11.01: Definitions 244

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, cultural, and historic 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

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

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 or Building Inspector.

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.

(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
PN-1	Pocket Neighborhood 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

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-1 Zoning District

(a) Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for non-permanently attached manufactured and mobile homes.

(8) (PN-1) Pocket Neighborhood Residential-1 Zoning District

(a) Intent. This district is intended to promote creative infill development and redevelopment within established neighborhoods or to create, preserve, and enhance areas for pocket neighborhood land uses in new development settings. Pocket neighborhoods are intended to be comprised of small residential buildings that consist of detached or attached dwelling units that face a common open space.

(9) (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.

(10) (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.

(11) (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.

(12) (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.

(13) (BP) Business Park Zoning District

(a) Intent. This district is intended to enable business parks to be developed to enhance the future 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.

(14) (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.

(15) (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.

(16) (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 17.02.20). Where there is no overlay district present, the regulations of this district shall apply.

(17) (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.

(18) (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.

(19) (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.

(20) (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 contributes 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) Provide safe transportation options for all modes 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 except for maximum height requirements within the Downtown Mixed Use (DMU) zoning district.

c. Performance Standards

i. All requirements listed in Article VI Performance Standards may be waived within a Planned Unit Development except for minimum on-site parking requirements within the Downtown Mixed Use (DMU) zoning district.

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 17.02.11a Zoning District Translation Table

Pre-2026 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 17.02.11a 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 17.02.11a 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 17.02.20 – 17.02.22.

(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 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.

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.

(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 a 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 or 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.

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 material, 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 17.02.22(3)(a). The Commission, at its discretion, may then forward the nomination to the Village Board along with its recommendation for or against designation.

1. Nomination Application. Each application shall include all required elements of the Village of Mount Horeb Historic Designation Nomination Application.

(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) Effects of Denial. No application which has been denied shall be resubmitted for a period of 6 months from the date of said order of denial.

(7) Interim control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition is authorized by formal resolution of the Village Board as necessary for public health, welfare, or safety. In no event shall the delay be for more than 180 days.

(8) 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

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.

(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. Pocket Neighborhood Residential – 1 (PN-1)
4. Business Park (BP)
5. Light Industrial (LI)
6. Heavy Industrial (HI)
7. Parks and Recreation (PR)

(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 17.02.11)
3. Manufactured Home Parks (Section 17.03.06)
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 14), 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 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 17.02.11 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. The establishment of a Pocket Neighborhood land use requires Site Plan approval.

(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

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Residential Land Uses (§17.03.06)																			
Apartments/Multiplexes				P	P			P											
Boarding House Living Arrangement								C	C	C	C								
Pocket Neighborhoods							P												
Duplex/Twin House			P	P	P		P	P											
Manufactured Home						P													
Manufactured Home Park						P													
Single Family Dwelling Unit	P	P	P	P	P	P	P	P							P				
Townhouse				P	P		P	P											
Two-Flat			P	P	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									

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
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							
Commercial Kitchen									P	P	P	P	P	P					
Drive-Through & In-Vehicle Sales or Service									P			P	P						
Electronic Smoking Retailer									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
Personal or Professional Service								P	P	P	P	P	P	P					

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
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				P	C	P		P
Community Living Arrangement 1-8	P	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	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	P
Indoor Institutional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		P		
Institutional Residential				P	P		P	P			P								
Large Scale Public Services and Utilities								P	P	P	P	P	P	P	P		P		
Outdoor Open Space Institutional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Industrial Land Uses (§17.03.14)																			
Data Center														P					P
Heavy Industrial														P					P

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Indoor Food Production and Processing												P	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	C
Extraction and Disposal Land Uses (§17.03.22)																			
Composting													C	C	C				P

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Extraction																			P
Indoor Recycling Facility													C	C					P
Salvage or Junkyard																			P
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	P	C	P		P
Cultivation	P	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	P
Company Cafeteria									P	P	P	P	P	P					

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Detached Residential Accessory Building	P	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		P
Farm Residence															P				
Home Occupation	P	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							P				
In-Home Daycare (Less than 9)	P	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	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							P				
Residential Kennel	P	P	P				P								P				

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Residential Stable															P				
Satellite Dish	P	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	P
Small Solar Energy System	P	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	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	P
Awning/Canopy	P	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	P
Bay Window/Balcony	P	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	P
Chimney	P	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	P
Decorative Pond	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Eves and Gutters	P	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	P
Fire Escape	P	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	P
Fountain	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
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	P
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	P
Gazebo/Picnic Shelter	P	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	P
Little Food Pantry	P	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	P
Mechanical Equipment	P	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	P
Patio/Freestanding or Detached Deck	P	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	P
Picnic Table/Bench	P	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	P
Recreational Paved Path/Boardwalk/Platform	P	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	P
Seasonal Decorations	P	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	P
Stoop/Landing	P	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	P

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 *Single Family Residential -1*	SF-2 *Single Family Residential -2*	TF-1 *Two Family Residential-1*	MF-1 *Multifamily Residential-1*	MF-2 *Multifamily Residential-2*	MH-1 *Mobile Home Residential-1*	PN-1 *Pocket Neigh. Res.-1*	NMU *Neighborhood Mixed Use*	CMU *Corridor Mixed Use*	DMU *Downtown Mixed Use*	INST *Institutional*	BP *Business Park*	LI *Light Industrial*	HI *Heavy Industrial*	AG *Agricultural*	CON *Conservancy*	PR *Parks and Recreation*	AO *Adult Entertainment*	IOA *Intensive Outdoor Activity*
Swing Set/Play Equipment	P	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	P
Walkways/Steps	P	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				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	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	P
Temporary Outdoor Assembly	P	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	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	P

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. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

(b) See Section 17.07.20 for multi-family design standards and Section 17.06.43 for on-site recreation space requirements.

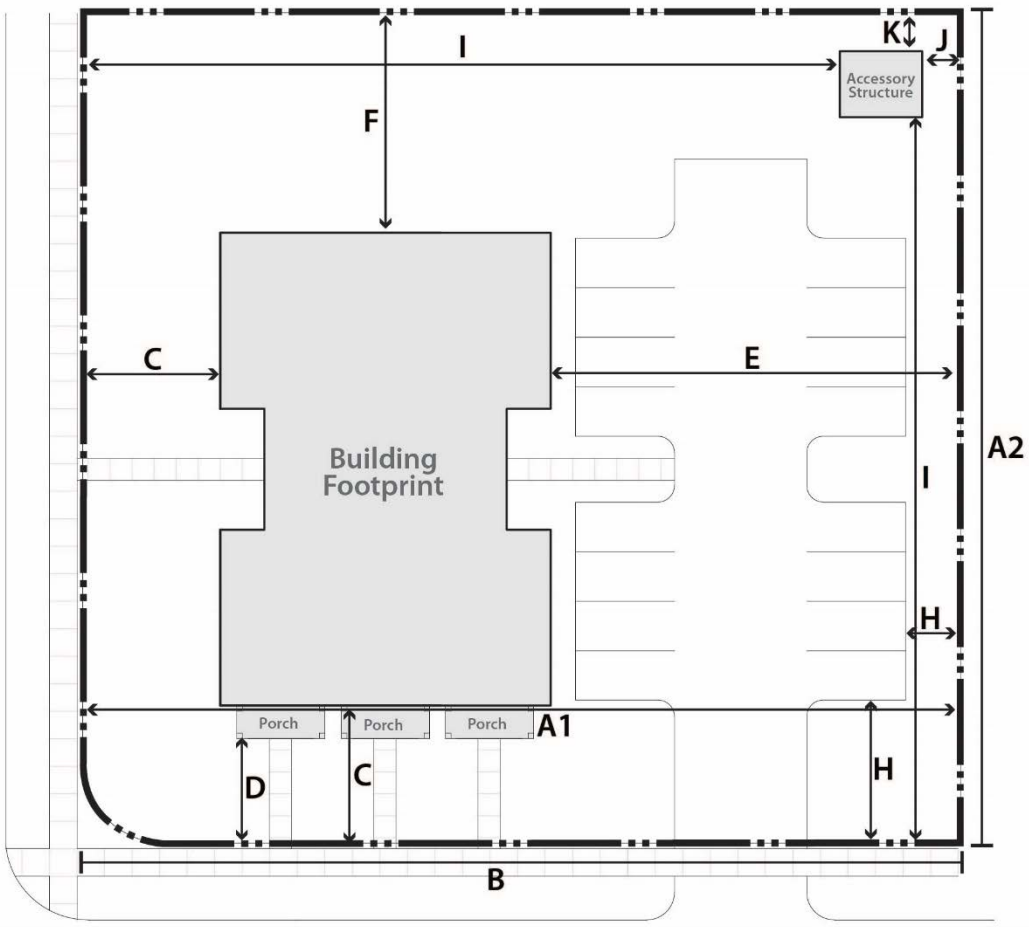
(c) All development shall comply with the requirements of the Municipal Code.

(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 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 17.03.06a: Apartment/Multiplex

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
H	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
I	Minimum Accessory Building Front Yard or Street Side Corner Setback
J	Minimum Accessory Building Side Yard Setback - Interior
K	Minimum Accessory Rear Yard Setback



(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. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

(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 17.03.06.c.). 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.

    a. This form of Duplex or Twin House also includes those situations where the two dwelling units are attached only at the front corner of the foundation/footings and the structures run parallel to one another in a rectangular format. The open area between the two dwellings shall be subject to the same requirements as described in (3)(c)1. above.

(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.

Figure 17.03.06b: Duplex/Twin Home

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
H	Minimum Building Separation
I	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
J	Minimum Accessory Building Front Yard or Street Side Corner Setback
K	Minimum Accessory Building Side Yard Setback – Interior
L	Minimum Accessory Building Rear Yard Setback

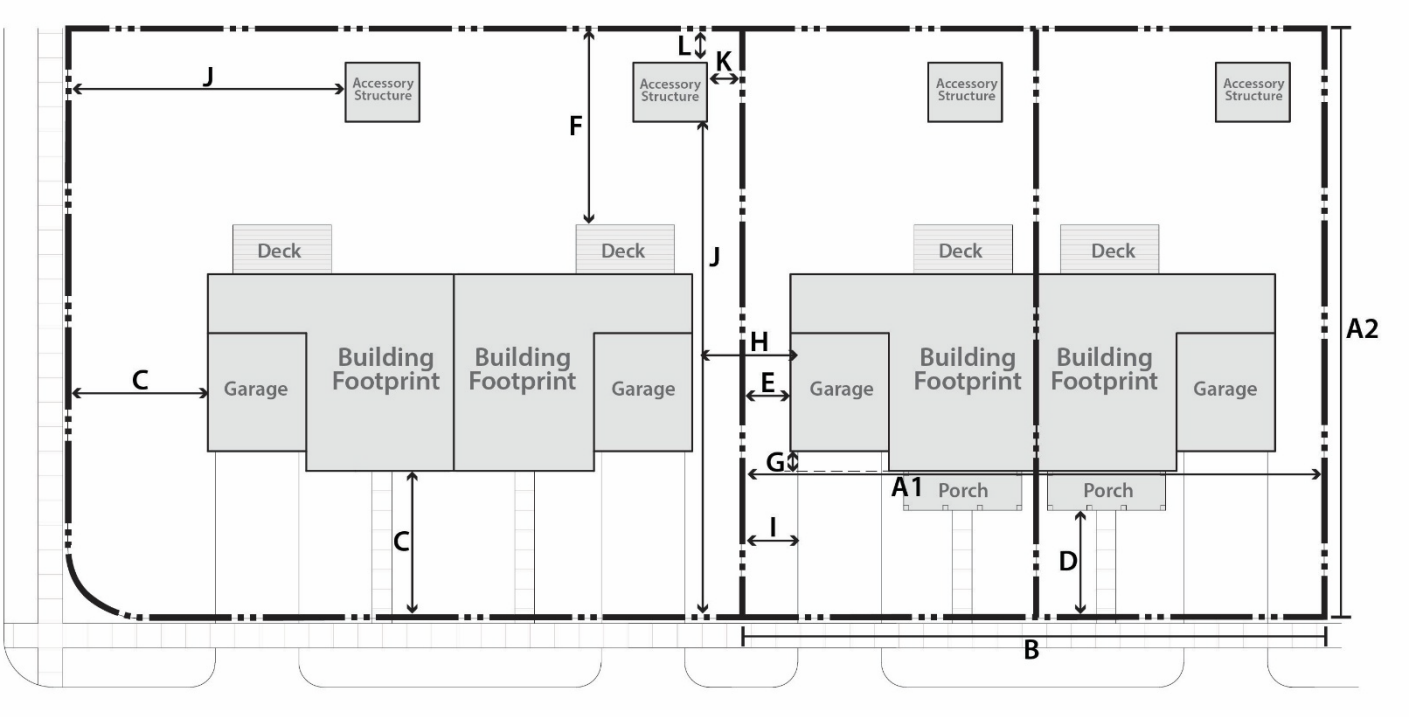
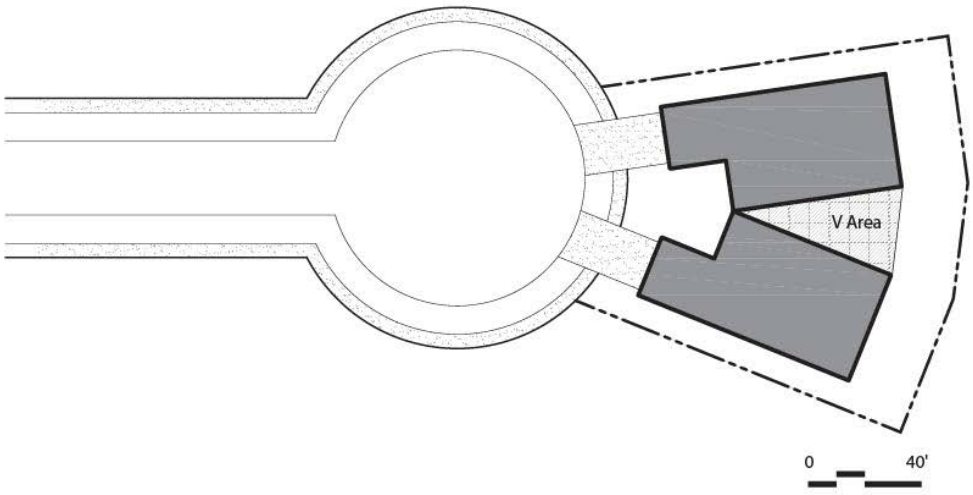


Figure 17.03.06c: V-Shaped Duplex



(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(7).

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.

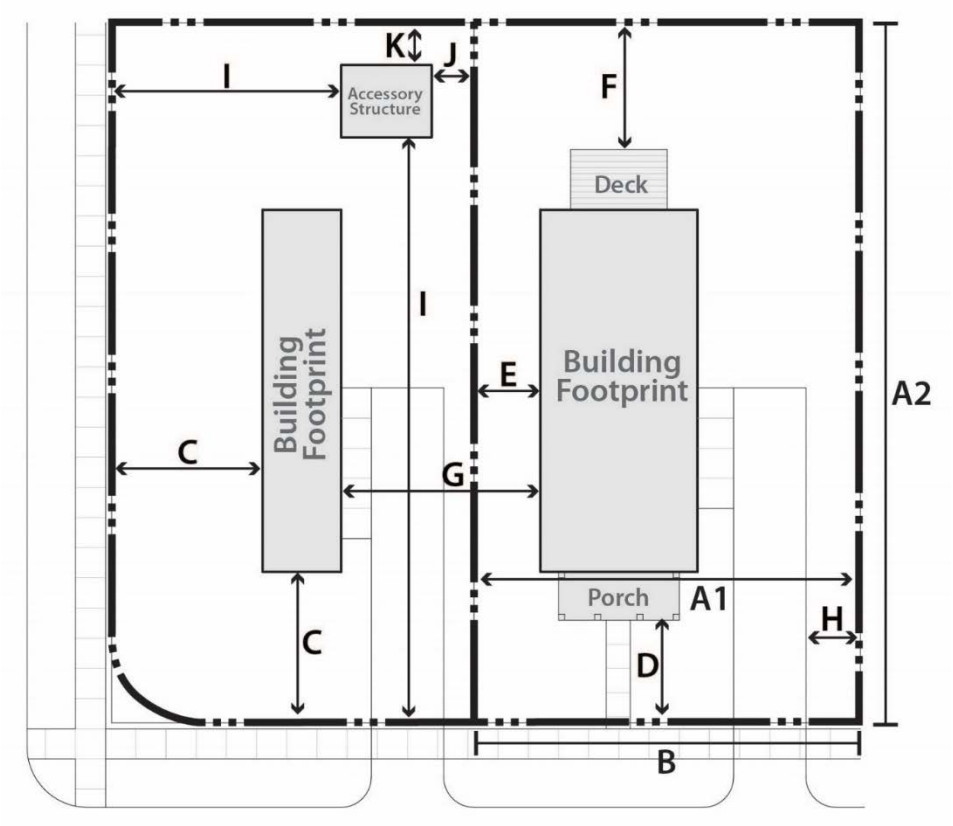
(c) All development shall comply with the requirements of the Municipal Code.

(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.

Figure 17.03.06d: Manufactured Home

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Building Separation
H	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
I	Minimum Accessory Building Front Yard or Street Side Corner Setback
J	Minimum Accessory Building Side Yard Setback – Interior
K	Minimum Accessory Building Rear Yard Setback



(5) **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(4), 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.

(6) **Pocket Neighborhoods**: This land use type consists of a grouping of small residential buildings that may include Single-Family Dwelling Units, Duplex/Twin Houses, or Townhouses. Pocket Neighborhoods may include each dwelling unit on an individual lot, where all dwelling units are located on a single lot, or a combination of individual and shared lots.

Regulations:

(a) Pocket Neighborhoods shall contain a common open space that is centrally located within the dwelling unit configuration. The common open space shall be accessible by each dwelling unit and a minimum of 60 percent of all dwelling units shall have the front door and front porch directly facing and accessible from the common open space. The common open space shall not be used as a stormwater management facility. See Section 17.06.43 for on-site recreation space requirements.

(b) Pocket Neighborhood accessory structure requirements:

1. Attached or detached garage doors shall not open toward public streets or the common open space.

2. All units shall have a minimum 6-foot deep porch located on the front façade of each individual dwelling unit.

3. When Pocket Neighborhoods include individual lots for each dwelling unit, all other accessory structures are prohibited on any lot that contains a dwelling unit. Any common area lots may include any other accessory structure permitted within the zoning district and does not require a principal structure to be located on said lot.

4. When Pocket Neighborhoods include a common form of ownership on a single lot, accessory structures shall meet all requirements of the zoning district.

5. A detached residential accessory building within common areas that serves and is open to all residents within the Pocket Neighborhood may exceed the size and amount maximums within 17.03.28(4), if approved by the Plan Commission during the Site Plan review process. The approval shall be based on the structure's location, setback, use, and architectural design reflecting the scale, characteristics, and context of the Pocket Neighborhood design.

(c) A Pocket Neighborhood shall meet all fire access requirements, including a minimum 20-foot-wide all-weather paved surface to access all individual dwelling units.

(d) 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. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

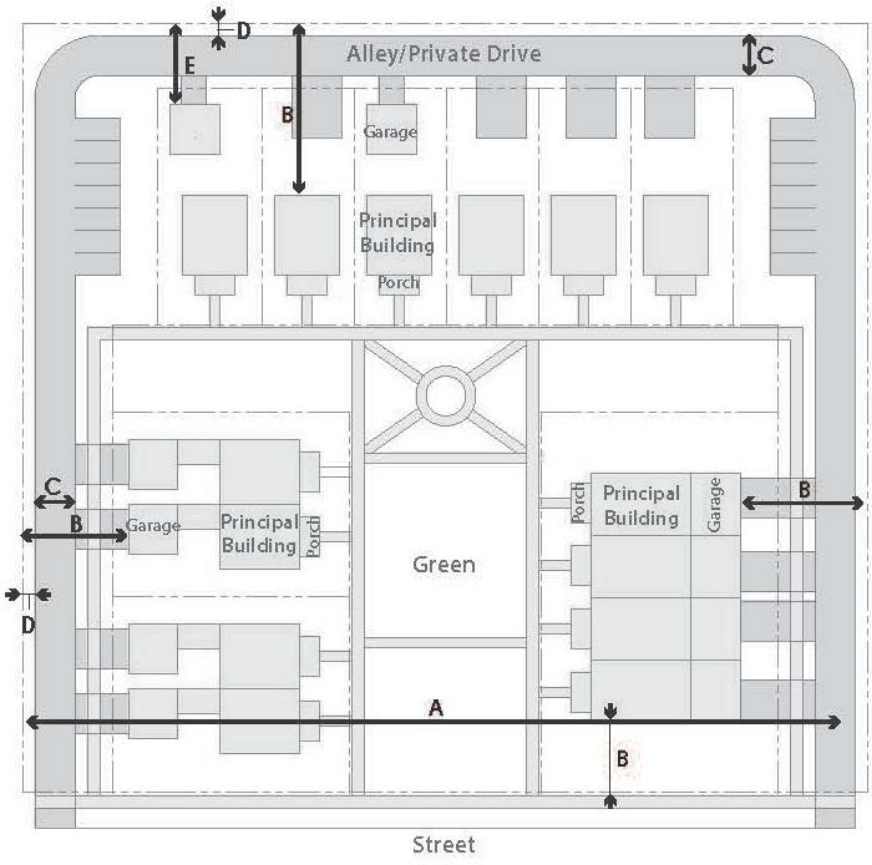
(e) All development shall comply with the requirements of the Municipal Code.

(f) Minimum and maximum required parking: See Section 17.06.06. Off-street parking stalls may be located in attached or detached garages, driveways, or in common parking areas or shared access garages.

(g) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Pocket Neighborhood land uses. Specific requirements 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 17.03.06e: Pocket Neighborhood

Key to Figure	
A	Minimum Lot Frontage at Right-of-Way
B	Minimum Peripheral Setbacks (Front Yard, Street Side Corner, Porch, Side Yard, or Rear Yard)
C	Minimum Fire Access (all weather paved surface access)
D	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
E	Minimum Peripheral Accessory Building Setbacks (Front Yard, Street Side Corner, Side Yard, or Rear Yard)



(7) **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.

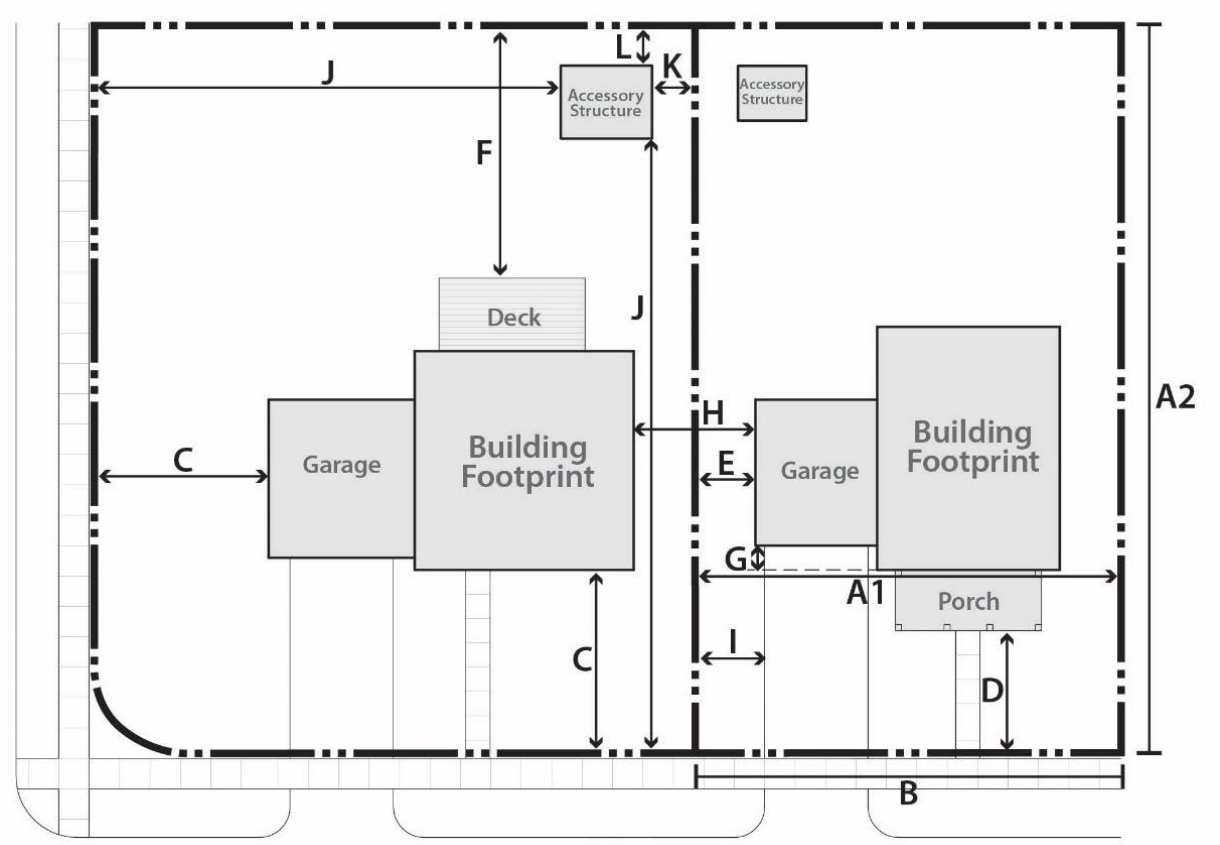
(d) All development shall comply with the requirements of the Municipal Code.

(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.

Figure 17.03.06f: Single Family Dwelling Unit

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
H	Minimum Building Separation
I	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
J	Minimum Accessory Building Front Yard or Street Side Corner Setback
K	Minimum Accessory Building Side Yard Setback – Interior
L	Minimum Accessory Building Rear Yard Setback



(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. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

(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 dwelling units attached at the front interior corner of the foundation, and with the dwellings becoming increasingly separated from one another as distance increases from the building front to the building rear. The open area between the 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 the dwellings 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.

    a. This form of Townhouse also includes those situations where the dwelling units are attached only at the front corner of the foundation/footings and the structures run parallel to one another in a rectangular format. The open area between the dwellings shall be subject to the same requirements as described in (8)(c)1. above.

(d) See Section 17.07.20 for multi-family design standards and Section 17.06.43 for on-site recreation space requirements.

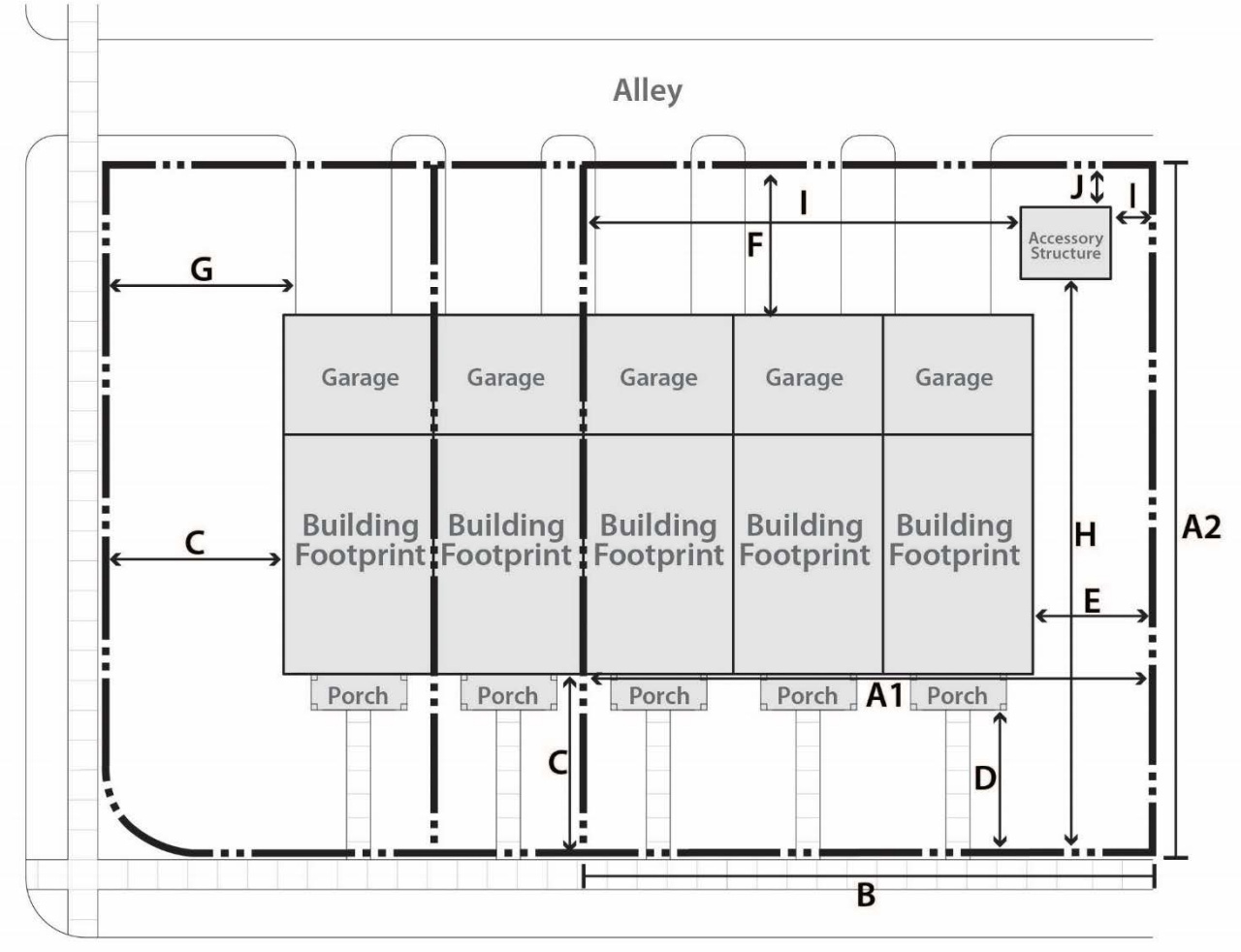
(e) All development shall comply with the requirements of the Municipal Code.

(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.

Figure 17.03.06g: Townhouse

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
H	Minimum Accessory Building Front Yard or Street Side Corner Setback
I	Minimum Accessory Building Side Yard Setback – Interior
J	Minimum Accessory Building Rear Yard Setback



(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. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.

(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.

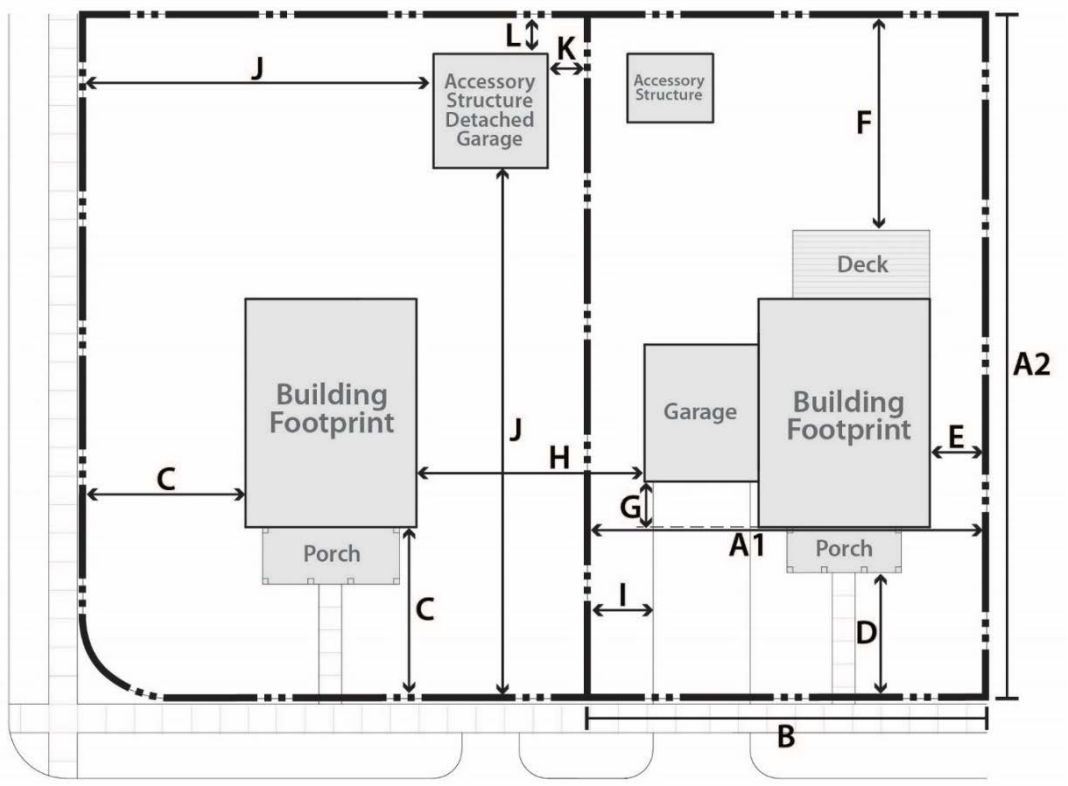
(d) All development shall comply with the requirements of the Municipal Code.

(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 17.03.06h: Two-Flat

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior
F	Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
G	Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
H	Minimum Building Separation
I	Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
J	Minimum Accessory Building Front Yard or Street Side Corner Setback
K	Minimum Accessory Building Side Yard Setback – Interior
L	Minimum Accessory Building Rear Yard Setback



Section 17.03.07: Reserved

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 17.06.43 for on-site recreation space requirements.

(2) **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. For any lot not located within the Downtown Mixed-Use District, the principal indoor nonresidential use of any mixed-use building shall consist of a minimum of 40 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 maximum requirement for nonresidential use space shall be 4,000 square feet. See Figure 17.03.08a below.

a. The 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.

b. Nonresidential land uses are permitted to exceed ground level minimums and be located on any floor of the structure so long as the ground level minimum requirement is met.

2. For any lot located within the Downtown Mixed-Use District, no residential land uses are permitted on the ground floor unless such use is located a minimum of 3~~5~~0 feet or 40% of the lot depth as measured from the street right-of-way lot line, whichever is greater, as determined by the Plan Commission. ~~not including alleys, as determined by the Plan Commission.~~ See Figure 17.03.08b below.

a. Lots with multiple street frontages.

i. The minimum 30 foot or 40% lot depth requirement shall not be required along any property line directly abutting a public or private alleyway.

ii. A corner lot or double frontage lot shall only be required to meet the minimum 30 foot or 40% lot depth requirement for one of the street frontages.

~~a.~~b. The lobby or entryway spaces intended for use by both residential and nonresidential land uses shall be permitted within the 3~~5~~0 foo~~ee~~t or 40% lot depth requirement above.

~~b.~~c. Nonresidential land uses are permitted to exceed ground level minimums and be located on any floor of the structure so long as the ground level minimum requirement is met.

(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 17.06.43 for on-site recreation space requirements.

Figure 17.03.08a: Mixed-Use Building Requirements (Outside of DMU)

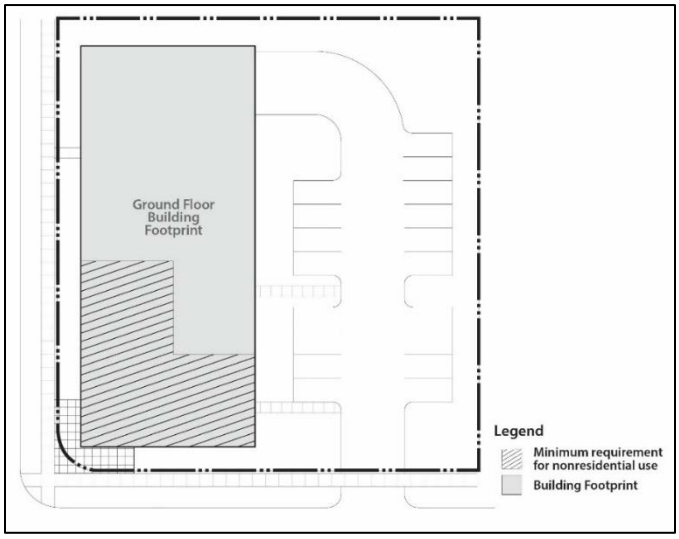
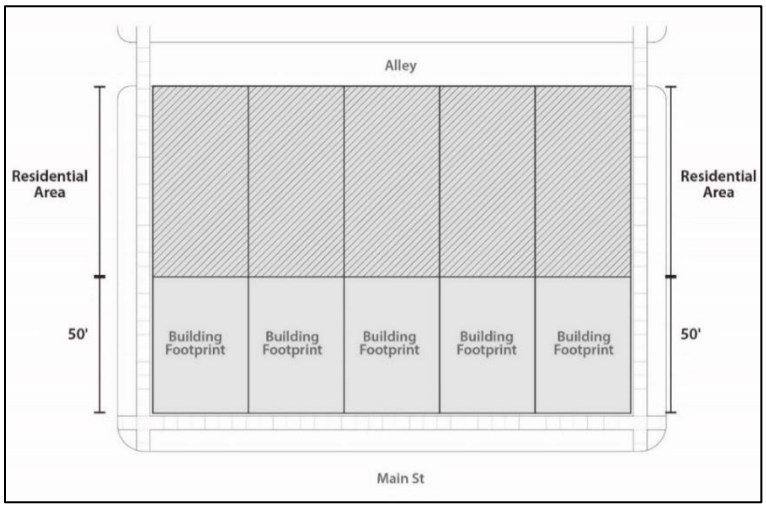


Figure 17.03.08b: DMU Mixed-Use Building Requirements



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

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:

(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 0.50 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 in the front yard between the principal building and the street right-of-way. Drive-through windows may be located in the street side yard, rear yard, or side yard as determined by the Plan Commission.

(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.

(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) **Electronic Smoking Retailer.** An establishment selling electronic smoking devices or electronic smoking device paraphernalia that has 10 percent or more of the establishment's floor space dedicated to, or more than 10 percent of the establishment's stock-in-trade consisting of, electronic smoking devices or electronic smoking device paraphernalia. An Electronic Smoking Retailer land use is most often also an Indoor Sales and Services land use (See 17.03.10(15)).

(a) Definitions:

1. Electronic smoking device. An electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, commonly known as e- cigarettes; an electronic cigar; an electronic cigarillo; an electronic pipe; an electronic hookah; vape pen; or any other product name or descriptor.

2. Electronic smoking device paraphernalia. A cartridge, cartomizer, e-liquid, smoke juice, tip, atomizer, electronic smoking device battery, electronic smoking device charger, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette, as defined in § 139.30(1m) Wis. Stats., nicotine product, as defined in § 134.66(1)(f), Wis. Stats., or tobacco products, as defined in § 139.75(12), Wis. Stats.

(b) Electronic Smoking Retails are permitted within the zoning districts as listed within Section 17.03.05, provided such land use complies with the following requirements:

1. Geographical Restrictions. No Electronic Smoking Retailer shall be located within any of the following locations:

a. 750 feet of any school, library, daycare facility, or park.

i. A school means any public or private institution of learning for any person 18 years of younger including grades K-12, preschools, and early learning centers within the Village of Mount Horeb.

ii. A library means the Mount Horeb Public Library.

iii. A daycare facility means any registered and licensed daycare facility with the Wisconsin Department of Children and Families operating within the Village of Mount Horeb.

iv. A park means any Village-owned Community or Neighborhood Park as defined by the Village's Comprehensive Outdoor Recreation Plan or Comprehensive Plan.

b. 750 feet of any premises holding an Electronic Smoking Retailer license.

2. Conditions. No Electronic Smoking Retailer shall be permitted unless all of the following conditions are met:

a. All applicable licenses as required by Section 12.01 of the Village of Mount Horeb Municipal Code have been obtained.

b. To be permitted in a Planned Unit Development zoning district, an Electronic Smoking Retailer shall be a permitted use or conditional use in the underlying zoning district.

c. The entire parcel shall be located outside of the 750 feet geographical restriction area radius per (b) above.

(11) **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 0.50. 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.

(12) **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.

(13) **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) No individual building devoted to Indoor Commercial Entertainment, Indoor Sales or Service, or combination of Indoor Commercial Entertainment and Indoor Sales or Service shall exceed a total of 60,000 square feet in gross floor area.

(d) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.

(e) Minimum and maximum required parking: See Section 17.06.06.

(14) **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 and Boat Sales or Vehicle Service and Repair land uses.

Regulations:

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

(15) **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.). See 17.03.10(10) for Electronic Smoking Retailers.

Regulations:

(a) No individual building devoted to Indoor Commercial Entertainment, Indoor Sales or Service, or combination of Indoor Commercial Entertainment and Indoor Sales or Service shall exceed a total of 60,000 square feet in gross floor area.

(b) Minimum and maximum required parking: See Section 17.06.06.

(16) **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.

(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.

(17) **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.

(18) **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.

(19) **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(17)). 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 0.50 along all borders of the outdoor activity area abutting residentially zoned property.

(c) Minimum and maximum required parking: See Section 17.06.06.

(20) **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 and Boat Sales (Section 17.03.10(23).

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 0.50 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.

(21) **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.

(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.

(22) **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(10)).

Regulations:

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

(23) **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 0.50 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.

(24) **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 0.50 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 0.50. 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 20 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.

(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.

(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 (ex. funeral homes), 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 17.03.12(9).).

Regulations:

(a) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property.

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 0.50. 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.

(8) **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.

(9) **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.

(10) **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 17.03.12(7)), 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) **Data Center:** A completely enclosed facility that houses technology infrastructure such as servers, storage, and networking equipment to process, manage, and store data. Supporting equipment typically includes cooling systems, power infrastructure and generation, and security systems for on-site activities.

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.

(2) **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 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.

(3) **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(2)) 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 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(11). 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(20).
7. The on-site retail sale of goods shall be considered Incidental Indoor Sales subject to the provisions of Section 17.03.28(9), 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(15).

(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.

(4) **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: contractor shops, manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, food or related products, motorized 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 contractor 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(9) 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.

(5) **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(15) are complied with.

(a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 17.03.16(2) or 17.03.28(13)), 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.

(6) **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(20).

(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 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(9).

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(12).

(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.

(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(9).

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 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 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(19) 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.

Section 17.03.19: Reserved

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(20) 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:

(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(2) 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 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.

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.

(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.

Section 17.03.21: Reserved

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.

(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.

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:

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.
9. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Zoning Administrator may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(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(8)(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.

(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, foul (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(21) and Section 17.03.28(22).).

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.

(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):** A residential dwelling unit located on the same lot as a single-family dwelling unit, either in the same building as the single-family dwelling unit or in a detached building. An ADU is independently habitable and provides the basic requirements of shelter, heating, cooking and sanitation as defined within the Building Code.

Regulations:

(a) Standards applicable to all Accessory Dwelling Units:

1. A maximum of one Accessory Dwelling Unit is permitted per lot.
2. The number of occupants of the Accessory Dwelling Unit shall not exceed one family.
3. The principal building or Accessory Dwelling Unit must be occupied by the owner of the property as their primary residence for a period of at least ten (10) months in a calendar year. A restrictive agreement between the property owner and the Village shall be recorded prior to issuance of a zoning permit and occupancy being granted.
4. The Accessory Dwelling Unit shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
5. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum of 800 square feet.
6. Accessory Dwelling Units shall adhere to the bulk dimensional requirements of the underlying zoning district (Article IV) unless otherwise specified below.
    a. Height shall not exceed the permitted principal building height maximum in the underlying zoning district and shall be limited to a maximum height equivalent to 50 percent of the height of the principal structure's total roof pitch/slope.

b. Any new structure or addition to an existing structure to accommodate an Accessory Dwelling Unit shall adhere to the principal setback requirements of the underlying zoning district.

c. Any existing structure that's converted to accommodate an Accessory Dwelling Unit shall be permitted within the principal setbacks so long as the structure does not further encroach into the setback from where its currently located.

7. 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 the sign ordinance (Article IX).

(b) Attached Accessory Dwelling Units.

1. 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.

2. 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.

(c) Detached Accessory Dwelling Units.

1. Accessory Dwelling Units are only permitted in the rear or interior side yard and shall match the exterior design appearance and character of the principal building on the lot as determined by the Zoning Administrator.

2. Accessory Dwelling Units shall not count toward the maximum total amount or size of Detached Residential Accessory Structures on the lot (Section 17.03.28(4)).

(d) Minimum required off-street parking: See Section 17.06.06.

(e) 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.

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.

(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.

(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 17.11.01. See Section 17.03.28(1) for the requirements associated with an Accessory Dwelling Unit land use.

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) Amount. A maximum total of three detached accessory buildings are permitted on a single lot and the combined total of all detached accessory buildings on the lot shall not exceed the maximum size requirements in (a) above.

(c) Height. See Sections 17.04.11 to 17.04.14 for detached accessory building maximum building heights.

(d) Location. Detached accessory buildings are permitted only in the side or rear yard, 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.

(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 integral or attached features, which in the opinion of the Zoning Administrator are not similar to those listed in Figure 17.03.28a, shall comply with the principal building setbacks. See Section 17.11.01 for definitions of awning, balcony, canopy, deck, patio, porch, and recreational equipment.

Regulations:

(a) No items listed in Figure 17.03.28a shall be located within the vision triangle or any established easements on the property.

Figure 17.03.28a: Minor Accessory Structure Standards

Minor Accessory Structures Permitted in Required Yard Setbacks					
Minor Accessory Structures and Obstructions	**Front**	**Street Side**	**Side**	**Rear**	**Limitations**
Structure Types					
Arbor/Trellis	√	√			Not more than 15 feet in height covering less than 10% of required setback.
Arbor/Trellis			√	√	Not more than 15 feet in height covering less than 50% of required setback.
Awning/Canopy	√	√	√	√	Within the DMU zoning district, awnings and canopies may extend from the attached façade into the right-of-way up to 5 feet and shall be a minimum of 8 feet above grade with a Zoning Permit. Also, see Article IV for maximum encroachment standards.
Basketball Hoop	√	√	√	√	Not more than 15 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		√	√	√	
Deck (detached from the principal structure)			√	√	Must comply with all accessory structure setbacks.
Deck (attached to the principal structure)			√	√	Must comply with all principal structure setbacks.
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/Pergola			√	√	Not more than 15 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			√	√	Not more than 1 foot above established grade. Must comply with all pavement setbacks.

Minor Accessory Structures Permitted in Required Yard Setbacks					
Minor Accessory Structures and Obstructions	**Front**	**Street Side**	**Side**	**Rear**	**Limitations**
Paved Play Court (basketball, tennis, pickle ball, etc.)				√	Must comply with all accessory structure setbacks.
Picnic Table/Bench	√	√	√	√	
Porch	√	√	√	√	See Article IV for porch setback standards and maximum encroachment standards.
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	√	√	√	√	Must comply with all accessory structure setbacks.
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. Minimum pavement setbacks apply.

(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:

(a) 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.

(b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.

(c) No more than two clients shall be seen at any given time.

(d) No Home Occupations shall have a non-resident employee or clients between the hours of 7:00 p.m. and 8:00 a.m.

(e) 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).

(f) No structural alterations or construction involving features not customarily found in dwellings are allowed.

(g) 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.

(h) 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.

(i) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

(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.

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(20).

(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(20).

(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.

(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. See Section 17.11.01 for definition of Family (subsection (1)).

(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.

(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, Mixed-Use Buildings, and other permitted land uses in the zoning district, 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:

(a) On-Site Structured Parking shall be fully enclosed on all sides within the structure. Vehicle parking is permitted within the ground floor of the structure as long as the nonresidential land use requirements for ground floors of Mixed Use Buildings are met (see Section 17.03.08).

(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.

(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

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(2)) 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.

(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. Village License Required: Each Short-Term Residential Rental shall operate only with a Village of Mount Horeb Short-Term Residential Rental License. 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, prior to the issuance of said 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; and emergency contact information;
    b. Sales tax. The applicant has a Wisconsin Department of Revenue Sales Tax Number.
    c. Occupancy. Occupancy is limited to the maximum occupancy provided in Wis. Adm. Code § ATCP 72.14(2)(b). In no case shall the use have more than two occupants per bedroom.
    d. Insurance. The applicant has insurance against claims of personal injury and property damage for tourist rooming house or short-term property rentals.
    e. The Short-Term Residential Rental must be rented for a minimum of two consecutive days by each guest.
    f. The Short-Term Residential Rental shall at all times comply with the Village Room Tax Ordinance (§ 3.10 of this Code) and timely payments shall be made to the Village under § 3.10, whether by the lodging marketplace or the owner of the Short-Term Residential Rental, as those terms are defined in § 3.10.
    g. Copy of State of Wisconsin Tourist Rental House License;
    h. Copy of Public Health Madison & Dane County Tourist Rooming House License;
    i. Payment of an Administrative Fee, set annually by the Village, to cover the costs to the Village of administering the above.
    j. The Village of Mount Horeb Short-Term Residential Rental License shall be issued with the completion of the above requirements. Following issuance, the Short-Term Residential Rental Licenses shall not be transferable and the property owner shall notify all property owners within 300 feet of said Short-Term Residential Rental use that they have been issued a License to operate a Short-Term Residential Rental at the property owner's assigned address. Notice shall be provided to the Village in writing prior to the commencement of operation.
3. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
    a. Parking Requirements:
        i. Minimum required off-street parking: See Section 17.06.06.
        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.

i. If the tourist or transient brings equipment or vehicles on trailers, the equipment or vehicles shall be stored/parked on the trailers while at the Short-Term Residential Rental.

b. Site Appearance Requirements:
   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.
   iv. Pets, if allowed, must be restricted to the property.

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.

4. Penalties and License Revocation

a. For violations see Section 17.10.60.

b. The 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 Rentals, the License, or the remainder of Zoning Code.

c. A License may be revoked or denied for the following reasons as determined by the Zoning Administrator:
   i. Past and present compliance with federal, state, and local laws and ordinances.
   ii. Past and present compliance with room and sales tax requirements.
   iii. Property conditions, including noise, traffic and parking, garbage or refuse complaints, general care and maintenance, and other matters that may be deemed a nuisance to neighboring properties.
   iv. Excessive response required from law enforcement related to the Short-Term Residential Rental.

(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.

(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.

Section 17.03.29: Reserved

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 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 consecutive 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 consecutive 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 consecutive days per calendar year shall require a conditional use permit.

(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 consecutive 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:

(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 consecutive days per calendar year. Containers in place for more than 30 consecutive 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(13).

(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 consecutive 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.

(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

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	PN-1
	Single Family Residential	*Single Family Residential*	*Two Family Residential*	*Multifamily Residential*	*Multifamily Residential*	*Mobile Home Residential*	*Pocket Neighborhood Residential*
Density and Intensity Limits							
Maximum Impervious Surface Percentage	60%	75%	70%	70%	75%	50%	65% for district 90% for individual lots for each dwelling unit
Maximum Lot Dwelling Unit Density (1)	1 Dwelling Unit	1 Dwelling Unit	2 Dwelling Units	Based On Minimum Lot Area Provided (1)	Based On Minimum Lot Area Provided (1)	1 Dwelling Unit	Based On Minimum Lot Area Provided (1)
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	None
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	None
Minimum Lot Frontage at Right-of-Way	30 ft	30 ft	30 ft	30 ft	50 ft	30 ft	30 ft (6)
Principal Building Setbacks							
Minimum Front Yard and Street Side Corner Setback	20 ft	15 ft	20 ft	20 ft	20 ft	20 ft	See footnote 7
Minimum Porch Setback - Front and Street Side Setback	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	See footnote 7
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	See footnote 7
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)	20 ft	20 ft	See footnote 7
Maximum Building Height	35 ft and 2.5 stories	35 ft and 2.5 stories	35 ft and 2.5 stories	40 ft and 3 stories	60 ft and 5 stories	18 ft	35 ft and 2.5 stories
Minimum Building Separation (on same lot)	See Building Code	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	See Building Code

	SF-1	SF-2	TF-1	MF-1	MF-2	MH-1	PN-1
	Single Family Residential	*Single Family Residential*	*Two Family Residential*	*Multifamily Residential*	*Multifamily Residential*	*Mobile Home Residential*	*Pocket Neighborhood Residential*
Minimum Front-Loaded Garage Setback (for attached garages) (4)	Door shall be no more than 8 ft in front of the plane of the principal structure	Door shall be no more than 8 ft in front of the plane of the principal structure	Door shall be no more than 8 ft in front of the plane of the principal structure	Door shall be no more than 8 ft in front of the plane of the principal structure	Door shall be no more than 8 ft in front of the plane of the principal structure	Door shall be no more than 8 ft in front of the plane of the principal structure	None
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	See footnote 7
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	See footnote 7
Minimum Rear Yard Setback	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	See footnote 7
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	15 ft or 24 ft
Minimum Pavement Setbacks							
Minimum Pavement Setback - Street or Right-of-Way (8)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear Yard (8)	5 ft	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 or within the PN-1 Zoning District, maximum lot density is equal to 1 dwelling unit per 1,200 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. Districts are designed to allow alleys in the rear of the lot. See Chapter 18 Subdivision and Platting Regulations for minimum alley dimensions. Minimum alley setbacks may be required to be increased if greater distance is required for utility access or connection as determined by Village staff.
4. 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. See Section 17.03.06(6)(b) for Pocket Neighborhood land uses.
6. Minimum lot frontage shall not apply to a Pocket Neighborhood that includes individual lots for each individual dwelling unit. All dwelling units within a Pocket Neighborhood shall meet all fire access requirements, including a minimum 20-foot-wide all-weather paved surface to access all individual dwelling units.
7. Along all peripheral property lines that directly abut a non-Pocket Neighborhood land use, the minimum principal building setback shall be 10 feet, and the minimum accessory structure setback shall be 5 feet.
8. A zero foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.

Section 17.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

	NMU	CMU	DMU	INST
	Neighborhood Mixed Use	*Corridor Mixed Use*	*Downtown Mixed Use*	*Institutional*
Density and Intensity Limits				
Maximum Impervious Surface Percentage	80%	75%	100%	75%
Maximum Lot Dwelling Unit Density (1)	Based On Minimum Lot Area Provided (1)	Based On Minimum Lot Area Provided (1)	None (1)	Based On Minimum Lot Area Provided (1)
Lot Requirements				
Minimum Lot Area (2)	None	15,000 sq ft (2)	None	10,000 sq ft (2)
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 Yard and Street Side Corner Setback	10 ft	10 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 Max: 10 ft (8)	8 ft
Minimum Rear Yard and Attached Deck Setback (3)	10 ft	20 ft	Min: 0 ft (3) Max: 10 ft (8)	20 ft
Maximum Building Height (6)	40 ft and 3 stories	60 ft and 5 stories	Min: 20 ft and 1.5 stories Max: 40 ft and 3 stories or 50 ft and 4 stories (6)	50 ft and 4 stories
Minimum Building Separation (on same lot)	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)	Door shall be 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 (on same lot)	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	5 ft	5 ft	Min: 0 ft	5 ft

	NMU	CMU	DMU	INST
	Neighborhood Mixed Use	*Corridor Mixed Use*	*Downtown Mixed Use*	*Institutional*
			Max: 10 ft	
Minimum Rear Yard Setback	5 ft	5 ft	Min: 0 ft Max: 10 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) (7)	10 ft	10 ft	0 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement) (7)	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 1,200 sq ft of lot area provided. Any lot within the DMU Zoning District is exempt from maximum lot density requirements.
2. When individual attached buildings are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached buildings 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. Minimum alley setbacks may be required to be increased if greater distance is required for utility access or connection as determined by Village staff.
4. 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 and 1.5 stories. If any ~~part of the~~ property line directly abuts the Main Street right-of-way or is located north of the Main Street right-of-way, the maximum height shall be 40 ft and 3 stories. ~~New buildings abutting Main Street in excess of two stories shall incorporate a front façade stepback above the second story that recesses the facade a minimum of 5 feet at a 45 degree angle from the building face at the second floor roof elevation.~~ For any other property line that does not directly abut the Main Street right-of-way, the maximum height shall be 50 ft and 4 stories. ~~New buildings that do not abut Main Street in excess of three stories shall incorporate a front façade stepback above the third story that recesses the facade a minimum of 5 feet at a 45 degree angle from the building face at the third floor roof elevation.~~
7. A zero foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.
8. The Plan Commission may permit maximum side and rear setbacks to be increased beyond the maximum of 10 feet when vehicle access is required to access on-site parking areas up to a maximum of 24 feet.

Section 17.04.13 Table of Bulk Dimensions – Industrial Zoning Districts

	BP	LI	HI
	Business Park	*Light Industrial*	*Heavy Industrial*
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 Yard 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 and 5 stories	60 ft and 5 stories	60 ft and 5 stories
Minimum Building Separation (on same lot)	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 (on same lot)	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) (1)	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement) (1)	5 ft	5 ft	5 ft

1. A zero foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.

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

	AG	CON	PR	AO	IOA
	Agricultural	*Conservancy*	*Parks and Recreation*	*Adult Entertainment*	*Intensive Outdoor Activity*
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 Yard 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 and 2.5 stories	None	20 ft	35 ft and 2.5 stories	50 ft and 4 stories
Minimum Building Separation (on same lot)	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 (on same lot)	See Building Code	See Building Code	See Building Code	See Building Code	See Building Code
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 (1)	10 ft	None	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear Yard (1)	5 ft	None	5 ft	5 ft	5 ft

1. A zero foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.

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.

(1) Minor Projections. 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.

(2) Additional Height for Roof Design or Non-Residential Space on the Ground Level. An Apartment/Multiplex, Townhouse, Live/Work, or Mixed-Use Building may exceed the maximum height regulations by up to a total of six (6) feet within any district where the land use is permitted, if either of the following conditions is met:

(a) The structure is designed with a gable, hip, or gambrel roof with a pitch of at least 6/12.

(b) A Mixed-Use Building may increase the floor-to-ceiling height of the ground level, but then the building is not eligible for additional height for roof design.

Sections 17.04.21 to 17.04.29: Reserved

Section 17.04.30: Yard Setback Adjustments

(1) 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.

(2) Limited Access Highways and Military Ridge Trail.

(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.

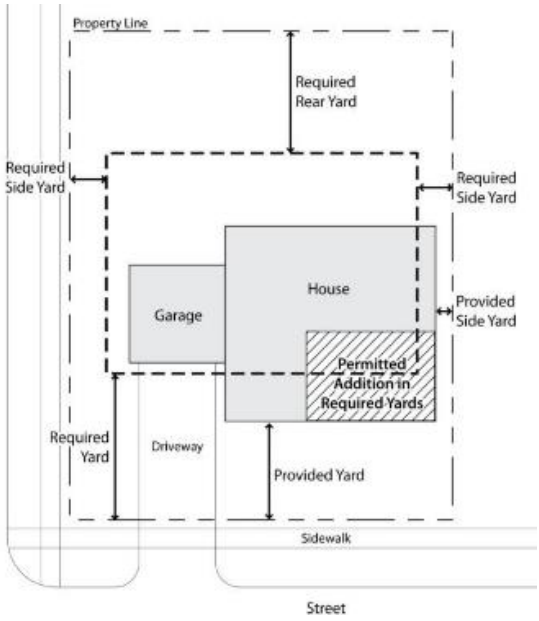
(2) Permitted Projections into All Required Yards.

(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.

(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.

1. 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.

2. 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.

3. Handicap Ramp Removal. When a handicap ramp is placed within the required setback, the Zoning Administrator may pe riodically 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(7) 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(7) 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(7) 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(7) 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 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 17.02.11).

(8) Permitted Projections in the Overlay Districts. See Section 17.02.20.

Sections 17.04.41 to 17.04.99: Reserved

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: Legal 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) Legal Nonconforming Uses.

(a) Any use not in conformity with this Chapter, but lawfully existing upon the effective date of this Chapter, shall be a legal nonconforming use and may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.

(b) If a parcel or lot contains a legal 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.

(c) 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 Legal 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 legal 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 Legal Nonconforming Use.

(a) When any legal 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.

(b) The property owner has the burden to prove that the nonconforming use was legal established and 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.

(a) The ordinary maintenance and repairs made to a structure or land containing or related to a legal 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) unless the use of the structure is brought into compliance with requirements of this Chapter.

Sections 17.05.11 to 17.05.19: Reserved

Section 17.05.20: Legal Nonconforming Lots

(1) Definition. A legal nonconforming 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 legal nonconforming 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: Legal Nonconforming Structures

(1) Definition. A legal 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.

(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, 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 legal nonconforming structure is permitted in accordance with Wis. Stats. § 62.23(hb) and (he).

(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 legal 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.

(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(hb) and (he) 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(9)(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

ARTICLE VI: PERFORMANCE STANDARDS

Section 17.06.01: Purpose

The purpose of this Article is to indicate the standards and minimum requirements for group developments; vehicle, bicycle, and pedestrian access; visibility; off-street parking and traffic circulation; off-street loading; exterior lighting; exterior storage; vibration, noise, air pollutions, odor, glare, fire, toxic/hazardous materials, and noise standards; fencing; swimming pools; vacant buildings; and outdoor recreational space within the jurisdiction of this Chapter.

Section 17.06.02: Group Development Standards

(1) Purpose. The purpose of this Section is to establish standards that ensure group developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Mount Horeb.

(2) Definitions.

(a) Group Development.

1. Any development located on one lot and comprised of any combination of 2 or more principal buildings on the same lot in any zoning district.

(3) Exceptions. The following situations are exempt from the requirements of this Section.

(a) Development in the following zoning districts:

1. Multi-Family-1 District
2. Multi-Family-2 District
3. Pocket Neighborhood District
4. Business Park District
5. Planned Unit Development District
6. Light Industrial District
7. Heavy Industrial District
8. Parks and Recreation District

(b) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently subdivided with a lot and yards conforming to the requirements of this Chapter.

(4) Review and Approval.

(a) All group developments require a conditional use permit (see Section 17.10.32 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district.

(b) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group development, subject to the provisions of this Section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development as a whole.

(c) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development only with conditional use approval for that land use category. The consideration of the conditional use for the group development may occur in conjunction with the review for additional conditional land uses.

(d) The detailed land use regulations in Article III that pertain to each proposed land use shall also apply within a group development, as will all other applicable provisions of this Chapter.

(5) Changes to an Approved Group Development.

(a) Following initial issuance of a conditional use permit for the group development, all subsequent changes determined to be significant by the Zoning Administrator, to site design and building design (including addition of structures, additions to structures, and expansions of parking or storage areas) in the group development shall require an amendment to the approved conditional use permit regardless of individual land use(s).

(b) Changes to individual land uses within a group development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development conditional use permit, unless said conditional use permit placed restrictions on change of use.

(c) Changes to individual land uses within a group development listed as conditional uses within the applicable zoning district shall be allowed only by amendment to the conditional use permit, regardless of whether or not said use entails modifications to the building and/or site layout in the group development.

(6) Standards Applicable to Group Developments.

(a) Land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space requirements; access, parking, loading requirements; exterior lighting requirements (Chapter 33); and signage requirements (Article IX).

(b) The applicant shall demonstrate how the proposed development relates to each of the following criteria:

1. Complements the design and layout of nearby buildings and developments.
2. Enhances, rather than detracts from, the desired character of the surrounding area.
3. All buildings within the group development shall be compatible with one another in terms of architectural quality and design, as determined by the Plan Commission.

(7) General Layout and Future Divisibility of Group Developments.

(a) Development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. Building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will facilitate the subdividing of group developments in the future (if such action is so desired).

(8) Roadway Connections. All nonresidential projects shall have direct access or access through an easement to a collector level street; or to a local street or arterial street if no other access is available, as deemed appropriate by the Village.

(9) Parking. Parking lot designs and number of spaces shall meet the requirements of Section 17.06.06.

(10) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a minimum of 5 feet or by a physical barrier visible to drivers and pedestrians.

(11) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Outdoor storage uses and areas shall meet the screening requirements of Section 17.06.21.

(12) Landscaping. Landscaping shall meet the standards in Article VIII.

(13) Lighting. On-site exterior lighting shall meet the standards in Section 17.06.20.

(14) Signage. Signage shall meet the standards in Article IX.

Section 17.06.03: Access and Visibility Standards

(1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of driveways and other points of vehicle access, promote alleviating congestion of public and private rights-of-way by establishing minimum requirements for the provision of vehicular visibility, and supports the use of alternative modes of transportation by establishing requirements for pedestrian and bicycle access and bicycle parking.

(2) Applicability. The requirements of this Section shall apply to all new access points or existing access points to be modified with new development or redevelopment. Additional regulations relating to driveways can be found within Chapter 8 and 18 of the Village of Mount Horeb Municipal Code

(3) Review and Approval. The location and configuration of any new access point and its associated visibility standards shall be indicated on the site plan. Through the site plan review process (see Section 17.10.43), the Zoning Administrator and/or Village Engineer shall review and recommend for approval all proposed access points and visibility standards on the subject property. Also, see Chapter 8 of the Mount Horeb Municipal Code.

(4) Access Location

(a) Driveway Access. One street access point shall be established per site. In the case of any parcel with street frontage greater than 100 feet along a street, multiple street access points may be permitted with the approval of a Site Plan (see Section 17.10.43).

(b) Bicycle and Pedestrian Access. One pedestrian and bicycle access point is required along all street frontages.

1. Pedestrian and bicycle access shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods.

2. The entire development shall provide walkways for full and safe pedestrian and bicycle access within the development. A walkway or walkway system may be used by both pedestrians and bicyclists.

3. Walkways shall provide pedestrian access through or around off-street parking areas from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and walkways shall not be located and aligned solely based on the outline of a parking lot configuration unless such configuration allows for direct pedestrian access.

(c) Access Limitation. Single family and two-family dwelling units shall not have driveways or other access points onto a collector or arterial street that is not primarily residential unless such street has the only available frontage. Nonresidential and multi-family users shall not have driveways or other access points onto a residential local street unless such street has the only available frontage.

(d) Access Near Street Intersections. Unless access is aligned at a 90 degree angle with an existing or proposed intersection, no direct public or private access shall be permitted to the existing or proposed rights of way of the following intersections, unless otherwise permitted by the Village Engineer (See Section 18.04 for definitions of each roadway type):

1. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right of way lines. Driveways on opposite sides of this roadway should be directly opposite of each other where possible or separated by at least 100 feet of lateral distance.
2. Local streets intersecting arterial or collector streets within 50 feet of the intersection of the right of way lines.
3. Local streets intersecting local streets within 30 feet of the intersection of the right of ways lines.

(5) Access Configuration

(a) Driveways and other access points shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall ideally intersect at an angle of 90 degrees.

(b) Driveways shall follow the surfacing requirements of Section 17.06.06(7)(f).

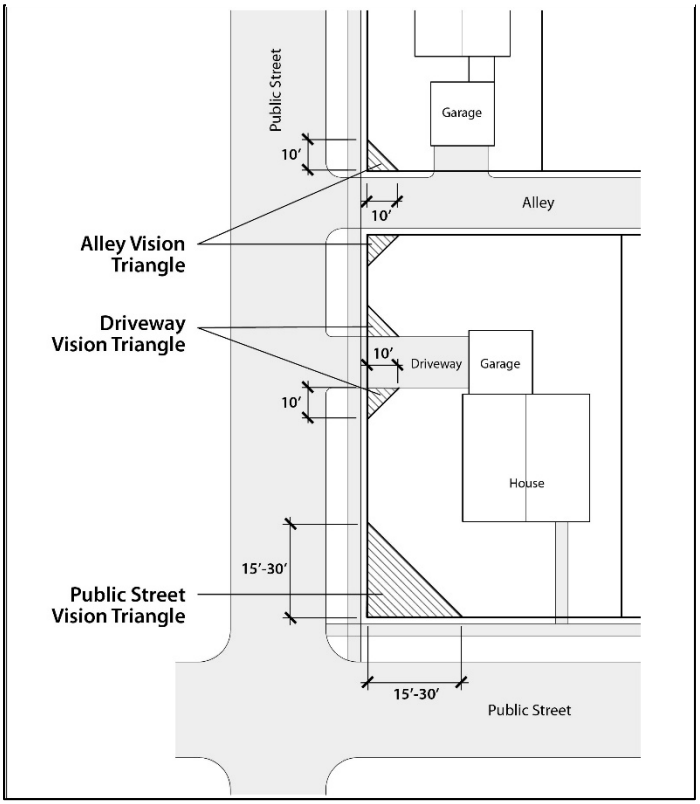
(c) The traffic generated by any use shall be channelized and controlled in a manner that avoids congestion on public streets and other safety hazards.

1. Traffic into and out of all off-street parking, loading, and traffic circulation areas shall be forward-moving, with no backing of vehicles into public streets. Single-family and two-family land uses are exempt from this standard.

(d) Vision Triangle at Public Streets. A vision triangle extending 15 feet from all public street right-of-way intersections shall be maintained for local street intersections and 30 feet when the intersection includes streets functionally classified as collector or arterial. If the street intersection is curved, the vision triangle distance shall be maintained as if the right-of-way were extended to create a 90 degree corner. No wall, fence, structure, sign, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 3 feet and 10 feet above the centerline grade elevations of the intersecting streets, alleys, or railroad tracks with the exception of fencing, which shall be no greater than 30% opaque. Development in the DMU district and development located on streets with signalized intersections may be granted a reduction in the minimum vision triangle requirement by the Village Engineer.

(e) Vision Triangle at Alleys and Driveways. A vision triangle extending 10 feet along the property line from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 3 feet and 10 feet above the centerline grade elevations of the intersecting streets, alleys, or railroad tracks. Development in the DMU district shall be exempt from this requirement.

Figure 17.06.03a: Visibility Standards



(6) Design of Single-Family and Two-Family Residential Driveways.

(a) All driveways shall follow the surfacing requirements of Section 17.06.06(7)(f).

(b) Minimum Driveway Setback. All driveways shall meet all pavement setbacks of the applicable zoning district in Sections 17.04.11 to 17.04.14 and be a perpendicular extension from the street to the garage or primary parking facility.

(b) Driveway Width. Also see Section 8.07 of the Municipal Code.

1. Driveways shall be a minimum width of 14 feet and a maximum width of 24 feet.

   a. If a 14-foot driveway width is unattainable, the Zoning Administrator may reduce the minimum required driveway width to that which is deemed functional.

2. Where the width of the driveway at the garage or uncovered parking area exceeds the maximum width of the driveway at the lot line, the driveway shall be tapered between the garage or the edge of the uncovered space alongside the garage and the lot line starting a minimum of 5 feet inside the parcel. See Figure 17.06.03c. label "B". When leading to a legal uncovered space next to the garage, the driveway width shall be the least possible needed and shall not exceed 24 feet in width at the property line.

3. Driveways for two family uses with adjacent, attached garages are limited to 24 feet maximum width at the property line for each driveway leading to each unit. See Figure 17.06.03d. label "A".

Figure 17.06.03b: Driveways up to 24 Feet Wide

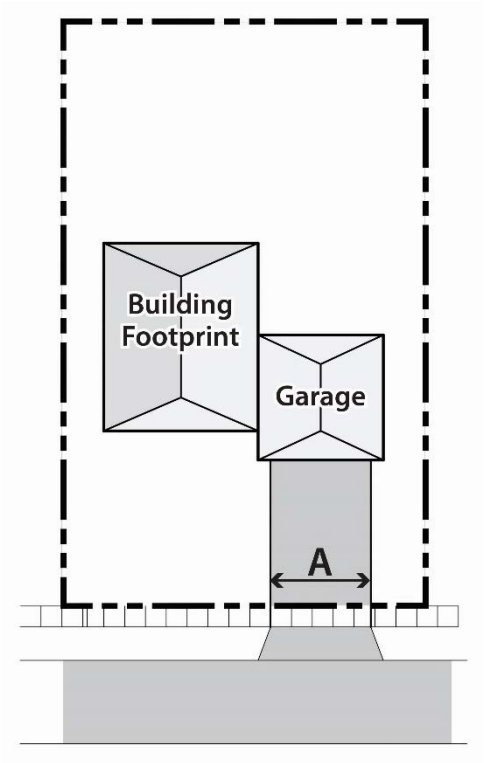


Figure 17.06.03c: Driveways Wider than 24 Feet

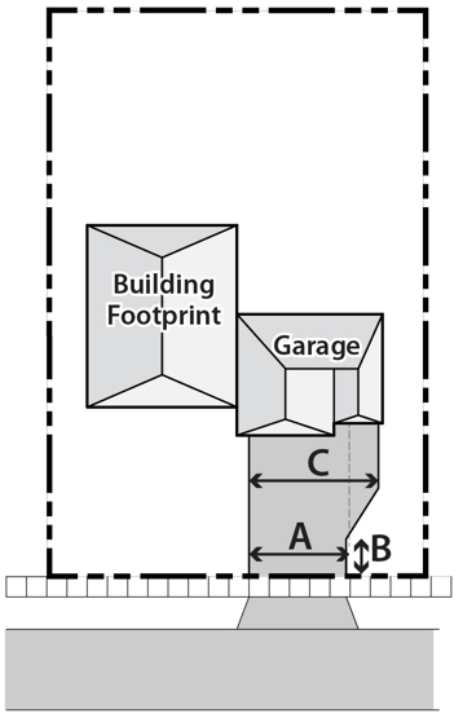
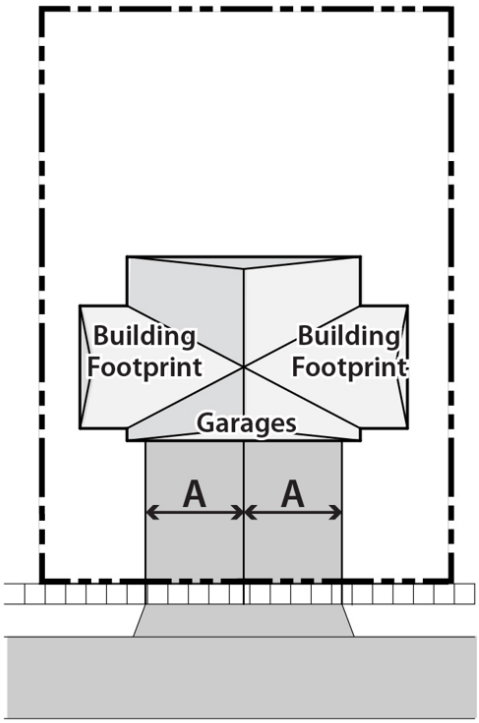


Figure 17.06.03d: Two Family Dwellings with Two Driveways



(7) Design of All Other Driveways.

(a) All driveways shall follow the surfacing requirements of Section 17.06.06(7)(f).

(a) Minimum Driveway Setback. With the exception of interconnected drives and parking areas with an established cross access easement, driveways shall meet the minimum pavement setback as required in Sections 17.04.11 to 17.04.14 for the applicable zoning district.

(b) Driveway Width. See Section 8.07(4) of the Village of Mount Horeb Municipal Code for driveway width standards.

(c) Traffic Impact Analysis. The Village may require that a traffic impact analysis (TIA) be completed.

(8) Design of Bicycle and Pedestrian Walkways.

(a) All walkways shall follow the surfacing requirements of Section 17.06.06(7)(f).

(b) Walkways shall not be less than 5 feet in width and shall be grade-separated from the parking lot or otherwise delineated with pavement markers, planters, or alternate paving materials. Parked vehicles shall not encroach upon this minimum width.

(c) The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, lighting, median refuge areas, and landscaping as appropriate, as consistent with the Americans with Disabilities Act and the building code, and as approved by the Zoning Administrator.

(d) Where the pedestrian walkway crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.

(e) The material and layout of the pedestrian walkway shall be continuous throughout the property, outside of areas in which the driveway paving may be different than pedestrian walkway paving.

(f) Walkways shall meet the minimum pavement setback as required in Sections 17.04.11 to 17.04.14 for the applicable zoning district.

(g) The Zoning Administrator and Plan Commission may waive the standards of section (8) herein if it is determined that no safe bicycle and pedestrian walkway is possible from a given street frontage to the on-site structure.

(9) Nonconforming Driveways.

(a) Nonconforming driveways shall comply with all of the regulations and requirements of Article V for nonconforming structures.

1. Legally established driveways that do not conform to the performance standards herein shall be permitted to be reconstructed provided the reconstructed driveway is not dimensionally expanded beyond its existing footprint.

(b) Shared driveways (driveways located on multiple lots and typically situated over lot lines) that existed prior to the adoption of this Chapter may remain legal driveways. No new or reconstructed shared driveways may be established unless cross-access easements are recorded with the Register of Deeds.

Sections 17.06.04 through 17.06.05: Reserved

Section 17.06.06: Off-Street Parking and Traffic Circulation

(1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the use of various sites and types of development. The bicycle parking requirements are intended as a means of reducing dependence on private automobiles, reducing pollution and congestion associated with automobile use, and fostering more compact development patterns which encourage bicycle, and pedestrian circulation.

(2) Applicability. The requirements of this Section shall apply to all new development and redevelopment.

(3) Review and Approval. Through the site plan review process (see Section 17.10.43), the Zoning Administrator shall review and approve all development for conformance with this Section.

(4) Depiction on Required Site Plan. All required elements of the Site Plan (Section 17.10.43) shall be depicted on the submitted Site Plan for off-street parking and traffic circulation.

(5) Computation. Fractional space requirements of up to one-half (½) space shall be rounded down to the next whole number and greater than one-half (½) rounded up to the next whole number.

(6) Parking Quantity Standards.

(a) Minimum Number of Required Off-Street Parking Spaces. Off-street parking requirements for each land use are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift.

1. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater.

2. The term "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant.

3. The term "gross floor area" shall mean the total floor area inside the building envelope on all levels of a building.

(b) A garage stall shall be considered a parking space (see subsection (7) below).

(c) One reserved parking space shall be provided for each service vehicle used by the operation during business hours.

(d) See Figure 17.06.06a for the number of parking spaces required by land use. Also, see Figure 17.06.06b for the number of ADA-compliant off-street parking spaces required by land use. See Section 17.06.06(7)(i) for minimum bicycle parking spaces required by land use.

Figure 17.06.06a: Number of Off-Street Parking Spaces Required by Land Use

	Land Use	Minimum Number of Off-Street Parking Spaces Required
Residential	All Residential Land Uses, Unless Specified Below	1 per dwelling unit
	Apartments/Multiplex, Townhouse	1 per studio or 1-bedroom unit, 1.5 per 2-bedroom unit or greater
	Boarding House Living Arrangement	1 per room for rent
DMU Zoning District	All Land Uses, Unless Specified Below	None
	All Residential Land Uses*	1.2 per dwelling unit for any residential land use of six~~teen~~ or more total dwelling units in the same structure*
Mixed-Use	All Land Uses	Per the minimum of each individual land use
Commercial	All Commercial Land Uses, Unless Specified Below	1 per 500 square feet of gross floor area
	Campground	1 per campsite
	Commercial Indoor Lodging	1 per room for rent, plus 1 for each employee on the largest work shift
	Drive-Through and In-Vehicle Sales or Services	Per the minimum of each individual land use
	Golf Course	1 per 500 square feet of gross floor area, plus 1 for each employee on the largest work shift
	Group Daycare Center (9+ children)	1 per employee on the largest work shift
	Indoor Commercial Entertainment	1 per 5 persons at the maximum capacity
	Intensive Outdoor Activity	1 per 5 persons at the maximum capacity
	Outdoor Commercial Entertainment	1 per 5 persons at the maximum capacity
	Outdoor Sales and Display	1 per 1,000 square feet of gross outdoor display area
	Outdoor Maintenance Service	1 per employee on the largest work shift

	Land Use	Minimum Number of Off-Street Parking Spaces Required
	Vehicle and Boat Sales	1 per employee on the largest work shift
	Vehicle Service and Repair	1 per employee on the largest work shift
Institutional	All Institutional Land Uses, Unless Specified Below	Determined by the Zoning Administrator
	Community Living Arrangement (1-8, 9-15, or 16+)	1 per employee on the largest work shift
	Large Scale Public Services and Utilities	1 per employee on the largest work shift
Industrial	All Industrial Land Uses	1 per employee on the largest work shift
Storage	All Storage Land Uses	1 per employee on the largest work shift
Transportation	All Transportation Land Uses, Unless Specified Below	Determined by the Zoning Administrator
	Distribution Center	1 per employee on the largest work shift
	Freight Terminal	1 per employee on the largest work shift
Telecommunication	All Telecommunication Land Uses	None
Extraction	All Extraction and Disposal Land Uses	1 per employee on the largest work shift
Energy	All Energy Production Land Uses	None
Agricultural	All Agricultural Land Uses, Unless Specified Below	1 per employee on the largest work shift
	Community/Market Garden	None
	On-Site Agricultural Retail	1 per 500 square feet of gross floor area
Accessory	All Accessory Land Uses, Unless Specified Below	None, except as required for the principal use
	Accessory Dwelling Units	1 per dwelling unit
	Home Occupation	1 per non-resident employee
	Short-Term Residential Rental	1 per sleeping room
Temporary	All Temporary Land Uses	None, except as required for the principal use

*The Plan Commission may consider alternative available off-site parking to satisfy the minimum off-street parking space requirements of Figure 17.06.06a. Said alternative available off-site parking shall not include a Village-owned public parking facility or on-street public parking facility. See 17.06.06(6)(h) for joint parking facility requirements.

Figure 17.06.06b: Number of Handicap Off-Street Parking Spaces Required by Land Use*

	Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
All Land Uses	1 to 25	1
	26 to 50	2
	51 to 75	3
	76 to 100	4
	101 to 150	5
	151 to 200	6
	201 to 300	7
	301 to 400	8
	401 to 500	9
	501 to 1,000	2% of total
	More than 1,000	20 plus one for each 100 over 1,000

* *Per IBC Section 1106.1.* Any existing parking areas intended to be restriped shall provide accessible parking spaces per the requirements above in accordance with the 2010 ADA Standards for Accessible Design.

(e) Potential Reduction in Minimum Parking Requirements. The parking requirements listed in Figure 17.06.06a can be reduced or eliminated as determined by the Plan Commission through a Conditional Use Permit, Planned Development, Site Plan review, or Parking Study. The following factors shall be used to determine a reduction in minimum parking requirements:

1. The proposed development or lot has unique or unusual characteristics which factor into creating a parking demand that may not be typical in comparison to other land uses.
2. The lot and its surroundings provide an opportunity to address the anticipated parking demand of the proposed land use.
3. Pedestrian and bicycle connectivity is provided and connects to adjacent pedestrian and bicycle facilities. Also see 17.06.06(7)(j).
4. The need for additional parking can be reasonably met through provision of on-street or shared parking with nearby uses.

(f) Parking Studies. The Zoning Administrator or Plan Commission may require a parking study to determine parking requirements. Where a parking study is required, the study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.

(g) Partial or Phased Development of Required Parking Spaces.

1. Any development may seek permission from the Plan Commission to phase-in a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.
2. Areas required for parking, but not immediately improved, shall be reserved for future parking.
3. Undeveloped future parking areas shall be seeded with a grass mix or vegetative cover acceptable to the Zoning Administrator until said area is developed into a parking surface.

(h) Joint Off-Site Parking Facilities.

1. Parking facilities which have been approved by the Plan Commission to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.

2. Joint Use Parking Facility. Up to a 50 percent reduction in the number of required parking spaces may be authorized by the Zoning Administrator, following approval of a plan which provides for a collective parking facility serving multiple separate land uses.

3. Day-Night Use Parking Facility. The Zoning Administrator may authorize the shared day-night use of parking facilities under the following conditions:

   a. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.

   b. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.

4. The applicant(s) for approval of a joint or day-night use parking facility shall demonstrate to the satisfaction of the Zoning Administrator that there is no substantial conflict in the demand for parking during the principal operating hours of the uses for which the joint parking facility is proposed to serve. Conditions required for joint use shall be as follows:

   a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 1,000 feet of such parking facilities. A walkway shall be provided between joint off-site parking facilities meeting the standards of Section 17.06.03(4)(b).

   b. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Village attorney, shall be recorded at the Register of Deeds. Said agreement shall cover a period of no less than 30 years. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Chapter.

(7) Design Standards.

(a) Parking Space Design Standards. Other than accessible parking, permitted parking in residential driveways, and where otherwise regulated in this Section, each off-street parking space shall comply with the minimum requirements of Figure 17.06.06c. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

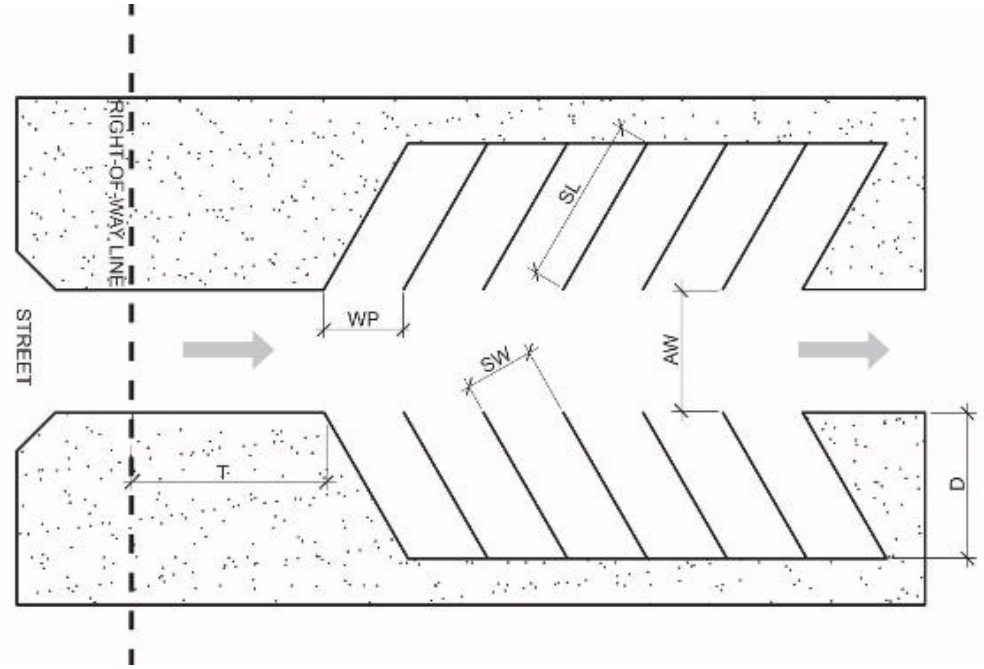
Figure 17.06.06c: Parking Layout Dimensions

	Parking Angle in Degrees				
Minimum Permitted Dimensions	**0°**	**45°**	**60°**	**75°**	**90°**
Stall Width at Parking Angle (SW)	9’	9’	9’	9’	9’
Stall Width Parallel to Aisle (WP)	20’	12’	10’	9’	9’
Stall Depth to Wall (D)[1]	9’	18’	18’	18’	18’
Stall Length (SL)	18’	20’	20’	20’	18’
Cross Aisle Width for 1-way traffic flow (AW)	14’	14’	14’	14’	14’
Cross Aisle Width for 2-way traffic flow (AW)	24’	24’	24’	24’	24’
Throat Length (right-of-way to parking angle) (T)[2]	Figure 17.06.06d				

Notes:

[1]Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.

[2]In no case shall the throat length be less than the required pavement setback.



(b) Parking Space Design for Single and Two Family Uses.

1. Surfacing. All off-street parking and traffic circulation areas shall follow the surfacing requirements Section 17.06.06(7)(f).

2. Legal Spaces. Parking spaces shall be provided either within a garage, in a driveway, or as uncovered parking spaces meeting the requirements of this Section. See Figure 17.06.06a for the minimum number of required parking spaces and Section 17.06.03 for driveway standards.

    a. See the Mount Horeb Municipal Code Section 10.06(2)(f) regarding the maximum number of vehicles that can be parked outdoors.

3. Driveway Parking Spaces. A driveway parking space shall be at least 14 feet wide and 18 feet deep. Driveway Parking Spaces may be stacked when each space in the stack is for the same dwelling unit.
    a. Parking is not permitted in the front yard, except for driveways leading to legal parking spaces.
4. Lots shall not exceed the maximum impervious surface ratio for the applicable zoning district.

(c) Parking Space Design for Multi-Family Land Uses served by individual driveways shall comply with the following standards:

1. Surfacing. All off-street parking and traffic circulation areas shall follow the surfacing requirements Section 17.06.06(7)(f).
2. Driveway Parking Spaces.
    a. Driveways shall be considered legal, "stacked" (meaning in front of one another) parking spaces for all required stalls. See the Mount Horeb Municipal Code Section 10.06(2)(f) regarding the maximum number of vehicles that can be parked outdoors.
    b. Required parking spaces may be located in a driveway and/or in a garage. Each space shall be at least 14 feet wide and 18 feet deep.
3. Parking is not permitted in the front yard, except for driveways leading to legal parking spaces.
4. All driveways shall meet the minimum pavement setbacks as required in Sections 17.04.11 to 17.04.14 for the applicable zoning district.
5. Any uncovered parking spaces associated with these land uses shall meet the minimum requirements of Section 17.06.06(d) below.

(d) Off-Street Parking and Traffic Circulation Standards for Multi-Family and Nonresidential Uses.

1. Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
    a. Traffic patterns which are determined as too complicated by the Village Engineer shall be prohibited. Complications may be identified due to steep grades, inadequate throat depths, offset intersections, too many intersections within a particular area, dangerous and conflicting traffic movements, movements compromised by limited visibility, or restricted turning radii for the types of vehicles likely present on the site.
    b. See the Mount Horeb Municipal Code Section 10.06(2)(f) regarding the maximum number of vehicles that can be parked outdoors.
2. Surfacing. All off-street parking and traffic circulation areas shall follow the surfacing requirements Section 17.06.06(7)(f).
3. Drainage. All off-street parking and traffic circulation areas shall be designed in such a manner so as not to alter the surface water drainage pattern on adjacent properties nor cause erosion, and to meet the requirements of Chapter 20 of the Village of Mount Horeb Municipal Code.

4. Marking. All off-street parking and traffic circulation areas shall be marked, striped, and maintained in a clear and visible manner which clearly indicates parking spaces, pedestrian walkways, and other designated areas.
5. Curbing. A 6-inch-high curb shall be installed around all traffic circulation, parking areas, and internal landscape islands, except as follows:
    a. Where stormwater management facilities are utilized as part of an approved grading and drainage plan, use of curb cuts or other alternatives to the installation of curbing may be considered by the Village Engineer, provided that measures are taken to protect the landscaping from vehicular circulation damage. See also landscaping requirements in Section 17.08.30(2).
    b. For industrial uses within industrial zoning districts, curbing is only required adjacent to buildings, planting islands, required front yards, and where necessary to prevent any part of a vehicle from extending over or beyond any pedestrian paths or rights-of-way.
6. Access. Each off-street parking space shall open directly upon an aisle or driveway that is wide enough to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into any pedestrian way or right-of-way.
7. Location. All traffic circulation areas shall meet the minimum pavement setbacks as required in Sections 17.04.11 to 17.04.14 for the applicable zoning district.
    a. See Section 17.07.02 for Springdale Street Corridor requirements.
8. Lighting. See Section 17.06.20.
9. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article IX.
10. Landscaping and Screening. Parking lots shall meet the screening requirements of Section 17.06.06(7)(h). Landscaping used to meet this requirement shall count toward the landscaping required for paved areas in Article VIII.
11. Minimum Permitted Throat Length.
    a. Refer to Figure 17.06.06d below to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive. As determined by the Zoning Administrator, the minimum permitted throat length standard may be met with the length of the access drive measured as the shortest distance from the curb to the traffic circulation or parking area when there is adequate driveway length to meet the standards below for the applicable land use.
    b. In no case shall the throat length be less than a surface parking lot's minimum required setback.

Figure 17.06.06d Minimum Permitted Throat Length

Land Use	Type	Scale of Development	Type of Access Street	
			Collector	Arterial
Residential	Any Residential	0-100 dwelling units	20’	-
		101-200 dwelling units	50’	75’
		201+ dwelling units	75’	125’
Commercial	Office	0-50,000 gross sq.ft.	20’	50’
		50,000-100,000 gross sq.ft.	25’	75’
		100,000-200,000 gross sq.ft.	50’	100’
		200,001+ gross sq.ft.	100’	150’
	In-Vehicle Sales	0-2,000 gross sq.ft.	20’	75’
		2,001 gross sq.ft.	50’	100’
	Indoor Entertainment	0-15,000 gross sq.ft.	20’	50’
		15,001 gross sq.ft.	25’	75’
	Commercial Lodging	0-150 rooms	20’	75’
		151+ rooms	25’	100’
	Other Commercial Uses	0-25,000 gross sq.ft.	20’	50’
		25,001-100,000 gross sq.ft.	25’	75’
		100,000-500,000 gross sq.ft.	50’	100’
		500,001+ gross sq.ft.	75’	200’
Industrial	All Industrial uses	0-100,000 gross sq.ft.	20’	50’
		100,000-500,000 gross sq.ft.	50’	100’
		500,000+ gross sq.ft.	50’	200’
All Other Use	6+ Parking Space		20’	50’

(e) Special Provisions for Nonconforming Parking Lots.

1. Legally established parking facilities constructed prior to the effective date of this Chapter which do not meet the minimum setbacks required by this Chapter shall be permitted to be reconstructed with reduced setbacks, subject to approval of a parking lot layout plan by the Plan Commission. Said parking lot layout plan shall be designed in accordance with the dimensions identified in Figure 17.06.06c of this Chapter. Parking lot setback reductions shall only be provided in the following instances:

   a. To prevent the loss of legal parking spaces as required by this Chapter.

   b. To prevent the loss of required internal circulation aisles.

   c. To retain the functionality of the parking lot.

2. The remaining setback area shall be devoted to landscape buffer area per the landscape requirements for paved areas described in Section 17.08.30(2). If, in the opinion of the Zoning Administrator, the remaining setback area cannot effectively support any type of vegetation, the parking facility may be reconstructed to the existing setback, with the exception that curbing, decorative masonry wall, and/or wrought iron fence be installed

along said parking lot perimeter to prevent vehicles from encroaching over the right-of-way or property lines.

3. Parking lots with existing curbing installed along perimeter property lines and adjacent to the right-of-way shall be allowed to be reconstructed inside of said curbed area.

4. The provisions of this Chapter pertaining to the installation of curbing located in Section 17.06.06(7)(d)5. and internal landscaping located in Section 17.08.30(2) shall not apply to the reconstruction of parking lots of 50 stalls or less.

(f) Surfacing.

1. All off-street parking, loading, and traffic circulation areas shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface. Also see Section 8.07(5) and (6) of the Mount Horeb Municipal Ordinance.

   a. Paved pads surfaced with concrete or asphalt may be used for recreation equipment trailer storage or residential utility trailer storage in any provided interior side yard or rear yard.

   b. Paved pads surfaced with concrete or asphalt are required for any motorized vehicles including passenger vehicles, light trucks, recreational vehicles (RVs), and any recreation equipment not on a trailer.

2. The following shall be exempt from these surfacing requirements:

   a. Driveways in the AG, PR, or CON districts shall be exempt.

(g) Installation and Maintenance.

1. Off-street parking and circulation areas and required screening and landscaping shall be continuously maintained in good condition and appearance. Surfacing, lighting, barriers, markings, planting materials, and all other aspects of the off-street parking and circulation facility shall be repaired or replaced in compliance with the provision of this Chapter.

2. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times, except for approved phased development of parking spaces as provided for by Section 17.06.06(6)(g), above. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 17.03.16.

(h) Screening Requirements. All uncovered parking areas shall meet the minimum landscaping requirements for paved areas in Article VIII and minimum pavement setback requirements for the applicable zoning district in Article IV.

(i) Bicycle Parking Standards.

1. Required provision of bicycle parking areas.

   a. For all Multi-Family and Nonresidential Land Uses, a minimum of one bicycle parking space shall be provided for every ten on-site vehicle parking spaces, up to a total of twenty bicycle parking spaces, unless the Zoning Administrator reduces such standards following a determination that there is no safe method for bicycles to access the subject property.

   b. The automobile parking requirements may be reduced by providing additional bicycle parking. After the bicycle parking requirement has been met, a minimum of four bicycle parking spaces may be provided in lieu of one required automobile parking space.

c. All bicycle parking racks shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. All racks shall accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame. The "inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this Section ("wheel-bender" style bike racks do not provide sufficient support). One inverted-U type rack will count as 2 bicycle parking spaces. Freestanding bicycle parking racks shall be securely fastened to the ground.

d. Bicycle parking spaces shall be located on a paved or pervious, surface with a slope no greater than three percent (3%). Surfaces shall not be gravel, landscape stone, or wood chips.

e. Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet. There shall be an access aisle a minimum of five (5) feet in width. Each required bicycle parking space shall be accessible without moving another bicycle and its placement shall not conflict with pedestrians and motorized traffic. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. The spaces shall be placed where bicyclists would naturally transition to pedestrian mode.

(8) Locational Standards.

(a) Locational Prohibitions for Off-Street Parking Areas.

1. On a lot containing a single family or two family dwelling unit, off-street parking shall not be located between the principal structure and a street right-of-way, except within residential driveways leading to a legal parking space.

2. No private parking shall occur within the right-of-way or any interior traffic circulation areas.

(b) Setbacks.

1. The distance from an off-street parking area to the property line of an abutting property shall meet the required setbacks in Article IV.

2. Existing parking areas that do not meet the requirements of this Chapter may be maintained or repaired at their setback as of the effective date of this Chapter.

(9) Limitations on Uses of All Off-Street Parking Areas.

(a) In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of motor vehicles, which shall be regulated as follows:

1. No front yard of any residential district and no front yard of a lot associated with a residential use shall be used for the parking of a motor vehicle except in approved driveways. Motor vehicles parked on any legal driveway shall not be permitted within five feet of any right-of-way line of a street.

2. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 30,000 pounds 30 feet in length, or 11 feet in height, except recreational vehicles or motor homes are permitted if parked in a driveway or other legal off-street parking space.

3. A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

a. No person shall park or store any recreational equipment within the front yard or corner side yard of any residential zoning district unless the equipment is parked on a driveway which meets all of the requirements in this Section.

b. Recreational equipment may be stored on a surface meeting the requirements of Section 17.06.06(7)(f) in the rear yard or the interior side yard areas. If the rear yard of a corner lot abuts the side yard of an adjacent residence, any recreational equipment stored in said rear yard shall not be closer to the street than the required front yard setback distance for said adjacent residence.

c. Recreational equipment longer than thirty (30) feet shall not be stored anywhere outdoors in any residential zoning district unless the piece of recreational equipment is being loaded, unloaded, cleaned or otherwise prepared for use or extended storage. The time period that recreational equipment longer than thirty (30) feet may be kept outdoors shall not exceed seven (7) days. For purposes of this subsection, the length of a piece of recreational equipment shall include any portion of a trailer that the equipment is loaded onto.

Section 17.06.07: Off-Street Loading Standards

(1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities.

(2) Applicability. All institutional, commercial, industrial, storage, and transportation land uses shall provide off-street loading facilities in accordance with the regulations of this Section. Depending on the land use, off-street loading standards may be waived by the Plan Commission.

(3) Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 17.10.43).

(4) Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to its location and configuration on the site plan required for the development of the subject property.

(5) Location.

(a) Loading areas shall be located on the private lot off an adjacent alley, service drive, or other paved open space on the same lot, shall provide adequate receiving platforms or other facilities per subsection (6) below, and shall not be located within or interfere with any public right-of-way while in use.

(b) Loading areas shall be located on the same lot as the use served.

(c) For development with a gross floor area of greater than 10,000 square feet, loading areas shall not be located in a required front yard.

(d) Loading areas shall be located at least 50 feet from a residential district.

(e) Loading areas shall be located 25 feet or more from the intersection of 2 street right-of-way lines.

(6) Size of Loading Area. Structures shall provide functional receiving platforms or other facilities of adequate width, length, and at least 14 feet of vertical vehicle clearance.

(7) Access to Loading Area. Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way while in use.

(8) Surface. All required loading areas shall follow the surfacing requirements of Section 17.06.06(7)(f).

(9) Use of Required Loading Areas. Loading areas shall not be used to provide the required number of parking spaces.

(10) Lighting. See Section 17.06.20.

(11) Signage. See Article IX.

Sections 17.06.08 to 17.06.19: Reserved

Section 17.06.20: Exterior Lighting Standards

(1) Purpose. The purpose of this Section is to enhance the attractiveness and livability of the community for its residents, both during the day and at night without compromising the safety, security, and wellbeing of persons engaged in outdoor nighttime activities. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of excessive and careless outdoor light usage can be minimized. This Section is designed to curtail the degradation of the nighttime visual environment and preserve and enhance the area's dark sky by requiring lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, impact on the natural environment, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.

(2) Applicability. The requirements of this Section apply to all exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way.

(3) Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 17.10.43). For existing lighting, see Section 17.06.20(5)(e)3. below.

(4) Depiction on Required Site Plan. All exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property. Catalog pages and specification sheets shall be included that indicate fixture type, mounting height, uplight rating, lumen rating, additional shielding, corelated color temperature and method of control. Photometric calculations shall be included to demonstrate compliance with allowable light trespass and illumination levels.

(5) Exterior Lighting Requirements.

(a) Lighting Zones

1. For the purpose of determining compliance with lighting standards published by the Illuminating Engineering Society (IES) the following lighting zones are established.

Figure 17.06.20a. Lighting Requirements

Zoning District	IES Lighting Zone	Corelated Color Temperature (CCT)	Maximum Footcandles Measured at the Property Line
CON	LZ0: Protected Areas	Shall not exceed 2200 Kelvin	0.1 footcandles
SF-1, SF-2, TF-1, MF-1, MF-2, MH-1, PN-1, PR, AG	LZ1: Developed Areas (Low Light)	Shall not exceed 2700 Kelvin	0.1 footcandles
INST, NMU, CMU, DMU	LZ2: Developed Areas (Moderate Light)	Shall not exceed 3000 Kelvin	0.3 footcandles
BP, LI, HI, AO, IOA	LZ3: Developed Areas (High Light)	Shall not exceed 3000 Kelvin	0.3 footcandles

(b) All fixtures, whether wall or pole-mounted, shall have an IES zero-uplight rating (U0). All fixtures shall be oriented such that the bottom luminous surface is level. Tilting fixtures is not permitted except to compensate for out-of-plumb poles. All fixtures shall not be adjustable beyond 3000K.

1. The only exception to this requirement is for signs approved by the Plan Commission under Section 17.09.16.

(c) Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(d) Controls and Intensity of Illumination.

1. In no instance shall the amount of illumination attributable to exterior lighting, as measured horizontally at ground level at the property line, exceed the those listed in Figure 17.06.20a.

a. The following exceptions shall be permitted.

i. Maximum foot-candles at the property line may be exceeded along zero lot line shared structure situations, structures with a zero-foot setback, or where two lots share a property line and common improvements under the same ownership as determined by the Plan Commission through the Site Plan review process (see Section 17.10.43).

ii. Signage that meets the requirements of Article IX and is located within the DMU zoning district may be permitted to exceed maximum foot-candles at the property line as determined by the Zoning Administrator or Plan Commission.

2. The average intensity of illumination on any portion of a lot in every lighting zone shall not be greater than 25% above the recommended average horizontal value as defined by the most current Illumination Engineering Society (IES) standards for the use of that portion of the lot in that lighting zone.

3. Any mixed use or nonresidential land use shall extinguish exterior façade and landscaping lighting elements within 1 hour after closing of the businesses and remain off until no earlier than 1 hour before opening. All other exterior lighting shall be reduced in power to a minimum of 50% or be extinguished using one of the following schedules per the 2021 International Energy Conservation Code (IECC) as adopted and amended by the state of Wisconsin:

a. From not later than midnight to not earlier than 6 a.m.

b. From not later than 1 hour after business closing to not earlier than 1 hour before business opening.

c. During anytime where activity has not been detected for 15 minutes or more.

d. The following exceptions shall be permitted.

i. Covered vehicle entrances or exits from buildings and parking structures where required for safety, security or eye adaptation, emergency lighting as determined to be needed by the Village of Mount Horeb Police Department, Fire Department, EMS, or Public Works Department, and Communication Tower lighting (see Section 17.03.20) are exempt from these control requirements.

e. All security lighting intended to illuminate the property line (such as a fence line) shall include motion sensors and be designed to be off unless triggered.

(e) Fixtures and Luminaries.

1. Outdoor lighting shall be IES zero-uplight compliant fixtures and downward facing (U0).
    a. The following exceptions shall be permitted.
        i. Integrated LED light fixtures with a factory-rated output of 1000 lumens or less and fixtures utilizing a single bulb or multiple bulbs with a combined factory-rated output of 1000 lumens or less.
        ii. Signs as described in 17.06.20(5)(d) above.
2. The maximum fixture mounting height shall be 20 feet.
3. All lighting fixtures existing prior to the effective date of this Chapter shall be considered nonconforming fixtures.
    a. When a Building Permit is issued for work to be conducted on-site, existing fixtures shall be modified or replaced to comply with the requirements for zero-uplight and corelated color temperature. When replaced or modified, lighting installations existing prior to the effective date of this Chapter shall not increase light trespass or increase average light levels above existing levels.

(6) Additional Lighting Requirements for Intensive Outdoor Recreation Uses.

(a) Lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than 10 P.M. Lower light levels for off-the-field lighting may be provided for an additional 1 hour for safe egress.

(b) The mounting height for light fixtures shall be no greater than one-fourth the distance to the nearest property line from where the light fixture is located.

Section 17.06.21: Exterior Storage and Screening Standards

(1) Purpose. The purpose of this Section is to control the use of exterior storage so as to promote the safety and general welfare of the public. For additional requirements relating to exterior storage for specific uses, refer to Article III of this zoning ordinance.

(2) Applicability. The requirements of this Section apply to all development.

(3) Review and Approval.

(a) All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 17.10.43).

(b) Outdoor Storage land uses shall meet the requirements of 17.03.16.

(4) Requirements for Exterior Storage.

(a) Requirements for Exterior Storage in Multi-Family and Mixed-Use Zoning Districts.

1. All materials and equipment shall be stored within a completely enclosed building except for the following: screened refuse containers, construction materials, landscape materials, and related equipment connected within on-site construction. Materials related to construction and landscaping projects shall not be stored outdoors after the completion of the project.
2. Such outdoor storage shall not be located within any front yard or required street yard (except for vehicles in designated off-street parking spaces). Outdoor storage shall conform to all setback requirements or shall be located a minimum of 5 feet from all property lines, whichever is more restrictive.

(b) Screening for storage land uses shall comply with the requirements of Section 17.03.16. Screening for Incidental Outdoor Storage land uses shall comply with the requirements of Section 17.03.28(13).

(c) Screening shall be maintained in accordance with the approved Site Plan.

(5) Exterior Storage Within Refuse or Recycling Enclosures. Also see Section 11.06 of the Village of Mount Horeb Municipal Code.

(a) For all Multi-Family and Nonresidential Land Uses, all trash storage areas are recommended within the building, but if such enclosure is located on the exterior of the building, trash storage areas shall be located within an enclosure at least 6 feet in height that completely screens the view of all trash and trash storage containers. The exterior of said enclosure shall be constructed of solid wood that matches or is complementary to the exterior of the principal building or be one or more of the materials used on the exterior of the main building. A solid gate shall be used to gain access to the storage area; said gate shall be constructed of an opaque material matching the exterior of the enclosure. Metal panel gates and metal fence gates with interwoven slat fencing is prohibited.

(b) No exterior trash storage or dumpsters shall be located between a building and a public street except if in the opinion of the Zoning Administrator, no other suitable location is available for such purpose, and provided the dumpster area is developed in a manner so as to minimize its appearance from a public street.

(6) Mechanical Equipment and On-Site Utilities.

(a) Definition. Mechanical equipment is defined as devices installed for a use appurtenant to the property, structures, or principal use. Mechanical equipment includes, but is not limited to, HVAC equipment, transformers, gas and electric meters, utility-related equipment, exhaust fans external to buildings, louvers, vents, and industrial process equipment. The following equipment shall be exempt from screening requirements due to functional concerns: satellite dishes, personal antennas and towers, industrial smoke stacks, and solar or wind energy systems.

(b) Applicability. The screening of mechanical equipment and utilities shall be required for all uses as regulated in this Chapter, except for single family and two family dwelling units and those exempted in other sections of the Village of Mount Horeb Municipal Code.

1. Screening is not required for any existing mechanical equipment on site.

2. Screening is required for any new or replaced mechanical equipment on-site.

(c) Situations which change the status of a conforming mechanical equipment installation to nonconforming status such as a change in zoning or establishment of a use shall be regulated as set forth in Article V.

(d) Screening Design Standards for Ground-Mounted Equipment. Ground-mounted mechanical equipment shall be hidden from view through the use of any of the following methods:

1. Earth berm(s) or landscaping at a combined height sufficient to fully screen the equipment from the right-of-way or other users of the site.

2. A bufferyard with a minimum opacity of 0.2 that completely surrounds the equipment.

3. Any opaque fence or wall permitted in the zoning district.

(e) Screening Distance.

1. Mechanical equipment is considered to be screened if it is not visible using an opaque combination of plants and/or permitted exterior materials (See Article VII) that is a

minimum of the height of the object being screened, when viewed from any public sidewalk or street or from any point along the property line of the subject property.

2. Exceptions can be made for elevated roads that are of a considerable higher grade from that of the mechanical equipment, for drastic grade changes, or for other special circumstances as determined by the Zoning Administrator.

(f) See Article VII of this zoning ordinance for requirements for building-mounted and roof-mounted mechanical equipment.

(g) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.

Sections 17.06.22 to 17.06.29: Reserved

Section 17.06.30: Vibration Standards

(1) Purpose. The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

(3) Review and Approval. Through the site plan review process (see Section 17.10.43), the Plan Commission shall review and approve all development on the subject property.

(4) Depiction on Required Site Plan. Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.

(5) Requirements. No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 17.06.30a, below.

(6) Method of Measurement. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: D = K/f, where D = displacement in inches; K = a constant to be determined by reference to Figure 17.06.30a below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 17.06.30a: Vibration Measurement Constant

Change or Improvement	K All Other Districts	K BP, LI, HI, IOA Districts
On OR Beyond Any Adjacent Lot Line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On OR Beyond Any Residential District Boundary Line		
Continuous	0.003	0.003

Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

Section 17.06.31: Noise Standards

(1) Purpose. The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance, or agricultural operations. Construction noise standards can be found in Chapter 8.122.

(3) Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 17.06.31a (as adjusted where applicable in Figure 17.06.31b) and as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any residential, mixed-use, or institutional zoning district.

(4) Nonconforming Noise. Noise that was in effect as of the effective date of this Chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter is the responsibility of the noise producer.

Figure 17.06.31a: Maximum Permitted Noise Level at Lot Line for Continuous Noise

Zoning District	Increase in Noise Level Over Ambient Level
SF-1, SF-2, TF-1, MF-1, MF-2, MH-1, PN-1, AG, CON, PR	Plus 3 dBA
INST, NMU, CMU, DMU	Plus 5 dBA
BP, LI, HI, AO, IOA	Plus 8 dBA

Figure 17.06.31b: Adjustment Factors for Maximum Noise Levels Measured at Lot Line

Type of Operation in Character of Noise	Correction in Decibels
Daytime Operation Only	Plus 5 dBA
Noise Source Operates Less Than 20% of Any 1-Hour Period	Plus 5 dBA
Noise Source Operates Less Than 5% of Any 1-Hour Period	Plus 10 dBA
Noise Source Operates Less Than 1% of Any 1-Hour Period	Plus 15 dBA
Noise of Impulsive Character (hammering, etc.)	Minus 5 dBA
Noise of Periodic Character (hum, speech, etc.)	Minus 5 dBA

Section 17.06.32: Air Pollution Standards

(1) Purpose. The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety,

and general welfare of the public. Also see Chapter 10 of the Village of Mount Horeb Municipal Code for applicable standards and definitions.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

(3) Standards. In addition to all applicable state and federal standards, the following shall apply:

(a) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.

(b) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.

(c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.

(d) Outdoor accessory structure wood furnaces are prohibited in the Village of Mount Horeb for public health and safety reasons.

(e) All other applicable state and federal standards, including Ch. NR 431, Wis. Adm. Code.

Section 17.06.33: Odor Standards

(1) Purpose. The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public. Also see Chapter 10 of the Village of Mount Horeb Municipal Code for applicable standards and definitions.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public wastewater treatment plants shall be exempted from the requirements of this Section as essential public services.

(3) Standards.

(a) Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property and within any other property zoned residential, mixed use, or institutional.

(b) No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in § NR 429.03, Wis. Adm. Code.

Section 17.06.34: Glare and Heat Standards

(1) Purpose. The purpose of this Section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

(3) Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Airport. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wis. Stats. § 66.0401 shall be entitled to the protection of its provisions.

Section 17.06.35: Fire and Explosions

(1) Purpose. The purpose of this Section is to regulate the creation of fire or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to permitted blasting during construction as regulated in Section 8.121 of the Village of Mount Horeb Municipal Code.

(3) Standards. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 17.06.36: Toxic, Noxious, and Waste Materials

(1) Purpose. The purpose of this Section is to regulate the handling of toxic, noxious, or waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. The requirements of this Section apply to all land uses and activities.

(3) Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health and Department of Natural Resources. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.

Section 17.06.37: Hazardous Materials

(1) Purpose. The purpose of this Section is to provide information to the Village regarding the nature of land uses which involve research, production, storage, disposal, handling, or shipment of hazardous materials.

(2) Applicability. The requirements of this Section apply to all land uses and activities involving any one or more of the following:

(a) Soil and plant additives subject to Wis. Stats. § 94.65.

(b) Pesticides subject to Wis. Stats. § 94.67.

(c) Biological products subject to Wis. Stats. § 95.39.

(d) Hazardous substances subject to Wis. Stats. § 100.37.

(e) Toxic substances as defined in Wis. Stats. § 101.58(2)(j).

(f) Infectious agents as defined in Wis. Stats. § 101.58(2)(f).

(g) Any material for which the State of Wisconsin requires notification of a local fire department.

(h) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.

(3) Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

Sections 17.06.38: Radioactivity and Electrical Disturbances

(1) No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Section 17.06.39: Reserved

Section 17.06.40: Residential Fencing Standards

(1) Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability. The requirements of this Section apply to all fencing, hedges, landscape walls, and decorative posts for all land uses and activities within the SF-1, SF-2, TF-1, MF-1, MF-2, MH-1, or PN-1 zoning districts. See swimming pools for additional fencing standards Section 17.06.42.

(3) Review and Approval. Fences shall be reviewed and approved by the Zoning Administrator and the Electrical Superintendent. Fences shall require a building permit.

(4) Temporary Fencing. Permits are not required for temporary fencing. Temporary fencing shall be permitted for the following purposes:

(a) Garden fencing such as chicken wire or woven wire during the growing season, provided that the fencing is designed to support plants and/or help keep out garden pests.

(b) The use of woven together wooden slat snow fences for the purposes of limiting snow drifting between November 1 and April 1.

(c) The protection of excavation and construction sites and the protection of plants during grading and construction, in association with an active building permit.

(5) Design and Materials.

(a) Materials.

1. Fences shall be constructed using the following materials:

a. Naturally resistant or treated wood, brick or masonry, natural stone, wrought iron, vinyl, galvanized or coated chain link, metal cable within a solid frame, or any other material of comparable quality as approved by the Zoning Administrator.

2. Fences shall <u>not</u> be constructed using the following materials:

a. Rope, string, wire products, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, pallets, fiberglass or plastic panels.

3. Rules Related to Specific Materials.

   a. Permanent chicken wire fences or snow fences shall not be used.

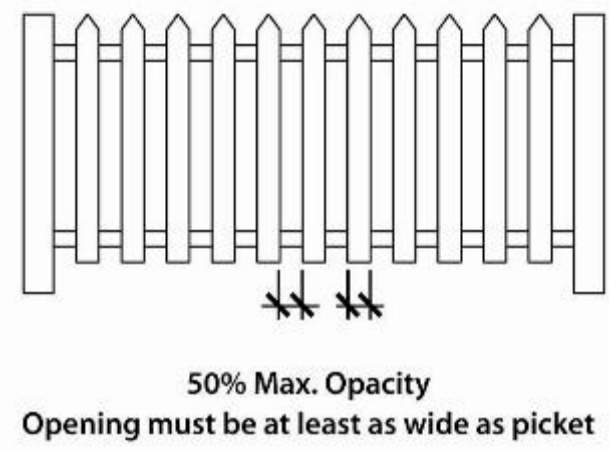
   b. Wire mesh and chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SF-1, SF-2, TF-1, MF-1, MF-2, MH-1, and PN-1, zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.

   c. Non-corrugated, solid metal fences and any kind of barb wire fencing is prohibited.

(b) Design.

1. With the exception of fences used for required screening (Section 17.08.30(5) Bufferyards, Section 17.06.21 Exterior Storage and Screening Standards, Article III Land Use Regulations), any fence located in the front or street side yard shall be a maximum of 50 percent opaque, meaning that the spaces between the pickets are equal to or greater than the width of the pickets, a minimum of 2 inches apart. See Figure 17.06.40a.

Figure 17.06.40a: Fencing Standards



2. A fence that includes pre-woven or interwoven privacy fence slats and that is at least 90 percent opaque shall be considered a solid fence.

3. Fences shall be architecturally compatible with the design and materials of the principal building. Design details shall be substantially the same (but need not be identical) as those of the principal building.

(6) Height.

(a) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following (also see Figure 17.06.40c.):

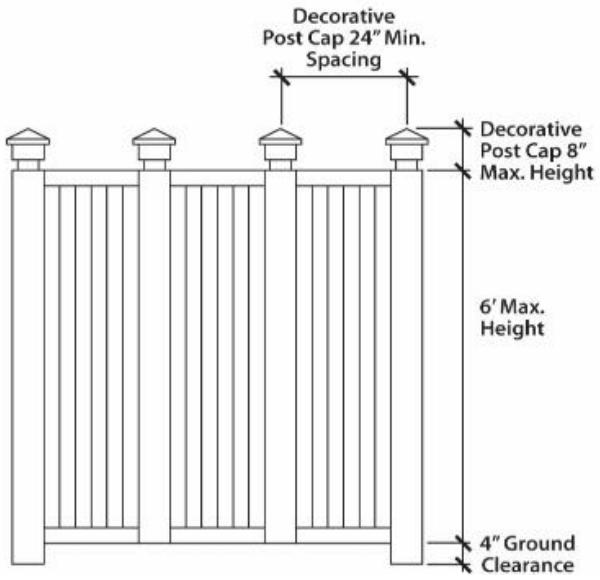
1. In the SF-1, SF-2, TF-1, MF-1, MF-2, MH-1, and PN-1, zoning districts:

Figure 17.06.40b: Fence Measurements

a. 4 feet when located within the front yard or street yard.

b. 6 feet within the side yard or rear yard, but not in the front yard or beyond the front façade of the principal building.

i. 10 feet is permitted within the side or rear yard as described in b. above where a residential zoned property shares a lot line with a nonresidential zoned property.



(b) Height shall be measured from the ground immediately under the fence to the top rail of the fence.

(c) Height Exceptions.

1. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. See Figure 17.06.40b.

2. To accommodate slopes or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height.

3. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

(7) Location.

(a) Fences shall meet the visibility standards in Section 17.06.03.

(b) Fences within all zoning districts shall have a minimum 6 inch setback from all property lines and it is recommended that installation occur one (1) foot into the subject lot to allow for maintenance.

(c) Connecting a new fence to an abutting neighboring fence is prohibited.

(d) Fences are not permitted within any recorded easements.

(e) Fences shall follow clearances required by the State Electrical Code.

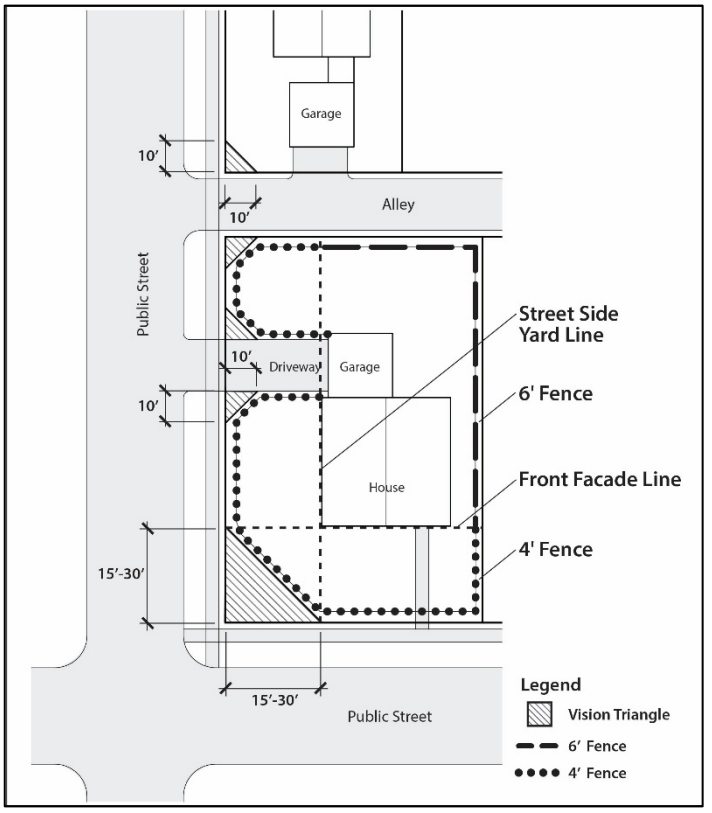
(f) Fences legally constructed prior to the effective date of this Chapter shall be permitted to be replaced in their existing location, unless they encroach into a public utility or access easement.

(8) All hedges are permitted, except that no hedge may be established and maintained so as to create a traffic visibility hazard for vehicles or pedestrians as determined by the Zoning Administrator or designee. Hedges that may adversely impede visibility which are located near public and private streets, drives, alleys, driveways, walks, paths, or other vehicle or pedestrian facilities, shall be trimmed to a height of 30 inches or less above the grade of the affected vehicle or pedestrian facility.

(9) Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property, i.e. with the finished side facing outward

(10) Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

Figure 17.06.40c: Residential Fencing Standards



Section 17.06.41: Non-Residential Fencing Standards

(1) Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability. The requirements of this Section apply to all fencing, hedges, landscape walls, and decorative posts for all land uses and activities NMU, CMU, DMU, INST, AO, PR, CON, BP, LI, HI, AG, and IOA. See swimming pools for additional fencing standards Section 17.06.42.

(3) Review and Approval. Fences shall be reviewed and approved by the Zoning Administrator and the Electrical Superintendent. Fences shall require a building permit.

(4) Temporary Fencing. Permits are not required for temporary fencing. Temporary fencing shall be permitted for the following purposes:

(a) Garden fencing such as chicken wire or woven wire during the growing season, provided that the fencing is designed to support plants and/or help keep out garden pests.

(b) The use of woven together wooden slat snow fences for the purposes of limiting snow drifting between November 1 and April 1.

(c) The protection of excavation and construction sites and the protection of plants during grading and construction, in association with an active building permit.

(5) Design and Materials.

(a) Materials.

1. Fences shall be constructed using the following materials:

a. Naturally resistant or treated wood, brick or masonry, natural stone, wrought iron, vinyl, galvanized or coated chain link, metal cable within a solid frame, or any other material of comparable quality as approved by the Zoning Administrator.

2. Fences shall <u>not</u> be constructed using the following materials:

a. Rope, string, wire products, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, pallets, fiberglass or plastic panels.

3. Rules Related to Specific Materials.

a. Permanent chicken wire fences or snow fences shall not be used.

b. Wire mesh and chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the NMU, CMU, DMU, and INST zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses.

i. Double frontage lots within the BP zoning district. Wire mesh and chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front or rear of the building.

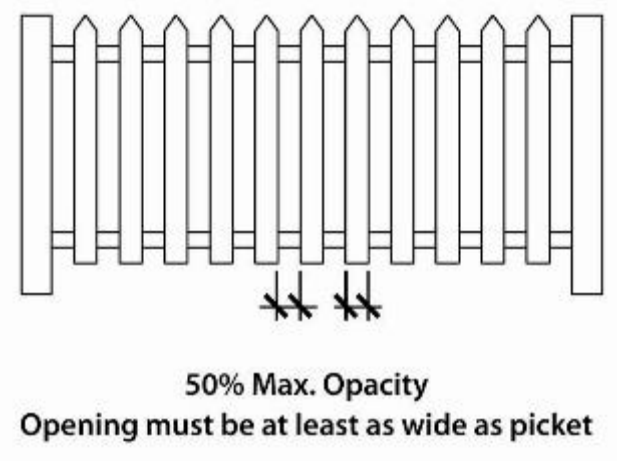
ii. All other zoning districts are exempt from this requirement except for

c. Non-corrugated, solid metal fences and any kind of barb wire fencing is prohibited.

(b) Design.

1. With the exception of fences used for required screening (Section 17.08.30(5) Bufferyards, Section 17.06.21 Exterior Storage and Screening Standards, Article III Land Use Regulations), any fence located in the front or street side yard shall be a maximum of 50 percent opaque, meaning that the spaces between the pickets are equal to or greater than the width of the pickets, a minimum of 2 inches apart. See Figure 17.06.41a.
2. A fence that includes pre-woven or interwoven privacy fence slats and that is at least 90 percent opaque shall be considered a solid fence.
3. Fences shall be architecturally compatible with the design and materials of the principal building. Design details shall be substantially the same (but need not be identical) as those of the principal building. Industrial uses shall be exempt from this requirement.

Figure 17.06.41a: Fencing Standards

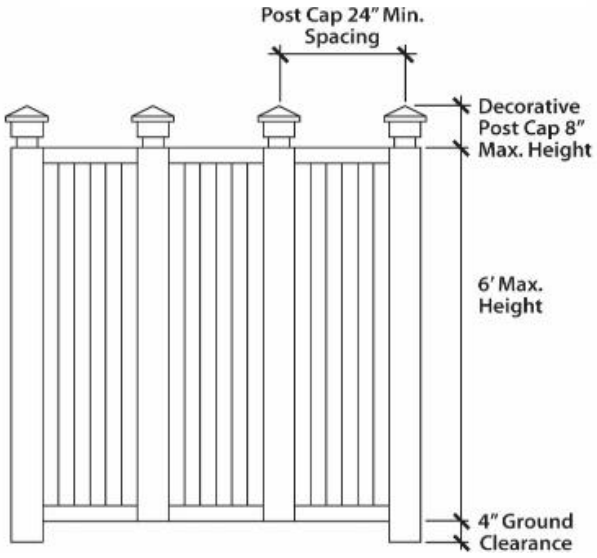


(6) Height.

(a) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following (also see Figure 17.06.41c.):

1. In the NMU, CMU, DMU, INST, AO, PR, and CON zoning districts:
   a. 4 feet when located within the front yard or street yard.
   b. 6 feet within the side yard or rear yard, but not in the front yard or beyond the front façade of the principal building.
      i. 10 feet is permitted within the side or rear yard as described in b. above where a residential zoned property shares a lot line with a nonresidential zoned property.
2. In the BP, LI, HI, AG, and IOA zoning districts:
   a. 4 feet when located within the front yard or street yard.
      i. Security fencing height can be increased to 10 feet provided the fence is decorative in style, as determined by the Zoning Administrator.
      ii. 6 feet when located in the second front yard facing the street that is not the parcel's primary access façade of a double frontage lot within the BP zoning district.
   b. 10 feet within the side yard or rear yard, but not in the front yard or beyond the front façade of the principal building.

Figure 17.06.41b: Fence Measurements



c. 10 feet where a residential zoned property shares a lot line with a nonresidential zoned property.

(b) Height shall be measured from the ground immediately under the fence to the top rail of the fence.

(c) Height Exceptions.

1. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. See Figure 17.06.41b.

2. To accommodate slopes or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height.

3. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

(7) Location.

(a) Fences shall meet the visibility standards in Section 17.06.03.

(b) Fences within all zoning districts shall have a minimum 6 inch setback from all property lines and it is recommended that installation occur one (1) foot into the subject lot to allow for maintenance.

(c) Connecting a new fence to an abutting neighboring fence is prohibited.

(d) Fences are not permitted within any recorded easements.

(e) Fences shall follow clearances required by the State Electrical Code.

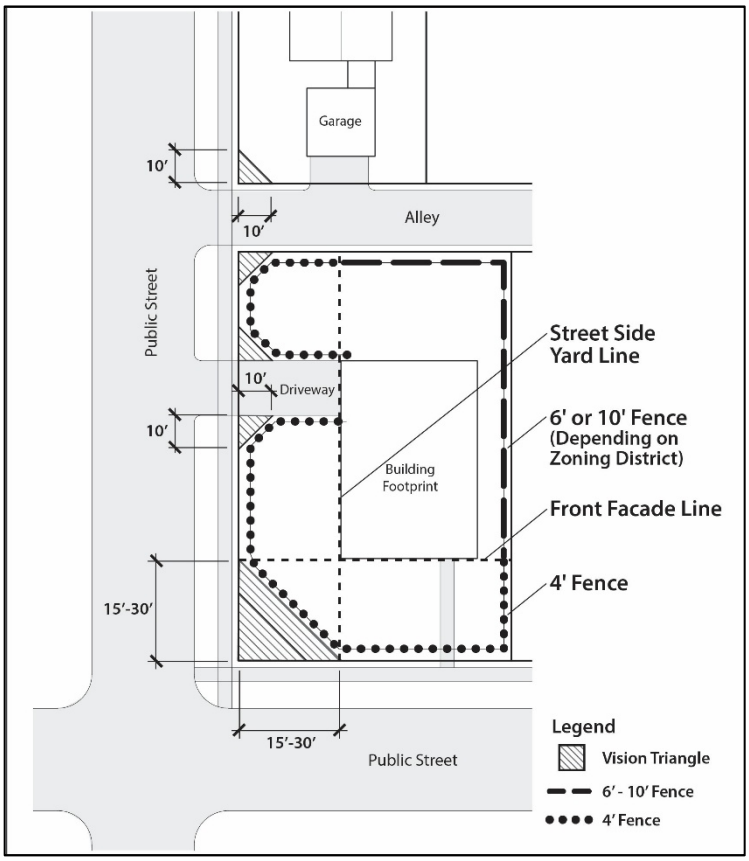
(f) Fences legally constructed prior to the effective date of this Chapter shall be permitted to be replaced in their existing location, unless they encroach into a public utility or access easement.

(8) All hedges are permitted, except that no hedge may be established and maintained so as to create a traffic visibility hazard for vehicles or pedestrians as determined by the Zoning Administrator or designee. Hedges that may adversely impede visibility which are located near public and private streets, drives, alleys, driveways, walks, paths, or other vehicle or pedestrian facilities, shall be trimmed to a height of 30 inches or less above the grade of the affected vehicle or pedestrian facility.

(9) Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property, i.e. with the finished side facing outward

(10) Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

Figure 17.06.41c: Non-Residential Fencing Standards



Section 17.06.42: Swimming Pool Standards

(1) Purpose. The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.

(2) Applicability. This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 15 inches, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. For a pool in an SF-1, SF-2, TF-1, PN-1, and MH-1 zoning district, the site plan may be approved administratively by Village staff.

(4) Permit Required. A building permit shall be secured prior to the commencement of construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.

(5) Exempt Pools. Non-filtered, storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the

provisions of this Section. Decorative ponds that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt. Lockable tops shall be securely fastened in place at all times when the hot tub is not in actual use.

(6) Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection (4), above, unless the following requirements are observed:

(a) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.

(b) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Village Engineer.

(c) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.

(7) Setbacks and Other Requirements. Private swimming pools shall be erected or constructed on rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. The water surface and supporting structure of all swimming pools shall be out of all easements and at least 10 feet from any lot line and 1 foot from any easement line and it shall be at least 10 feet from any building unless designed and approved as an addition to a building.

(8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall be a maximum of 6 feet in height from ground level and a minimum of 4 feet in height from ground level and a minimum of 4 feet from the water surface edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure.

(a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided and removed when not in use, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.

(b) A pool enclosure may also be omitted if a swimming pool cover is installed that meets or exceeds the ASTM Standard F1346-91 and provides enough strength to withstand 475 pounds of pressure on top of the pool cover. Said cover shall also be sealed tight with a lock and key whenever the pool is not in use.

(c) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

(9) Compliance. All swimming pools existing at the time of adoption of this Chapter shall not be required to bring said swimming pool into compliance with this section, except for (9)(a) below.

(a) Should a property owner be cited for violating this Section three or more times, a public hearing shall be scheduled with the Public Safety Committee to determine the severity of the violations. The Public Safety Committee may, after three citations are issued, require a fence.

(10) Filter System Required. All private swimming pools within the meaning of this Chapter shall have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(11) Dirt Bottoms Prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 17.06.43: On-Site Recreational Space Requirements

(1) On-Site Recreational Space Requirements for Multi-Family and Mixed-Use Land Uses.

(a) Each multi-family or mixed-use development containing 3 or more dwelling units shall provide on-site recreational space suitable for inside or outside gathering space or recreation. This space could include a children's play area, outdoor gazebo or sitting area, indoor gathering/community spaces, indoor fitness center, and/or shared outdoor porch, balcony, or rooftop terrace. On-site recreational space may be provided at ground level, in the building, or other areas including but not limited to communal porches/decks, balconies, and rooftops.

(b) Minimum Area. A minimum of 200 square feet per building plus 25 square feet per bedroom of usable recreation space shall be provided.

(c) Required on-site recreational space shall be for the private use of residents and need not be open to the public.

(2) Required on-site recreational space may be divided into multiple distinct spaces, provided that no single space is smaller than 100 square feet or narrower than 10 feet in any direction.

(3) The following will not count towards meeting the on-site recreational requirement:

(a) Outdoor areas in the required front yard or street side yard setbacks.

(b) Outdoor areas used for on-site parking or traffic circulation.

(c) Outdoor or indoor areas used for landscaping, stormwater infiltration, bicycle parking, trash and recycling storage, or mechanical equipment.

(4) Required on-site recreational space shall not count toward land dedication or fee in lieu of land dedication requirements of Village of Mount Horeb Ordinance Fee Schedule.

Sections 17.06.44 to 17.06.49: Reserved

Section 17.06.50: Regulations for Vacant Buildings

(1) This Section shall apply to all buildings as of the effective date of this Chapter.

(2) Where any building is vacated because 100 percent of the residential or commercial use conducted thereon is being terminated or relocated to a different building, the party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.

(3) With the exception of historic buildings and landmarks, any building that is completely vacated for any reason shall be subject to the following provisions:

(a) The owner must file with the Village a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.

(b) The owner shall be required to meet the requirements defined below based on the amount of time the building remains vacant:

Figure 17.06.50a: Steps for Addressing Building Vacancy

Time Period Building is Vacant	Requirement
1 Year of Vacancy	Install a fire department access box for annual fire inspection if the Fire Department determines it is necessary. Remove signage per the requirements of Section 17.09.27.
5 Years of Vacancy	The Village will complete a comprehensive maintenance review of the property and may require the property owner to meet the standards of the Property Maintenance and Building Codes.
10 Years of Vacancy	If the building is not maintained, the Village may require the site to be cleared of all improvements and returned to vegetative ground cover.

(c) Within the first quarter of each year of complete vacancy, the owner shall provide the Zoning Administrator, with a statement as to the condition of the building and prospects for removal or re-occupancy of the building(s).
(d) At any time following complete vacancy, the Village may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site such as requiring the property owner to meet the standards of the Property Maintenance and Building Codes.
(e) Occupancy of any portion of the building(s) and/or the exterior grounds for a period of less than 90 consecutive days shall not be considered to remove the vacancy status of the building under this Section.
(f) Also see Chapter 14.06 and 10.05(5) for additional standards.

Sections 17.06.51 to 17.06.99: Reserved

ARTICLE VII: EXTERIOR BUILDING DESIGN STANDARDS

Section 17.07.01: Purpose and Applicability

(1) Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to maintain and enhance the attractiveness and values of property in the community. This Article is further intended to support the creation of a pedestrian-oriented urban environment that emphasizes architectural and urban design principles of human scale and visual interest. Additionally, this Article is intended to ensure the development of structures that maintain a long-lasting appearance; withstand the effects of time and exposure to the elements; resist damage in areas with high vehicular and pedestrian traffic and in areas where larger equipment that could cause damage is commonly used; that maintain a consistent character of development based on land use and zoning district particular to each development; and that contribute to the long-term economic and social vitality of the Village of Mount Horeb.

(2) Applicability. Telecommunication, Extraction and Disposal, Energy Production, and Agricultural land uses are exempt from the exterior design standards in Sections 17.07.10 to 17.07.50 below.

(a) New Construction. The requirements of this Section shall apply to all structures and buildings within the Village constructed after the effective date of this Chapter.

(b) Additions. Additions to buildings constructed after the effective date of this Chapter shall comply with the standards of this Section and, as determined by the Plan Commission, shall match or be substantially similar to the design and materials of the existing building.

(c) Alterations. For buildings constructed prior to the effective date of this Chapter, alterations that do not impact the floor area of the building shall comply with the standards of this Section, or shall match or be substantially similar to the existing building design and materials. Ordinary repairs and maintenance are not considered alterations.

(d) Exceptions and Appeals.

1. Exceptions. Exceptions to the building design standards set forth in this Section may be granted by the Zoning Administrator, to permit substitute building materials or construction of comparable quality or design when it can be demonstrated that the provisions of this Section are infeasible and that the granting of such exception is in keeping with the purpose of this Section. Decisions rendered by the Zoning Administrator may be appealed to the Plan Commission.

2. Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Plan Commission.

3. Waivers. The Plan Commission is authorized to grant one or more waivers for specific design requirements in this Section when the Plan Commission finds the design to constitute an exemption as described above in subsection (1) or finds an alternative design standard also achieves the Purpose of this Section.

    a. Granting of waivers by the Plan Commission shall be identified within the conditions of approval as part of the design review component of any Site Plan review (Section 17.10.43).

(e) Beyond the rules in this Section, additional building design standards may apply to:

1. Conditional Use Permits (see Section 17.10.32)

2. Planned Unit Development Districts (see Section 17.0.2.11)

(3) Review and Approval. Through the site plan review and building permit processes, the Zoning Administrator shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

(4) Exterior Building Materials. The 4 classes of building materials referenced in this Chapter have the following meanings:

(a) Class I materials include brick, brick veneer, stone, stone veneer, and glass (curtain/storefront).

(b) Class II materials include split face or decorative block, and stucco.

(c) Class III materials include architectural/decorative metal panels, EIFS, residential aluminum siding, and siding made of wood, wood composite, vinyl, or fiber cement.

(d) Class IV materials include smooth face or non-decorative block; concrete panels (tilt-up or precast); asphaltic, fiberglass, metal, or poly-roofing siding; non-decorative metal panels; corrugated metal; and plywood, chipboard, or other non-decorative wood. Also includes any material not listed in (a) through (c) above.

Figure 17.07.01a: Exterior Building Material Requirements by Use*

Type of Construction	Land Use (see Article III)	Exterior Building Materials Permitted
New Construction of Any Kind	Single Family, Two-Family, Manufactured Homes, and Pocket Neighborhoods	See Section 17.07.10
New Construction of Any Kind	Townhouse, Multiplex, Apartment	See Section 17.07.20
New Construction of Any Kind	Within the Business Park Zoning District and Commercial, Mixed-Use, and Institutional Uses	See Section 17.07.30
New Construction of Any Kind	Industrial, Storage, Transportation,	See Section 17.07.40
Any Exterior Change	Within the Downtown Mixed Use Zoning District	See Section 17.07.50

*Telecommunication, Extraction and Disposal, Energy Production, and Agricultural land uses are exempt from the exterior design requirements of this Article.

Section 17.07.02: Springdale Street Design Standards

These standards shall apply to all land uses within the Springdale Street Corridor, unless exempt or otherwise modified as described above in Section 17.07.01(2) above.

(1) Definition. The Springdale Street Corridor is defined as any lot which directly abuts the Springdale Street right-of-way between STH 78 and USH 151 and is identified as Springdale Street Corridor on the Village of Mount Horeb Zoning Map.

(2) Applicability. Any such lot shall be subject to all applicable requirements of this Chapter, the applicable design review standards associated with the type of land use in Section 17.07.10 – 17.07.50 below, and the additional standards herein.

(3) Standards.

(a) The entire front yard and street side yard of the principal building shall be located at or within 30 feet of all abutting street rights-of-way, unless an exception is granted through the conditional

use process (Section 17.10.32). On-site parking and traffic circulation shall not be permitted in this area, unless an exception is granted through the conditional use process (Section 17.10.32).

(b) The principal structure shall provide a functional or decorative building tower or related architectural feature that exceeds the height of majority of the building facade by at least seven feet, unless an exception is granted through the conditional use process (Section 17.10.32). Roofs variation and roof appurtenances such as cupolas, shall count toward this requirement.

Sections 17.07.03 to 17.07.09: Reserved

Section 17.07.10: Single- and Two-Family Uses

These standards apply to all single-family, duplex, twin house, two-flat, manufactured home, and pocket neighborhood land uses, buildings, and structures constructed after the effective date of this Chapter.

(1) Except for (1)(a) below, all single-family, duplex, twin house, two-flat, manufactured home and pocket neighborhood land uses are exempt from the exterior design standards of this Article. See applicable land use requirements in Section 17.03.06 and the base zoning district's bulk dimensional standards in Article IV.

(a) Exterior building colors. High gloss paints and exterior finishes and primary colors, including red, blue, green, yellow, black, and fluorescent colors, shall not be permitted. Where an integral part of site design or used as accents, muted versions of these colors may be used as determined by the Zoning Administrator.

Sections 17.07.11 to 17.07.19: Reserved

Section 17.07.20: Multi-Family Uses

These standards apply to all townhouse, multiplex, and apartment land uses, buildings, and structures constructed after the effective date of this Chapter. See an example exterior design diagram in Figure 17.07.20a.

(1) Exterior Materials. Multi-family buildings shall be clad in Class I, II or III materials. Class IV materials are prohibited.

(a) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

(b) Decorative metal wall panels (Class III materials) may be used up to 30% of any façade.

(c) Exterior building materials in conjunction with façade articulations listed below in Section 17.07.20(3) shall be used to create the building's distinct horizontal base, middle, and top.

(2) Building Entrance.

(a) The primary entrance shall be on the front façade facing the street and decorative doors shall be used on this facade.

(b) The primary entrance shall be covered a minimum of 3 feet from the door. Recessed 3-foot entries shall be deemed to meet this requirement.

(c) Exterior entry doors for individual units shall be residential in style and shall include frame and panel (real or decorative).

(d) Exterior entry doors for multiple units may be residential (as described in Subsection (c) above) or commercial in style (glass).

(3) Façade Articulation.

(a) Façade lengths shall not be greater than 40 feet without articulation such as:

1. Recesses or projections that step back or project a portion of the main façade plane.
2. Recesses or projections of upper floors from the ground floor façade plane.
3. Vertical division using different textures or materials.
4. Division of the façade into individual units through the use of windows, entrances, arcades, porches, decks, balconies, lighting, etc.
5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.
6. Public art installations located directly on a facade, such as murals (See Chapter 12.075 of the Village of Mount Horeb Municipal Code for public art standards).

(b) On façades facing the street, windows or doors shall be required in order to promote a visual connection to the street.

1. The total area of windows and doors, including trim, shall comprise a minimum of 20 percent of the total façade area, excluding gables.
2. Structured in-building vehicle parking or access is permitted on the ground floor of a structure in accordance with the standards below:

a. Vehicle access is permitted from any façade of the structure to the right-of-way.

b. Structured in-building parking shall be fully enclosed on all sides within the structure. Vehicle parking is permitted within the ground floor of the structure as long as the nonresidential land use requirements for ground floors of Mixed Use Buildings are met (see Section 17.03.08. and 17.03.28(19)).

(c) On any façade facing a public street or parking area, hard and durable materials such as decorative block, brick, stone, or a comparable material shall be required within 40 inches of the adjacent grade.

(4) Colors.

(a) Primary colors including red, blue, green, yellow, and fluorescent colors are prohibited on all exterior facades.

(b) Color patterns shall be used consistently throughout the property.

(5) Roofs.

(a) As determined by the Plan Commission, decorative and articulated metal roofs and exterior metal wall panels shall be permitted if all fasteners are fully shielded from view.

(b) Roof forms and materials shall be compatible and harmonious with those of existing buildings in the immediate area which conform to this Section.

(c) See (8) below for roof-top mechanical screening requirements.

(6) Wall Details, Trim, and Windows.

(a) Exterior windows shall match the architectural character of the building. Spandrel, mirrored, or tinted glass is prohibited.

(b) All façade openings shall be articulated or appropriately trimmed through the use of materials such as lintels, sills, surrounds, shutters, etc.

(c) Natural wood shall be painted or stained unless it is cedar, redwood or other naturally weather-resistant species intended to be exposed.

(d) Pressure-treated lumber shall be painted or stained after a curing period of no greater than 18 months.

(e) Exterior building apparatus such as brackets, wiring, antennas, gutters, downspouts, and other similar feature shall blend in with the color and design of the structure's exterior façade.

(7) Patios, Decks, and Balconies.

(a) Ground-level patios and decks facing the street shall be bordered with landscape treatments, in accordance with Article VIII as depicted and approved on the Site Plan (Section 17.10.43).

1. Covered porches are exempt from this requirement.

(b) Exterior stairs leading to a deck or balcony are not permitted on the front or street side of a building.

1. On corner lots, exterior stairs shall be permitted on the interior side façade.

(c) Exterior corridors shall be covered by the building roof, shall be located within the footprint of the building foundation, and shall not be visible from the street.

(d) Upper-story decks and balconies shall be cantilevered, supported by vertical columns, or supported from above.

(8) Mechanical and Exterior Building Systems.

(a) Drainage pipes and air intakes and exhaust vents for high-energy gas applications and meters on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.

(b) Facade-mounted Equipment.

1. Window-mounted air conditioning units shall not be permitted in any window that faces a public street and shall not encroach into exterior balconies, porches, decks, or patios.

a. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade more than necessary.

2. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district shall not encroach into exterior balconies, porches, decks, or patios and shall be screened in a manner that is:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

b. Incorporated as part of the building wall or flush-mounted so as not to project beyond the main plane of the façade.

c. Consistent with the color of the structure to which the equipment is attached.

(c) Roof-mounted Equipment. Roof-mounted equipment shall be screened, preferably by parapet walls. Other acceptable screen types shall be:

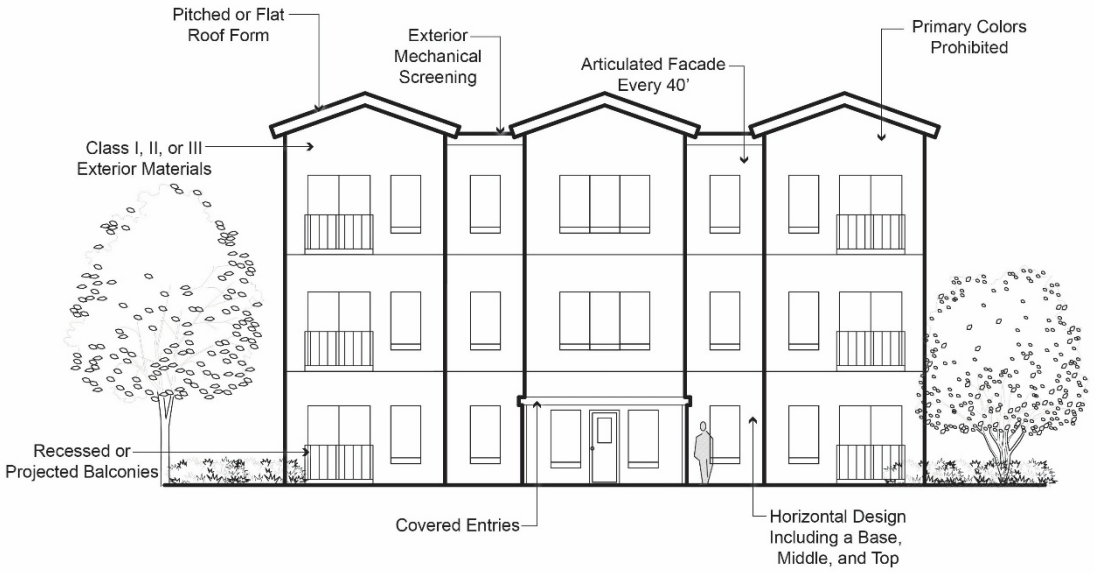
1. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.

2. Consistent with the color of the structure to which the equipment is attached.
3. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

(d) See Section 17.06.21 for screening requirements for ground-mounted mechanical systems and refuse enclosure requirements.

(9) Wall or Roof-Mounted Lighting. See Section 17.06.20.

Figure 17.07.20a: Multi-Family Exterior Design Standards Example



Sections 17.07.21 to 17.07.29: Reserved

Section 17.07.30: Business Park Zoning District and Commercial, Mixed-Use, and Institutional Uses

These standards apply to all mixed-use, commercial, and institutional land uses, buildings, and structures constructed after the effective date of this Chapter. These standards also apply to any land use within the Business Park zoning district. See Article VIII for landscaping standards. See an example exterior design diagram in Figure 17.07.30a.

(1) Building Entrance and Orientation.

(a) The main entrance shall be clearly defined and accentuated through the use of detailing, distinctive materials, or colors, projections or recesses, porticos, covered entrances, stoops, or other features as deemed appropriate by the Zoning Administrator.

(b) Buildings shall be oriented so that the front façade faces the road with the highest traffic volumes.

(a) All façades facing a public right-of-way shall be designed to have the appearance of a front façade and shall incorporate decorative doors, meaning each shall include windows, doors or other architectural components typically associated with front façades, as approved by the Zoning Administrator.

(c) Service or loading areas shall not be permitted between the building and the public street.

(d) Drive-through windows shall not be located between the building and the public street.

(2) Exterior Materials. Commercial buildings shall be predominately clad in Class I materials. Class II and Class III materials may be used as accents and trim not to exceed 50 percent of the total building façade. Class IV materials are prohibited.

(a) Decorative metal wall panels (Class III materials) may be used up to 30% of any façade.

(b) Rear building elevations not facing a public street or public parking lot shall be exempt from this requirement.

(c) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.

(d) Exterior building materials in conjunction with façade articulations listed below in Section 17.07.30(3) shall be used to create the building's distinct horizontal base, middle, and top.

(3) Façade Articulation. See Section 17.07.20(3).

(4) Colors. See Section 17.07.20(4).

(5) Roofs. See Section 17.07.20(5).

(6) Wall Details, Trim, and Windows. See Section 17.07.20(6).

(7) Patios, Decks, and Balconies. See Section 17.07.20(7).

(8) Mechanical and Exterior Building Systems. See Section 17.07.20(8).

(9) Wall or Roof-Mounted Lighting. See Section 17.07.20(9).

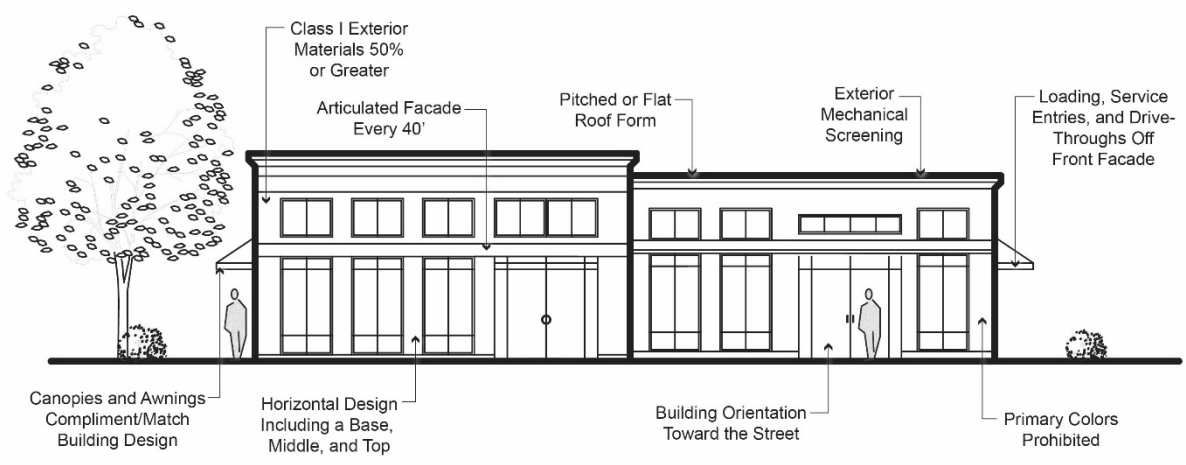
(10) Freestanding Canopies.

(a) Freestanding canopy structures, such as those providing shelter at a gas station or drive-up banking station, shall be designed to complement the design of the principal building.

(b) Canopy roofs shall employ the same materials and colors as the roof of the principal building, unless an exception is granted through the conditional use process (Section 17.10.32).

(c) Canopy supports shall be decorative in nature and shall employ the same materials and colors as the principal building. Exposed nondecorative supporting poles are not permitted.

Figure 17.07.30a: Business Park, Commercial, Mixed-Use, and Institutional Exterior Design Standards Example



Sections 17.07.31 to 17.07.39: Reserved

Section 17.07.40: Industrial Uses

These standards apply to all industrial, storage, and transportation land uses, buildings, and structures constructed after the effective date of this Chapter. See Article VIII for landscaping standards. See an example exterior design diagram in Figure 17.07.40a.

(1) Architectural Design.

(a) Buildings shall be designed to include façade articulation; flat, unadorned walls shall be avoided.

(b) Buildings shall be oriented so as to face the road with the highest traffic volumes. This requirement shall not apply to buildings with frontage on state or federal highways, unless there is direct access from the development to the highway.

1. If a visitor, office, or customer entrance component is included in the building, such space(s) shall be clearly defined and accentuated through the use of detailing, windows, distinctive materials and/or colors, projections or recesses, or other architectural features as deemed appropriate by the Plan Commission.

(2) Exterior Materials. Industrial buildings shall be clad in Class I, II or III materials. Certain Class IV materials are also acceptable as noted.

(a) For all façades facing a public street, a minimum of 15 percent of the façade shall be composed of Class I building materials.

1. This requirement may be reduced to 10 percent of the façade provided that other elements are incorporated into the building and site design, such as façade articulation, increased landscaping, or other improvements approved by the Plan Commission.

(b) Smooth faced/non-decorative block or concrete panels (tilt-up/precast) (Class IV materials) may be used if they are part of a palette of permitted materials or if they incorporate horizontal and vertical articulation including, but not limited to, changes in color or texture, as deemed appropriate by the Plan Commission.

(c) Non-decorative metal panels (Class IV materials) may be used as deemed appropriate by the Plan Commission.

1. In the AG, LI, HI, and IOA zoning districts, visible exterior fasteners shall be the same color as the attached wall for any principal or accessory building visible from a public street.
2. In all other zoning districts, exterior wall fasteners shall be fully concealed from view.

(d) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Plan Commission.

(3) Façade Articulation.

(a) Façade lengths shall not be greater than 100 feet without articulation such as:

1. Recesses or projections that step back or project a portion of the main façade plane.
2. Recesses or projections of upper floors from the ground floor façade plane.
3. Vertical division using different textures or materials.
4. Division of the façade into individual components (i.e., storefronts, distinct uses) through the use of architectural elements such as porches, balconies, windows, covered entrances, arcades, awnings, marquees, lighting, signage, etc.
5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.
6. Public art installations located directly on a facade, such as murals (See Chapter 12.075 of the Village of Mount Horeb Municipal Code for public art standards).

(4) Mechanical and Exterior Building Systems.

(a) Applicability. See Section 17.06.21 to determine whether screening is required.

(b) Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.

(c) Building-mounted Equipment.

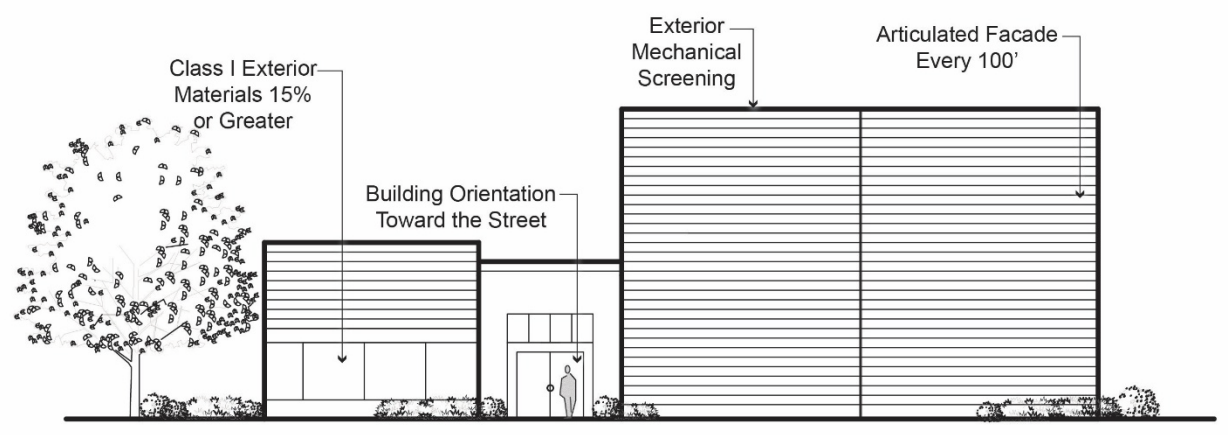
1. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district shall be disguised or screened in one of the following ways:
   a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
   b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.
   c. Consistent with the color of the structure to which the equipment is attached.

(d) Roof-mounted Equipment. Roof-mounted equipment visible from an adjacent public right-of-way or residential district shall be screened, preferably by parapet walls. Other acceptable screen types shall be:

a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
b. Consistent with the color of the structure to which the equipment is attached.

c. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

Figure 17.07.40a: Industrial Exterior Design Standards Example



Sections 17.07.41 to 17.07.49: Reserved

Section 17.07.50: DMU Zoning District Design Standards

These standards apply to any land use, building, and structure within the Downtown Mixed Use zoning district constructed or altered after the effective date of this Chapter.

(1) Purpose. This district is intended to preserve and enhance the special characteristics of downtown and shall promote the historic and architectural qualities of the area to preserve its original distinctive character by ensuring compatibility of design and architectural features and consistency with the recommendations of the Comprehensive Plan. Standards shall apply to the mapped boundaries of the Downtown Mixed Use zoning district.

(2) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Mixed Use zoning district.

(3) Review and Approval.

(a) There are three categories of review in this district:

1. **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)
2. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)
3. **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

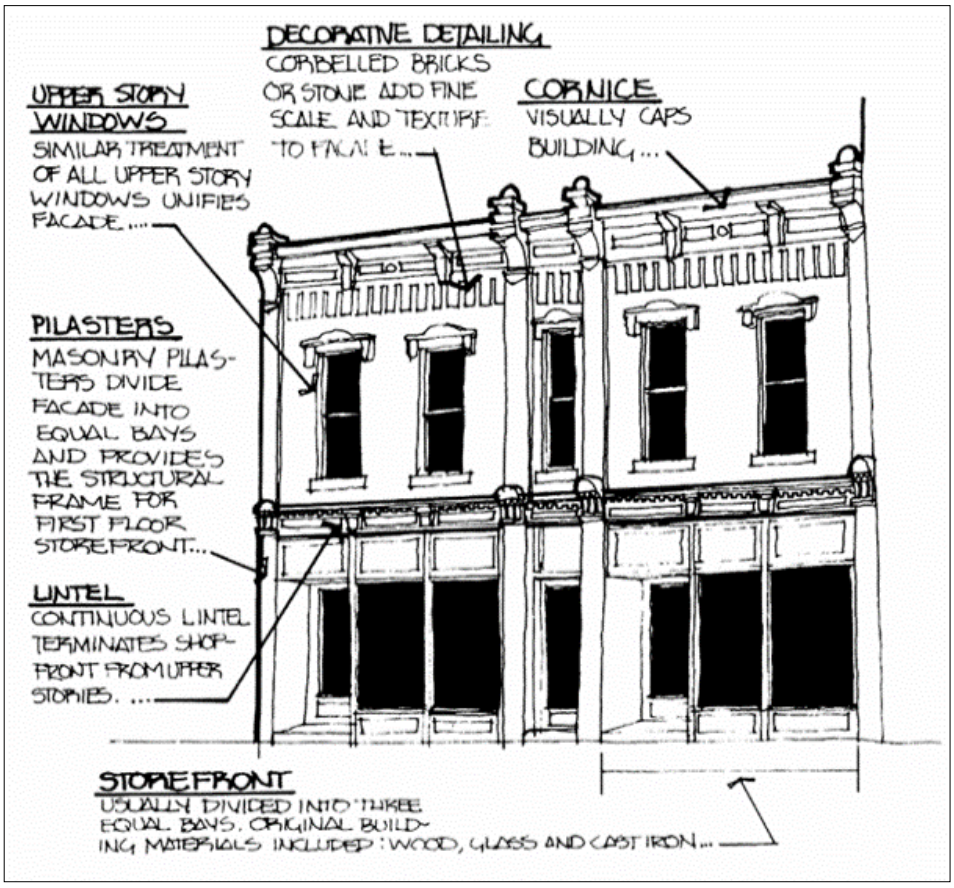
(b) Plan Commission and Historic Preservation Commission review and approval may be required. The three categories and procedural requirements for review and approval are described fully in Section 17.07.51.

(c) Design standards for changes meeting the criteria for Project Review are found in Section 17.07.50(5), below. Design standards for changes meeting the criteria for Design Alteration Review or Renovation Review are found in Section 17.07.50(6), below.

(d) Designated Historic Structures. These regulations are separate and in addition to requirements related to changes to Local, State, and National Landmarks and properties as regulated by the Village of Mount Horeb Historic Preservation Commission (see Section 17.02.22). Prior to taking action, Section 17.02.22 shall be followed for all locally-designated historic properties.

(4) Design Theme: The design theme for the Downtown Mixed Use Zoning District is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, use of alleys for access (if possible), and on-street or other off-site parking. The design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque, and Neoclassical, in formats with office, storage, or residential located over commercial. The façades of these buildings have a traditional main street storefront appearance that can vary in scale depending on location and surroundings, have street yard and side yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominately brick, stone, or wood. Exterior building materials are of high quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple, and muted. Exterior signage blends, rather than contrasts, with buildings in terms of coloring (complementary to building), location (on-building), size (small), and number (few).

Figure 17.07.50a: Architectural Components



(5) Design Standards for Project Review (New Construction, Building Additions, and Building Alterations).

(a) The design standards contained in this Subsection shall apply to all changes meeting the criteria for Project Review (including all new buildings, building additions, and new building appurtenances). Such activities shall correspond to the following:

1. The following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.

(b) Building Setback. Throughout the district, the setback of buildings from street yard and side yard property lines shall conform to the design theme described in Subsection (4) above, as determined by the Plan Commission.

1. No parking areas shall be located along any street frontage within the DMU district, unless an exception is granted through the conditional use process (Section 17.10.32).

(c) Building Height.

1. See Sections 17.04.11 to 17.04.14 for zoning district maximum height requirements.

(d) Building Mass.

1. Throughout the district, the massing of buildings may vary depending on location and surrounds, but shall conform to the design theme described in Subsection (4) above, as determined by the Plan Commission.

2. The characteristic proportion (relationship between façade height and width) of the design theme shall be maintained.

3. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall integrate façade articulations to conform to the design theme described in Subsection (4), as determined by the Plan Commission.

(e) Façade Articulation. As determined by the Plan Commission, façade lengths shall not be greater than 40 feet without articulation such as:

1. Recesses or projections that step back or project a portion of the main façade plane.

2. Recesses or projections of upper floors from the ground floor façade plane.

3. Vertical division using different textures or materials.

4. Division of the façade into individual units through the use of windows, entrances, arcades, porches, decks, balconies, lighting, or the incorporation of traditional storefront design along the ground floor per Section 17.07.50(6)(e).

5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.

6. Public art installations located directly on a facade, such as murals (See Chapter 12.075 of the Village of Mount Horeb Municipal Code for public art standards).

~~(e)~~(f) Horizontal Rhythms. The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall conform to the design theme described in Subsection (4) above, as determined by the Plan Commission.

~~(f)~~(g) Vertical Rhythms. The floor heights shall conform to the minimum and maximum height requirements of the DMU zoning district (Section 17.04.12). The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall conform to the design theme described in Subsection (4) above, as determined by the Plan Commission.

~~(g)~~(h) Roof Forms. Flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the design theme described in Subsection (4) above, as determined by the Plan Commission, shall not be used. See Figure 17.07.50b.

Figure 17.07.50b: Roof Forms



~~(h)~~(i) Exterior Materials. Selected building materials conform to the design theme described in Subsection (4) above, a determined by the Plan Commission.

1. Masonry. Stone or brick facing shall be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.
2. Siding.
   a. Wood, ~~thin board texture vinyl,~~ fiber cement, ~~or~~ textured metal clapboard siding, or an alternative appropriate high-quality siding material may be appropriate, particularly if the proposed non-masonry exterior was used on a building which conforms to the design theme described in Subsection (4) above, as determined by the Plan Commission.
   b. Clapboard or board and batten may be appropriate in certain instances where used on the existing structure within the same block-face which conforms to the design theme described in Subsection (4) above, as determined by the Plan Commission.
   c. Class IV materials are prohibited.
3. Glazing. Clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted, unless needed in a special situation as determined by the Plan Commission.

4. Colors. Paint colors used on exterior materials shall reflect the building's era of original construction, target era of restoration/renovation, and/or era of historical significance. Applicants may choose their paint color choice within one of these contexts. New construction paint colors should complement surrounding structures.

    a. Period-appropriate color palette examples include the Sherwin Williams ~~produced Victorian, Arts and Crafts, and Classical/Colonial color palettes and Benjamin Moore~~ historic exterior collections~~paint color palettes~~.

~~(i)~~(j) Exterior Surface. Exterior surface appurtenances shall conform to the design theme described in Subsection (4) above, as determined by the Plan Commission.

1. The traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, windows, and transom windows) shall be employed for all new nonresidential buildings.

2. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the design theme described in Subsection (4) above, as determined by the Plan Commission, is also prohibited.

~~(j)~~(k) Awnings and Marquees. Awning and marquee size, color and placement shall complement the architectural character of the building, as determined by the Plan Commission.

1. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used for awnings.

2. Aluminum or suspended metal canopies shall be ~~prohibited~~ permitted.

3. Signage applied to awnings shall be simple and durable.

4. Backlit awnings are prohibited.

~~(k)~~(l) Exterior Lighting. On-building exterior lighting shall be compatible and harmonious with the design theme described in Subsection (4) above and Section 17.06.20, as determined by the Plan Commission.

1. On-Building Lighting. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent for all light fixtures.

2. Ground-Mounted Lighting. The design, color, height, location and light quality of ground-mounted lighting shall be consistent with the design theme described in Subsection (4) above, as determined by the Plan Commission.

~~(l)~~(m) Signage. See Article IX for all signage requirements.

~~(m)~~(n) Cleaning. Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods.

1. Low-pressure water, steam cleaning, and soft natural bristle brushes are permitted.

2. Sandblasting and power washing (more than 400 psi) are prohibited.

3. Other methods shall be pre-approved by the Plan Commission.

(6) Design Standards for Design Alteration Review and Renovation Review (Changes to the Exterior Appearance of a Property).

(a) Applicability. The design standards contained in this Subsection shall apply for the following changes to the exterior of a property:

1. All changes meeting the criteria for Design Alteration Review (including painting, roofing, siding, architectural component substitution, fencing, paving, and signage)
2. All changes meeting the criteria for Renovation Review (including repainting, re-roofing, residing, or replacing with identical colors, finishes, and materials)
3. Any other instance in which existing construction is proposed for rehabilitation and/or restoration. (New projects, building additions, and new appurtenances and features shall comply with the Design Standards of Subsection (5), above.)

(b) In General. Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the design theme described in Subsection (4) above, as determined by the Plan Commission.

(c) Exterior Materials and Surface Features. Materials and features shall be replaced with exterior materials and surface features that create the same type of appearance as the original. If replacement is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.

1. Where such knowledge is lacking, materials and features in common use at the time of building erection shall be used.
2. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.

(d) Windows and Doors. The size, proportion, shape, and rhythm of original windows and doors shall not be altered.

1. Original window and door openings shall not be blocked. Where now blocked, blocked window and door openings shall be restored where possible.
2. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible.
    a. If preservation is not possible, as determined by the Plan Commission, window and door features shall be replaced with identical features and materials. If replacement with identical features and materials is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.
    b. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows.
    c. Clear aluminum finishes and mill finish aluminum storm windows are prohibited.
    d. If shutters are proposed, real, functional shutters or shutters that are the same dimensions as real, functional shutters (as opposed to purely decorative shutters) shall be used.

(e) Storefronts. Storefronts shall fit inside the original shop front in terms of all 3 dimensions (vertical, horizontal and front to back articulation). See Figure 17.07.50c.

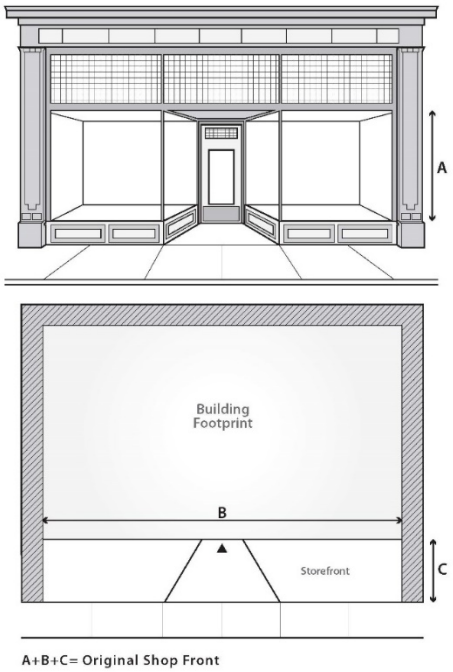
1. Display windows shall be restored to their original appearance.

2. The configuration of display windows shall be substantially similar to the original configuration. This provision shall be construed to prohibit garage doors and bay windows when they were not part of the original building design.

(f) Entrances, Porticos, and Porches. Original porches, and steps shall be retained, except as required to meet accessibility standards. Porches, porticos, steps, and related enclosures which do not comply with the architectural design theme, as determined by the Plan Commission, shall be removed. See Section 17.04.40 for ramp requirements.

(g) Roofs. The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme described in Subsection (4) above, as determined by the Plan Commission.

Figure 17.07.50c: Storefronts



Section 17.07.51: DMU District Design Review

(1) Purpose and Scope. The design standards of this Chapter are intended to preserve and enhance the aesthetic qualities of the community and attain a consistent visually pleasing image for the Village. DMU District Design Review is designed to enhance both aesthetic and economic objectives of the Village by controlling the site design and exterior appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.

(2) Procedure for Review and Approval. There are three categories of review: Renovation Review, Design Alteration Review, and Project Review. These procedures do not apply to any modifications to the interior of a building or structure. See Figure 17.07.51a below for a summary of the processes.

Figure 17.07.51a: Process for DMU District Design Review

Procedure	Type of Proposal		
	Renovation[1]	Design[2]	Project[3]
1. Consultation with Zoning Administrator, to confirm type of proposal	**Yes**	**Yes**	**Yes**
2. Submit Proposed and Existing Building Elevations	**No**	**Yes**	**Yes**
3. Submit Site Plan Application	**No**	**No**	**Yes**
4. Submit Conditional Use Permit Application	**No**	**No**	**Yes**
5. Review and action by Zoning Administrator	**No**	**Yes**	**Yes**
6. Review and comment by the Historic Preservation Commission[4]	**No**	**Yes**	**Yes**
7. Review and action by Plan Commission	**No**	**Yes**	**Yes**
8. Review and action by the Historic Preservation Commission[4]	**No**	**Yes**	**Yes**

KEY: **Yes** = Step is required. **No** = Step is not required.
[1]Only a replacement to or maintenance of the exterior of a property.
[2]Only a change in the appearance of a property.
[3]Modification to the physical configuration of a property, i.e. new building, addition, or demolition

[4]See Section 17.07.51(3)(c) and (d).

(a) **Renovation Review**. Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, are considered a Renovation Review and may proceed with the project; no additional processes are required other than a building permit.

(b) **Design Alteration Review**. Applications which involve a change only in the exterior appearance (such as painting, roofing, siding, architectural component substitution, fencing, or paving), but no modification to the physical configuration of a property are considered Design Alteration Review and are subject to review and approval by the Zoning Administrator and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the review of an application and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the final discretionary review body on aesthetics, building design, and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Plan and other area plans.

1. Procedure. Design Alteration Review proposals are subject to the following procedures:
    a. The Zoning Administrator shall determine whether the Design Alteration Review application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.
    b. The Zoning Administrator shall coordinate review with the Village's Departments.
    c. The Zoning Administrator shall review and approve or deny the application.
2. Application requirements. In addition to the application requirements for site plan review, all applications for Design Alteration Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:
    a. A depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
    b. A depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
    c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
    d. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the building design standards of the Downtown Mixed-Use Zoning District (Section 17.07.50), if applicable.

3. The Zoning Administrator shall forward the Design Alteration Review application to the Plan Commission for review and final determination.

(c) **Project Review**. Applications which involve modification to the physical configuration of a property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to Project Review by the Zoning Administrator and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the review of an application and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the final discretionary review body on aesthetics, building design, and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Plan and other area plans.

1. Procedure. Project review proposals shall follow procedures for Site Plan Review per Section 17.10.43.

2. Application requirements. In addition to the application requirements for conditional use permits, all applications for Project Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

   a. A depiction of the existing appearance of the property. Color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.

   b. A depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.

   c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area that reduces or extends a building's footprint or height, a detailed, scaled site plan shall be provided meeting all required elements of Section 17.10.43.

   d. Written justification for the proposed alteration or new construction consisting of the reasons why the applicant believes the requested alteration or new construction is in harmony with the applicable building design standards for Special Areas in Section 17.07.50.

(3) Additional Recommendations Permitted Under the Special Area Design Review Process.

(a) The Zoning Administrator are hereby authorized to make recommendations for, or require modifications to, a proposed application for Renovation Review, Design Alteration Review, or Project Review.

(b) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review.

(c) The Historic Preservation Commission (see Section 17.02.22) is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review for all locally-designated historic properties.

(d) The Historic Preservation Commission shall also review and provide feedback prior to Plan Commission action on a proposed application for Design Alteration, Project Review, Zoning Map Amendment (Section 17.10.30), or Planned Unit Development (Section 17.10.45) for any non-locally-designated historic property within the Downtown Mixed Use zoning district.

(4) Appeals. Appeals from the decisions of the Zoning Administrator and Plan Commission may be made to the Village Board in accordance with the provisions of Section 17.10.52.

Sections 17.07.52 to 17.07.99: Reserved

ARTICLE VIII: LANDSCAPING REQUIREMENTS

Section 17.08.01: Purpose

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the Village.

Sections 17.08.02 to 17.08.09: Reserved

Section 17.08.10: Applicability

(1) The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.

(2) Any use for which site plan approval is required under Section 17.10.43 shall provide landscaping in accordance with the regulations of this Section, including the following development.

(a) New buildings and paved areas. All new buildings and paved areas shall provide landscaping per the requirements of this Article.

(b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article.

(3) Where insufficient site area remains to comply with all provisions of this Section, the Plan Commission may require compliance to the greatest extent practical.

(4) Existing Plant Materials. If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.

(5) Exemptions.

(a) Parking areas of 4 or more spaces shall meet the paved area landscaping requirements for paved areas. Any parking area of 3 or fewer spaces is exempt from the paved area landscaping requirements.

(b) All land uses in the Downtown Mixed-Use District, Parks and Recreation District, and Conservancy District are exempt from all landscaping requirements.

(c) Single family dwelling units, two family dwelling units, manufactured homes, pocket neighborhoods, and agricultural land uses are exempt from landscaping requirements.

(6) Changes to the Landscaping Plan. The Village may allow or require changes to the landscaping plan of Section 17.08.20 or the landscaping requirements of Section 17.08.30, as provided for below.

(a) The Zoning Administrator, and the Plan Commission shall have the authority to allow alterations or substitutions of one type of plant for another to the landscaping requirements as long as the altered requirements achieve an equivalent or greater level of landscaping on a site. Such alternations or substitutions may be based on the following:

1. Unusual conditions
2. The consideration of landscape architecture approaches
3. The preservation of existing trees
4. The consideration of Wisconsin native landscaping

5. When larger size plantings are provided as part of the overall landscape plan
6. When more shrubs may be appropriate versus more trees, and vice versa
7. Utility or other easements

(b) The Zoning Administrator and the Plan Commission shall have the authority to require the modification of any landscaping plan including the rearrangement of landscaping points on a site to better meet aesthetic, environmental, and stormwater management goals or objectives.

(c) The Zoning Administrator and the Plan Commission may permit less required points for a certain portion of the site (building foundations, paved areas, street frontages, and yards) to be acceptable within the Landscaping Plan if the total number of landscaping points for the entire site is met.

Sections 17.08.11 to 17.08.19: Reserved

Section 17.08.20: Landscape Plan

The applicant shall provide a digital copy of a landscaping plan. The plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and depict all required elements as specified within the Site Plan Review Section 17.10.43(e), at the discretion of the Zoning Administrator:

Sections 17.08.21 to 17.08.29 Reserved

Section 17.08.30: Landscaping Requirements

Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, yards, and bufferyard.

(1) **Building Foundations**. See Figure 17.08.30d.

(2) **Paved Areas**. See Figure 17.08.30d.

(a) Parking Lot Design. See also Section 17.06.06(7).

1. Interior parking lot landscaping shall be required for any parking lot with more than 30 parking spaces. Internal parking lot landscaping shall be accomplished by the installation of landscaped planter islands or other types of landscaping application approved by the Zoning Administrator.

2. Landscaped planter islands shall be required at the ends of all parking rows, driveway entrances, and at intermediate locations such that there is a maximum of 180 feet between islands. See Figure 17.08.30a.

a. Landscaped planter islands are required where 2 rows of parking stalls meet at a right angle. See Figure 17.08.30b.

Figure 17.08.30a: Requirements for Interior Landscaping

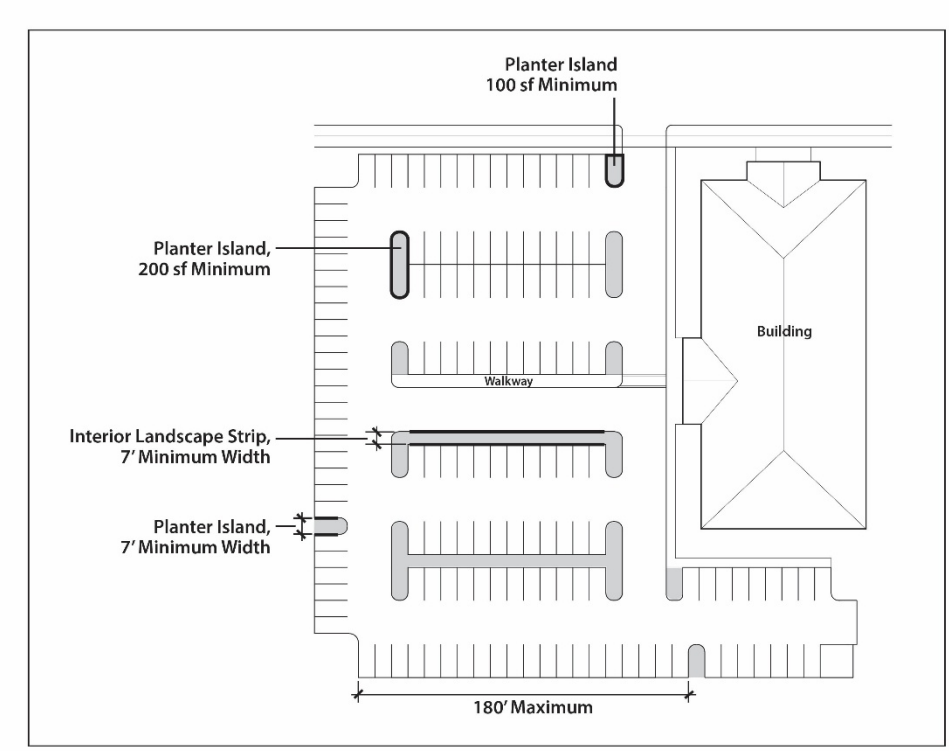
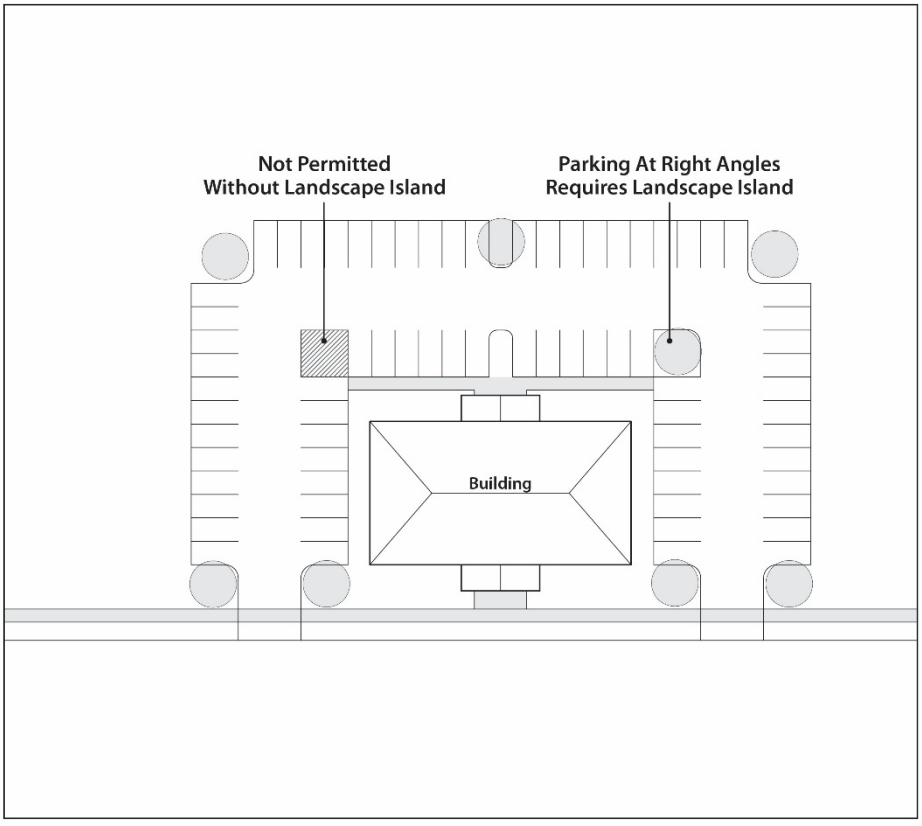
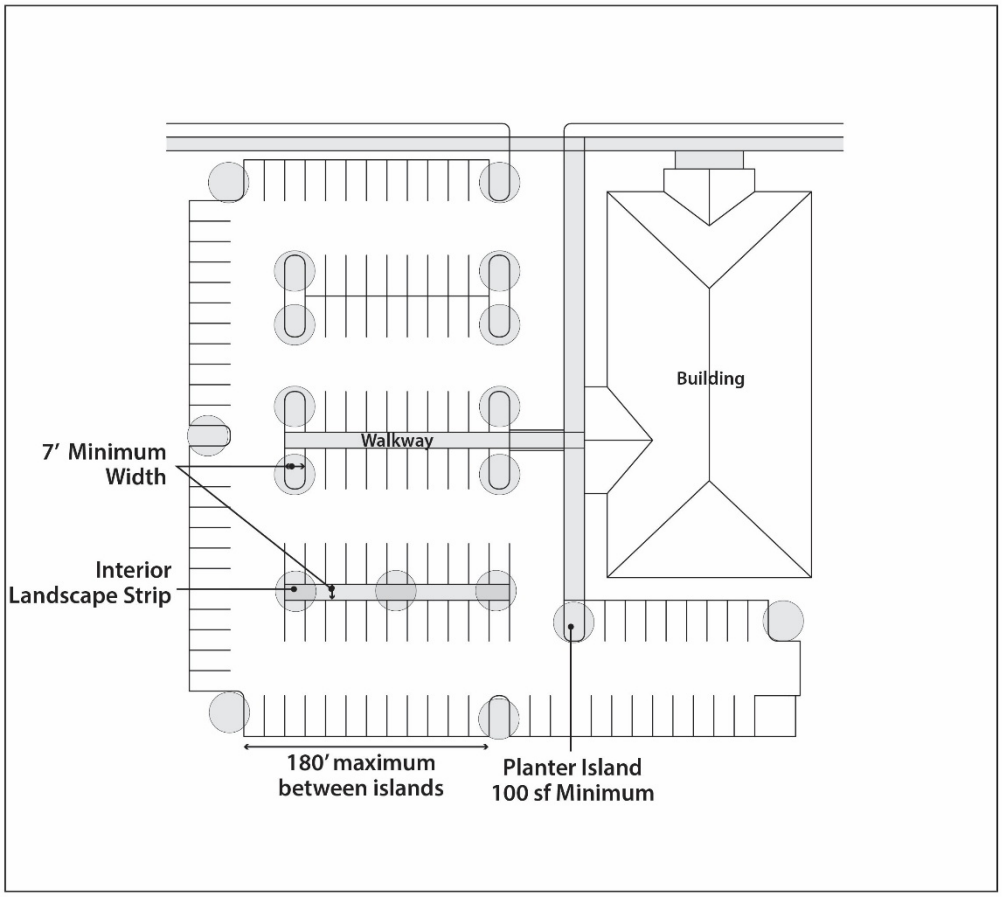


Figure 17.08.30b: Parking Rows at Right Angles



3. Each landscaped planter island shall be no less than 100 square feet in area and 7 feet in width, measured from the back of the curb. For double-parking rows, each landscaped planter island shall be no less than 200 square feet in area. The 7-foot width requirement may be reduced to accommodate the triangular shape resulting from angled parking.
   a. Exception. A continuous 7-foot wide landscape strip may be provided between double parking rows in place of landscaped planter islands.
   b. See Figure 17.08.30a, b, and c.

Figure 17.08.30c: Interior Landscaping



4. All islands shall be crowned for positive drainage, unless bio-retention methods of stormwater management are utilized per a stormwater management plan approved by the Village Engineer.
5. One shade tree shall be provided for every island and for every 40 linear feet of continuous landscape strip, except as would be in conflict with a lighting fixture or underground wet utility pipe. Medium or low trees (evergreen or deciduous) may be used to supplement deciduous shade trees in locations that may not support healthy shade tree or tall deciduous tree growth. This determination shall be made by the Zoning Administrator. For double-row parking, two shade trees or tall deciduous trees shall be required for each island. See Figure 17.08.30g for minimum planting sizes.

6. In addition to the required trees and shrubs, islands shall be planted with grass, low ground cover, shrubs, flowers, decorative stone/river rock, mulch, or a combination thereof. Mulches and decorative stone shall be installed so that the loose material will not erode, fall, be plowed, or be otherwise transported onto paved surfaces.

7. To ensure proper visibility within the parking lot, landscaping shall not impede on-site traffic visibility or the vision triangle per Section 17.06.03.

(b) Paved area expansions (see Section 17.08.10(2)) shall be subject to the same landscaping formula requirements as new paved areas (see Section 17.08.30(2)).

(3) **Street Frontages**. See Figure 17.08.30d.

(4) **Yards**. See Figure 17.08.30d.

(5) **Bufferyards**. A Bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas). See Figure 17.08.30h for an example of what a bufferyard includes.

(a) The required level of bufferyard opacity is listed in Figure 17.08.30e. Detailed bufferyard requirements are listed in Figure 17.08.30f. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.

(b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever 2 different zoning districts abut one another. Bufferyards shall not be required in front yards or along public street frontages.

(c) To ensure that the year-round screening objectives are fulfilled, only the plant classifications in Figure 17.08.40b listed as "Appropriate for Screening" shall count toward bufferyard point totals, unless non-screening plants are used in combination with a solid fence or a berm of 6 feet or more, in accordance with Figure 17.08.30f.

(d) Reduction of Required Bufferyard Width.

1. Intent. This Subsection is intended to allow for the reduction of the required width of a required bufferyard where the presence of permanently protected green space or similar areas provides equivalent permanent screening and separation benefits as would be provided by the otherwise required bufferyard.

2. Where the minimum permitted width for the required bufferyard is not available under the current or proposed state of development, the Planning Commission, may reduce the width required for the bufferyard to that currently available on the site, provided that the portion of the site that requires a bufferyard contains one or more of the following:

   a. Steep slopes that contain retaining walls or rip-rap

   b. Permanently undevelopable green space or other permanently protected green space designated on site plans such as a native or restored prairies or park savannas, wetlands, bodies of water, floodplains, drainageways, upland woods, stormwater basins, or other natural resource protection areas, including areas protected by covenants or conservation easements.

3. If there is permanently protected green space located on an adjoining property adjacent to the portion of a site that requires a bufferyard, the Planning Commission, may reduce the width required for the bufferyard. The reduction shall consist of no more than 1 foot for

every 3 feet of permanently protected green space on the adjoining property, as measured from the property line at a right angle into said adjacent property. There shall be no reduction in the number of landscape points required.

(e) Use of Required Bufferyard and Landscaped Areas.

1. Any and all required bufferyard or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian or bike trails provided that no required landscaping material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met.
2. No swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses shall be permitted.
3. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted.
4. Paving in such areas shall be limited to that required for necessary access to or across the subject property or for a passive recreational use such as paved multiuse trails or pedestrian walkways.

(6) Determination of Landscaping Requirements.

(a) The requirements of this Article are additive to each other and any other landscaping or screening requirements in this Chapter.

(b) Landscape points used to meet one requirement (e.g. building foundations, paved areas, street frontages, yards, or bufferyards) shall not be used to meet another requirement.

(7) Measurement and Calculation.

(a) Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. Existing plantings eligible for double point values shall be determined by the Zoning Administrator.

(b) In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet.

(c) Any partial plant derived from the required calculations of this Section (for example: 23.3 shade trees) shall be rounded up to the next whole plant (for example: 24 shade trees).

(8) Utility Easements. Landscaping materials, fences and berms located within a duly recorded utility, stormwater, or a pedestrian easement, that may have been permitted per terms of an easement encroachment agreement, shall not count toward meeting a landscaping requirement, unless authorized otherwise by the Village and the easement holder. However, the width of such areas may be counted as part of a landscaping width requirement for bufferyards.

(9) Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation. Alternatively, such areas may be maintained in crop production if a principal use exists on-site and if approved by the Zoning Administrator.

Figure 17.08.30d: Landscaping Requirements for Regular Development*

	Landscaping Component**				
	Building Foundation Perimeter	Paved Areas	Street Frontage Length	Yards	Bufferyards
Type of Landscaping:	A minimum of 25 % of points on side facing public street and 50% of points on side of main entrance. Shade Trees and Tall Trees not allowed.	A minimum of 30% of points devoted to Tall Trees and 40% to Shrubs.	A minimum of 50% of points devoted to Tall Trees & 30% to Medium Trees.	Any type allowed.	See types "Appropriate for Screening" in Figure 17.08.40b
Native and Existing Plantings:	**Wisconsin native plant species identified in Figure 17.08.40a shall count as 1.5 times the point values for each planting provided as shown in Figure 17.08.30g and 17.08.40a. Any existing on-site mature tree that is protected shall count as 2 times the point values for each planting provided as shown in Figure 17.08.30g and 17.08.40a.**				
Placement of Landscaping:	Within 10 feet of building foundation.	Within 10 feet of paved area or within paved area.	Within 10 feet of street right-of-way.	Any location.	Within bufferyard, per Figure 17.08.30f
Calculation of Landscaping Points by Zoning District:	Points per 100 linear feet of building foundation	Greater of: points per 10 parking stalls or 10,000 square feet of paved area	Points per 100 feet of the longest street right-of-way frontage	Points per 1,000 sq ft of the largest floor's gross floor area	See Figure 17.08.30f
Agricultural (AG), Parking and Recreation (PR), Conservancy (CON)	20	20	20	10	Only required along certain zoning district boundaries. See Figure 17.08.40b for requirements.
Single-Family Residential (SF-1) (SF-2)	40	50	100	20	
Two-Family Residential (TF-1) and Pocket Neighborhood Residential (PN-1)	40	50	100	20	
Multi-Family Residential (MF-1) (MF-2)	40	50	100	20	
Manufactured Home Res. (MH-1)	40	50	100	20	
Institutional (INST)	40	50	100	20	
Neighborhood Mixed-Use (NMU)	40	50	100	20	
Corridor Mixed-Use (CMU)	80	50	100	20	
Downtown Mixed-Use (DMU)	0	0	0	0	
Business Park (BP)	80	50	100	20	
Light Industrial (LI)	60	50	100	20	
Heavy Industrial (HI)	30	30	50	10	
Intensive Outdoor Activity (IOA) and Adult Entertainment (AO)	60	50	100	20	

*Note: Single family dwelling units, two family dwelling units, manufactured dwelling units, pocket neighborhood, and agricultural land uses are exempt from landscaping requirements. Additionally, any parcel zoned Parks and Recreation (PR) or Conservancy (CON) are exempt from landscaping requirements.
**See Figures 10.08.30g and 10.08.40a for points associated with plant types and see Figure 17.08.70a-g for example of the point calculations used for this table.

Figure 17.08.30e: Required Bufferyard Opacity Values

Apply the required opacity value from this Figure to Figure 17.08.30f and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		Adjacent Property Zoning District										
		AGR, PR, CON	SF-1, SF-2	TF-1	PN-1, MH-1	MF-1	MF-2, NMU, INST	DMU	CMU, BP	LI	HI	IOA, AO
Subject Property Zoning District:	Agriculture (AG) Parks and Recreation (PR) Conservancy (CON)	0										
	Single Family Residential–1 (SF-1)	0	0									
	Single Family Residential–2 (SF-2)	0	0									
	Two Family Residential-1 (TF-1)	0	0	0								
	Manufactured Home Residential (MH-1)	0	.1	.1	0							
	Pocket Neighborhood Residential (PN-1)	0	.1	.1	0							
	Multi-Family Residential–1 (MF-1)	0	.1	.1	.1	0						
	Multi-Family Residential-2 (MF-2)	0	.1	.1	.1	0	0					
	Neighborhood Mixed-Use (NMU)	0	.1	.1	.1	.1	0					
	Institutional (INST)	0	.1	.1	.1	.1	0					
	Downtown Mixed Use (DMU)	0	0	0	0	0	0	0				
	Corridor Mixed Use (CMU)	0	.3	.3	.3	.2	0	0	0			
	Business Park (BP)	0	.4	.4	.3	.3	.2	0	0			
	Light Industrial (LI)	0	.4	.4	.3	.3	.3	.3	.2	0		
	Heavy Industrial (HI)	0	.6	.6	.6	.6	.6	.3	.3	.3	0	
	Intensive Outdoor Activity (IOA)	0	.6	.6	.6	.6	.6	.4	.4	.4	0	0
	Adult Entertainment (AO)	0	.6	.6	.6	.6	.6	.4	.4	.4	0	0

Figure 17.08.30f: Detailed Bufferyard Requirements

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
0.05	00	10	Minimum 44-inch picket fence*
	00	10	Minimum 4-foot wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10	Minimum 44-inch picket fence*
	38	10	Minimum 4-foot wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35	N/A
	00	35	Minimum 4-foot berm
0.20	00	10	Minimum 6-foot solid fence*
	84	10	Minimum 44-inch picket fence*
	133	15	Minimum 4-foot wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35	Minimum 4-foot berm
	135	40	N/A
	00	40	Minimum 5-foot berm
0.30	00	10	Minimum 6-foot solid fence*
	198	15	Minimum 44-inch picket fence*
	320	20	N/A
	240	20	Minimum 4-foot wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
	104	35	Minimum 4-foot berm
	223	40	N/A
	44	40	Minimum 5-foot berm
	215	45	N/A
	209	50	N/A
	00	50	Minimum 6-foot berm
0.40	53	10	Minimum 6-foot solid fence*
	330	20	Minimum 44-inch picket fence*
	440	25	N/A
	362	25	Minimum 4-foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35	Minimum 4-foot berm
	327	40	N/A
	148	40	Minimum 5-foot berm

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
	310	45	N/A
	299	50	N/A
	56	50	Minimum 6-foot berm
0.50	150	10	Minimum 6-foot solid fence*
	564	30	N/A
	405	30	Minimum 44-inch picket fence*
	492	30	Minimum 4-foot wood rail fence*
	499	35	N/A
	319	35	Minimum 4-foot berm
	454	40	N/A
	261	40	Minimum 5-foot berm
	422	45	N/A
	405	50	N/A
	160	50	Minimum 6-foot berm
	388	55	N/A
	374	60	N/A
0.60	250	10	Minimum 6-foot solid fence*
	433	35	Minimum 4-foot berm
	541	35	Minimum 44-inch picket fence*
	630	35	Minimum 4-foot wood rail fence*
	626	40	N/A
	379	40	Minimum 5-foot berm
	570	45	N/A
	525	50	N/A
	270	50	Minimum 6-foot berm
	500	55	N/A
	480	60	N/A
0.80	415	30	Minimum 6-foot solid fence*
	655	40	Minimum 4-foot berm
	627	45	Minimum 5-foot berm
	873	45	Minimum 44-inch picket fence*
	910	50	N/A
	505	50	Minimum 6-foot berm
	809	50	Minimum 4-foot wood rail fence*
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70	N/A
1.00	636	40	Minimum 8-foot solid fence
	732	50	Minimum 8-foot solid fence
	751	50	Minimum 8-foot solid fence
	867	55	Minimum 8-foot solid fence
	1091	60	Minimum 8-foot solid fence
	1136	60	Minimum 8-foot solid fence
	1083	65	Minimum 8-foot solid fence
	994	70	Minimum 8-foot solid fence
	934	75	Minimum 8-foot solid fence
	892	80	Minimum 8-foot solid fence

Notes: *Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure

exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

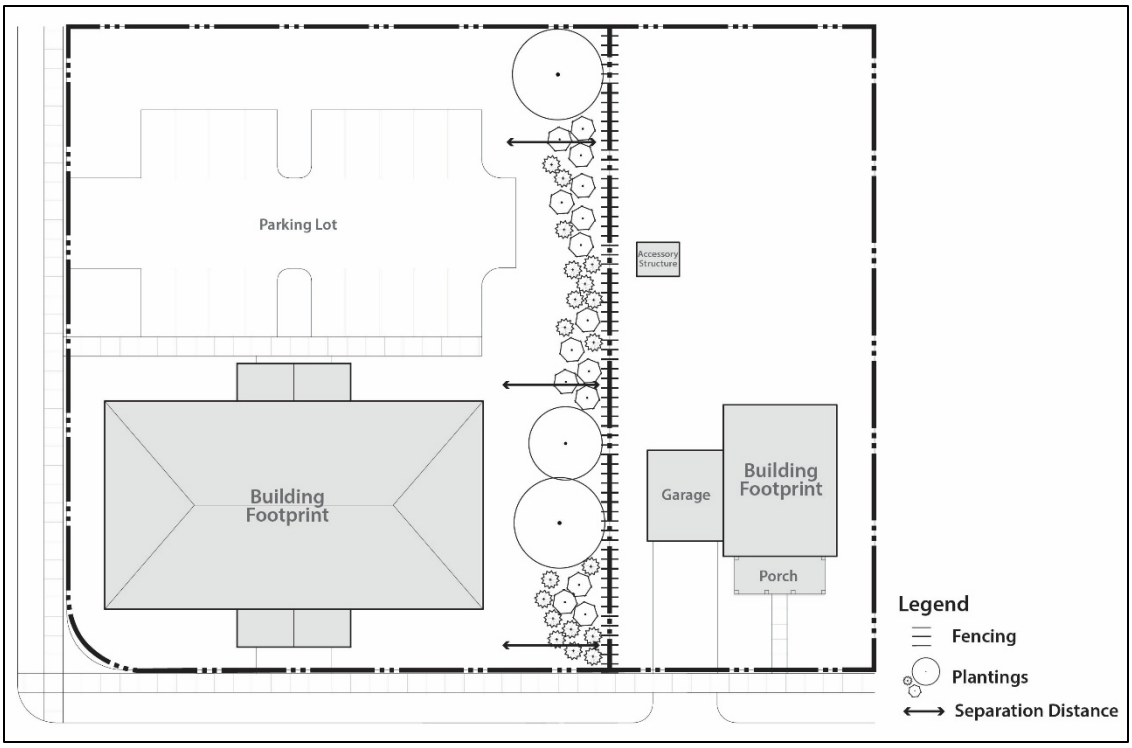
Figure 17.08.30g: Landscaping Points

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Shade Tree[1]	40	3" caliper trunk diameter
Tall Deciduous Tree[1]	30	2 ½" caliper trunk diameter
Medium Deciduous Tree[1]	15	2" caliper trunk diameter
Low Deciduous Tree[1]	10	1.5" caliper trunk diameter
Tall Evergreen Tree[1]	40	5' Tall
Medium Evergreen Tree[1]	20	4' Tall
Low Evergreen Tree[1]	12	3' Tall
Tall Deciduous Shrub	10	3' Tall
Medium Deciduous Shrub	3	2' Tall
Low Deciduous Shrub	1	1' Tall
Medium Evergreen Shrub	5	2' Tall/Wide
Low Evergreen Shrub	3	1' Tall/Wide
Perennials/Ornamental Grasses	1	1 Gallon Container
Rain Garden & Bioswale Plants	1	4-6" Container, 12" O.C. Spacing
Non-Contributory Plants	0	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

[1] Any Wisconsin native planting per Figure 17.08.40a is worth 1.5 times the point value as provided in this table. Any existing on-site tree that is protected with no impervious surface or grading within its canopy is worth 2 times the point value as provided in this table. If said tree dies, it shall be replaced with the comparable new tree landscaping points as provided in this table. Any multi-stem tree shall be a minimum of 1 ½ - 2 inches in diameter.

Figure 17.08.30h: Bufferyard Example



Sections 17.08.31 to 17.08.39: Reserved

Section 17.08.40: Classification of Plant Species

(1) Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 17.08.40a. This list is not intended to be exhaustive, and the Zoning Administrator, shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 17.08.40b for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 17.08.40c for a list of species to use selectively or to avoid.

(2) Wisconsin native plant species identified below in Figure 17.08.40a shall be worth 1.5 times the point values shown below. Any existing on-site tree that is protected with no impervious surface or grading within its canopy is worth 2 times the point values shown below. Existing trees must meet or exceed the minimum installation size requirements in Figure 17.08.30g above to receive 2 times the point value.

Figure 17.08.40a: Commonly-Used and Generally Appropriate Landscaping Species**

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
Shade Trees	50	Maple	*Acer spp.*	Yes
	50	Linden (Basswood, Redmond, Little Leaf)	*Tilia spp.*	Yes
	50	Elms (hybrids)	*Ulmus spp.*	No
	50	Oak (White, Northern Red, Bur, Swamp White)	*Quercus spp.*	Yes
	50	Honey Locust (male cultivars)	*Gleditsia triacanthos var. inermis*	No
	50	Hackberry	*Celtis occidentalis*	Yes
Tall Deciduous Trees	30	Chinkapin oak	*Quercus muehlenbergii*	Yes
	50	Kentucky Coffee Tree (male cultivars)	*Gymnocladus dioicus.*	Yes
	30	Ginkgo (male cultivars)	*Ginkgo biloba*	No
	30	State Street Miyabe maple	*Acer miyabei 'Morton'*	No
Medium Deciduous Trees	15	Serviceberry	*Amelanchier**	Yes
	15	Eastern Redbud	*Cercis canadensis*	No
	15	Winter King Hawthorn	*Crataegus viridis*	No
	15	Hornbeam (Musclewood)	*Carpinus caroliniana*	Yes
	15	Ironwood/Hophornbeam	*Ostrya virginiana*	Yes
Low Deciduous Trees	10	Hazelnut	*Corylus spp.*	Yes
	10	Flowering crabapples	*Malus spp.*	No
	10	Prairie crabapple	*Malus ioensis*	Yes
	10	Japanese tree lilac	*Syringa reticulata*	No
Tall Evergreen Trees	40	Firs	*Abies spp.*	No
	40	Black Hills Spruce	*Picea glauca var. densata**	No
	40	Serbian Spruce	*Picea omorika*	No
	40	Pine	*Pinus spp. (not nigra)*	Yes
Medium Evergreen Trees	20	Juniper (Red Cedar)	*Juniperus virginiana*	Yes
	20	Arborvitae	*Thuja spp.*	Yes
	20	Eastern hemlock	*Tsuga canadensis*	Yes
Low Evergreen Trees	12	Juniper (Mountbatten)	*Juniperus chinensis*	No
Tall Deciduous Shrubs	10	Dogwood (Gray, Pagoda)	*Cornus spp.*	Yes
	10	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	*Viburnum spp.*	Yes
Medium Deciduous Shrub	3	Elderberry	*Sambucus candensis "aurea"*	No
	3	Forsythia (Virgina, Rugosa)	*Forsythia*	No
	3	Shrub Rose	*Rosa spp.*	Yes
	3	Potentilla	*Potentilla spp.*	Yes
	3	Bush Honeysuckle	*Diervilla spp.*	Yes
	3	Ninebark	*Physocarpus spp.*	No

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
	3	Azalea	*Rhododendron (Azalea) spp.*	No
	3	St. John's Wort	*Hypericum "Ames"*	Yes
	3	Summersweet Clethra	*Clethra alnifolia*	No
Low Deciduous Shrubs	1	Gro-Low Sumac	*Rhus aromatica "Gro-Low"*	Yes
Medium Evergreen Shrubs	5	Juniper (Pfitzer)	*Juniperus x pfitzeriana*	No
	5	Yew (Japanese)	*Taxus spp.*	No
Low Evergreen Shrubs	2	Boxwood	*Buxus spp.*	No
	2	Juniper (Sergeant, Creeping, Andorra)	*Juniperus spp.*	No
Ornamental Grasses	1	Prairie Dropseed	*Sporobulus heterolepsis*	Yes
	1	Little Bluestem	*Schizachyrium scoparium*	Yes
	1	Karl Foerster Feather Reed Grass	*Calamagrostis x acutiflora 'Karl Foerster'*	No
	1	Sideoats Grama	*Bouteloua curtipendula*	Yes
	1	Big Bluestem	*Andropogon gerard*	Yes
	1	*Indiangrass*	*Sorghastrum nutans*	Yes
	1	Northern Sea Oats	*Chasmanthium latifolium*	Yes
	1	Switchgrass	*Panicum virgatum*	Yes
Perennial Plantings	1	Coneflower	*Echinacea spp.*	Yes
	1	Black-Eyed Susan	*Rudbeckia*	Yes
	1	Lily	*Lilium spp.*	No
	1	Daylily	*Hemerocallis spp.*	No
	1	Columbine	*Aquilegia spp.*	Yes
	1	Aster	*Aster spp.*	Yes
	1	Blazing Star	*Liatris spp.*	Yes
	1	Peony	*Paeonia spp.*	No
	1	Pachysandra	*Pachysandra spp.*	No
	1	Stonecrops	*Sedum spp.*	Yes
	1	Astilbe	*Astilbe spp.*	No
	1	Hosta	*Hosta spp.*	No
Pollinator Perennials	2	Butterfly Weed	*Asclepias tuberosa*	Yes
	2	Smooth Blue Aster	*Aster laevis*	Yes
	2	Wild Bergamot	*Monarda fistulosa*	Yes
	2	Prairie Blazing Star	*Liatris pyconstachya*	Yes
	2	Sweet Black-Eyed Susan	*Rudbeckia subtomentosa*	Yes
	2	Smooth Penstemon	*Penstemon digitalis*	Yes
	2	Showy Goldenrod	*Solidago speciosa*	Yes
	2	Prairie Dropseed	*Sporobolus heterolepis*	Yes
	2	Prairie Onion	*Allium stellatum*	Yes
	2	Lance-leaf (sand) Coreopsis	*Coreopsis lanceolata*	Yes
	2	Wild Lupine	*Lupinus perennis*	Yes
	2	Pale Purple Coneflower	*Echinacea pallida*	Yes

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
Rain Garden Mix	2	Purple Prairie Clover	*Sporobolus heterolepis*	Yes
	2	Boneset	*Eupatorium perfoliatum*	Yes
	2	Blue Vervain	*Verbena hastata*	Yes
	2	Brown Fox Sedge	*Carex vulpinoidea*	Yes
	2	Wild Columbine	*Aquilegia canadensis*	Yes
	2	Blue Wood Aster	*Aster cordiforlium*	Yes
	2	Tell Bellflower	*Campanula americana*	Yes
	2	Cardinal Flower	*Lobelia cordiforlium*	Yes
	2	Palm Sedge	*Campanula mericana*	Yes
	2	Mountain Mint	*Pycnanthemum (native species)*	Yes
	2	Downy Wood Mint	*Blephilia ciliata*	Yes

*Wisconsin native plant species identified in this column shall be worth 1.5 times the point values identified.
**Not all species listed are suitable in all locations.

Figure 17.08.40b: Sample Plant Species Appropriate for Specific Situations

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Medium Deciduous Tree	Serviceberry	*Amelanchier*
	Low Deciduous Tree	Flowering crabapple	*Malus spp.*
	Low Deciduous Tree	Japanese tree lilac	*Syringa reticulata*
	Tall Deciduous Shrub	Dogwood (Grey or Pagoda)	*Cornus*
Appropriate for Screening	Tall Evergreen Tree	Firs	*Abies spp.*
	Tall Evergreen Tree	Juniper (Red Cedar)	*Juniperus virginiana*
	Tall Evergreen Trees	Spruces	*Picea spp.*
	Tall Evergreen Trees	Pines	*Pinus spp.*
	Tall Evergreen Tree	Douglas fir	*Pseudotsuga menziesii var. glauca*
	Tall Evergreen Tree	Eastern hemlock	*Tsuga canadensis*
	Medium Evergreen Tree	Arborvitae	*Thuja occidentalis*
Salt Tolerant	Shade Tree	Kentucky Coffee Tree	*Gymnocladus dioicus*
	Shade Tree	Northern Red Oak	*Quercus rubra*
	Shade Tree	Swamp White Oak	*Quercus bicolor*
	Shade Tree	Honey Locust	*Gleditsia triacanthos*
	Shade Tree	White Oak	*Quercus alba*
	Tall Deciduous Tree	Ginkgos	*Gingko spp*
	Medium Deciduous Tree	Canadian Serviceberry	*Amelanchier canadensis*
	Low Deciduous Tree	Flowering Crabapples	*Malus spp*

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	*Cornus spp*
	Tall Deciduous Shrub	Common Lilac	*Syringa vulgaris*
	Tall Deciduous Shrub	Viburnum	*Viburnum*
	Medium Deciduous Shrub	Black Chokeberry	*Aronia melanocarpa*
	Medium Deciduous Shrub	Forsythia	*Forsythia spp*
	Low Deciduous Tree	Japanese Tree Lilac	*Syringa reticulata*
	Low Deciduous Shrub	Potentilla	*Cinquefoils*
	Low Deciduous Shrub	Azalea	*Azalea spp*
	Low Deciduous Shrub	Snowberry	*Symphoricarpos*
	Tall Deciduous Shrub	Staghorn Sumac	*Rhus typhina*
	Tall Deciduous Shrub	Mockorange	*Philadelphus*
	Medium Evergreen Shrub	Pfitzer Juniper	*Juniperus x pfitzeriana*
	Medium Evergreen Shrub	Yew (Japanese)	*Taxus spp*
	Low Evergreen Shrub	Boxwood	*Buxus spp*

Figure 17.08.40c: Prohibited Species and Species to Use Selectively

Classification	Common Name	Scientific Name	Prohibited[2] or Use Sparingly[1]	Reason
Shade Tree	Non-resistant elms	*Ulmus spp.*	Prohibited	Dutch Elm Disease
	Boxelder	*Acer negundo*	Prohibited	Spread quickly, self seed and sucker aggressively, attract bugs
	Norway Maples	*Acer platanoides*	Prohibited	Over-planted, dense, become weedy through self seeding
	Red Maples	*Acer rubrum*	Use Selectively	Not urban tolerant, prefer acidic soil
	Sugar Maples	*Acer saccharum*	Use Selectively	Not urban tolerant, best in open space settings
	Silver Maple	*Acer saccharinum*	Prohibited	Branches drop, become weedy through self seeding and aggressive root systems
Tall Deciduous Tree	Autumn Blaze Maple	*Acer x freemanni*	Prohibited	Historically over-planted
	Ash trees	*Fraxinus spp.*	Prohibited	Emerald Ash Borer
	Black Walnut	*Juglans nigra*	Prohibited	Root toxins limit other plant growth, drops messy tennis ball sized fruit
	Bradford pears	*Pyrus calleryana "bradford"*	Prohibited	Branches tend to break
	Cottonwood	*Populus deltoids, populus fremontii, or populus nigra*	Prohibited	Weak wood and aggressive root systems, seed litter

Classification	Common Name	Scientific Name	Prohibited[2] or Use Sparingly[1]	Reason
	Poplar	*Populus*	Prohibited	Aggressive root systems, short lived weedy nature
	Willow	*Salix*	Use Selectively	Weak wooded and prone to storm damage, aggressive roots
Medium Deciduous Tree	Ailanthus, Tree of Heaven	*Ailanthus altissima*	Prohibited	Invasive non-native
	European white birch	*Betula pendula*	Prohibited	Bronze Birch Borer
	White mulberry	*Morus alba*	Prohibited	Invasive non-native
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	*Prunus cerasifera 'Atropurpurea'*	Use Selectively	Drops fruit
	Purple Sandcherry	*Prunus x cistena*	Use Selectively	Short-lived
	Russian Olive	*Elaegnus angustifolia*	Prohibited	Drops fruit, invasive, non-native
	Amur Maple	*Acer tataricum subsp. ginnala*	Prohibited	WisDNR restricted list
Tall Deciduous Shrub	Buckthorns	*Rhamnus cathartica*	Prohibited	Invasive, non- native
	Autumn-olive	*Elaeagnus umbellata*	Prohibited	Invasive, non- native
	Multiflora rose	*Rosa multiflora*	Prohibited	Invasive, non- native
Medium Deciduous Shrub	Japanese spirea	*Spiraea japonica*	Prohibited	Invasive (re-seed)
	Burning bush	*Euonymus alatus*	Prohibited	Invasive, non- native
	Honeysuckle	*Lonicera spp.*	Prohibited	Invasive, non- native
Low Deciduous Shrub	Japanese Barberry	*Berberis thunbergii*	Prohibited	Invasive
Tall Evergreen Tree	Austrian pine	*Pinus nigra*	Prohibited	Susceptibility to many diseases and pests

Notes:
[1] "Species to Use Sparingly" may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than 1 plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than 1 of those 20 trees may be classified as a "Species to Use Sparingly." The purpose of this provision is to encourage plant species diversity throughout the Village.
[2] "Prohibited Species" shall not be included as part of any landscaping plan that is subject to Village review per Section 17.10.43. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease. Also see the Wisconsin Department of Natural Resources Regulated Species list for all Prohibited and Restricted Species. Additional tree species that are not recommended, should be used sparingly, or should be selectively used by location have been added to this list beyond those listed in the source above.
[3] "Species to Use Selectively" should only be used in locations that meet the plant's growing requirements, such as soil type, salt, pollution and other site impacts. These species should be used in locations that do not negatively impact surroundings.

Sections 17.08.41 to 17.08.49: Reserved

Section 17.08.50: Standards for Rain Gardens and Bioswales

(1) Definition.

(a) Rain gardens can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

(b) Bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

(2) Requirements.

(a) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping guidelines. Rain gardens and bioswales may count for 20 points for every 20 square feet of planted area.

(b) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, site topography, and drainage patterns; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials that will be used to line the rain garden or bioswale. The installation of a rain garden shall not change drainage patterns at the lot line. See the Wisconsin Department of Natural Resources Technical Standards for Rain Gardens for more information.

(c) Installation shall not be proposed for any of the following areas of a site:

1. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain and an impervious basin liner;
2. Areas where the characteristics of the soil would not allow for the proper infiltration, as defined by the Wisconsin Department of Natural Resources, of water into the ground; or
3. Areas where there are expected to be high levels of foot traffic, unless such areas are protected from foot traffic.
4. Areas less than 5 feet from any building foundation with frost footings or pavement and less than 10 feet from any building foundation with a full basement.
5. Areas located within any on-site easements.

(d) The owner of the site shall record a maintenance agreement with the Village if utilized for required stormwater management on the site. Specifically: kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on a

bi-annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.

(e) Bioswales and rain gardens shall be generously (and appropriately) vegetated with native plantings to qualify for landscaping points. If bioswales and rain gardens (or portions thereof) are lined with turf but do not include other vegetation, then they will not count toward meeting landscaping point requirements.

(f) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted and approved by the Village Engineer. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

Sections 17.08.51 to 17.08.59: Reserved

Section 17.08.60: Installation Requirements

(1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property. Failure to comply with this requirement shall be subject to the fees and penalties in Sections 17.10.60 and 10.10.61.

(2) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(3) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:

(a) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm may be located toward the interior or exterior of the subject property and at least 50 percent of the required landscaping points shall be located toward the exterior of the subject property.

(b) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property. Responsibility for maintenance of bufferyard landscaping shall be included as part of this agreement.

(c) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the alteration of drainage patterns at the lot line and in the creation of a safety or visibility hazard. Plant material located on any berm shall be placed to facilitate water infiltration to maximize plant survival. A flat portion of the top of the berm shall be utilized for planting, if possible.

(d) The restrictions on types of plants listed in this Article shall apply.

(4) Upon completion of the approved landscape improvements, a certification of compliance shall also be submitted by the owner or agent.

(5) Maintenance.

(a) The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and

shall be binding upon all future property owners. Development of any or all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section.

(b) The owner of the premises shall be responsible for the watering, maintenance, repair, and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed-free. Plant material which has died shall be replaced with equivalent vegetation within twelve months.

Sections 17.08.61 to 17.08.99: Reserved

ARTICLE IX: SIGNAGE

Section 17.09.01: Purpose

(1) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the Village of Mount Horeb. The adoption of this Chapter reflects the formal finding of fact by the Village of Mount Horeb Plan Commission and Village Board that regulation of signage advances the following compelling governmental interests:

(a) Elimination of signage that the Village has determined to be a cause of unsafe traffic and visibility conditions for pedestrians, bicyclists, drivers, and passengers.

(b) Protection of pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the Village.

(c) Protection of pedestrians, bicyclists, drivers, and passengers from injury caused by distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.

(d) Promotion of the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the Village of Mount Horeb in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.

(e) Preservation of the value of private property by assuring the compatibility of signs with surrounding land uses.

(f) Assuring that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected from visual blight and unsafe conditions by exercising reasonable controls over character and design of signage.

(g) Advancing the aesthetic goals of the Village throughout the community and ensuring the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.

(2) Furthermore, this Chapter leaves ample and adequate alternative channels of communication and is narrowly defined so as to limit regulation to exterior signage and signage designed to be viewed from beyond the boundaries of a site.

Section 17.09.02: Reserved

Section 17.09.03: Definitions

(1) **Definition of a Sign.** In this Chapter, the word "sign" means any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.

For the purposes of this Chapter, the following are not signs regulated by this Chapter:

(a) Traffic control devices and similar structures erected by roadway authorities located within a right-of-way to communicate regulatory, directional or similar information to users.

(b) Decorations that are incidentally and customarily associated with a holiday, community festival or similar event.

(c) Flags which do not contain a commercial message or commercial logo or branding.

(d) Art works, including but not limited to wall murals and statues, which do not contain a commercial message or logo or branding. See Chapter 12.075 of the Village of Mount Horeb Municipal Code for public art standards.

(e) Building colors and lighting which do not contain a commercial message or commercial logo or branding.

(f) Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.

(g) Vehicles that are licensed, operable, and parked in legal parking spaces.

(h) Individual signs that are less than one square foot in area. Individual signs shall not be combined in a "mosaic" arrangement to create a resulting larger sign.

(i) Construction site banners as defined in Wis. Stats. §66.1102(5)(a).

(2) **Other Definitions.**

(a) **Advertising**. Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, good, service, idea, or statement.

(b) **Building frontage**. The width of the building façade that fronts a public street, highway, or interstate.

(c) **Business frontage**. The portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without frontage, the building elevation providing customer access shall be considered the business frontage.

(d) **Commercial message**. Any sign wording, logo, branding, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, idea, or commercial activity. Any sign authorized by this Chapter may contain a commercial message.

(e) **Copy**. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

(f) **Changeable copy**. Sign copy that may be changed manually to provide different information such as boards with changeable letters, bulletin boards, and chalkboards.

(g) **Customer entrance**. The entrance that the public can use when an establishment is open to the public.

(h) **Electronic message sign**: See Section 17.09.08.

(i) **Elevation, building**. The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.

(j) **External illumination**. The lighting of an object from a light source located a distance from the object.

(k) **Façade**. See "Elevation, building."

(l) **For lease.** The period of time in which a property is being offered for lease through a licensed real estate agent or is being offered for lease by the owner.

(m) **Height of sign**. The vertical distance from the average ground level at the base of the sign to the top of the highest attached component of the sign. See Section 17.09.15(2) for the measurement of sign height.

(n) **Lighting, ambient.** Illumination in which the only light that falls onto the sign comes from sources that are available naturally (e.g. sunlight, moonlight) or from artificial lighting sources

used for other purposes in the vicinity of the sign (e.g. street lights, lighting installed for other purposes or sites)

(o) **Lighting, backlit.** Illumination that is arranged in such a way that the light is cast from behind the sign to the eyes of the viewer. Often, the lighting element is unshielded but concealed behind individual freestanding letters, creating a silhouette effect.

(p) **Lighting, gooseneck.** Illumination resulting from light emitted directly from a shielded light fixture located at the top of the sign and angled downward onto the sign face. The light fixture is attached to a curved neck which is often flexible, allowing the user to position the light source onto the sign face.

(q) **Lighting, internal.** Illumination emanating from a lighting element that is located behind the sign face and which is completely enclosed.

1. Internally illuminated signs shall have a light-colored copy on a dark-colored or opaque background, so that the copy is legible during the day and night. When illuminated, the sign shall appear to have an illuminated copy with a dark or non-illuminated background.
    a. The requirements of Subsection (q)1., above, shall not apply to internally illuminated individual characters, letters, or shapes that do not contain copy on the sign face.
2. Neon lighting is not considered to be internal lighting.

(r) **Lighting, neon.** Glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Neon lighting is not considered internal lighting as defined in Subsection (q) above.

(s) **Maintain**. Maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Changeable Copy Sign; or changing the face of an Off-Premises Advertising Sign (billboard).

(t) **Noncommercial message.** Any wording, logo, branding, or other representation that does not, directly or indirectly, name, advertise, or call attention to a business product, service, idea, or commercial activity. Any sign authorized by this Chapter may contain a noncommercial message.

(u) **Open house.** An on-premise event used to advertise the lease, rent, or sale of a property.

(v) **Plat phase**. The subset of lots, rights-of-ways, and outlots located within the perimeter boundary of a Final Plat that is being developed during a discrete and separate period from other lands in the same Final Plat.

(w) **Sign area**. The entire face of a sign, including the extreme limits of writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 17.09.15(4).

(x) **Sign face**. The area or display surface used for the message.

(y) **Site**. A site shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter. A site may also be determined to be a portion of a single lot where more than one building contains separate businesses. For the purposes of this Chapter, the site shall be determined by the Zoning Administrator.

(z) **Temporary sign**. A sign or advertisement intended to be displayed for a certain limited period. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered temporary. A portable sign shall not be considered a temporary sign or used for such a purpose.

(aa) **Three-dimensional signs**. Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured according to its maximum projection upon a vertical plane. See Section 17.09.15(4).

(bb) **Windowpane**. The area defined by any combination of the window frame and mullions located within said frame.

Section 17.09.04: Reserved

Section 17.09.05: Definitions Related to Sign Groups, Sign Categories, and Sign Types

This Section provides the definitions related to various Sign Groups, Sign Categories, and Sign Types. Figures 17.09.11(1) through 17.09.11(3.A.) provide the regulations for these signs applicable to each zoning district, including an indication of whether a particular Sign Type is permitted or prohibited as a new sign. Any Sign Type not addressed by this Chapter shall be considered prohibited.

(1) **Business Sign--Permanent Group.** A permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located.

"Business Sign--Permanent" is a Sign Group which contains various Sign Categories and Sign Types that a business is eligible to use, and which requires a sign permit and in some cases Plan Commission approval. This Sign Group includes the following Sign Categories: Freestanding Signs, On-Building Signs, Pedestrian Signs, and Changeable Copy Signs. See Figure 17.09.11(1) for additional rules related to zoning districts.

(a) **Freestanding Sign Category**. A sign permanently resting on or supported by a slab, pedestal, post, pylon, or any other form of base located on the ground.

The following Freestanding Sign Types are addressed by this Chapter:

1. **Monument Sign**. A type of Freestanding Sign in which the bottom edge of the sign face is located within one foot of a ground-mounted pedestal. The ground-mounted pedestal may be smaller, equal to, or wider in width than the face of the sign.
2. **Dual Post Sign**. A type of Freestanding Sign mounted to the sides or ends of two or more posts, with the majority of the sign area located between the outermost posts, with the bottom edge located within an average of three feet of existing grade.
3. **Pylon Sign**. A type of Freestanding Sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign. This sign type is not permitted within the Village of Mount Horeb.
4. **Freestanding Canopy Sign.** A type of Freestanding Sign placed directly on the facia of a freestanding canopy associated with a Drive-Through and In-Vehicle Sales and Service land use (See 17.03.10(9)).

(b) **On-Building Sign Category**. A type of sign permanently affixed to a wall of a building, and which is generally oriented and sized for visibility to motorists.

The following On-Building Sign Types are addressed by this Chapter:

1. **Wall Sign.** A type of On-Building Sign that is mounted directly on, and parallel to, a building façade or other vertical building surface. A Wall Sign also includes a permanent sign located on the interior of a building within five feet of the exterior wall that is intended to be viewed primarily from beyond the boundaries of the site. Whether an interior sign is considered a Wall Sign shall be determined by the Zoning Administrator during the sign permit review process.
2. **Awning Sign**. A type of On-Building Sign that is directly affixed via sewing, silk screening, painting, or similar method to a non-rigid removable awning which is mounted to the façade of a building. The definition of an awning can be found in Section 17.11.01.

3. **Canopy Sign**. A type of On-Building Sign that is directly affixed via bolts, brackets, or similar method to a rigid permanent canopy which is mounted to, or adjacent to, the façade of a building. The definition of a canopy can be found in Section 17.11.01.
4. **Marquee Sign**. A type of On-Building Sign that is mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance or entrance approaches to a building.
5. **Projecting Sign**. A type of On-Building Sign that is mounted at any angle other than parallel to the wall on which it is mounted, extending from the face of the wall.

(c) **Pedestrian Category.** A sign attached to the façade of a building and mounted just above sidewalk level, and which is oriented and sized for visibility to nearby pedestrians rather than to motorists.

1. **Suspended Sign.** A type of Pedestrian Sign that is mounted to the nearest wall, oriented to pedestrian traffic, and suspended from the underside of a horizontal plane surface, such as a covered porch, arcade, or canopy.

(d) **Changeable Copy Sign Category.** A sign typically used to advertise daily specials, daily menu items, or on-site events that change on a frequent basis and which usually includes changeable copy. This type of sign is often associated with restaurants, taverns, retail stores, music venues, and retail stores.

The following Changeable Copy Sign Types are addressed by this Chapter:

1. **Menu Board Sign.** A type of Changeable Copy Sign mounted flat against a wall containing changeable copy.
2. **Sandwich Board Sign**. A type of freestanding Changeable Copy Sign placed on the ground and constructed in such a manner as to form an "A"-like shape, hinged or not hinged at the top, with each angular face held together at an appropriate distance by a supporting element such as a folding bar, latch, or chain.
3. **Bulletin Board Sign.** A type of freestanding Changeable Copy Sign located on-site containing changeable copy and resting on or supported by a pedestal, post, or other form of base located on the ground.
4. **Drive Thru Sign.** A type of Changeable Copy Sign used only in conjunction with drive-through or drive-in establishments, as further defined in Section 17.03.10(9).

(2) **Business Sign--Other Group.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located. "Business Signs--Other" is a Sign Group which contains various Sign Categories and Sign Types that a business is eligible to use, which do not require a Sign Permit, and which are typically used to promote temporary activities. This Sign Group includes the following Sign Categories: Window Signs, Temporary Board & Banner Signs, Temporary Flag or Feather Signs, and Temporary Approved Development Signs. See Figure 17.09.11(2) for additional rules related to zoning districts.

(a) **Window Sign Category**. A type of sign that is either painted onto a window, attached to the inside face of an exterior window, or located inside a building within 3 feet of a window and intended to be viewed from the exterior of the building. Window Signs may face toward the outside, the inside, or both.

(b) **Temporary Board & Banner Sign Category**. A sign located outside of a building for a defined display time limit. Such signs are often used for the purpose of informing the public of a sale or special offer.

The following Temporary Board & Banner Sign Types are addressed by this Chapter:

1. **Board Sign.** A type of Temporary Board & Banner Sign that is temporarily placed on the ground and is made of rigid material such as plywood or corrugated plastic.

2. **Banner Sign.** A type of Temporary Board & Banner Sign that is made of flexible material such as cloth or vinyl and is supported along one or more sides or at two or more corners by wires, ropes, string, nails, or other removable fastening materials.

(c) **Temporary Flag & Feather Sign Category.** A sign located outside of a building. Such signs are often used for the purpose of informing the public of a sale or special offer.

1. **Flag Sign.** A type of Temporary Flag & Feather Sign that is located outside of a building. It's made of vinyl, fabric, or other similar lightweight all-weather flexible material which is mounted on a pole.
2. **Feather Sign.** A type of Temporary Flag & Feather Sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground. The pole may be rigid or flexible but is not permanent.

(d) **Temporary Approved Development Sign Category**. A sign which is limited to display only during the active development of a building or plat, but does not include construction site banners defined under Wis. Stats. §66.1102(5).

The following Temporary Approved Development Sign Types are addressed by this Chapter:

1. **Active Building Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a building under construction, and only during the time period in which the Building Permit is valid.
2. **Active Plat Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a subdivision plat under construction, and only during the time period when less than 80 percent of the lots in the plat phase have been sold.

(3) **Miscellaneous Sign Group.** "Miscellaneous Sign Group" is a Sign Group containing various Sign Categories and Sign Types that a site or business is eligible or required to use. This group includes the following Sign Categories: Site Guidance Signs, Placemaking Signs, and Yard Signs. See Figure 17.09.11(3) and 17.09.11(3.A.) for additional rules related to zoning districts.

(a) **Site Guidance Sign Category.** A Sign Category that includes signs that the Village finds essential or highly desirable in order to protect the public health, safety, or welfare. Specifically, these signs are used to provide information essential to the following public purposes: to deliver mail; to identify property addresses for the provision of emergency services such as fire or rescue service; to identify the management of rental properties for the provision of emergency services; to provide information about parking limitations or warnings against trespass; and, to provide information about required traffic flow where a safe path to a destination is not evident.

The following Site Guidance Sign Types are addressed by this Chapter:

1. **On-Building Locational Sign.** A type of Site Guidance Sign located on-building that typically indicates addressing information or the name or address of the property owner, tenant, or manager of the property.
2. **Interior Site Navigational Sign**. A type of Site Guidance Sign that typically includes a directional arrow or symbol that directs people to a specific destination within a development or site or indicates a warning from the property owner related to conditions on-site or that cites a Village, State, or Federal law, order, rule, or regulation. Examples may include signs listing parking hours or "No Trespassing," "No Loitering," or "Customer Parking Only" signs. This Sign Type may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.

(b) **Placemaking Sign Category**. A Sign Category that conveys information which the Village of Mount Horeb finds desirable to encourage placemaking, particularly related to officially-recognized historic places, officially-designated neighborhoods, and conveying information for

the general public. Signs in this Category are optional and are only permitted through official government action, including designation of historic places, creation of outlots in a Plat or Certified Survey Map, and the presence of an Institutional land use.

The following Placemaking Sign Types are addressed by this Chapter:

1. **Metal Plaque Sign**. A type of Placemaking Sign is available to officially-recognized historic properties, sites, or districts, typically denoting the name of the building onto which it is mounted, its date of erection, or historical information.
2. **Permanent Gateway Sign.** A type of Placemaking Sign typically indicating the name of a neighborhood, neighborhood association, or subdivision recognized by the Village of Mount Horeb.
3. **Community Sign.** A type of Placemaking Sign typically providing information to the community regarding scheduled public events, public activities, and public facilities.
4. **Community Interior-Oriented Sign.** A type of Placemaking Sign typically indicating or recognizing a business or other entity which sponsors or supports a particular sport, team, event, or other activity in which persons are or will be engaged at the location where the sign is displayed.

(c) **Yard Sign Category.** A Sign Category which is available to all land uses and is intended to accommodate a wide variety of sign purposes (e.g. garage sale signs, for sale signs, political signs, "slow down for kids" signs, on-premises advertising signs, etc.), often needed on a temporary basis. Such signs are freestanding and mounted on one or two stakes or posts and do not have footings. Yard Signs are not permitted in any street terrace or other portion of a right-of-way.

The following Yard Sign Types are addressed by this Chapter:

1. **Stake Sign.** A type of Yard Sign that consists of a sign face erected upon one or more metal wires or wood, metal, or plastic stakes of no more than 3 inches in width.
2. **Frame Sign.** A type of Yard Sign that consists of a frame into which a sign face can be inserted and erected upon two wood, metal, or plastic stakes or ground spikes.
3. **Arm & Post Sign.** A type of Yard Sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

Sections 17.09.06 to 17.09.07: Reserved

Section 17.09.08: Electronic Message Signs

(1) **Electronic Message Sign**. A type of sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

(a) Electronic Message Signs shall be permitted only with nonresidential land uses. No more than one Electronic Message Sign shall be permitted per site.

(b) In addition to the setback requirements of this Chapter, no Electronic Message Sign shall have a message that is visible from any residential zoning district within 150 feet of the sign.

(c) Electronic Message Signs may be integrated into the design of the following Sign Types: Freestanding Signs, Drive Thru Signs, or Community Signs, but may not comprise more than 50 percent of the sign's total area. Electronic Message Signs shall count toward the site's maximum permitted sign area.

(d) Messages and non-text images shall not change appearance more than once every 60 seconds and transitions between messages shall be via instantaneous change. Use of Electronic Message

Signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered animated signs, which are prohibited per Section 17.09.30.

(e) Electronic Message Signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

(f) Electronic Message Signs shall comply with the exterior lighting requirements of Section 17.06.20.

(g) Electronic Message Signs shall be maintained so as to display messages in a complete and legible manner.

Section 17.09.09: Fuel Price Signs

(1) **Fuel Price Signs.** A type of sign that lists the price of gasoline sold on-site, as required by Wis. Stat. section 100.18(8).

(a) Fuel Price Signs shall not be separate signs, but rather shall be integrated into the design of a permitted Freestanding Sign, described in 17.09.11.

(b) Fuel Price Signs shall list no more than one price per type of fuel. Such prices shall be displayed on a single structure.

(c) Fuel Price Signs may be illuminated, per the exterior lighting requirements of Section 17.06.20.

(d) Fuel Price Signs may contain changeable copy or Electronic Message Signs per the requirements of Section 17.09.08.

Section 17.09.10: Sign Encroachment on Main Street (STH 78) Right-Of-Way

(1) Existing signs with posts and supports shall only be permitted to change the sign face with an approved sign permit and annual proof of insurance liability of $1,000,000 or more.

(2) Existing posts and supports without an existing sign in place shall only be permitted to reinstall a sign face in the same size as documented with photographic evidence of the original sign size, an approved sign permit, and annual proof of insurance liability of $1,000,000 or more.

(3) Any lot that does not have an existing sign face, posts, or supports shall not be permitted to have a sign encroachment per the WisDOT.

Section 17.09.11: Permitted Sign Rules

(1) Signs shall be allowed on private property in the Village in accordance with Figures 17.09.11(1) through 17.09.11(3.A.), which address permitted signage as it relates to permits, quantity, area, location, lighting, and zoning districts. The requirements set forth in Figures 17.09.11(1) through 17.09.11(3.A.) shall be declared to be part of this Chapter.

(a) The rules for signs in the Business Signs--Permanent Group are located in Figure 17.09.11(1).

(b) Additional rules pertaining to the Freestanding Sign Category are located in Figure 17.09.11(1.A.).

(c) The rules for signs in the Business Signs—Other Group are located in Figure 17.09.11(2).

(d) The rules for signs in the Miscellaneous Sign Group are located in Figure 17.09.11(3) and Figure 17.09.11(3.A.).

(e) Signage for all uses in the Planned Unit Development zoning district (See Section 17.02.11) shall be permitted per the underlying zoning district and may be granted flexibility through the Planned Unit Development process.

Figure 17.09.11(1): Business Sign-Permanent Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 17.09.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential SF-1, SF-2, TF-1, PN-1, MH	Multi-Family Residential MF-1, MF-2	Non-Residential and Mixed-Use INST, NMU, CMU, BP, LI, HI, PR, CON, AO, IOA, AG	Downtown DMU
A. Freestanding Sign Category [1, 2] Choose 1 of the following Sign Types.										
1. Monument Sign [1, 2, 4, 10]	Yes: For each new sign. Village staff approval.	1 sign per street frontage	Minimum height of sign = minimum distance from the right-of-way [10]	Durable, all-weather materials in all districts. [12]	Standard. [4,5]	1 sf of sign area per 1 ft of street frontage	Not allowed	40 sf area 6 ft height	100 sf area 12 ft height	40 sf/8 ft height
2. Dual-Post Sign [1, 2, 4, 10]										40 sf/8 ft height
3. Pylon Sign [18]								Not allowed	Not allowed	Not allowed
4. Freestanding Canopy Sign [16, 17]		1 per street frontage[17]	Placed on the canopy facia[17]			None. Use max area. [17]	Not allowed		See Footnote 17	Not allowed
B. On-Building Sign Category [1, 2] Choose 2 of the following Sign Types.										
1. Wall Sign [1, 2, 3, 6, 7, 9, 10]	Yes: For each new sign. Village staff approval.	1 sign per business per street frontage	Sign shall not extend above parapet or facia. Minimum overhang rules. [6, 8, 9, 10] Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts.	Standard. [5]	1 sf of sign area per 1 ft of building façade length	Not allowed	Per formula.		
2. Awning Sign [1, 2, 3, 6, 8, 9, 10]										
3. Canopy Sign [1, 2, 3, 6, 8, 9, 10]										
4. Marquee Sign [1, 2, 3, 6, 8, 9, 10]								Not allowed	40 sf area	
5. Projecting Sign [1, 2, 3, 6, 9, 10]								32 sf area		
C. Pedestrian Sign Category [1, 2]										
1. Suspended Sign [1, 2, 6, 9, 10]	Yes: For each new sign. Village staff approval.	1 for each customer entrance.	Minimum overhang rules. [6, 8, 9, 10]	Durable, all-weather materials in all districts.	Ambient or Gooseneck.	None. Use max area.	Not allowed		10 sf area	
D. Changeable Copy Sign Category [1, 2]										
1. Menu Board Sign [1, 2, 15]	Yes: For each new sign. Village staff approval.	1 for each business.	Within 10 ft of customer entrance. [9, 12]	Durable, all-weather materials in all districts.	Internal.	None. Use max area.	Not allowed		4 sf area	
2. Sandwich Board Sign [1, 2, 13]					Ambient only.		Not allowed		8 sf area/4 ft height/2 ft width	
3. Bulletin Board Sign [14]			Minimum 5' from the right-of-way. [10]		Internal.		Not allowed		32 sf area/6 ft height	
4. Drive Thru Sign [1, 2, 4, 11]		1 per drive thru lane	Drive-thru [11]		Standard. [4,5]		Not allowed		48 sf area/8 ft height	Not allowed

Footnotes Containing Additional Development Requirements:

1 Refer to Section 17.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

2 Available to land uses identified in Section 17.03.05. No signs are permitted in the Conservancy Zoning District.

3 The number of permitted on-building signs may be transferred from one wall to another, but the total combined sign area on the receiving wall shall still be limited by its length ratio of said wall.

4 Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 17.09.08.

5 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.

6 Any sign that encroaches into the STH 78 (Main Street) right-of-way shall be subject to the requirements in Section 17.09.10. Within the DMU zoning district, Awnings and Canopies may extend from the attached facade into the right-of-way up to 5 feet and shall be a minimum of 8 feet above grade (Section 17.03.28(7)).

7 Every business shall be guaranteed a minimum of 50 square feet of Wall Sign area, regardless of the business's actual building façade length.

8 Sign copy shall be horizontally and vertically centered on the face of the awning, canopy, or marquee. Sign copy shall not extend above or below an awning or marquee but may extend up to 12" in height above the canopy face.

9 Bottom of sign shall be a min. of 14 feet above a drive, alley, street, parking space or other vehicle surface; a min. of 8 feet above a sidewalk, patio, or other ground-level- surface; and a max. of 3 feet from the building. Wall Signs shall not project more than 12 inches horizontally beyond the edge of any wall or other surface to which they are mounted.

10 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area), except for footnote 6 and 13, or vision triangle without a permit from the Village Engineer.

11 Drive Thru Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses (see Section 17.03.10(9)). Drive Thru Signs shall be located within 15 feet of the building, sign copy shall not be viewable from the public right-of-way or an adjacent residential land use, sign type may be either freestanding or wall mounted and must meet noise and lighting standards in the zoning code. A max. 96 sf of total Drive Thru Signs is permitted per business.

12 Sign must be designed of materials complementary to and harmonious with the building and site and must be closely integrated with site landscaping.

13 Signs shall only be located on a sidewalk and be no more than 3 feet from the property line, shall provide a minimum width of five feet of unobstructed public pedestrian walkway, and shall only be displayed during the hours of operation for on-site land use.

14 Sign type only permitted for an institutional land use (see Section 17.03.12).

15 Menu Board Signs shall be securely affixed to the exterior wall of the building and shall not extend more than 4" from the wall on which it is mounted.

16 Any In-Vehicle Sales and Service land use is permitted to include illuminated fuel price signage as a changeable copy or Electronic Message Sign. Such signs shall count toward the site's maximum permitted sign area.

17 Only permitted for In-Vehicle Sales and Service land uses. Stripe width shall be permitted on all sides of the freestanding canopy and limited to a max. height of 20% of the facia's vertical height (up to 12"). Sign copy shall be limited to a max. of 24 square feet per facia facing a public right-of-way.

18 Pylon Signs are prohibited in the Village of Mount Horeb.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

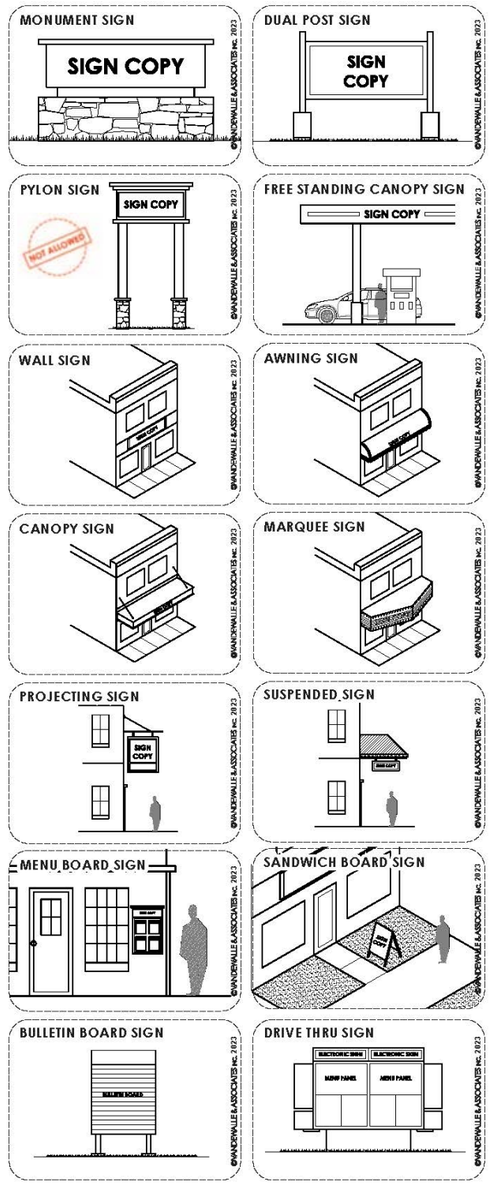


Figure 17.09.11(2): Business Sign--Other Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 17.09.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential SF-1, SF-2, TF-1, PN-1, MH	Multi-Family Residential MF-1, MF-2	Non-Residential and Mixed-Use INST, NMU, CMU, BP, LI, HI, PR, CON, AO, IOA, AG	Downtown DMU
A. Window Sign Category [1, 2, 4] No time limit on the display of these signs.										
1. Window Sign [1, 2, 4]	Sign Permit not required.	Not to exceed maximum coverage percentages [4]	Only allowed on the inside of the window.	Paper, vinyl, or similar lightweight material, paint, durable, all-weather material	Ambient only; up to 2 internally illuminated or neon sign per tenant	Based on the percent of window area covered. →	Not allowed.	20% max window area coverage per window up to 20% max total window coverage area per façade [4]		
B. Temporary Board or Banner Sign Category [1, 2, 3] Display limit is based on the footnotes below. [8]										
1. Board Sign [1, 2, 3, 8]	Sign Permit not required.	1 per lot frontage.	Sign setback shall be at least max. sign height [3]	Plywood or similar rigid, all-weather material.	Ambient only.	None; Use max sign area limit. →	Not allowed.		32 sf max area 8 ft max height	Not allowed.
2. Banner Sign [1, 2, 3, 8]		1 per lot frontage.	On-building	Vinyl, Fabric, or Lightweight all-weather material.			Not allowed.	32 sf max area, cannot exceed building height		
C. Temporary Flag or Feather Sign Category [1, 2, 3] Display limit is based on the footnotes below. [9]										
1. Flag Sign [1, 2, 3, 7, 9]	Sign Permit not required.	1 per lot frontage.	Freestanding sign setback shall be at least max. sign height. Façade mounted Flags shall be a min. of 8 feet above grade [3]	Vinyl, Fabric, or Lightweight all-weather material.	Ambient Only	None; Use max sign area limit. →	32 sf max area, cannot exceed building height [3, 9]			
2. Feather Signs [1, 2, 3, 9]							Not allowed.		8 sf max area 6 ft max height [9]	Not allowed.
D. Temporary Approved Development Sign Category [1, 2, 3] Display limit is based on the period of active development. [5, 6]										
1. Active Building Sign [1, 2, 3, 5]	Sign Permit not required.	2 per development site.	On-Building or Freestanding & clustered in a single location approved by the Village Engineer.	Any durable, all-weather material.	Ambient only.	None; Use max sign area limit. →	32 sf max area [5] 10 ft max height			
2. Active Plat Sign [1, 2, 3, 6]							32 sf max area for each sign [6] 10 ft max height			

E. Prohibited Other Sign Category [1] Display of the following signs is always prohibited in all zoning districts:

- Signs resembling any traffic control sign or located within a required vision triangle near a street intersection or driveway apron, as determined by the Village Engineer.
- Signs that project above the building parapet or eave.
- Signs that flutter, undulate, swing, rotate, or otherwise move, e.g. inflatable signs, wind socks/tubes, pennants, streamers, festoons, and pinwheels; except signs permitted in A.-D., above.
- Flashing, scrolling, or animated signs (including signs that change their appearance less than once per 60 seconds), beacon, search lights, and strobe lights.
- Signs mounted on platforms, with wheels or runners, such as trailer signs, sled signs, or other portable signs.

Footnotes Containing Additional Development Requirements:

1 Refer to Section 17.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

2 Available to land uses identified in Section 17.03.05. No signs are permitted in the Conservancy Zoning District.

3 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle. Within the DMU zoning district, Flag signs may extend from the attached facade into the right-of-way up to 5 feet and the bottom of the flag shall be a minimum of 8 feet above grade.

4 A "Window" is the total area within a window frame, which may be divided by muntins or mullions. Glass areas divided by walls, piers or columns are considered separate windows. Signs shall only be placed on windows located on the ground floor. Any number of Window Signs are permitted within a period of 30 days prior to, and 10 days following, any local, state, or federal election,

5 Period of active building development is between the issuance of the building permit and the issuance of the first occupancy permit for the building. One additional Active Building Sign is permitted on lots greater than 5 acres in size.

6 Period of active plat development is between the recording of the final plat to the issuance of building permits for 80% of the lots as applied to each development phase in the final plat. One additional Active Plat Sign is permitted for a subdivision greater than 5 acres in size.

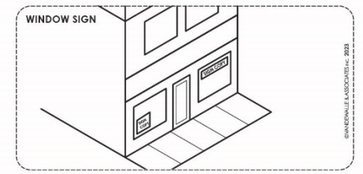
7 Flag Signs must be mounted to a pole. The pole can either be driven into the ground or attached to a building. If the pole is driven into the ground, it must be rigid and permanent. If the pole is attached to the building, it must also be rigid. The following flags are exempt: National flags, flags of political subdivisions, and symbolic flags of any institution or badge or insignia of the United States, State of Wisconsin, Dane County, Village of Mount Horeb, foreign countries or official historic plaques.

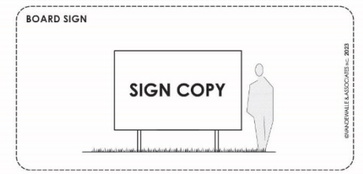
8 A Banner Sign shall be displayed a maximum of 30 consecutive days, 2 times per calendar year. A Board Sign shall only be displayed for the duration of time the subject property is for lease, for rent, for sale, or hosting an open house associated with the property being for lease, rent, or sale. The sign must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.

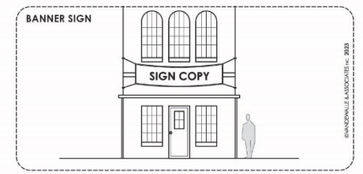
9 Flag and Feather Signs shall only be displayed during business hours.

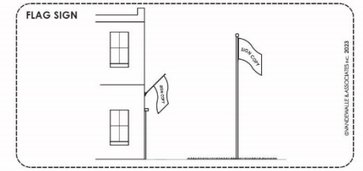
Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

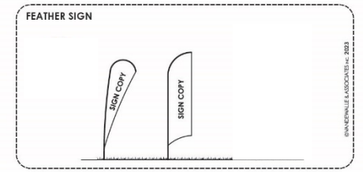
Example Sign Diagrams:

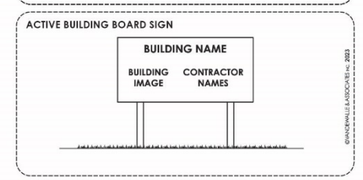












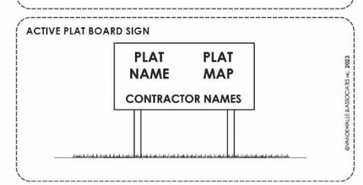


Figure 17.09.11(3): Miscellaneous Sign Group [2]

Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 17.09.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential SF-1, SF-2, TF-1, PN-1, MH	Multi-Family Residential MF-1, MF-2	Non-Residential and Mixed-Use INST, NMU, CMU, BP, LI, HI, PR, CON, AO, IOA, AG	Downtown DMU
A. Site Guidance Sign Category [1, 2, 6]										
1. On-Building Locational Sign [1, 2, 6, 8, 9, 10]	Sign Permit not required.	1 required per address.	On-building, and visible from street. [8]	Any durable, all-weather material.	Ambient only.	None needed. Use max sign area limit. →	4 sf max area[10]			
2. Interior Site Navigational Sign [1, 2, 6, 8, 9]	Yes. For each new sign. Staff approval	As permitted by the Zoning Administrator	On-building or freestanding. [6, 8]				4 sf max area 6 ft max height			
B. Placemaking Sign Category [1, 2, 6]										
1. Metal Plaque Sign [1, 2]	Yes. For each new sign. H.P.C. approval	Up to 2 per historic building, property, or district.	On-building [8] or freestanding. [6]	Bronze, aluminum, or stainless steel.	Standard. [7]	None Needed. Use max sign area limit. →	6 sf max area 6 ft max height			
2. Permanent Gateway Sign [1, 2, 3, 6]	Yes. For each new sign. Staff approval	As approved per the final plat.	Minimum height of sign = minimum distance from the right-of-way [6]	Any durable, all-weather material.	Standard. [7]		32 sf max area 6 ft max height			
3. Community Sign [1, 2, 4, 5, 6, 11]		See Monument Signs in Figure 17.09.11(1)			Standard. [5, 7]	1 sf of sign area per 1 ft of building façade length	See Monument Signs in Figure 17.09.11(1)			
4. Community Interior-Oriented Sign [1, 2, 4, 6]		As permitted by the Zoning Administrator	Affixed to fences facing the interior of a recreational field		Ambient only.	None Needed. Use max sign area limit. →	32 sf max area 15 ft max heights			

Footnotes Containing Additional Development Requirements:

1 Refer to Section 17.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

2 Available to land uses identified in Section 17.03.05, other than Community Signs and Community Interior-Oriented Signs. No signs are permitted in the Conservancy Zoning District.

3 Permanent Gateway Signs shall be located within a platted outlot or within a permanent sign easement and shall only be configured as a monument sign.

4 Community Signs shall only be configured as a monument sign. Community Signs and Community Interior-Oriented Signs are only allowed for Institutional land uses as determined by the Zoning Administrator (see Section 17.03.12) and are the only sign type that's permitted to be an Off-Premises Advertising Sign.

5 Electronic Message Sign are permitted per Section 17.09.08.

6 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.

7 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.

8 On-building signs must be located within 10 feet of building's main entrance, unless otherwise permitted to be placed in an alternative location on the building by the Zoning Administrator.

9 May also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square feet.

10 Home occupations are permitted one additional On-Building Locational Sign. Such sign shall be a maximum of 3 square feet.

11 Water tower signs shall be approved by the Plan Commission through the Site Plan review process (see Section 17.10.43).

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission H.P.C. = Historic Preservation Commission

Example Sign Diagrams:

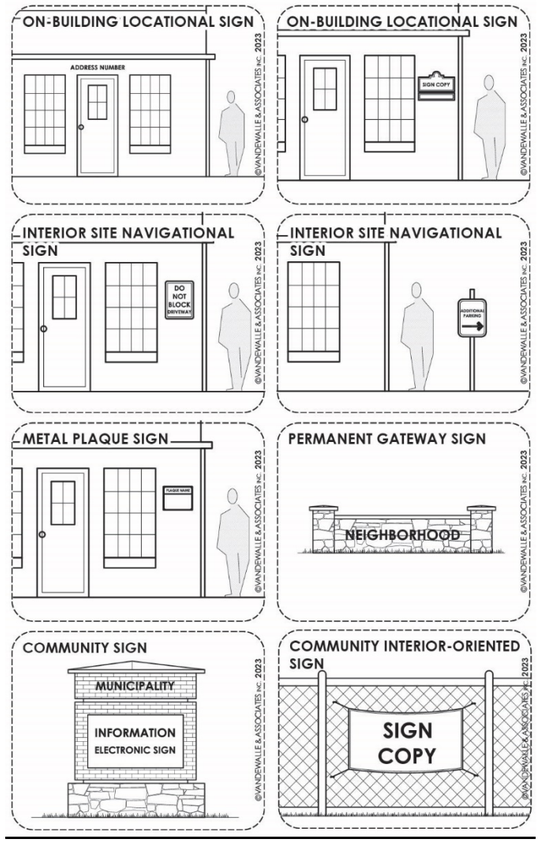


Figure 17.09.11(3.A.): Miscellaneous Sign Group

Sign Categories & Sign Types	Sign Permit Required (see Section 17.09.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts: 1 & 2 Family Residential SF-1, SF-2, TF-1, PN-1, MH	Multi-Family Residential MF-1, MF-2	Non-Residential and Mixed-Use INST, NMU, CMU, BP, LI, HI, PR, CON, AO, IOA, AG	Downtown DMU
A. Yard Sign Category										
1. Stake Sign [1,2,4,5,7,8]	No. Sign Permit not required.	2 per lot.	Must be located on-site [3]	Any material.	Ambient only.	None needed. Use max sign area limit. →	6 sf max area 4 ft max height			
2. Frame Sign [1,2,4,5,7,8]										
3. Arm & Post Sign [1,2,4,5,6,7,8]							10 sf max area [6] 6 ft max height			

Footnotes Containing Additional Development Requirements:

1 Refer to Section 17.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

2 Available to land uses identified in Section 17.03.05. No signs are permitted in the Conservancy Zoning District.

3 Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.

4 Yard Signs may be displayed permanently, but typically are not.

5 One additional Yard Sign or Arm & Post Sign per lot is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.

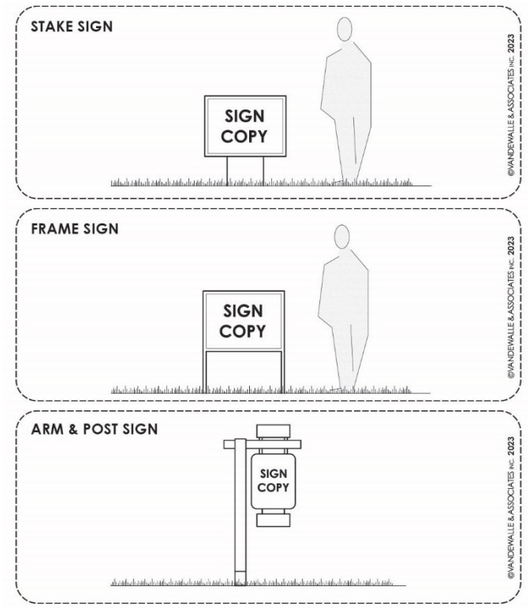
6 The area maximum for Arm & Post signs includes the sign face, as well as any additional placards that are attached to the sign.

7 Any number of Yard Signs is permitted within a period of 30 days prior to, and 10 days following, any local, state, or federal election, with a maximum area of 32 square feet per sign and maximum height of 6 feet per sign.

8 No off-premises Yard Signs are permitted.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:



Sections 17.09.12 to 17.09.14: Reserved

Section 17.09.15: Sign Setback, Height, Measurement, and Flexibility

(1) Sign Setbacks. Signs must be located on-site, outside of the vision triangle, and must not be located within any street right-of-way. Each sign type must be set back in a location consistent with Figure 17.09.11(1), Figure 17.09.11(2), Figure 17.09.11(3), and Figure 17.09.11(3.A.). Any sign to be placed within a public easement requires Village approval.

(2) Sign Height.

(a) The height of a freestanding sign shall be measured from the average ground level adjacent to and at the base of the sign to the top of the highest attached component of the sign, or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher.

(b) The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(3) Minimum Ground Clearance. All On-Building and Pedestrian Signs shall have a minimum clearance of 14 feet above a drive, alley, or street and a minimum of 8 feet above a sidewalk, path, trail, or other ground-level surface.

(4) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:

(a) In the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign area(s) that can be viewed from any single vantage point. i.e., for a typical freestanding sign that faces two directions, only the largest sign face visible from any single vantage point shall count toward the total permitted sign area. Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.

(b) For signs comprised of individual letters and related copy which are attached to a background surface with one or more neutral surface colors, sign area shall be measured as the sum of the smallest rectangle enclosing each letter or related copy. See Example 1 in Figure 17.09.15(2).

(c) For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 2 in Figure 17.09.15(2).

(d) Groupings of related smaller signs may be counted as one sign. In such cases, sign area shall be measured as the smallest single rectangle enclosing the individual signs and any and all background color areas. See Example 3 in Figure 17.09.15(2).

(e) For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as its maximum projection upon a vertical plane. See Figure 17.09.15(1).

Figure 17.09.15(1): Measurement of a 3D Sign Area

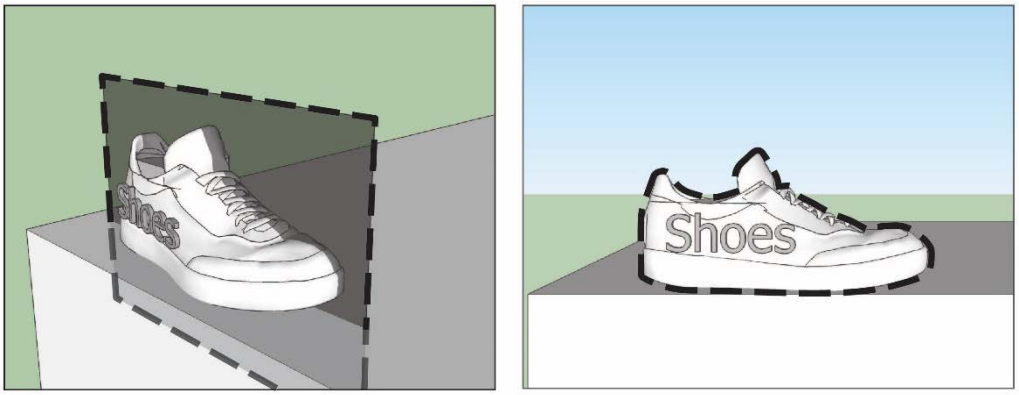
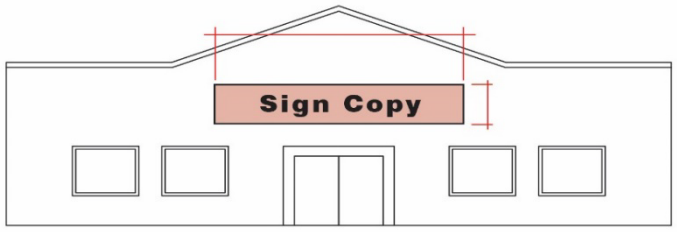


Figure 17.09.15(2): Measurement of Sign Area



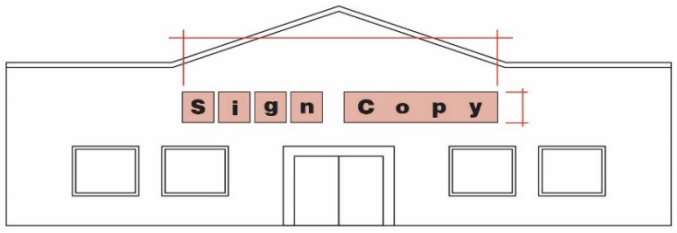
Example 1: Individual letters on a neutral surface

Sum of the smallest rectangles



Example 2: Individual letters or words grouped on one or more panels

Smallest single rectangle



Example 3: Individual letters on separate panels

Smallest single rectangle

Section 17.09.16: Plan Commission Review Authority

(1) The Plan Commission shall be required to approve of any sign under the following circumstances:

(a) Any sign located within the Downtown Mixed Use Zoning District that requires a permit in Section 17.09.27(1) shall include no more than 20 percent of the total sign area to be displayed with bright neon or shinny colors as determined by the Zoning Administrator. Any sign proposed to exceed 20 percent shall be required to receive Plan Commission approval for said sign design prior to the issuance of a Sign Permit in Section 17.09.27.

(b) Any sign that requires a permit in Section 17.09.27(1) that includes the use of neon lighting or exposed bulb lighting elements shall be required to receive Plan Commission approval for said sign design prior to the issuance of a Sign Permit in Section 17.09.27.

(c) The Zoning Administrator may refer an interpretation of this Article to the Plan Commission for determination prior to the issuance of a Sign Permit in Section 17.09.27.

(2) In making its determination on any of the situations in Section 17.09.16(1)(a)-(c) above, the Plan Commission shall base its decision upon the sign meeting each of the following criteria:

(a) The sign otherwise conforms to the requirements of this Article.

(b) The sign design advances and achieves the Purpose Statement of this Article (Section 17.09.01).

(c) The sign design employs a unique, creative, or otherwise distinctive quality that warrants an exception to this Article.

(d) The sign's materials and configuration are consistent with the exterior building design requirements for the applicable land use in Section 17.07.01.

Sections 17.09.17 to 17.09.26: Reserved

Section 17.09.27: Sign Approvals and Permits – Application, Enforcement, and Revocation

(1) Applicability.

(a) All of the following sign types shall not be erected, installed, or constructed without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.

1. Freestanding
2. On-Building
3. Pedestrian
4. Changeable Copy
5. Interior Site Navigational
6. Permanent Gateway
7. Community Signs and Community Interior-Oriented Signs

(b) No Metal Plaque Sign shall be erected, installed, or constructed without the approval by the Historic Preservation Committee.

(c) For signs requiring a permit in Subsection (a), above, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.

(d) This Section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.

(e) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs if they do not comply with every provision of this Chapter. Any alteration or relocation of such signs shall conform to the requirements of this Chapter. Refer to Section 17.09.35 for rules pertaining to nonconforming signs.

(f) Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.

(g) The owner or tenant may request the granting of one permit for all signs on a site that requires a sign permit.

(2) Review Authority.

(a) The Zoning Administrator shall review all signs per Section 17.09.27(1).

(3) Sign Permit Application. Each sign permit application shall include all required elements of the Village of Mount Horeb Sign Permit Application.

(4) Granting and Issuance.

(a) The Zoning Administrator shall review the application within 14 working days of submittal to ensure it is complete per the requirements of Subsection (3), above.

(b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall, in writing, either approve or deny said sign permit within 30 working days of the acceptance of the complete application and payment of the required fee. If the permit application is denied, the Zoning Administrator shall state the reasons therefor. Failure of the Zoning Administrator to act within this time frame shall not constitute automatic approval of the sign permit.

(c) When a proposed sign is associated with any development that requires a Site Plan, a sign permit shall not be granted prior to the approval of a Site Plan. In such cases, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall place the item on the appropriate meeting agenda(s) within 30 working days of the acceptance of the complete application and payment of the required fee. Within 14 working days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.

(d) A granted sign permit shall expire, and shall be null and void, if the sign is not attached or erected within 365 days after the issuance of the sign permit.

(5) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:

(a) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.

(b) All signs shall be designed to fit the zoning and character of the surrounding area including compatibility with the building characteristics, adjacent uses, and adjacent signs. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in the Planned Unit Development zoning district shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.

(c) Signs illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians.

(d) All signs must conform to the lighting standards in Section 17.06.20.

(e) Signs shall use colors and materials that complement the building façade, maintain legibility, and avoid visual clutter, as determined by the Zoning Administrator.

(f) Landscape features shall be incorporated around the base of all permanent freestanding signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

(g) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety and minimizes conflict with vehicular or pedestrian circulation.

(h) Whether the sign is in compliance with all provisions of the Village of Mount Horeb Municipal Code and Building Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

(6) Enforcement and Revocation of Sign Permit.

(a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Chapter 18 violations or the Building Inspector for Building Code or other construction code violations.

(b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 365 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of 180 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.

(c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 30 days of such revocation.

(7) Appeals, Interpretations, Exceptions, and Variances. Any applicant or sign permit holder affected by a decision of the Zoning Administrator may petition for a hearing before the Plan Commission in the same manner and subject to the same procedures as other appeals of decisions of administrative officers (Section 17.10.52), Variances (Section 17.10.51), or Interpretations and Exceptions (Section 17.09.16). The filing of such petition automatically stays removal of any sign involved and already legally erected until the Plan Commission decides whether to sustain, modify, or withdraw the notice.

(8) Removal of Signs in Violation of this Chapter.

(a) If the Zoning Administrator determines that any sign was established in violation of this Chapter following its adoption, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within 30 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the Village may occur at the expense of the owner of the property.

(b) If notification is sent and the violation is not corrected within 30 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.

(c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the Village Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll in accordance with Wis. Stats. §66.0627.

(d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator or Building Inspector.

(9) Adjustments to Approved Signs. The following adjustments may be approved administratively by Village staff and no additional process is necessary.

(a) A proposed adjustment that does not alter the size, location, or placement of the approved sign.

(b) A proposed adjustment that would remove a sign component which is not required under the Chapter.

Sections 17.09.28 to 17.09.29: Reserved

Section 17.09.30: Sign Prohibitions and Limitations

The regulations contained in this Subsection apply to signs in all zoning districts.

(1) **Prohibited Signs**.

(a) **Abandoned Sign**. Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 90 days.

(b) **Animated Sign**. A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Electronic Message Signs meeting the definition and requirements of Section 17.09.08 of this Chapter shall not be considered an animated sign.

(c) **Billboard Sign.** An Off-Premises Advertising Sign which is freestanding, constructed of durable materials, and permanently affixed to a structure used to display advertisements and other messages to vehicle travelers for a fee paid to the owner of the structure.

(d) **Beacon Sign**. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

(e) **Inflatable Sign.** A sign capable of being filled with and expanded by air or other gas, including "dancing" inflatable signs where air moves through the sign causing it to move.

(f) **Off-Premises Advertising Sign**. A sign which directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the site where the sign is displayed. Off-Premises Advertising Signs include billboards.

1. Existing legal Off-Premises Advertising Signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 17.09.35.
2. Any advertising sign not considered an Off-Premises Advertising Sign is considered to be an On-Premises Advertising Sign.

(g) **Portable Sign**. A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including unlicensed or inoperable vehicles or trailers whose principal commercial use is for signage. Licensed and operable business vehicles, trailers, or other pieces of equipment shall not be considered mobile or portable signs. Sandwich Board Signs meeting the definition and requirements of Section 17.09.05(1)(d)2. of this Chapter shall not be considered mobile or portable signs.

(h) **Pylon Sign**. A type of Freestanding Sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign.

(i) **Roof Sign.** A sign displayed above the eaves or cornice of a building.

(j) **Vehicle Sign**. A vehicle, trailer, or other piece of equipment which contains any sign or advertising device, which is unlicensed or inoperable, or which is parked on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.

1. Business vehicles legally parked in any of the locations described below shall not be considered Vehicle Signs.
   a. A business vehicle parked on-site at the place of business in a parking space designated for company vehicle parking or storage on a site plan approved by the Village; or
   b. A business vehicle legally parked on-site at the residence of an employee (including driveways and legal off-street parking spaces)

(2) **Sign Prohibitions.**

(a) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as "stop," "look," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse users of streets or highways.

(b) No fluttering, undulating, swinging, rotating, or otherwise moving signs such as windsocks, balloons motorized signs, pennants, and streamers shall be permitted. This shall not apply to Banners Signs, Flag Signs, or Feather Signs as defined in Figure 17.09.11(2).

(c) No signs shall project above the building parapet or eave, or be mounted on or extend above the roof, if attached to the building.

(d) No flashing, scrolling, or animated signs shall be permitted. Flashing is defined as changing more than once within a 60-second time interval.

(e) No signs shall be mounted to an unlicensed trailer or other unlicensed vehicle.

(f) No beacon signs shall be permitted.

(g) No off-premises advertising signs shall be permitted, except for Community Signs and Community Interior-Oriented Signs.

(h) No abandoned signs shall be permitted. See Section 17.09.30(1)(a).

(i) No sign shall be located within a required bufferyard or within a permanently protected green space area.

(3) **Sign Limitations.**

(a) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(b) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of Section 17.06.03.

(c) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, fire hydrant, public utility pole, public light pole, or traffic regulatory structure, unless otherwise authorized by the Village Engineer.

(d) Unless otherwise allowed by this Chapter, no sign shall be permitted within or extend into a public right-of-way.

Sections 17.09.31 to 17.09.32: Reserved

Section 17.09.33: Appearance, Construction, and Maintenance of Signage

(1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the Building Code as adopted by the Village relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the Electrical Code as adopted by the Village.

(2) The base or support(s) of all ground-mounted signs shall be securely anchored to a concrete base or footing, and shall meet minimum wind load capabilities of 30 pounds per square foot.

(3) Freestanding Signs, Permanent Gateway Signs, and Community Signs shall:

(a) Conceal the footings and related supporting structure, including bolts, flanges, and brackets with landscaping using the formula of two landscaping points for every foot of sign's width as measured on the sign face or sign base – whichever is greater.

(b) Construct the base of the sign using durable, all-weather materials. The base of the sign may be smaller, equal to, or larger in width than the face of the sign.

(c) Follow the color scheme of the principal building and incorporate architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the building shall be incorporated into the sign.

(4) Signs mounting hardware may be visible following installation and mounted to masonry surfaces either within the mortar joints or directly affixed to the brick and stone. Signs located on any historically-designated property and falling under the review authority of the Historic Preservation Committee shall be applied to masonry surfaces using mechanical fasteners applied to the mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.

(5) No sign shall be suspended in a way that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.

(6) All permanent signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials.

(7) Sign materials in the Business Sign—Permanent Group (Figure 17.09.11(1)) shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign.

(8) No combustible materials other than approved plastics shall be used in the construction of electric signs.

(9) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(10) Every sign requiring either Plan Commission or Zoning Administrator approval hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.

(11) The repainting of the same colors, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(12) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be subject to the provisions of Section 17.10.60.

(13) If any sign or sign hardware is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the Village harmless, and annually submitting and maintaining in force liability insurance for such a sign in such form and such amount as the Village may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $1,000,000.00 per occurrence per sign and naming the Village as certificate holder.

Section 17.09.34: Reserved

Section 17.09.35: Nonconforming Signs

(1) Nonconforming Signs. Permanent signs existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter but that conformed and met all applicable regulations of the ordinance on the effective date of this Chapter, shall be legal nonconforming signs.

(2) Continuation of a Legal Nonconforming Sign.

(a) Legal nonconforming signs may be maintained.

(b) Legal nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. See Subsection (3)(a), below, for what would constitute an alteration of a sign.

(c) When the principal structure located on the site undergoes a change of land use per the lettered land use categories described in Article III of the Zoning Ordinance, all legal nonconforming signs shall be brought into conformance with the provisions of this Chapter or shall be removed.

(d) Whenever there is a change in the sign user (excluding off-premises signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face, sign color, or sign structure. The sign will continue to be considered legal nonconforming.

(3) Alteration of Legal Nonconforming Signs.

(a) For the purpose of this Section, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, color, or any other alterations as determined by the Zoning Administrator.

(b) Altering a sign does <u>not</u> include maintaining the existing appearance of the sign; changing the appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Changeable Copy Sign; or changing the face of an Off-Premises Advertising Sign (as defined in Section 17.09.30(1)(f).

(c) A tenant sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire project identification sign, or any of its parts, into compliance with the provisions of this Chapter. Tenant sign replacement requires a new Sign Permit under Section 17.09.27.

Section 17.09.36: Reserved

Section 17.09.37: Removal of Sign and Sign Structures Where Business Is No Longer In Operation

(1) A building, portion of a building, or site shall be determined to be vacated based on the following criteria: vacancy, cessation of some or all utilities, or lapse or termination of occupational permit or license. Vacation of a building, structure or site shall have the following effect:

(a) Within 90 days, the owner of the property shall take action regarding any sign and sign structures associated with the vacant building, portion of a building, or site located on the property. At the property owner's option, the property owner shall do one of the following: remove all such signs and structures, or replace the face of such signs with a blank sign face. If the property owner is granted an extension under Subsection (b) below, the requirement shall not apply during the extension period.

(b) An extension allowing signs or sign structures associated with vacant buildings, portions of buildings, or sites to remain on the property for an additional six-month time period after the original 90 days have lapsed may be granted under the following conditions:

1. The property owner shall submit an application with the appropriate fee and allow staff to inspect the signs and sign structures on the vacated building, portion of a building, or site.
2. Staff shall review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
3. Signs shall be properly blanked out or covered, shall not be boarded up using wood or similar materials, and shall contain no commercial message.
4. If the sign has been damaged during the vacated period to the point it becomes a safety hazard or blight on the property, staff may have the structure removed.
5. Any additional applications for an extension, beyond the six-month extension period, shall be approved by the Plan Commission.

(2) Sign structures that have been left without a sign face, or where the permit holder no longer has any interest in the site as owner or tenant, any of which for a continuous period of 90 days, shall be deemed abandoned and shall be removed by the owner of the sign structure or the Village shall proceed to remove such sign structure pursuant to the terms of this Chapter if the owner has not been granted an extension.

(3) If the sign or sign structure(s) have not been removed, the Village shall send written notification to the property owner of record or last known occupant, via certified mail, return receipt requested, indicating that said property owner or occupant remove the sign or sign structure or apply for and be granted an extension. If the sign or sign structure have not been removed within 30 days after the Village sends notice, and an extension has not been granted, the Village may have the sign or sign structure removed.

(4) Any and all costs incurred by the Village in the removal of a sign or sign structure pursuant to the provisions of this Section, which authorized assessment of the cost, shall be collected as a special charge under Wis. Stats. §66.0627.

Sections 17.09.38 to 17.09.39: Reserved

Section 17.09.40: Violations, Penalties, and Fees

(1) It shall be a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this Chapter. In the case of any such violation, each day in which such violation exists shall constitute a separate violation.

(2) Any and all signs, erected, altered, or maintained in violation of this section, or any of the clauses provisions of the same, or in violation of any of the laws or ordinances of the Village or the State of Wisconsin, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Zoning Administrator.

(3) Any person who shall fail to comply with any of the provisions of this chapter shall be subject to a penalty as prescribed by Section 17.10.60.

(4) Fees related to signage shall be subject to those prescribed by Section 17.10.61.

Sections 17.09.41 to 17.09.99: Reserved

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 17.10.01: Purpose

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

Section 17.10.02: Exempt Activities

The following activities do not require review or approval by the Village under this Chapter.

(1) Official public information installed by or at the direction of a governmental unit.

(2) The maintenance or improvement of a public road, sidewalk, or railroad track within the boundaries of the right-of-way.

(3) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on established rights-of-way of any sewer and water mains and laterals, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

Sections 17.10.03 to 17.10.09: Reserved

Section 17.10.10: Zoning Administrator

The Zoning Administrator is hereby designated as the administration and enforcement officer for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. Other duties may overlap with and be consistent with those established in Chapter 14.01.

Section 17.10.11: Plan Commission

(1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and residents. The Plan Commission is established in Section 1.26 of the Village of Mount Horeb Municipal Code.

(2) General Duties and Responsibilities. The Plan Commission shall:

(a) Approve a recommended annual budget for the Plan Commission; when requested, review and comment on the budgets of agencies or functions that pertain to planning.

(b) Develop, adopt, and review the Village Comprehensive Plan and elements thereof, including elements applicable to extraterritorial areas.

(c) Make reports and recommendations relative to the planning and development of the Village and its environs to public officials and agencies; utility companies; civic, educational, professional, and other organizations; and residents and other community stakeholders.

(d) Receive referrals pursuant to Wis. Stats. § 62.23(5) and (6), or otherwise, and make reports upon the following matters: the location and architectural design of public buildings; the location of statues or memorials; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, parking areas, or memorials or public grounds; the location, extension, abandonment or authorization for any public utility; plats of land or certified survey maps within the Village limits or within the extraterritorial plat review jurisdiction; location,

character and extent of acquisition, leasing or sale of lands for public or semi-public housing, redevelopment, and the amendment or repeal of any zoning or official map ordinance. Referrals and reports under this section are in addition to zoning/design reviews under other provisions of the Zoning Ordinance.

(e) Additional Duties and Responsibilities. The Plan Commission shall have such powers under Wisconsin Statutes, or Village Ordinances as may be necessary to enable it to perform its functions and promote municipal planning.

(3) Except where they are the final step in the review process as established by this Chapter, the functions of the Plan Commission are recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters, and always being mindful of the intent and purposes of this Chapter.

(4) See Figure 17.10.20a for a summary of the Plan Commission's role in administering this Chapter.

Section 17.10.12: Village Board

(1) The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to adopt changes and amendments to this Zoning Ordinance and the Official Zoning Map and other functions as determined by this Chapter. The Village Board is established in Chapter 2 of the Village of Mount Horeb Municipal Code.

(2) See Figure 17.10.20a for a summary of the Village Board's role in administering this Chapter.

Section 17.10.13: Zoning Board of Appeals

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter. The Zoning Board of Appeals is established in Chapter 1.25 of the Village of Mount Horeb Municipal Code.

(1) Appointments, Terms, Rules, and Procedures. The Zoning Board of Appeals shall be appointed and shall be governed as to terms, vacancies, removals, and as to rules and procedures by Wis. Stats. § 62.23(7)(e) and Chapter 1.25 of the Village of Mount Horeb Municipal Code.

(2) Public Hearings. The Zoning Board of Appeals shall conduct a public hearing on all administrative appeals, variances and other decision matters before it and shall cause a Class 1 Notice under Wis. Stats. Chapter 985 to be published and shall give due notice of the hearing to all parties in interest.

(3) Procedure and Record. Any party may appear in person or by agent at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses. All testimony before the Board by persons other than Board members and all documentary evidence or material pertaining to matters before the Board shall be received at hearings conducted by the Board, provided that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts that may have a bearing on the matter before the Board shall enter the same into the record of the hearing and opportunity shall be allowed for comment on such entries.

(4) Deliberations and Decisions. The Board shall deliberate on matters before it. The concurring vote of a majority of the members of the Board present shall be necessary to approve any appeal, variance, or other decision by the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the Ordinance and the Board shall decide all matters before it within a reasonable time.

(5) Powers. The Board of Appeals shall have the powers established in Wis. Stats. § 62.23(7)(e). Examples of such powers include:

(a) Hear Appeals. To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision, or determination made by the Zoning Administrator.

(b) Authorize Variances. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owning to special conditions, a literal enforcement of the provisions of this Chapter will results in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.

(c) Extend Districts. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of adoption of this Chapter.

(d) Interpret Ordinances. Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.

(e) Vary Height and Area Regulations. To vary height and area regulations where there is an exceptional or unusual physical condition of the lot, which condition is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this Chapter would present a reasonable or sensible arrangement of structures on the lot.

(f) Vary Parking Regulations. To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking spaces required by this Chapter.

(6) See Figure 17.10.20a for a summary of the role of the Zoning Board of Appeals in administering this Chapter.

Section 17.10.14: Historic Preservation Commission

(1) The Historic Preservation Commission purpose, powers, and duties are established within Section 17.02.22, Section 17.07.51, and Section 1.31 of the Village of Mount Horeb Municipal Code.

Section 17.10.15 to 17.10.19: Reserved

Section 17.10.20: Review and Approval Required

(1) Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to three common elements:

(a) Submittal of a complete application, including fee payment and appropriate supplemental information.

(b) Review by appropriate Village staff or officials.

(c) Action by appropriate Village officials or staff to approve, conditionally approve, or deny the request.

(2) Figure 17.10.20a summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed zoning procedures are discussed in Section 17.10.30 through 10.10.53 of this Article. Figure 17.10.20a is provided as a convenience for the Village and general public.

Figure 17.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	Village Board	Zoning Board of Appeals	Historic Preservation Commission
RE = Review and Evaluate, IP = Issues Permit, RR = Review and Recommend, PH = Public Hearing, PM = Public Meeting, A = Final Action					
Annexation (Wis. Stats. §66.0217)	**RE**	**RR**	**A**		
Appeal (§17.10.52)	**RR**			**PH, RE, A**	
Building Permit	**RE, IP**	See Chapter 14.2 of the Municipal Code			
Certificate of Occupancy (§7.10.42)	**RE, IP**				
Concept Plan Review (§17.10.23)	**RR**	**RE**			See Section 17.07.51
Conditional Use Permit (§17.10.32)	**PM*, RR**	**PH, RE, A**		**Appeal**	
Design Standard Exception/Waiver (Article VII)	**RR**	**RE, A**			See Section 17.07.51
Easement Acceptance/Release (Wis. Stats. §62.23)	**RE, A**		**RE, A**		
Group Development (§17.06.02)	**PM*, RR**	**PH, RE, A**		**Appeal**	
Interpretation (§17.10.50)	**RE, A**			**Appeal**	
Land Division-CSM (Chapter 18)	**RE**	**RR**	**A**		
Land Division-Preliminary Plat (Chapter 18)	**RE**	**RR**	**A**		
Land Division-Final Plat (Chapter 18)	**RE**	**RR**	**A**		
Official Map (§Wis. Stats. §62.23(6))	**PM, RE**	**PH, RR**	**A**		
Planned Unit Development (§17.10.45)	**PM*, RE**	**PH, RR**	**A**		
Sign Permit	Refer to Article IX				See Section 17.07.51
Site Plan (§17.10.43)	**RE, RR**	**A**			See Section 17.07.51
DMU Design Review (§17.07.51)	See Section 17.07.51				
Street Vacation/Discontinuance (Wis. Stats. §66.1003)	**RE**	**RR**	**PH, A**		
Temporary Use (§17.03.30)	**RE, IP**				
Variance (§17.10.51)	**RE**			**PH, A**	
Violations and Penalties (§17.10.60)	**RE, A**				
Zoning Map Amendment (§17.10.30)	**PM*, RE**	**PH, RR**	**A**		
Zoning Ordinance Amendment (§17.10.30)	**RE**	**PH, RR**	**A**		
Zoning Permit (§17.10.41)	**RE, IP**				

Note: This table is not exhaustive. Some procedures may not be covered within this table.
** If determined to be necessary or appropriate by the Zoning Administrator.*

Section 17.10.21: Notice of Public Hearings

In order to allow owners of property and other legitimately interested parties to have a fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

(1) Notice of any public hearing which the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.

(2) The notice for variances shall be published as a Class 1 notice. The notice for zoning ordinance amendments, zoning map amendments, and conditional use permits shall be published as a Class 2 notice.

(3) The notice of public hearing shall be published in a newspaper of general circulation in the Village before the public hearing, as prescribed by Wis. Statutes or local ordinances.

(4) Notice of the public hearing shall be mailed to the last known address of all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of record of all lots or parcels adjacent extending 300 feet therefrom, or directly opposite thereto extending 300 feet from the street frontage of such; the owners of all lands included in the petition; and the owner or operator of an airport lying within 1 mile of lands included in the petition.

Section 17.10.22: Neighborhood Meetings

(1) For proposals that are likely to generate a lot of public interest, the Zoning Administrator has the discretion to require the applicant to hold a neighborhood meeting. Such meetings shall provide an opportunity for interested parties to examine the proposal and allows the applicant to provide a thorough explanation of the proposal, answer questions from the public and Village, and potentially amend the proposal based on public input.

(2) Where a neighborhood meeting is required by the Zoning Administrator, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 300 feet of the subject property of the proposal to solicit comments and address concerns. The Village shall supply a list of property owners to the applicant upon request.

- (a) The neighborhood meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator.
- (b) The Zoning Administrator shall be notified of and invited to the meeting in order to assist the applicant and public on the topic.
- (c) The neighborhood meeting shall be noticed in a manner consistent with Village requirements.
- (d) Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the Village.
- (e) The neighborhood meeting shall be held prior to review and action by the Plan Commission.
- (f) Alternative to a Neighborhood Meeting. Instead of a neighborhood meeting, notification by mail introducing and informing property owners within 300 feet of the subject property of the proposal may substitute for a public meeting, if deemed appropriate by the Zoning Administrator.

Section 17.10.23: Concept Plan Review

(1) The Zoning Administrator has the discretion to require a concept plan review of the project by the Plan Commission or Historic Preservation Commission, or an applicant may request a concept plan

review prior to submitting a formal application. Such a review is at the concept level and is not binding.

(2) The preferred procedure is for one or more iterations of Plan Commission or Historic Preservation Commission review of the concept plan to occur prior to introduction of a formal application. The purpose of this meeting, or meetings, is to allow the Plan Commission or Historic Preservation Commission to discuss the possible application; general statistics on the project; the environmental, economic, social and other benefits of design to be obtained from the proposal; and whether there is a need for planned unit development district zoning (why a standard zoning district will not suffice). No formal action will be taken by the Commission. After this meeting or meetings, the applicant may then submit a formal application pursuant to the procedures pertaining to applicable process in Article X.

(3) Application. An application for concept plan review shall include the following items, if applicable (digital files shall be submitted whenever possible).

(a) Contextual information such as a location map, photos of the site and surrounding properties, and topography.

(b) A general written description of the proposed project, including:

1. General project themes and design.
2. The general mix of dwelling unit types and/or land uses.
3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
4. General treatment of natural features.
5. Relationship to nearby properties and public streets.
6. Relationship of the project to the Comprehensive Plan.
7. Description of any potential exceptions/base standard modifications from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by potentially making exceptions to standard zoning district requirements.

(c) A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.

(4) Without taking formal action, the Plan Commission or Historic Preservation Commission shall comment on the concept plan to help inform the applicant's decision whether to proceed with the project. The Commission may request that additional materials be submitted to assist in communicating the nature of the site and its context. If the proposed project relates to a property located within the Downtown Mixed Use Zoning District, the concept shall also be submitted for review to the Historic Preservation Commission.

(5) To facilitate their review of the concept plan, the Plan Commission may determine that there is a need for a public meeting following the procedures of Section 17.10.22.

Section 17.10.24 to 17.10.29: Reserved

Section 17.10.30: Zoning Ordinance or Zoning Map Amendment

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter or the Official Zoning Map. Refer also to the requirements of Wis. Stats. § 62.23(7)(d).

(2) Initiation of Request for Amendment. Proceedings for an amendment of this Chapter or the Official Zoning Map may be initiated by one of the following methods:

(a) An application by any member of the general public (only applicable to amendments of this Chapter).

(b) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property (only applicable to amendments of the Official Zoning Map).

(c) A recommendation by the Plan Commission to the Village Board.

(d) Action of the Village Board.

(e) A recommendation by Village staff.

(3) Application Requirements. See the Village of Mount Horeb Zoning Amendment application.

(4) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant and the application will not be forwarded.

(b) Findings of Fact. The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:

1. Advances the purposes of this Chapter as outlined in Section 17.01.03.
2. Advances the purposes of the general Article and specific Section in which the amendment is proposed to be located.
3. Is consistent with the Comprehensive Plan. If the proposed amendment is not consistent, and amendment to the Comprehensive Plan is required prior to rezoning.
4. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
5. For Zoning Ordinance Amendments, addresses any of the following factors that may not be addressed in the current zoning text:
    a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
    b. New methods of development or types of infrastructure.
    c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
    d. Any other factor deemed appropriate by the Village.
6. For Zoning Map Amendments, addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
    a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
    b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.

c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.

d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

(c) The Zoning Administrator shall prepare a written report addressing items in Subsection (4)(b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(d) The findings of fact required by this section are directory to the Zoning Administrator. No deficiency in the findings or failure to make any or all findings shall affect the power of the Plan Commission to make a recommendation or the City Council to adopt or reject the proposed amendment.

(5) Neighborhood Meeting. If proposed amendment to the Official Zoning Map is expected to have significant impact on other properties, the Zoning Administrator, may require a meeting in compliance with Section 17.10.22.

(6) Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 17.10.21 to consider the request. A public hearing may be held more than 90 days from the filing of the complete application when requested by the applicant in writing.

(7) Review and Recommendation by the Plan Commission.

(a) Within 60 days after the public hearing, the Plan Commission shall make its recommendations regarding the application. Said recommendation shall include issuance of formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b), above, and whether the public benefits outweigh the potential adverse impacts of the proposed amendment.

(b) If the Plan Commission fails to make a recommendation within 60 days of the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said recommendation from the Plan Commission shall not preclude the Village Board from taking final action nor shall any deficiency in the findings of fact or failure to make any findings affect the power of the Village Board to adopt or reject the amendment. If a public hearing is necessary, the Village Board shall provide notice in compliance with the requirements of Section 17.10.21.

(8) Review and Action by the Village Board.

(a) The Village Board shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.

(b) The Village Board may refer the matter back to the Plan Commission. In such cases, the Village Board shall specify the issue(s) to be addressed in further detail.

(c) The Village Board may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

(d) If the Village Board wishes to make significant changes to the proposed amendment, as recommended by the Plan Commission, the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Village Board action.

Section 17.10.31: Reserved

Section 17.10.32: Conditional Use Permit Procedures

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(2) Applicability. There are certain uses, which because of their unique characteristics, may have specific standards, regulations, or conditions established.

(3) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) or authorized agent of the owner(s) of the subject property.

(4) Application. See the Village of Mount Horeb Conditional Use Permit application.

(5) Review by Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator shall return the application to the applicant for submission of a complete application.

(b) The Zoning Administrator may coordinate review with other Village Departments.

(c) The Zoning Administrator shall review the complete application and evaluate the proposed conditional use against the findings listed in Subsection (8), below.

(d) The Zoning Administrator shall prepare a written report addressing the items under Subsection (8), below, to be forwarded to the Plan Commission for the Commission's review. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(6) Public Hearing. Within 60 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 17.10.21 to consider the request. A public hearing may be held more than 60 days from the filing of the complete application when requested by the applicant in writing.

(a) Statements of personal preferences or speculation not based on substantial evidence (see definition in Section 17.11.01) shall be disregarded by the Plan Commission.

(7) Review and Action by the Plan Commission.

(a) The Plan Commission may request further information or additional reports from the Zoning Administrator, applicant, or from any other source.

1. Third Party Consultation. If necessary, expertise is not available from Village Staff, public academic institutions, or from appropriate regional, state, or federal agencies, the Plan Commission may consult with a third party to effectively evaluate a conditional use permit application. The Zoning Administrator, or his/her designee, will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.

(b) Final Action on Conditional Use Permits.

1. The Plan Commission shall hear all substantial evidence per Subsection (6) above.

2. Following the public hearing, staff shall compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain, at a minimum, all substantial evidence presented in the public hearing, the recommended findings, and the recommended motion to either approve the use as originally proposed, approve the proposed conditional use with modifications or conditions, or deny approval of the proposed conditional use.
3. In the same or a subsequent meeting, the Plan Commission shall discuss The Report of Preliminary Recommended Findings and any conditions or changes with the applicant. At that time, the Plan Commission may take final action by resolution on the application to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications or conditions, or deny approval of the proposed conditional use. See Subsection (7)(b)8. below.
4. The Plan Commission's decision to approve or deny the permit shall be supported by substantial evidence. Any condition imposed by the Village shall be related to the purpose of the ordinance and be based on substantial evidence as defined in Wis. Stats. §62.23(7)(de)1.b.
5. The conditions described under Subsection (9), shall be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
6. The applicant shall demonstrate whether the application and all requirements and conditions established by the Plan Commission relating to the conditional use are or will be satisfied, both of which shall be supported by substantial evidence.
    a. All other statements pertaining to the review of the Condition Use Permit shall be based on substantial evidence.
7. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Chapter or those imposed by the Plan Commission, the Plan Commission shall grant the conditional use permit.
8. Final action by the Plan Commission shall consist of all of the following:
    a. The formal finding of facts related to the findings listed in Subsection (8), below, approved by the Plan Commission concerning the request.
    b. Description(s) of the substantial evidence that supports the Plan Commission's overall decision to approve, approve with conditions, or deny the request.
    c. Description(s) of the substantial evidence that supports all of the condition(s) imposed by the Village.
    d. The Village shall document these proceedings by any of the following means: written minutes, video or audio recordings, or written reports.

(8) Findings of Fact. In reviewing and taking final action on a proposed conditional use permit, the Plan Commission shall consider whether the proposed conditional use:

(a) Is consistent with the Comprehensive Plan.

(b) Would not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

(c) Maintains the desired consistency of land uses, land use densities and intensities, and land use impacts as related to the environs of the subject property.

(d) Is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.

(e) Complies with all other regulations or standards in this Chapter applicable to the use.

(9) Conditions. The Plan Commission shall impose, at a minimum, the following conditions on any conditional use permit:

(a) Any conditions required for specific uses listed under Article III.

(b) The physical development and operation of the conditional use shall conform, in all respects, to the approved site plan, operational plan and phasing plan.

(c) All vehicles and equipment shall access the site only at approved locations identified in the site plan and operations plan.

(d) Other Conditions. In addition to the conditions listed above, the Plan Commission may, at their discretion, impose any other conditions as necessary to meet the findings above:

1. Expiration dates on conditional use permits, except for permits for communication towers under Section 17.03.20. Continuation or extension of an expired conditional use requires re-application and approval by the Plan Commission.
2. Limits on hours and days of operation, or number of events each year.
3. Limits on numbers of employees.
4. Limits on numbers of total people, vehicles or animals on the premises at any one time.
5. Limits on total quantity or volume of product on the premises at any one time.
6. Limits on square footage of buildings or outdoor areas devoted to the proposed use.

(e) If the County Highway Department, Village Public Works Department, or Village Engineer determines that road intersection improvements and any recommended improvements of a Traffic Impact Analysis report are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner.

(f) If the Public Works Department or Village Engineer determine that off-site improvements to the sanitary sewer, storm sewer, and/or water infrastructure are necessary to accommodate the conditional use, the cost of such improvements shall be borne by the landowner.

(g) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

(h) Failure to comply with any imposed conditions, or to pay reasonable Village costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

(10) Limited Effect of Approval. A ruling by the Plan Commission finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more per section (15) of this Chapter.

(a) If the Plan Commission wishes to approve significant changes to the proposed conditional use, then the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Plan Commission action.

(11) Effects of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances. A change is "material" if it could reasonably be expected to lead to a different conclusion in light of the reasons for denial of the prior application.

(12) Appeals of a Plan Commission Decision shall be made to the Zoning Board of Appeals.

(a) Initiation of Request for Appeal. Proceedings for an appeal to the Zoning Board of Appeals of a Plan Commission denial of a conditional use permit, modification of a conditional use permit, or conditions added to a conditional use permit may be initiated by any person or by any officer, department, or board of the Village affected by said Plan Commission decision.

(b) Enforcement Actions. All enforcement actions related to the subject property shall be held in abeyance upon appeal action of the Zoning Board of Appeals.

(c) Time Limit for Filing an Appeal. Any appeal to the Zoning Board of Appeals under the provisions of this Section shall be made per the requirements of Subsection (12)(d), below, within a period not exceeding 45 days from the date of issuance of Plan Commission's decision regarding the conditional use permit. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission's decision.

(d) Application Requirements. An application for an appeal of a Plan Commission decision shall contain the following (digital files should be submitted whenever possible):

1. A written statement from the applicant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission. This statement shall be dated and signed by the applicant.
2. All information that was supplied in the complete application described in Subsection (4), above.
3. Application filed with the Village Clerk.

(e) Review by the Zoning Administrator.

1. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Title. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
2. The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant.
3. The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Title or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(f) Review and Action by the Zoning Board of Appeals.

1. Within 60 days after the filing of the appeal, the Zoning Board of Appeals shall make its findings. Such findings shall be based on the findings of Subsection (8), above, and shall be based on substantial evidence. The Zoning Board of Appeals may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.
2. If the Zoning Board of Appeals fails to make a determination within 60 days after the appeal, then the request for the appeal shall be deemed denied.

(g) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances. A change is "material" if it could reasonably be expected to lead to a different conclusion in light of the reasons for denial of the prior application. Denial decisions may be appealed to the circuit court under Wis. Stats. § 62.23(7)(e)10.

(h) Limited Effect on a Favorable Ruling on an Appeal.

1. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development commenced within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
2. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the time limits in (h)(1) above lapse or the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more per Section (15) of this Chapter. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this 365 day period of time.

(13) Revocation of an Approved Conditional Use.

(a) Upon approval, the applicant shall demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 17.10.43. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Title.

(b) Any conditional use found not to be in compliance with the terms of this shall be considered in violation of this Title and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (4) through (9), above. The Village shall provide the property owner with appropriately served notice to consider revocation. Village staff shall provide written findings of fact in relation to the factors listed in Subsection (8).

(14) Time Limits on the Development of Conditional Use.

(a) Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use.

(b) Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.

(c) Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Zoning Administrator and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of approval, the 365-day or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.

(15) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(16) Change of Ownership. All requirements and conditions of the approved regular conditional use shall be continued regardless of ownership of the subject property.

(17) Modification, Alteration, or Expansion. Modification, alteration, or expansion of any conditional use without approval per the process in this subsection shall be considered in violation of this Title and shall be grounds for revocation of said conditional use approval in accordance with Subsection (13), above.

(18) Recording of Conditional Use Requirements. A certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village.

(19) Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a permitted land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

Sections 17.10.33 to 17.10.40: Reserved

Section 17.10.41: Zoning Permit Review and Approval Procedures

(1) Purpose. The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading). The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A Zoning Permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.

(2) Applicability. A Zoning Permit shall be required for any of the following activities:

(a) The establishment of a new principal use of a structure or land.

(b) A change in type of principal use of a structure or land.

(c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units (including accessory dwelling units) in a structure or on land.

(d) The addition of a new structure that increases impervious surface area.

(e) Any site alteration that alters grades or site drainage patterns within 5 feet of the lot line.

(f) Installation of a new or replacement fence.

(g) Commencement of mining or excavation on a parcel of land.

(3) Application. See the Village of Mount Horeb Zoning Permit application.

(4) Action by Zoning Administrator or Building Inspector. A Zoning Permit shall be granted or denied by the Zoning Administrator or Building Inspector, in writing within 30 days of the application, unless other approvals are required by this Chapter, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

(5) Time Limits on Zoning Permits. The work shall begin within 365 days of approval and be completed within 730 days. Time limits for Conditional Use Permits and Variances may be established at the time

of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

Section 17.10.42: Certificate of Occupancy

(1) See Chapter 14.03 of the Village of Mount Horeb Municipal Ordinance.

Section 17.10.43: Site Plan Review and Approval Procedures

(1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.

(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (5)(c) through (i), below, including redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:

(a) Accessory buildings, decks, fences, and landscape features that do not affect site drainage patterns.

(b) Signage, unless otherwise specified in Article IX.

(c) Otherwise specified as not required within this Chapter.

(3) For reference purposes, the following table includes various standards that may be applicable within the Site Plan review. This list is not exhaustive and there may be other standards applied to Site Plan review beyond those listed below in reflection of other standards listed within this Chapter.

Figure 17.10.43a: Site Plan Review References

Review Element/Standard Type	Zoning Ordinance Reference
Site Plan Review Required	Section 17.10.43(2)
Administration	Section 17.10.43(2)
Approval Sunset Clause	Section 17.10.43(9)
Site Grading	Section 17.10.43(4)
Existing Site Vegetation	Section 17.08.30
Building Setbacks	Sections 17.04.11-17.04.14 Sections 17.06.06
Building Height	Sections 17.04.11-17.04.14 Section 17.07.02
Building Mass	Article VII
Building Facade	Article VII
Exterior Materials	Article VII
Exterior Building Colors	Article VII
Exterior Doors	Article VII
Windows	Article VII
Roofs	Article VII
Exterior Building Apparatus	Article VII
Awning/Canopy	Section 17.03.28(7) Article VII
Trash Containment Structure	Section 17.06.21
Exterior Lighting	Section 17.06.20
Signage	Article IX
Outdoor Display and Storage	Section 17.03.10(19)

Review Element/Standard Type	Zoning Ordinance Reference
Pavement Materials	Section 17.06.06
Pedestrian Facilities	Section 17.06.06
Traffic Circulation	Section 17.06.06
Parking	Section 17.06.06
Landscaping	Section 17.08.30

(4) Site restrictions.

(a) Establishment of grades. Every building hereafter erected, structurally altered, or relocated shall be at a grade demonstrated by the applicant to be in satisfactory relationship with the established grades, or with the existing street grades where none are established, with particular consideration for proper drainage and safe access.

(b) Preservation of topography.

1. In order to protect any property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would:

a. Alter the existing drainage or topography in any way as to adversely affect the adjoining property.

b. Except as authorized by Village staff, the topography within five feet of any property line at the commencement of any development shall remain unchanged.

i. When land disturbing activities associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began. A positive slope of one half inch per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one or two family residence.

ii. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line.

iii. The Village Engineer shall be consulted prior to the approval of plans that result in changes to the existing topography at and within five feet of any property line if that plan would promote the purposes of this Chapter.

(c) Unsuitable land. No land shall be used for structures erected where the land is held by the Plan Commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence at a Plan Commission meeting contesting such unsuitability if the applicant so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

(d) Lot regulations.

1. All lots shall abut upon a public street, and each lot shall have a minimum frontage and area as set forth in Article II.

(e) Private sewer and water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Wis. Admin. Code §Ch. SPS 383.

(5) Pre-Application Conference. Prior to formal submittal of a site plan application, the applicant shall confer with the Zoning Administrator, in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.

(6) Application. See the Village of Mount Horeb Site Plan application.

(7) Review and Approval.

(a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator or designee shall coordinate review of completed applications with Village Departments.

(c) The Zoning Administrator shall review and recommend the site plan to the Plan Commission. For any adjustment to an approved Site Plan, see Subsection (7), below.

(8) Adjustments to Approved Site Plans.

(a) The following adjustments may be approved administratively by Village staff and no additional process is necessary:

1. A proposed adjustment that would add to or relocate amenity site elements which are not required such as additional non-required landscaping.

2. A proposed adjustment that would erase approved site development components which are not required such as a building, a portion of a building, an area of non-required landscaping, or a non-required paved area.

(b) The following adjustments that alter the required components of the approved site plan require a full site plan review process before the Plan Commission:

1. A proposed adjustment that would erase or relocate approved site development components which are required such as a stormwater management feature, required landscaping, or required paved areas.

2. A proposed adjustment that would expand or add any areas of development (building or paving) similar to the definition of Design Alternation Review or Project Review (Section 17.07.51).

(c) If a new site plan is required, and the site plan is a required component of a Conditional Use Permit or a Specific Implementation Plan, an amended (in essence, a new) Conditional Use Permit or Specific Implementation Plan is required.

(d) If the proposed development involves adding one or more land use categories which are not permitted by right in the zoning district or under the list of permitted by right uses in a Conditional Use Permit or General Development Plan, a new Conditional Use Permit or General Development Plan is required.

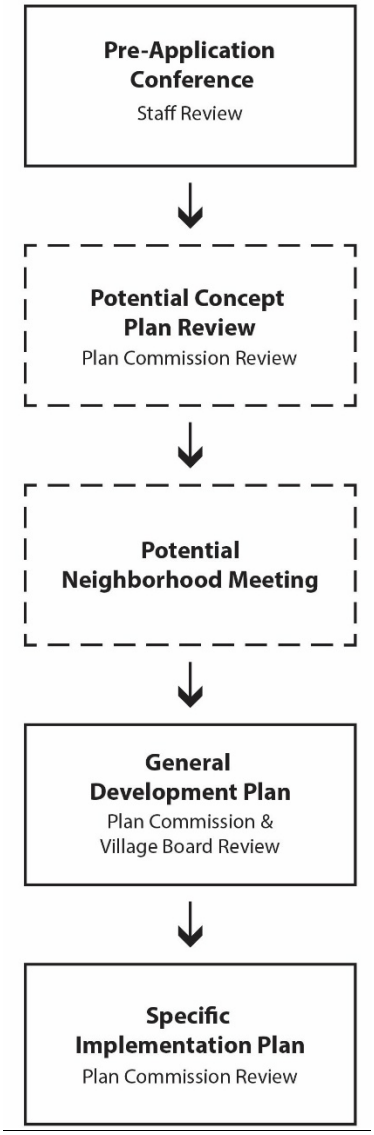
(9) An approved site plan application shall be valid for a three-year period from the date of approval. A building permit for the improvement or change approved by the design review application must be

issued before the three-year period has expired. After the period has expired, the applicant must start the approval process over and resubmit a new application.

Section 17.10.44: Reserved.

Section 17.10.45: Planned Unit Development Review and Approval Procedures

Figure 17.10.45a: Procedure for Planned Development Review*



**Concept Plan Review and Neighborhood Meeting may be required by the Zoning Administrator.*

(1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval or denial of proposed Planned Unit Developments.

(2) Initiation of Request. Proceedings for approval of a Planned Unit Development may be initiated by any of the following:

(a) An application by the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;

(b) A recommendation of the Plan Commission to the Village Board; or

(c) By action of the Village Board.

(3) Procedure for Planned Unit Development Review. The procedure for zoning to a Planned Unit Development (PUD) district shall follow the Zoning Map Amendment procedure included in Section 17.10.30, except that the Planned Unit Development procedure shall be subject to the following additional requirements.

(a) Pre-Application Conference. Prior to formal petition for zoning to a PUD district, the applicant shall confer with appropriate Village staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.

(b) Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant shall prepare a conceptual plan for review with the Plan Commission, pursuant to Section 17.10.23. Points of discussion and conclusions reached at this stage of the process shall be in no way binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection (3)(c), below).

(c) **General Development Plan Review**. The applicant shall submit a General Development Plan (GDP) to the Zoning Administrator, for determination of completeness. Upon determination of

completeness by the Zoning Administrator, the GDP shall be placed on the Plan Commission agenda for review. Adoption of the GDP establishes the new zoning classification for the property.

1. The GDP submittal shall include the following items (digital files should be submitted whenever possible):
    a. General location map of the subject site depicting:
        i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
        ii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) in which the properties are located.
        iii. A graphic scale and a north arrow.
    b. Generalized site plan showing the pattern or proposed land uses, including:
        i. General size, shape, and arrangement of lots and specific use areas.
        ii. Basic street pattern and pattern of internal drives.
        iii. General site grading plan showing preliminary road grades.
        iv. Basic storm drainage pattern, including proposed on-site stormwater detention.
        v. General location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.
    c. Statistical data, including:
        i. Minimum lot sizes in the development.
        ii. Approximate areas of all lots.
        iii. Density/intensity of various parts of the development.
        iv. Building coverage.
        v. Landscaping surface area ratio of all land uses.
        vi. Expected staging.
    d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII of this ordinance.
    e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which may or may not be proposed to vary from Village standards.
    f. General outline of property owner's association, covenants, easements, and deed restrictions.
    g. A written description of the proposed Planned Unit Development, including:
        i. General project themes and images.
        ii. The general mix of dwelling unit types and/or land uses.
        iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre and/or landscaping surface area ratio.
        iv. General treatment of natural features.
        v. General relationship to nearby properties and public streets.

vi. General relationship of the project to the Comprehensive Plan and any applicable neighborhood or corridor plans.

vii. A statement of rationale as to why PUD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PUD project.

viii. A complete list of zoning standards that would not be met by the proposed GDP or SIP and the location(s) in which such exceptions/base standard modifications would occur.

ix. Proposed exceptions from the requirements of this Chapter.

h. A statement of rationale as to why PUD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PUD project.

i. A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exceptions/base standard modifications would occur.

j. Traffic Impact Analysis. The Village may require that a traffic impact analysis (TIA) be completed.

k. A utility study to determine adequacy of water and sewer services.

2. The Plan Commission may waive submittal information listed above, or may likewise require additional information beyond that listed above.

3. If all required application materials are provided, the GDP and SIP may be submitted and reviewed concurrently.

4. **Review and Approval; Findings of Fact:** In its review and action on an application for a Planned Development district, the Plan Commission shall make findings of fact with respect to the following criteria:

a. The proposed Planned Unit Development project advances the purposes of this Chapter as outlined in Section 17.01.03.

b. The proposed Planned Unit Development project is consistent with the Village's Comprehensive Plan and other area plans.

c. The proposed Planned Unit Development project will maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.

d. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Unit Development project, including but not limited to public sewer and water and public roads.

e. The proposed Planned Unit Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.

f. The proposed Planned Unit Development project design does not detract from areas of natural beauty surrounding the site.

g. The proposed architecture and character of the proposed Planned Unit Development project is compatible with adjacent/nearby development.

h. The proposed Planned Unit Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.

i. The proposed Planned Unit Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this Chapter.

j. For Planned Unit Development projects that are proposed to be developed in phases, the applicant shall provide a timeline for development and shall demonstrate that the project would be successful even if all phases were not or could not be completed.

5. Rezonings to PUD on the basis of an approved General Development Plan shall be rezoned to prior zoning, a different standard zoning district, or a zoning district most equivalent to the PUD, as recommended by the Zoning Administrator, if the Specific Implementation Plan is not approved within three years from date of filing. Extensions may be granted for cause by the Plan Commission. Records of extensions shall be recorded in the Village file on the PUD District.

(d) **Specific Implementation Plan**. Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP shall be placed on the Plan Commission agenda for SIP review. The SIP is the detailed development review step of the Planned Development process. The approved SIP submittal establishes the final design of the project. Any proposal to vary from an approved SIP requires the approval of an amended SIP in accordance with all of the requirements of this Subsection (3)(d) and (3)(f) below.

1. The SIP submittal shall include the following items. Note that the area included in a SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted whenever possible).

a. An existing conditions map of the subject site depicting the following:

i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.

ii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.

iii. Existing utilities and recorded easements.

iv. All lot dimensions of the subject site.

v. A graphic scale and a north arrow.

b. A SIP map of the proposed site showing at least the following:

i. Lot layout and the arrangements of buildings.

ii. Public and private roads, driveways, walkways, and parking facilities.

iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.

c. Proposed grading plan.

d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.

e. Architectural plans for any nonresidential buildings, multi-family structures, or group development, other than conventional single-family or two-family homes on individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.

f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.

i. Traffic Impact Analysis. The Village may require that a traffic impact analysis (TIA) be completed.

ii. The Village may require a utility study to determine adequacy of water and sewer services.

g. Signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles) that may vary from Village standards or common practices.

h. Specific written description of the proposed SIP including:

i. Specific project themes and images.

ii. Specific mix of dwelling unit types and/or land uses.

iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.

iv. Specific treatment of natural features, including parkland.

v. Specific relationship to nearby properties and public streets.

vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.

vii. Phasing schedule, if more than one development phase is intended.

i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.

j. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.

2. The Zoning Administrator or by majority vote of the Plan Commission may waive submittal information listed above, or may likewise require additional information beyond that listed above.

3. The process for review and approval of the SIP shall be identical to that for Site Plan Review per Section 17.10.43.

4. Specific Implementation Plan approval lapses five years after its effective date if substantial development progress has not occurred. The Plan Commission may grant extensions for good cause.

(e) Changes or Alterations. Any change of the PUD plans subsequent to approval of the SIP shall be submitted to the Zoning Administrator.

1. If the Zoning Administrator, determines that the change constitutes a substantial modification, the developer will be required to amend the SIP, and if necessary, the GDP, following the procedures set forth in this Section for review and approvals. A substantial modification includes but may not be limited to an increase in the site's impervious surface ratio, a change to the building elevation that is distinctly noticeable from surrounding properties, or a deviation from standards applicable to the most equivalent zoning district pertaining to the land use.
2. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the Village on the PUD.

Sections 17.10.46 to 17.10.49: Reserved

Section 17.10.50: Interpretations

(1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

(2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following 4 methods:

(a) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(b) A recommendation of the Plan Commission to the Village Board.

(c) By action of the Village Board.

(d) By request of the Zoning Administrator.

(3) Application. The Zoning Administrator may require a zoning interpretation application that contains any of the following:

(a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.

(b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information may be required (digital files should be submitted whenever possible):

1. A map of the subject property depicting:
   a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.
   b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
   c. All lot dimensions of the subject property.
   d. A graphic scale and a north arrow.
2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
3. A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 17.10.43.

(c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, the applicant shall provide written responses to the following questions:

1. How is the subject land use in general harmony with the purposes, goals, objectives, policies and standards of the Village's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted by the Village?

2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?

(4) Review by Zoning Administrator, if applicable.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the Village's Comprehensive Plan. The Zoning Administrator may confer with other Village staff, Village consultants, or other experts as necessary to evaluate the application and proposed interpretation.

(c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator, determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator, shall note this determination in the report.

(5) Standards for Review, if applicable. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

(a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

(b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

(c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will

result in any reduction of a normally required bufferyard or increase in intensity beyond that already permitted shall only be made by the Zoning Administrator.

(d) In addition to the applicant's response to the questions required by Subsections (5)(a) through (c), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted or conditional in the zoning district of the subject property (see Article II).
3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).
4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).
5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 17.10.32.

(6) Effect of a Favorable Land Use Interpretation, if applicable. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.

(7) Limitations on Favorable Land Use Interpretation, if applicable.

(a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.

(b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

Section 17.10.51: Variances

(1) Purpose. The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. § 62.23(7)(e)(7).

(2) Variance Types. Variances from the regulations of this title shall be granted by the Board of Zoning Appeals only in accordance with the standards established in this section. Variances may be granted only if the existing use of the building or property is a permitted use in the district where the requested variance is located or a conditional use for the activity has been approved by the Plan Commission or Village Board. Variances may be granted only in the following instances and in no others:

(a) Area Variances: For an area variance, that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose, or that strict compliance would render conformity with the zoning ordinance unnecessarily burdensome.

(b) Use Variance: For a use variance, that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in absence of a variance.

1. To allow a principal land use not listed within the Zoning District for the subject property where none of the allowed principal land uses can be reasonably established.

(3) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.

(4) Application Requirements. Variance applications shall contain the following (digital files should be submitted whenever possible, if applicable):

(a) A map of the subject property depicting:

1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.

(b) A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 17.10.43.

(c) Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.

(5) Review by the Zoning Administrator.

(a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

(6) Public Hearing. Within 60 days of filing of a complete application, the Board of Zoning Appeals shall hold a public hearing in compliance with Section 17.10.21 consider the request.

(7) Review and Action by the Board of Zoning Appeals.

(a) Within 60 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings in accordance with the following based on Wis. Stats. § 62.23(7)(e)7:

1. The variance will not be contrary to the public interest.
2. Substantial justice will be done by granting the variance.
3. The variance is needed so that the spirit of the ordinance is observed.
4. Due to special conditions, literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship.
5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
6. Additional standards:
    a. Parcel-as-a-whole. The entire parcel, not just a portion of the parcel, must be considered when applying the unnecessary hardship test.
    b. Self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed.
    c. Circumstances of applicant. Circumstances of an applicant such as growing family or desire for a larger garage are not a factor is deciding variances.
    d. Financial hardship. Economic loss or financial hardship do not justify a variance.
    e. Nearby violations. Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
    f. Objections from neighbors. A lack of objections from neighbors does not provide a basis for granting a variance.

(b) The Board of Zoning Appeals may request further information or additional reports from the Zoning Administrator, or the applicant. The Board of Zoning Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

(c) If the Board of Zoning Appeals fails to make a determination within 60 days after said public hearing, then the request for the variance shall be considered denied.

(8) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.

(9) Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance. Once granted, variances shall run in perpetuity, and shall remain in effect regardless of any future amendments to the Zoning Ordinance or Official Zoning Map.

(10) Stay of Proceedings. See Wis. Stats. § 62.23(7)(e)5.

(11) See Sections 17.02.21-17.02.22 for variance requirements applicable to Overlay Zoning Districts.

Section 17.10.52: Appeals of Zoning Interpretations

(1) Purpose. The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Zoning Administrator, per Section 17.10.50 as provided for by Wis. Stats. § 62.23(7)(e)(7).

(2) Any person aggrieved by a decision of the Zoning Administrator shall be entitled to an appeal in accordance with the process as described in Section 17.10.52.

Section 17.10.53: Administration and Enforcement of Performance Standards

Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

(1) Where determinations can be made by the Zoning Administrator, using equipment available to the Village, such determinations shall be so made before notice of violations is issued (see Article VI for technical standards).

Sections 17.10.54 to 17.10.59: Reserved

Section 17.10.60: Violations and Penalties

(1) Unlawful acts and enforcement. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Plan Commission, Village Administrator, his/her designee, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

(a) See Chapter 41 of the Village of Mount Horeb Municipal Ordinance for Code Enforcement.

(b) See Chapter 25.04 of the Village of Mount Horeb Municipal Ordinance for Violations and Penalties.

Section 17.10.61: Fees

(1) Fees. Fees for all approvals, appeals or permits under this Chapter, unless otherwise specified, shall be as set forth in the Village of Mount Horeb Fee Schedule.

(a) Professional fees. Each applicant under this Chapter shall reimburse the Village for all professional fees, including reasonable engineering, planning consultant, and legal review fees, incurred by the Village in connection with such application.

(b) Reimbursement agreement. The Village may require a reimbursement agreement of any amount deemed appropriate by Village staff prior to consideration of any application.

Sections 17.10.62 to 17.10.99: Reserved

ARTICLE XI: DEFINITIONS

Section 17.11.01: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Zoning Administrator, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to Article III. For definitions of specific sign types, refer to Article IX. Definitions provided by this Section include:

Access or driveway: A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.

Acre: 43,560 square feet.

Accessory structure: See Article III. A structure that: (1) is located on the same lot, tract, or development parcel as the principal structure; (2) is clearly incidental to and customarily found in connection with a principal structure or land use; and (3) is subordinate to and serving a principal structure or land use. Accessory structures may be attached or detached from the principal structure.

Accessory structure, attached: An accessory structure which is physically connected to the principal structure. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for principal structures. Attached defines the relationship between another structure and a dwelling, meaning at least one of the following conditions are present:

(1) There is a continuous, weatherproof roof between the two structures. Note: The sides are not required to be enclosed with walls.

(2) There is a continuous, structural floor system between the two structures.

(3) There is a continuous foundation system between the two structures.

(4) There is less than three feet of separation between the principal structure and the accessory structure, including projections of either structure that are below roof overhangs or eaves.

Accessory structure, detached: An accessory structure which is not physically attached to the principal building. A minor connection between structures (outside of anything defined in Accessory structure, attached) does not render an accessory structure attached. Detached accessory structures are subject to setback standards for accessory structures.

Accessory use: A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation, and shall not include the boarding of animals or the keeping of fowl or farm animals (except pets or as otherwise permitted by the Municipal Code).

Addition: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Address: The number or other designation assigned in accordance to a housing unit, business establishment, or other structure or site for purposes of mail delivery, and emergency services.

Agent of owner: A person authorized in writing by the property owner to represent and act for a property owner in contacts with Village employees, boards, committees, commissions, and the Village Board, regarding matters regulated by the Zoning Ordinance.

Airport: Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or

other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

Airport hazard: Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing and taking off.

Alley: A minor right-of-way/street or thoroughfare, often public, providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage. An alley is not considered as street.

Alteration: Any change, addition, or modification in construction (other than maintenance), or any change in the structural members of buildings such as load-bearing walls, columns, beams, girders, etc.

Animal, pet: Any living, vertebrate creature that is domesticated and sheltered by humans to include dogs, cats, small reptiles, fish, chickens, and other similar animals kept for pleasure rather than utility.

Animal unit: A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use that most often occurs within the Agricultural Zoning District. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit. Also see the figure source below for any other kind of animal unit specified.

Figure 17.11.01a: Animal Units

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens – Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50
Source: The Stockman's Handbook					

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 17.10.52.

Automobile: A Type 1 or Type 2 motor vehicle as defined in Wis. Stats. § 340.01(4).

Awning: A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.

Balcony: An unclosed, open platform that is attached to and projects from the wall of a principal or accessory building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.

Basement: That portion of a building between the floor and ceiling, having at least one-half of its height below grade.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Block: The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "block."

Boat: A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).

Boarding house living arrangement: A residential land use where occupancy of a dwelling unit is shared by up to eight unrelated adult individuals (see Section 17.03.06).

Boathouse: A structure used for the storage of watercraft and associated materials which has one or more walls or sides.

Bufferyard: Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual, noise and other interaction with an adjoining property.

Buildable area: The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.

Buildable width: The width of the lot left to be built upon after the side yards are provided.

Buildable depth: The depth of the lot left to be built upon after the front and rear yards are provided.

Building: A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.

Building coverage: The percentage of a lot covered by principal and accessory buildings or structures.

Building footprint: The outline of the total area covered by a building's perimeter at the ground level.

Building height: The vertical distance as measured from the from the established grade immediately adjoining the front of the structure to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the highest ridge and its attendant eave for a gable, hip and gambrel roof; (d) the uppermost point on a round or other arch type roof; or (e) a point on the roof directly above the highest wall of a shed roof. The average height of the façade most closely parallel to the front lot line may not exceed the maximum height permitted within the zoning district in which the site is located.

Building, principal: A building in which the main or principal use of the lot is conducted.

Building separation: The narrowest distance between two buildings (see minimum building separation).

Bulk: The size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

(1) Size and height of buildings;

(2) Location of the perimeter of the building at all levels in relation to lot lines, streets, or to other buildings;

(3) Gross floor area of buildings in relation to lot area (floor area ratio or FAR);

(4) All open spaces allocated to buildings;

(5) Amount of lot area provided per dwelling unit

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.

Canopy: A structure attached and extending from the face of a building, constructed as a permanent fixture.

Capacity: The maximum lawful level of designed use of any structure, or part thereof, as determined by the Village's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.

Civic use: A publicly or quasi-publicly owned and managed facility for meetings, conventions, or exhibitions and other community, social, and multi-purpose uses. Typical uses include those listed under Institutional Land Uses (Section 17.03.12).

Club: A structure and facility owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Commercial vehicle: Any motor vehicle meeting the definition of Wis. Stats. § 340.04(8) or that requires a commercial diver license in Wis. Stats. § 340.04(7m).

Comprehensive plan: The long-range vision for the desirable use and development of land in the Village as officially adopted and as amended from time to time by the Plan Commission and certified to the Village Board.

Conditional use: A use which may be appropriate or desirable in a specific zone but requires special consideration and review prior to approval because if not carefully located or designed, said use may not be deemed compatible with neighborhood uses or may create special problems that impact neighboring lands, public facilities, or the environment or general welfare. All such uses are only allowed under a Conditional Use Permit. See Section 17.10.32 for applicable procedures.

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property pursuant to Wis. Stats. § 703.

Court: An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.

Covenant: A contract between two or more parties which constitutes a restriction of a particular parcel of land.

Deck: An uncovered and open platform built above grade, typically supported from the ground by pillars or posts, and accessible from the yard. A deck may be either attached to, or separated from, a principal or accessory building. Decks are considered to be part of a building or structure when they are physically attached to a principal structure and shall meet principal building setbacks. Any other type of deck shall meet accessory structure setbacks. Setbacks shall be measured from the outermost physical boundary of the deck.

Density: A term used to describe the number of dwelling units per acre. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks.

Design standards: A guideline/specification or set of guidelines/specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement (see Article VII).

Developed area: That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features that are either above or below ground.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Dormer: A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.

Dwelling: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached: A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

Dwelling, detached: A dwelling entirely surrounded by open space on the same lot.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

Electric Vehicle or EV: Any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Electric Vehicle does not include an electric bicycle. Electric Vehicle include a battery electric vehicle or a plug-in hybrid electric vehicle.

Electric Vehicle Charging Facility: A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. An Electric Vehicle Charging Facility may not provide other types of vehicle fuel, such as gasoline.

Electric Vehicle Charging Station: A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The terms Level l, 2, and 3 charging stations are the most common electric vehicle charging levels, and include the following specifications:

(1) Level l is considered slow charging and operates on a 15 to 20 ampere breaker on a 120 volt AC circuit.

(2) Level 2 is considered medium charging and operates on a 40 to 100 ampere breaker on a 208 or 240 volt dedicated AC circuit.

(3) Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric Vehicle Supply Equipment or EVSE: The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electric Vehicle Ready Parking Spaces: A designated off-street parking space which is provided with electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit, and the installation of raceways, both underground and surface mounted, to support the future installation of EVSE to serve the parking space.

Electric Vehicle Installed Parking Spaces: A designated off-street parking space that is served by EVSE at a minimum Level 2 Electric Vehicle Charging Station.

Elevation (building): The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."

Established grade: The elevation established for the purpose of measuring the height of buildings. Grade shall be the average level of the ground immediately adjoining a façade exclusive of any filling, berming, mounding, or excavating. Where the finished grade is below the level of the established grade, the established grade shall be used for all purposes of this Ordinance.

Extraterritorial jurisdiction: The area outside of the Village limits in which the Village of Mount Horeb may exercise extraterritorial powers of planning, land division, and/or zoning review.

Extraterritorial zoning: The area outside of the Village limits in which the Village of Mount Horeb has exercised extraterritorial powers of zoning.

Façade: The wall planes of a building which are visible from one side or perspective (e.g. front, side, rear). See "elevation (building)."

Family: A person living as an individual or any combination of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

(1) Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship. For the purpose of this Section, "children" means natural children, grandchildren, legally adopted children, stepchildren, or a ward as determined in a legal guardianship proceeding;

(2) Up to five (5) unrelated adult individuals;

(3) Up to five (5) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver.

(a) This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).

(4) Up to two (2) personal attendants who provide services for family members or individuals who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

(5) Exceptions: The definition of "family" does not include:

(a) Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and

(b) Any group of individuals whose association is temporary or seasonal in nature.

Farm building: Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

Fence: Any artificially constructed barrier erected to separate, enclose, or screen areas of land.

Fence, picket: A type of fence constructed of evenly-spaced vertical boards that are connected by two or more horizontal rails.

Fence, solid: A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and activities or operations conducted behind it from view, including privacy fences.

Floor area: The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

Foot-candle: A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.

Foster family: A group of individuals living together and sharing common living, sleeping, cooking and eating facilities in which 1-4 children are provided home-like care by licensed foster parents (individuals other than those defined in "Family" above with primary responsibility for the care and supervisions of one or more foster children placed in their foster home) and in whose name the foster home is licensed under Wis. Stats. § 48.62.

Frontage: See lot frontage.

Garage: An attached or detached accessory building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children's play equipment.

Grade, existing: The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.

Grade, finished: The final elevation of the ground surface after human-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the Village of Mount Horeb.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area.

Gross floor area: The total floor area inside the building envelope of all levels of a building.

Gross site area: The total area of a single lot or the sum of multiple lots in common use.

Group development: See Section 17.06.02.

Ground floor: The floor of a structure that is at or nearest to the level of the site's base elevation around the structure. In most instances this is the floor that is level or almost level with the ground outside of and directly surrounding the structure that serves as the structure's accessible entry point for patrons or residents from the street or sidewalk.

Habitable space: Space in a structure used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, or storage or utility spaces are not considered habitable space.

Historic building or site: Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district; or is locally designated as a Local Landmark.

Impervious surface or area: See Chapters 18.03 and 20.03 of the Village of Mount Horeb Municipal Code.

Impervious surface ratio: A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

Individual family living arrangement: A residential land use in which occupancy of a dwelling unit is by no more than one family as defined above. See Section 17.03.06.

Infill site: Any vacant lot or parcel within developed areas of the Village, where at least 80 percent of the land within a 300-foot radius of the site has been developed; and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the Village limits shall not be considered infill sites.

Intensity: A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.

Invasive plants or species: Nonindigenous species whose introduction causes or is likely to cause economic or environmental harm to human health as defined in Wis. Stats. § 23.22(1)(c).

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch, river rock, etc.

Loggia: A roofed arcade or gallery with open sides stretching along the front or side of a building, often at an upper level.

Lot: A parcel of land not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record" shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.

Lot area: The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

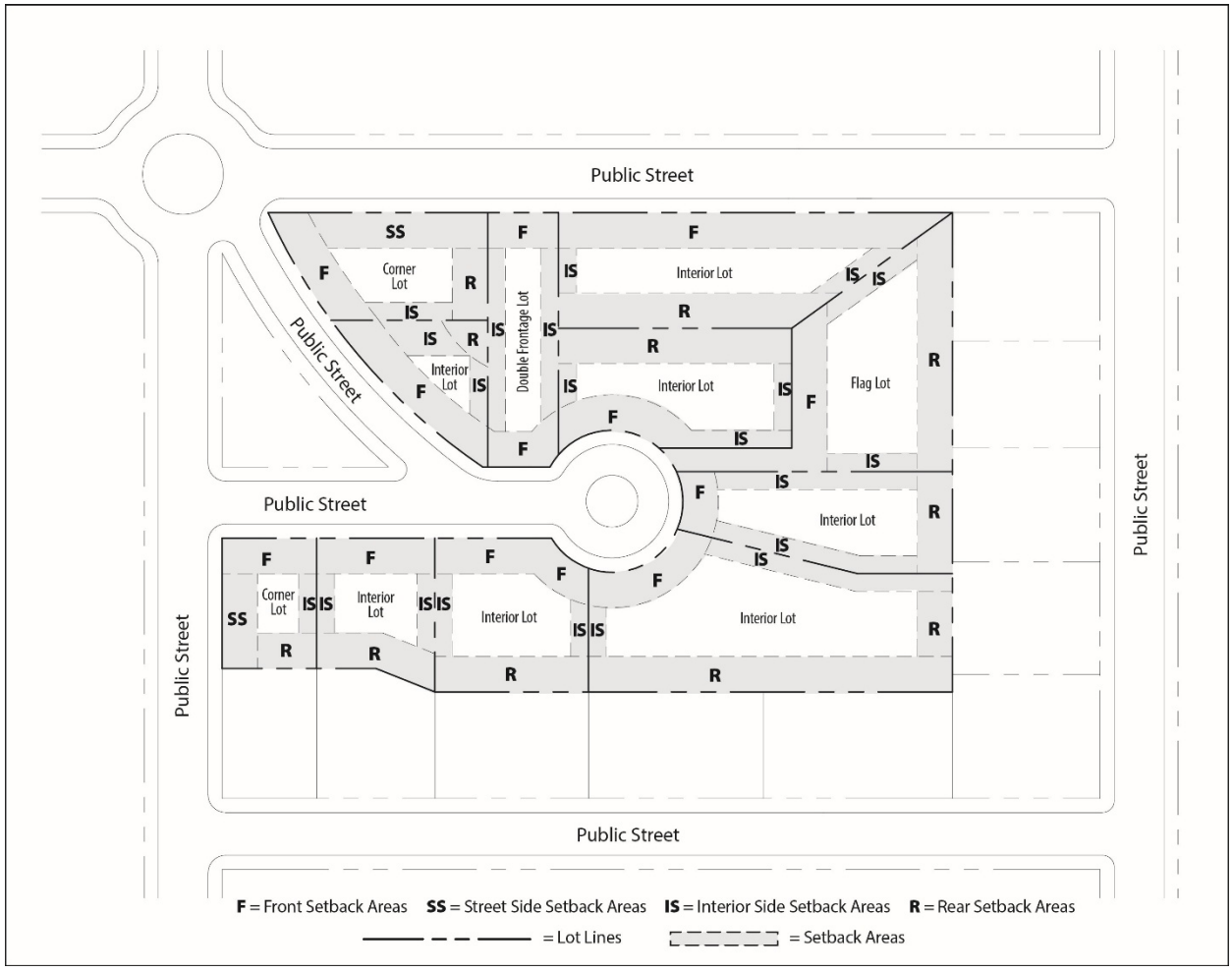
Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."

Lot depth: The mean horizontal distance between the front and rear lot lines.

Lot frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right-of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.

Lot, interior: A lot other than a corner lot.

Figure 17.11.01b: Regular Lot Descriptions



Lot line: A lot line is the legal property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a

proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. In the case of a lot which has two or more street frontages, the front lot line shall be the street line designed by the owner and filed in the office of the Zoning Administrator. (See also lot line, street side). See Figure 17.11.01b.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages), but shall not extend within the street side lot line. See Figure 17.11.01b.

Lot line, side: Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. An interior side lot line can be created with no side yard setback where a building envelope between two lots sharing a single structure is present. This is known as a zero lot line. See Figure 17.11.01.b.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front) and extends the full length of the lot fronting the right-of-way. See Figure 17.11.01b.

Lot of record: A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the Village of Mount Horeb and/or by Dane County, and has been recorded in the office of the Register of Deeds.

Lot, through: A lot having frontage on two parallel or approximately parallel streets (also known as a "double-frontage lot"). See Figure 17.11.01b.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line(s) at the required front yard setback (see minimum lot width).

Maintenance: An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.

Manufactured home: A type of dwelling unit as defined by Wis. Stats. §101.95(2) that is certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with Wis. Stats. §70.043(1) and Wis. Admin. Code § SPS 321 subchapters III, IV, and V, or a comparable foundation as approved by the local Building Inspector, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, and has vinyl, aluminum or other quality siding. A manufactured home may be considered a single-family dwelling unit under Section 17.03.06(7) or an Accessory Dwelling Unit under Section 17.03.28(1). only if the structure meets all Building Code requirements for permanent foundations and footings and the structure is permanently affixed to the permanent foundation with concrete anchors.

Maximum building size (MBS): The largest permitted total gross floor area a building may contain (see building size).

Minimum building separation: The narrowest permitted building separation.

Minimum lot area: The minimum size lot permitted within the specified zoning district.

Minimum lot width: The smallest permissible lot width for the applicable zoning district.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

Mixed-use: Some combination of residential, commercial, industrial, office, institutional, and/or other land uses within a district or development.

Mobile 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 Mobile Home includes both a "mobile home" and a non-permanently affixed "manufactured home" as defined by Wis. Stats. §101.91(10) (also see the definition of Manufactured Home) A Mobile Home does not include a "modular home" as defined by this Chapter. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle.

Modular home: A dwelling unit meeting the Uniform Dwelling Code and Wis. Stats. §101.71(6) 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(7) or an Accessory Dwelling Unit under Section 17.03.28(1).

Multi-family residential: A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.

Native plants or species: Plant types that existed in an area prior to European settlement that are well adapted to the climate, precipitation, soils, insects, and other local conditions and are consequently easier to grow than non-native plant types. See Figure 17.08.40a and the Wisconsin Department of Natural Resources for native planting species best suited for the Village of Mount Horeb.

Navigable water: All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Net developable area: The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area (comprised of surface water, wetlands, 100-year floodplains, floodways, drainageways, wetland buffers, environmental corridors, and steep slopes exceeding 12%) from the gross site area.

Occupancy: The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy is not intended to include change of tenants or proprietors.

Occupancy, change of: A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Official map: The map adopted pursuant to Wis. Stats. § 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.

Open space: Any area not covered by a structure.

Ordinary high water mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas

where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

Outdoor assembly area: Any theatrical exhibition, public show, display, entertainment, amusement or other exhibition which is held outside of any permanent structure permitted for such use.

Outdoor wood furnace: An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building. Outdoor wood furnaces are prohibited.

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.

Owner: The person, persons, or entity having the right of legal title to a lot or parcel of land.

Parapet: The extension of a false front or wall above the roofline.

Parcel: Any area of land (lot or contiguous group of lots) in the Village as shown on the last assessor's roll of the county or the records of the Village, whichever is the most recent.

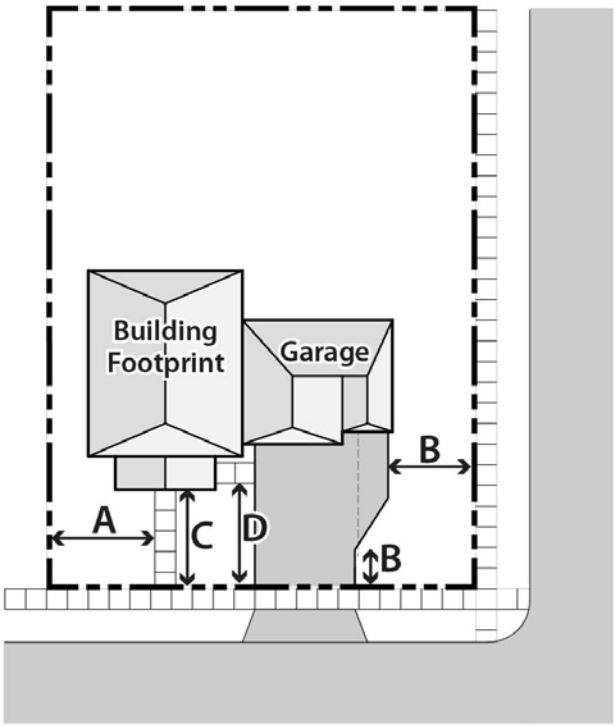
Parking Space, Designated: An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a dust-free paved surface per the requirements of Section 17.06.06.

Patio: An open, level-surfaced area which is typically impervious and has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.

Pavement Setback: The area between the nearest right-of-way or lot line and any impervious surfaces on the lot. This setback does not apply to driveways, driveway entrances, public sidewalks, or sidewalks perpendicular to the street right-of-way on private property. See Figure 17.11.01c.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Figure 17.11.01c: Pavement Setbacks



Key to Figure 17.11.01c	
A	Pavement setback to side lot line
B	Pavement setback to right-of-way (driveway)
C	Pavement setback to right-of-way (porch, stoop, patio)
D	Pavement setback to right-of-way (sidewalk)

Permanently protected green space: Permanently protected green space areas that are protected from development such as wetlands, wetland buffers, floodplains, drainage ways, steep slopes, lakeshores, woodlands, native or restored habitat, environmental corridors, and stormwater facilities.

Person. Any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including, but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency, or governmental agency.

Pervious surface: A surface which allows for precipitation from any source to infiltrate directly into the ground. Undisturbed ground is a pervious surface. Some disturbed ground can be pervious if designed as such.

Place of worship: A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to

sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

Plat: A map or drawing which graphically delineates the boundary of land lots/parcels for the purpose of identification and record title pursuant to Wis. Stats. § 236.

Pole building: A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage, and are not intended for human occupancy.

Porch: A covered platform that is attached to the outside of a building, typically at an entrance. A porch is not heated or cooled, not fully enclosed and, not used for livable space. The post of the porch closest to a lot line is considered the wall for setback purposes.

Principal structure: The building containing the principal use, including the foundation, basement, and attic.

Principal use: The main use to which a parcel is devoted and the main purpose for which the premises exists.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

Recreational equipment: Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play-forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.

Recreational vehicle: A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but are not limited to travel trailers, motor homes, boats, all-terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Regional flood: A flood determined by the Wisconsin Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Residential use: The individual uses listed in Section 17.03.06.

Rummage sale: See "Garage or Estate Sale" in Section 17.03.30

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections in accordance with Section 17.04.40.

Sign: See Section 17.09.03.

Sill: A horizontal, lower member or bottom of a door or window casing.

Single family dwelling unit: A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (see Family definition) and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite (See Section 17.03.28 (14)) is still considered a single family dwelling.

Site area: See gross site area.

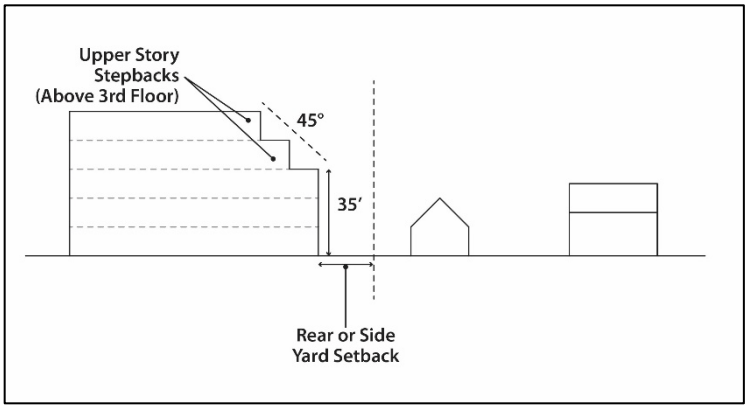
Site plan: See Section 17.10.43.

Slope: An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical).

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.

Steep slope: Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).

Figure 17.11.01d: Building Stepbacks



Stepback: An architectural design element applied to the upper stories of buildings where any portion of the building above a certain height is moved inside the frame of the building façade toward the center of the property. See Figure 17.11.01d.

Street: A right-of-way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the right-of-way lines. See Chapter 18 of the Village of Mount Horeb Municipal Code.

Street, arterial: Principal Arterials, Primary Arterials, and Standard Arterials as defined in Chapter 18 of the Village of Mount Horeb Municipal Code.

Street, collector: Collector Streets as defined in Chapter 18 of the Village of Mount Horeb Municipal Code.

Street, local: Local Streets as defined in Chapter 18 of the Village of Mount Horeb Municipal Code.

Street terrace: The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.

Story: That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, public utilities, and other minor site improvements.

Structural alteration: See alteration.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

Substantial Evidence: Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. See Section 17.10.32.

Temporary use: A land use which is present on a property for a limited and specified period of time. See Section 17.03.30.

Terrace: A horizontal, external, raised, open, flat area attached or detached to a structure or located on the roof of a structure.

Transom: A horizontal bar of stone, wood or glass across the upper opening of a door or window.

Two family residential: A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, footing, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Use: The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.

Variance: A modification of the terms of this Chapter regulating land uses or bulk regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship. Variances are further defined in Wis. Stat. § 62.23(7)(e)7.a.

Vision triangle: See Section 17.06.03.

Wetland: An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Wis. Stats. § 23.32(1).

Wharf/Pier: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its width, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

Woodland: Areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village and its environs.

Yard: An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest part of the nearest building or structure.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest part of the nearest building or structure.

Yard, side: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest part of the nearest building or structure.

Yard, street side: For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest building or structure extending along the entire street facing frontage.

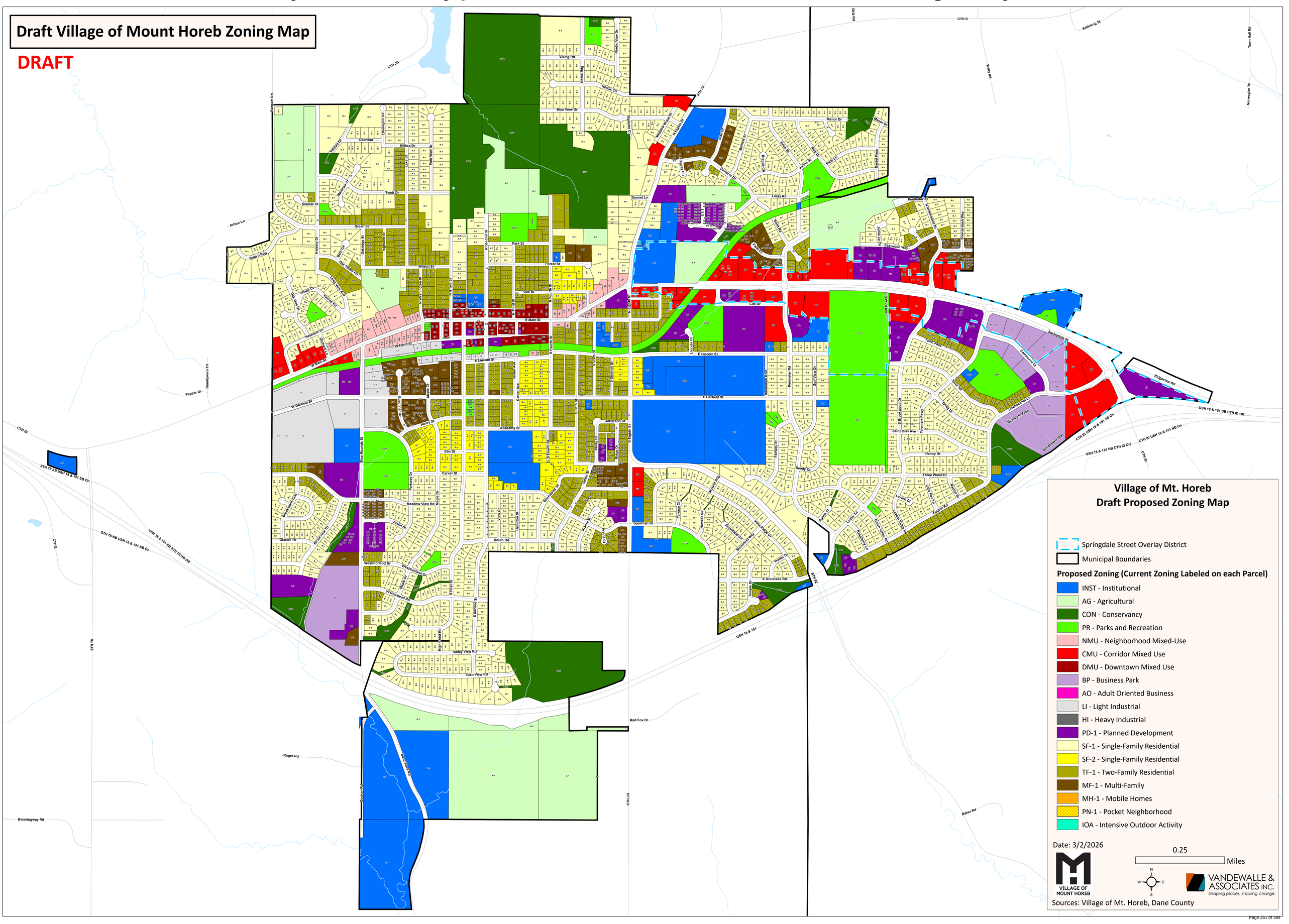
Yard, transitional: That yard which must be provided along a zoning district boundary to provide for the required bufferyard on the more intensively zoned side of the lot line.

Zero-lot line duplex: A Twin House. See. 17.03.06(3).

Zoning map, official: The map adopted and designated by the Village as being the "Official Zoning Map."

Draft Village of Mount Horeb Zoning Map

DRAFT



Village of Mt. Horeb
Draft Proposed Zoning Map

Springdale Street Overlay District

Municipal Boundaries

Proposed Zoning (Current Zoning Labeled on each Parcel)

- INST - Institutional
- AG - Agricultural
- CON - Conservancy
- PR - Parks and Recreation
- NMU - Neighborhood Mixed-Use
- CMU - Corridor Mixed Use
- DMU - Downtown Mixed Use
- BP - Business Park
- AO - Adult Oriented Business
- LI - Light Industrial
- HI - Heavy Industrial
- PD-1 - Planned Development
- SF-1 - Single-Family Residential
- SF-2 - Single-Family Residential
- TF-1 - Two-Family Residential
- MF-1 - Multi-Family
- MH-1 - Mobile Homes
- PN-1 - Pocket Neighborhood
- IOA - Intensive Outdoor Activity

Date: 3/2/2026

0.25 Miles

VILLAGE OF MOUNT HOREB

VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

Sources: Village of Mt. Horeb, Dane County

NOTICE OF PUBLIC HEARING
Village of Mount Horeb, Wisconsin

NOTICE IS HEREBY GIVEN that the Village of Mount Horeb Plan Commission will be holding a Public Hearing on Wednesday, February 25, 2026 at 7:00 PM. The meeting will be held at Village Hall (138 E. Main Street Mount Horeb, WI) to hear public comment regarding the Final Draft Zoning Map and Final Draft Zoning Ordinance. This is the culmination of an 18-month process the Village has undertaken to rewrite the Zoning Ordinance and complete a new Zoning Map. The new Ordinance is an implementation component of the Village's Comprehensive Plan that reflects modernized standards, increases user-friendliness, improves ordinance administration and application, brings the ordinance into compliance with state and federal law, advances community housing, economic development, and sustainability objectives, and provides opportunities for reinvestment, redevelopment, and new development. The new Zoning Map provides consistency with the new Zoning Ordinance and most closely aligns to the Village's existing and desired future land use pattern.

Complete copies of the Final Draft Zoning Ordinance and Map are available at Village Hall or on the Village's website: www.mounthorebwi.info/280/Zoning-Code-Re-Write-Update-Nov-12-2025

All Village of Mount Horeb residents and property owners are invited to attend this hearing. Individuals wishing to submit comments to the Plan Commission may do so up to the day of the public hearing. Any individual wishing to address the Plan Commission will be asked to register with the Chairman at the start of the hearing. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, to submit a comment, or to request this service, contact Nic Owen, Village Administrator at (608) 437-9409 or Nic.owen@mounthorebwi.info.

PUBLISH: Mount Horeb Mail February 5, 2026
Mount Horeb Mail February 12, 2026

VILLAGE OF MOUNT HOREB
ORDINANCE 2026-01

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 17 OF THE MUNICIPAL CODE, WHICH IS THE ZONING ORDINANCE OF THE VILLAGE OF MOUNT HOREB, WISCONSIN.

WHEREAS, the Village Board of the Village of Mount Horeb ordains as follows:

WHEREAS, Village staff and officials have identified amendments to the zoning regulations to be consistent with the Village's Comprehensive Plan and State Statutes, to promote the community's housing and economic development objectives, create an environment in which reinvestment is encouraged, establish clear development procedures, and match regulations to the Village's existing and/or desired future land use pattern; and

WHEREAS, the Village hosted open to the public meetings throughout the process as an opportunity for residents and property owners to ask questions and provide comments regarding a proposed new Zoning Ordinance; and

WHEREAS, a Public Hearing was noticed and held on February 25, 2026 for the purpose of hearing citizen comments on the proposed new Zoning Ordinance; and

WHEREAS, the Plan Commission recommended adoption of the "Chapter 17: Zoning Ordinance of the Village of Mount Horeb" on February 25, 2026.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Mount Horeb approves "Chapter 17: Zoning Ordinance of the Village of Mount Horeb" as the Village's official zoning ordinance, replacing all previously approved zoning ordinances.

FURTHERMORE, be is also resolved that this ordinance shall take effect as of the publication date of March 12, 2026.

The foregoing ordinance was duly adopted by the Village Board of the Village Mount Horeb at its regular meeting held on March 4, 2026.

APPROVED:

_____
Ryan Czyzewski, Village President

ATTEST:

_____

Alyssa Gaffney, Village Clerk

APPROVED:_____

PUBLISHED/POSTED:_____

VILLAGE OF MOUNT HOREB
ORDINANCE 2026-02

AN ORDINANCE TO REPEAL AND RE-ENACT THE OFFICIAL ZONING MAP OF THE VILLAGE OF MOUNT HOREB, WISCONSIN

WHEREAS, the Village Board of the Village of Mount Horeb ordains as follows:

WHEREAS, Village staff and officials have identified amendments to the zoning map to reflect the updated Zoning Ordinance, to be consistent with the Village's Comprehensive Plan and State Statutes, match new zoning districts to actual lot sizes and existing uses, reduce nonconforming situations, promote the community's housing and economic development objectives, and to help maintain property values throughout the Village; and

WHEREAS, the Village hosted open to the public meetings throughout the process as an opportunity for residents and property owners to ask questions and provide comments regarding a proposed new Zoning Map; and

WHEREAS, a Public Hearing was noticed and held on February 25, 2026 for the purpose of hearing citizen comments on the proposed new Zoning Map; and

WHEREAS, the Plan Commission recommended adoption of the new Zoning Map as shown on the "Village of Mount Horeb Zoning Map" on February 25, 2026.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Mount Horeb approves the "Village of Mount Horeb Zoning Map" as the City's official zoning map, replacing all previously approved zoning maps.

FURTHERMORE, be is also resolved that Chapter 17: Zoning Ordinance of the Village of Mount Horeb, adopted on March 4, 2026, and the Official Zoning Map shall be effective as of March 12, 2026.

The foregoing ordinance was duly adopted by the Village Board of the Village Mount Horeb at its regular meeting held on March 4, 2026.

APPROVED:

_____
Ryan Czyzewski, Village President

ATTEST:

Alyssa Gaffney, Village Clerk

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	Nicholas Owen, Administrator

AGENDA ITEM # 6.c

Ordinance 2026-03 Naming Village Administrator As Zoning Administrator

BACKGROUND

With the review of the zoning code rewrite, it was noted that nowhere in the code was it defined who performed the duties of the Zoning Administrator. In practice, it has been the Village Administrator for as long as anyone can remember. Ordinance 2026-03 makes that official in the Village Code.

RECOMMENDATION

ATTACHMENTS

1. ord 2026-03 Zoning Administrator

VILLAGE OF MOUNT HOREB
ORDINANCE 2026-03

AN ORDINANCE TO CREATE SECTION 1.10 (3) ZONING ADMINISTRATOR

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin, do ordain as follows:

1.10 Village Administrator.
[Amended 6-1-2011 by Ord. No. 2011-07]
(1) Position created. To coordinate and improve the municipal services provided to the citizens of the Village by the Village government, there is hereby created the office of Village Administrator.

(2) The duties, term of employment, compensation and other matters relating to employment of the Village Administrator shall be pursuant to a contract between the Village Administrator and the Village Board.(

(3) Serves as the Village's Zoning Administrator and performs duties as described in Village Code Section 17.

The foregoing ordinance was duly adopted by the Village Board of the Village Mount Horeb at its regular meeting held on March 4, 2026.

APPROVED:

_____
Ryan Czyzewski, Village President

ATTEST:

_____
Alyssa Gaffney, Village Clerk

APPROVED:_____
PUBLISHED/POSTED:_____

VILLAGE OF
MOUNT HOREB

AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
March 4, 2026	

AGENDA ITEM # 6.d

Consideration of TIF Agreement for JT Klein Multi-Family Development, 101 Perimeter Rd, TIF 6

BACKGROUND

RECOMMENDATION

ATTACHMENTS

1. UPDATED TIF Agreement - JT Klein Project

DEVELOPMENT AGREEMENT

MOUNT HOREB ACQUISITIONS PROJECT
TAX INCREMENTAL DISTRICT NUMBER 6

This Development Agreement (the "Agreement") is made this ___ day of _____, 2026, by and between the Village of Mount Horeb, a Wisconsin municipal corporation (the "Village"), and Mount Horeb Acquisitions, LLC, a Wisconsin limited liability company (the "Developer").

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:
Village Clerk
Village of Mount Horeb
138 E. Main Street
Mount Horeb, WI 53572

P.I.N.
157/0606-124-0065-1

RECITALS

A. The Village has established Tax Incremental District Number 6 (the "District") for the purpose of eliminating blight and stimulating redevelopment of underutilized property in the District consistent with the Village's plans, pursuant to Wis. Stat. § 66.1105.

B. The Developer owns the property described in Exhibit A attached hereto and incorporated herein (the "Property"). The Property is located within the District.

C. The Developer is willing to develop the Property in accordance with this Agreement if it obtains financial assistance from the Village as set forth herein.

D. The development of the Property pursuant to this Agreement will benefit the Village and the public for a number of reasons, including but not limited to, an increase in the Village's tax base, which will collectively promote the general welfare of the citizens of the Village.

E. The Village is willing to provide assistance as set forth herein in exchange for certain obligations by the Developer in this Agreement and has determined that this Agreement is in the public interest.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Representations by the Village. The Village makes the following representations as the basis for the undertaking on its part herein contained:

    a. The Village is a public body corporate and politic duly organized and existing under the laws of the State of Wisconsin.

    b. The Village proposes to provide assistance to the Developer in accordance with the provisions of the Agreement.

    c. The activities of the Village are undertaken for the purposes defined in Section 66.1105 of the Wisconsin Statutes (the "Act").

    d. To finance the costs of the activities to be undertaken by the Village, the Village proposes to use the Tax Increment (as that term is defined in Wis. Stat. § 66.1105(2)(i)) generated by the Property, to the extent Tax Increment is available and subject to the further conditions set forth in this Agreement. Eligible Project Costs (as that term is defined in Wis. Stat. § 66.1105(2)(f)) include the payments to be made under this Agreement in accordance with Wis. Stat. § 66.1105(2)(f)2.d.

    e. The parties signing below on behalf of the Village have been fully authorized to execute this Agreement on behalf of the Village.

2. Representations and Warranties by the Developer. The Developer represents and warrants that:

    a. The Developer has the full power and authority to enter into this Agreement and perform the obligations herein; controls the development of the Property; is a company authorized under the laws of the State of Wisconsin to conduct business in Wisconsin; and is in good standing with the Wisconsin Department of Financial Institutions.

    b. The individual signing below for the Developer warrants that he/she has full power and authority to execute this Agreement on behalf of the Developer, and to bind the Developer to the Agreement.

c. The Developer is the fee simple owner of the Property, and no other person or party has an interest in the Property, except for financing documents secured by the Property in favor of the Developer's lender (the "Lender") and easements and interests of record. The Developer has full right and authority to make the agreements, warranties, consents and waivers in this Agreement. The Developer shall provide the Village with title evidence acceptable to the Village showing that the Developer has title as warranted above. The Developer further warrants and represents that the Developer has obtained the Lender's consent to the terms and conditions of this Agreement and the Tax Agreement, attached hereto and incorporated herein as Exhibit B, in a form acceptable to the Village, and will provide such Lender's consent in writing if requested by the Village.

d. The Developer shall cause the Property to be developed in accordance with the terms of this Agreement and all applicable local, state and federal laws, ordinances and regulations. The Developer shall obtain any and all permits, licenses or other approvals as may be required in order to develop the Property in a timely manner.

e. The proposed development of the Property would not occur but for the tax increment financing assistance being provided by the Village hereunder, and the amount of tax increment financing provided is necessary for the development of the Property to proceed based on cost estimates.

f. Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement are prevented, limited by or conflicts with or results in the breach of the terms, conditions or provision of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the Developer is now a party or by which it is bound, or constitutes a default under any of the foregoing.

g. The Developer understands and agrees that the Municipal Revenue Obligation of the Village hereunder shall be payable, subject to annual appropriation by the Village Board, only from Available Tax Increment (defined in Section 8.a.) generated from the Tax Increment funds created under the Act, and shall never represent or constitute general obligation debt or bonded indebtedness of the Village, the State of Wisconsin or any political subdivision.

h. Except for the Sewer Project (defined below) undertaken by the Village, all related public works now required to be paid for by the Developer pursuant to Village ordinances shall be the Developer's obligations pursuant to such ordinances.

3. Developer Obligations.

a. The Developer agrees to develop the Property, consisting of one building with 40 units of affordable housing set aside for seniors in households earning 30% to 80% of the area median income (the "Senior Housing") and a second building of 49 units of market rate apartments for general occupancy (the "Market Housing") (collectively, the "Project").

b. The Developer shall complete the Project pursuant to the specific implementation plan / site plan approved by the Village of Mount Horeb Village Board on February 4, 2026. The Developer shall use best efforts to complete the Project by December 31, 2027 (the "Project Completion Date"). The Project shall be deemed completed when all occupancy permits for all structures associated with the Senior Housing and the Market Housing have been issued by the Village.

c. Following completion of the Project, the Developer shall assign its interest in the Market Housing to JTK Mount Horeb, LLC (the "Market Owner") and its interest in the Senior Housing to an affiliated entity (the "Senior Owner" and each of the Market Owner and Senior Owner are a "Project Entity"). The Market Owner and the Senior Owner shall maintain their respective portion of the Property in compliance with all applicable local, state, and federal rules and regulations, including promptly repairing any damage. The Market Owner shall maintain adequate property insurance for the entire Project. The Village shall be named as an additional insured.

d. The Developer shall execute the Tax Agreement attached hereto and incorporated herein as Exhibit B at the same time this Agreement is executed. Further, following the date of execution of this Agreement and thereafter, the Developer, and each Project Entity, shall pay in a timely manner as and when due any and all real and personal property taxes, special assessments, special charges, utilities and other obligations for which a lien could be placed against the Project or the Property owned by the Developer or personal property thereon because of nonpayment thereof.

e. The Developer shall pay all fees associated with the development and construction of the Project. Further, the Developer shall reimburse the

Village for costs incurred by the Village to review and work on the Project, including, but not limited to, legal, engineering and other fees for the review and preparation of this Agreement. The Developer shall pay the Village within 30 days of receiving invoices from the Village.

f. The Developer shall pay the Village $500,000, which payment is intended to help pay costs associated with the Sewer Project (defined in Section 4.c. below), which Sewer Project will benefit the Senior Housing component of the Project. The Developer's $500,000 payment may be paid from a loan provided by the Wisconsin Housing and Economic Development Authority (WHEDA) pursuant to WHEDA's Infrastructure Access Loan Program (the "IAL"), which application shall be at the discretion of the Developer. If an IAL application is made by the Developer, the Village and the Developer agree to work in good faith to attempt to satisfy the IAL statutory requirements contained in Wis. Stat. § 234.66(4). Notwithstanding the preceding sentence, the Village, by executing this Agreement, is not, by contract, waiving its discretion or authority to make any decisions associated with the statutory requirements contained in Wis. Stat. § 234.66(4), including, but not limited to, any decisions associated with zoning or the Village's comprehensive plan. Pursuant to Section 4.c. below, the Village shall instruct and install the Sewer Project. Once completed, the Village shall provide written notice of the completion of the Sewer Project to the Developer.

If IAL funds are approved by WHEDA, then payment of the Infrastructure Cost Share shall be paid at the time of receipt of funds. If IAL funds are not applied for or approved, then Infrastructure Cost Share shall be paid within thirty (30) days of the issuance of the first occupancy permit for a structure on the Property. If the Developer fails to make a timely payment to the Village, the Village is not required to make any subsequent payments to the Developer under this Agreement or the Municipal Revenue Obligation. If the Village fails to complete the Sewer Project before the District is terminated, the Village shall return the $500,000 to the Developer.

4. Village Obligations. The Village shall:

a. The Village shall issue the Municipal Revenue Obligation (MRO) described in Section 5 after all occupancy permits for all structures associated with the Senior Housing and the Market Housing have been issued by the Village.

b. To the extent Village approval of permits is required for the Project, the Village agrees to review the permit applications within a reasonable time period and without undue delay, and all decisions shall be made reasonably.

c. The Village shall construct and install sanitary sewer improvements, which improvements are necessary for property in the Village, including, but not limited to, the Senior Housing portion of the Project on the Property (the "Sewer Project") at a time and in a manner determined by the Village in its sole discretion.

5. MRO to Finance Qualified Costs. Once occupancy permits for all structures associated with the Senior Housing and the Market Housing have been issued by the Village and the Developer has paid the Village pursuant to Section 3.e., the Village shall issue a MRO pursuant to Wis. Stat. § 66.0621 to the Market Owner under the terms contained herein and in the form attached hereto as Exhibit C. The total amount to be paid to the Market Owner under the MRO shall be the lesser of $5,743,000 or the percentage of the Available Tax Increment (defined in Section 8.a.) to be paid to the Market Owner under Section 7. The interest rate on the MRO shall be 0%. All obligations for payment of the MRO shall terminate with the final year of the District or as otherwise provided herein or in the MRO.

a. The MRO shall be payable solely from Available Tax Increment (defined in Section 8.a.) generated by the Property and appropriated by the Village Board to payment of the MRO and shall not be a charge against the Village's general credit or taxing power.

b. The Village's obligation to make payments under the MRO shall terminate upon the Payment Date (defined below) in 2050, termination of this Agreement, termination of the District as provided by the Act, or prepayment of the MRO and early termination and closure of the District, at the discretion of the Village, whichever occurs earlier. The Village retains the right, in its sole discretion, to terminate and close the District early; however, the Village shall not terminate and close the District early unless the Village's obligations to make all payments under the MRO have been satisfied.

c. The MRO shall be a project cost of the District.

d. The Village shall issue the MRO when occupancy permits for all structures associated with the Senior Housing and the Market Housing have been issued by the Village and the Developer has paid the Village pursuant to Section 3.e. The MRO shall be dated as of the date of the last occupancy

permits and shall be delivered to the Developer within thirty (30) days after said date.

e. The Developer shall construct the Project consistent with Section 3.a. and Section 3.b. above. If the Project is not constructed consistent with Section 3.a. and Section 3.b. above, the Village shall not be required to make any payments to the Market Owner under this Agreement or the MRO.

f. The Village's obligation to make payments on the MRO shall be contingent on the Developer's and each Project Entity's continued compliance with the terms of this Agreement.

g. For any year that the Developer or a Project Entity is delinquent in the payment of property taxes with respect to the Property, the Village shall have no obligation to make payments on the Municipal Revenue Obligation for that year.

6. Prepayment Option & Early District Termination. To satisfy in full the Village's obligations under the MRO, the Village shall have the right to prepay the outstanding principal balance of the MRO at any time from Available Tax Increment generated from the Property.

7. Use of Tax Increments. The Tax Increment and revenue projections identified in Exhibit D attached hereto and incorporated herein **[update spreadsheet that is page 15 to the project plan]** are projected to be generated from the Property after construction and placing in service of the Project. The parties agree and acknowledge that the amounts identified in Exhibit D are estimates only. Subject to annual appropriations and pursuant to the terms contained in this Agreement, the Village shall pay to the Market Owner on each annual Payment Date, if and to the extent appropriated by the Village Board, eighty-five percent (85%) of the Available Tax Increment generated from the Property, with all remaining Available Tax Increment to be used by the Village at its discretion. For avoidance of doubt, the total amount paid to the Market Owner under this Agreement and the MRO shall not exceed $5,743,000.

8. Terms of the Municipal Revenue Obligation.

a. Any payments on the MRO, which are due on any payment date, shall be payable solely from and only to the extent that the Village shall have received as of such payment date Available Tax Increment and such Available Tax Increment shall have been appropriated by the Village Board to payment of the MRO. For the purpose of this Agreement and the MRO,

"Available Tax Increment" means the amount of Tax Increment produced from the Property, received during the twelve (12) month period preceding a payment date, which Property is stated to be located within the District, which is remitted to the Village, commencing not earlier than 2028. Further, the Village shall not be obligated to make any payments to the Market Owner, whether from Available Tax Increment or otherwise, while the Developer, the Market Owner, or the Senior Owner, or any permitted assigns, are in default under this Agreement.

b. For purposes of this Agreement and the MRO, a "Payment Date" shall mean November 1 in each of the years as set forth on Exhibit D, commencing in 2028. Notwithstanding anything to the contrary in this Agreement or the MRO, on each of the Payment Dates, the Village's payments to the Market Owner hereunder shall be subject to annual appropriation by the Village in accordance with requirements for revenue obligations and in a manner approved by the Village's Bond Counsel.

c. For purposes of determining when the first payment under the MRO may be made by the Village to the Market Owner, and by way of example only, if the Developer partially completes construction of the Senior Housing and/or Market Housing in calendar year 2026, then the Property will be revalued in January 2027, resulting in a property tax bill being sent out in December 2027. So long as the Village receives full payment of the applicable property taxes by January 31, 2028, such that Available Tax Increment has been generated, the first payment under the MRO would be made to the Market Owner on or before November 1, 2028.

d. Once issued, the MRO is intended to help provide payments for project costs associated with the Market Project and is payable only from the Available Tax Increment herein described which is appropriated by the Village Board to payment of the MRO, which Available Tax Increment shall be deposited by the Village in a special fund for that purpose and identified as the "Special Redemption Fund." Except as specifically set forth in this Agreement, Available Tax Increment generated from the Property shall not be appropriated for any other use if not appropriated for this MRO.

To the extent that on any Payment Date the Village is unable to make a payment to the Market Owner from the Available Tax Increment as a result of (a) having received, as of such date, insufficient Available Tax Increment for that revenue year or (b) the Village Board not having appropriated sufficient Tax Increments to make such payment, such failure

shall not constitute a default under this Agreement or the MRO and the Village shall have no obligation under this Agreement or the MRO, or otherwise, to subsequently pay any such deficiency, unless the deficiency is the direct result of the failure of Dane County to timely remit the proper amount of Available Tax Increment, in which case such deficiency shall be paid promptly upon remittance by Dane County.

d. For avoidance of doubt, in no case shall the term of the MRO, and the Village's obligation to make payments there under, extend beyond November 1, 2050, or the final payment date on which the Village may lawfully make payment on the MRO under Section 66.1105 of the Wisconsin Statutes, whichever is sooner. The MRO shall terminate on the earlier of (i) the date on which the Village's obligation to make any payments under the MRO shall have been paid in full and the Village's obligation discharged, which date shall be no later than November 1, 2050, (ii) the termination date of the District established by Wis. Stat. § 66.1105(7)(am)3., or (iii) the date upon which the obligations of the Village are otherwise cancelled pursuant to the terms of this Agreement. Thereafter, the Village shall have no obligation and incur no liability to make any payments there under or hereunder.

e. **The MRO shall not be payable from or constitute a charge upon any funds of the Village, and the Village shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment appropriated by the Village Board to payment of the MRO, and then only to the extent and in the manner herein specified.**

f. **The MRO is a special, limited revenue obligation and not a general obligation of the Village and is payable by the Village only from the source and subject to the qualifications stated or referenced herein. Neither the full faith and credit nor the taxing powers of the Village are pledged to the payment of the principal of the MRO and no property or other asset of the Village, except the above-referenced revenues, is or shall be a source of payment of the Village's obligations hereunder and there under.**

9. Non-Transferability. The MRO is non-transferable, except to the extent provided herein and in the MRO.

10. Relocation.

a. The Developer warrants that no person has been or will be a displaced person under Chapter 32 of the Wisconsin Statutes, Chapter Adm 92 of the Wisconsin Administrative Code, or other applicable law as a result of the Developer's actions related to the Property, the development or this Agreement.

b. The Developer shall indemnify and defend the Village from and against any and all liability, suits, actions, claims and demands for relocation benefits resulting from or related to the development, this Agreement or the Developer's actions related to the Property.

11. Binding Effect. This Agreement shall be binding upon the successors and assigns of the Village and the Developer; however, this provision shall not constitute an authorization of the Developer to assign or transfer its/their rights and obligations under this Agreement. This Agreement shall not be assignable by the Developer without the prior written consent of the Village, which consent shall not be unnecessarily withheld. The Village may condition its consent upon the transferee expressly assuming all of the obligations of the Developer as contained in this Agreement. Notwithstanding the foregoing, the Developer may make a collateral assignment of this Agreement to a lender as a part of a mortgage on the Property, and assign its obligations hereunder to the Market Owner and Senior Owner, subject to all terms and conditions of this Agreement.

12. Events of Default. The following shall be an "Event of Default" under this Agreement:

a. Failure by the Developer to complete the Project by the Project Completion Date, unless Developer is diligently proceeding to complete the Project in good faith, in which case the Developer shall not be in default hereunder.

b. Failure of the Developer to observe or perform any other covenant, condition, obligation, or agreement on its part to be observed or performed under this Agreement, within sixty (60) days after receipt of written notice of default from the Village, specifying such default, provided however that if the nature of the default is such that immediate harm may result from such default, then it shall be an Event of Default if such default is not cured within ten (10) days of such written notice. Further, if the nature of the default is that it cannot be cured, then the Event of Default shall be declared upon the giving of notice, with no time to cure. If the nature of the default is such that it cannot reasonably be cured within such 60-day cure period, then, as long as Developer is promptly commencing and diligently pursuing

a cure, the Village shall grant an extension of time to cure the default, by written notice.

c. Following the Project Completion Date, failure of the Developer, the Senior Owner or the Market Owner to observe or perform any other covenant, condition, obligation, or agreement on their respective parts to be observed or performed under this Agreement, within sixty (60) days after receipt of written notice of default from the Village, specifying such default, provided however that if the nature of the default is such that immediate harm may result from such default, then it shall be an Event of Default if such default is not cured within ten (10) days of such written notice. Further, if the nature of the default is that it cannot be cured, then the Event of Default shall be declared upon the giving of notice, with no time to cure. If the nature of the default is such that it cannot reasonably be cured within such 60-day cure period, then, as long as the Developer, the Senior Owner, or the Market Owner (as applicable) is promptly commencing and diligently pursuing a cure, the Village shall grant an extension of time to cure the default, by written notice.

13. Remedies on Default. Whenever an Event of Default occurs, and following notice and opportunity to cure, the non-defaulting party may take any one or more of the following actions:

a. Default by the Developer, the Senior Owner, or the Market Owner.

(i) The Village may suspend its performance under this Agreement until it receives assurances from the Developer, the Senior Owner, or the Market Owner (as applicable), deemed adequate by the Village, that the entity will cure its default and continue its performance under this Agreement. If the Village does not receive such assurance, the Village may cancel this Agreement.

(ii) The Village may take any action, including legal or administrative action, in law or equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of the Developer, the Senior Owner, or the Market Owner (as applicable) under this Agreement, including securing an injunction to prevent harm. No remedy herein conferred upon or reserved is intended to be exclusive of any other remedy or remedies, but each and every such remedy shall be cumulative and in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or

omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed as a waiver thereof but any such right and power may be exercised from time to time and as often as may be deemed expedient.

b. Default by the Village.

(i) Subject to the written notice of default and a sixty (60) day cure period, in the event of any default in or breach of this Agreement by the Village, the Developer may exercise any rights or remedies provided for by law or equity including specific performance.

14. General Provisions.

a. The Developer, or its approved assigns, shall indemnify, save harmless and defend the Village and its respective officers, agents and employees from and against any and all liability, suits, actions, claims, demands, losses, costs, damages and expenses of every kind and description, including attorney costs and fees, for claims of any kind, including liability and expenses in connection with the loss of life, personal injury or damage to property, or any of them brought because of any injuries or damages received or sustained by any persons or property on account of or arising out of the development of the Property or the Developer's actions arising under this Agreement, occasioned wholly or in part by any act or omission on the Developer's part or on the part of its agents, contractors, subcontractors, invitees or employees, at any time.

If the Village is sued in any action that it believes is covered by the indemnification provision described above, the Village must within 10 days of being served notify the Developer of the suit. The Village and the Developer shall work together to respond to the claim in a timely fashion. The Developer shall have the right to defend any such claims against the Village covered by the indemnification provision using attorneys selected by the Developer or its insurance company, subject to the reasonable approval of those attorneys by the Village. Further, with regard to the development of the Property, if any claim against the Village is based upon specific actions taken by the Village, its agents or contractors, rather than because the Village is a party to this Agreement, such claims shall not be subject to this indemnification provision.

In every case where judgment is recovered against the Village, if notice and opportunity to defend have been given to the Developer of the pendency of

the suit within ten (10) days after service upon the Village, the judgment shall be conclusive upon the Developer as to obligation to indemnify the Village, provided the above indemnity applies to the claims raised in the referenced suit. Notice shall be deemed given and received by the Developer if the Developer is a party to the suit.

b. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin governing agreements made and fully performed in Wisconsin. This Agreement sets forth the entire understanding between the Village and the Developer with respect to its subject matter, there being no terms, conditions, warranties, or representations with respect to its subject matter other than that contained herein.

c. This Agreement may not be changed orally, but only by agreement in writing and signed by the parties hereto.

d. This Agreement specifically does not create any partnership or joint venture between the parties hereto, or render any party liable for any of the debts or obligations of any other party.

e. The headings set forth in this Agreement are for convenience and reference only, and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.

f. All parties participated in negotiating the terms of this Agreement. Neither party shall benefit from not having drafted this Agreement. If any term, section or other portion of this Agreement is reviewed by an administrative agency, court, mediator, arbitrator or other judicial or quasi-judicial entity, such entity shall treat this Agreement as having been jointly drafted by the parties.

g. Except as provided by law, or as expressly provided in this Agreement, no vested rights shall inure to the Developer by virtue of this Agreement. Nor does the Village warrant that the Developer are entitled to any other approvals required for private development solely as a result of this Agreement.

h. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by the Village and the Developer.

Nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults. The Village's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Developer.

i. If any party is required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the prevailing party in the litigation, arbitration, or mediation shall be entitled to collect its costs, including reasonable attorneys' fees and expert witness fees from the losing party (or parties). If the court, arbitrator, or mediator awards relief to all parties, each will bear its own costs.

j. Nothing contained in this Agreement constitutes a waiver of the Village's sovereign immunity under applicable law.

k. Any notice required or permitted by this Agreement shall be deemed effective when personally delivered in writing, or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

To the Developer:

_____
_____
_____
_____

To the Village:

Village Clerk
Village of Mount Horeb
138 E. Main Street
Mount Horeb, WI 53572

l. The Village may record a copy of this Agreement, or a memorandum thereof, in the Dane County Register of Deeds Office. All costs of recording shall be paid by the Developer.

m. Personal jurisdiction and venue for any civil action commenced by any party arising out of this Agreement shall be deemed to be proper only if such action is commenced in circuit court for Dane County unless it is determined that such court lacks jurisdiction. The Developer hereby

consent to personal jurisdiction in Dane County. The Developer also expressly waives the right to bring such action in, or to remove such action to, any other court whether state or federal, unless it is determined that the circuit court for Dane County lacks jurisdiction.

n. This Agreement may be executed in one or more counterparts and upon execution and delivery by each of the parties hereto shall constitute one and the same enforceable agreement.

o. If any part of this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, the rest of the Agreement shall remain in effect.

p. The representations and recitations set forth in Recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this paragraph, subject to all of the terms and conditions in the balance of this Agreement.

q. If the Developer does not proceed with the Project, the Developer shall reimburse the Village for its out-of-pocket expenses (including attorney's fees, financial consulting fees, planning fees, and engineering fees) incurred in connection with the evaluation and consideration of the Project and this Agreement, and the Developer shall have no further obligations to proceed with the Project.

15. Effective Date; Term. This Agreement shall be effective as of the date and year it has been fully executed by all parties. This Agreement shall terminate upon termination of the District.

[Signature pages to follow]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by individuals and officers duly authorized.

VILLAGE OF MOUNT HOREB

By _____
Ryan Czyzewski, Village President

By _____
Alyssa Gaffney, Village Clerk

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this _____ day of _____, 2026, the above named Ryan Czyzewski and Alyssa Gaffney, to me known to be the Village President and Village Clerk of the Village of Mount Horeb, and the persons who executed the foregoing instrument and acknowledged the same.

_____
Print Name: _____
Notary Public, State of Wisconsin
My Commission: _____

MOUNT HOREB ACQUISITIONS, LLC

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN

COUNTY OF DANE

Personally, came before me this _____ day of _____, 2026, the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same on behalf of Mount Horeb Acquisitions, LLC.

_____
Print Name: _____
Notary Public, State of Wisconsin
My Commission: _____

Attachment: Exhibit A – Legal Description of the Property
Exhibit B – Tax Agreement
Exhibit C – Form of Municipal Revenue Obligation
Exhibit D – Projected Amortization Schedule

This instrument drafted by:
Bryan Kleinmaier
Stafford Rosenbaum LLP
P.O. Box 1784
Madison, WI 53701
608/256-0226

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B

TAX AGREEMENT

EXHIBIT C

FORM OF MUNICIPAL REVENUE OBLIGATION

EXHIBIT D

PROJECTED AMORTIZATION SCHEDULE

The Parks, Recreation, and Forestry Commission met on February 24, 2026 at 5:30 PM with the following agenda items:

- Discuss Mount Horeb Area School District Girls Swim Team pool usage

  The swim team has requested that they be able to use the pool from August 11, 2026, to September 4, 2026. The pool is otherwise slated to close on August 15, 2026. It will cost approximately $470 per day to operate the pool (heat, chemicals, Public Services maintenance time) while in use by the swim team. Since the swim team did not have anyone present to discuss the matter with the Commission, the matter was tabled until the next meeting.

- Consider 2026 Aquatic Center dates and hours of operation

  The pool will open on June 10, 2026, and close on August 15, 2026. There are four sessions of swimming lessons planned during that time.

- Consider quote for new sign at Waltz Park

  The Commission considered options for replacing the sign at Waltz Park. The Commission requested some additional designs incorporating some elements from the current sign, including a tree and a bicycle, while still incorporating a baseball into the new sign.

- Discuss Village park sponsorship program

  Nic Owen has continued to discuss the sponsorship program with Jeff Gorman, Jill Dudley, and Grace Larson. They are in agreement to investigate whether it is financially feasible to hire a professional fundraiser for raising funds. The Commission discussed and agreed that any professional fundraiser would be excluded from collecting fees for donations from groups with which the Village has already been in contact.

  The Commission also briefly discussed sponsorship and signage of failed businesses, and of businesses / individuals who had performed some sort of nefarious acts that would require the Village to disassociate with that entity. The Commission was satisfied that an annual process could be devised to address these issues. As signs advertising failed businesses could lead to a negative perception of the community by visitors, a sign in Garfield Park displaying the logo of a failed business will be removed.

- Consider naming rights for the Grundahl Park concession/storage building

  The Commission approved the sale of naming rights to the new Grundahl Park concession/storage building, at $10,000/year for a period of five years. This could be accomplished through either annual payments, or in-kind work on the building during its construction, should a company building it be inclined to reduce fees in exchange for naming rights.

- Discuss Mount Horeb Recreation Complex planning

  Jeff Gorman and Nic Owen discussed options for grading services from the National Guard. They could either perform two weeks of work with one Guard unit, or four weeks of work with two Guard units, during the summer of 2027. Additionally, there is a possibility for more Guard units nationally to participate in a multi-year project, but that work couldn't begin until the summer of 2028 at this point. Additionally, depending on the outcome of the housing RFP, it's possible that it may be desirable to utilize part of the parkland while the housing land is also being graded.

  With the housing RFPs being opened in March, prior to the March PRF meeting, it was determined to revisit this item during the March PRF meeting.

- Update on Bird City USA

  Trustee Tim White, chair of the Sustainability and Natural Resources Committee, reported that Mount Horeb has qualified for Bird City USA designation.

- Update on Bike Friendly Community program

  Scott Roethle, member of the Sustainability and Natural Resources Committee, shared and discussed a draft bicycle and pedestrian safety plan with the Commission.

- Recreation Director's Report

  Recreation Director Jill Dudley reported that the move to Civic Plus for summer programs is underway. They are happy with the new Civic Plus software. The Rec Department has started advertising for seasonal pool staff, and Jill is reviewing the wage scale for staff.

- Public Services Director's Report

  Public Services Director Jeff Gorman reported that, unfortunately, a person in their 40s decided that the Garfield Park ice rink was a perfect place to practice their slap shot skills while the ice rink was open, causing damage to a neighboring property.

When confronted, this person brazenly assumed that the Village would pay for their damage to the property. A police report was filed and the person was advised that they, not the village, were liable for paying for the damage they had caused.

The unfortunate result of this activity may be a revisiting of which activities, including hockey, are permitted unsupervised on the Garfield Park ice rink in the future. Sadly, it's the actions of idiots like this that may result in a loss of an activity that the Village residents have enjoyed in the past.

The next meeting of the Parks, Recreation, and Forestry Commission will be held on March 24, 2026, at 5:30 pm.

The Utility Commission met on February 10, 2026, at 5:30 PM with the following agenda items:

- Approval of Resolution 2026-03 Resolution Authorizing Application for Rural Economic Development Loan
  This Rural Economic Development Loan is a zero-interest passthrough loan from the US Department of Agriculture. It will permit the MeatSmith Co-Op to purchase the former Artemis property to operate a meat processing facility and "farm-stop storefront". The zero-interest loan will save them several hundred thousand dollars in interest over the life of the loan. The Co-Op is required to provide a letter of credit in order to get the loan, mitigating the risk to the Utilities in the event of a failure to repay the loan.
- Consider Bank Account Information & Check Registers for January 2026
  Check register was approved.
- Electric Superintendent Report, attached to Agenda Packet for the meeting.
- Water Superintendent Report, attached to Agenda Packet for the meeting.
- Wastewater Superintendent Report, attached to Agenda Packet for the meeting.
- And as discussed in previous communication from Nic Owen to the Board, Water Superintendent Brian Schult, Nic, and resident Wade Kubina met to discuss Mr. Kubina's concerns expressed during the January Utility Commission meeting. According to both Nic and Brian, the exchange with Mr. Kubina was friendly and fruitful as Mr. Kubina, a licensed inspector, has offered to assist the Village with inspections in the future.