

ORDINANCE 2023-02
AN ORDINANCE TO REPEAL
SECTION 125-9 ENTITLED "ACCESSORY STRUCTURES"
OF THE VILLAGE OF VERNON MUNICIPAL CODE

WHEREAS, Section 125-9 of the Village of Vernon Municipal Code regulates the construction of accessory buildings within the Village of Vernon; and

WHEREAS, the Village of Vernon has discussed repealing the language in Chapter 125-9 of the Building Construction ordinance specifically relating to Accessory Buildings in connection with repealing and recreating Chapter 300 Zoning Code because provisions in Section 125-9 have been made part of Chapter 300 the Zoning Code, as amended and recreated; and

WHEREAS, the Village Staff has completed the repeal Chapter 125-9 of the Building Construction ordinance specifically relating to Accessory Buildings.

NOW, THEREFORE, the Village Board of the Village of Vernon, Waukesha County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 125 of the Village of Vernon Municipal Code entitled "Building Construction" Subsection 125-9 entitled "Accessory Buildings" is hereby repealed.

- ~~A. Applicability limited; accessory buildings defined. This section applies to all buildings which are not principal buildings in all zoning districts other than the B-1, B-2, B-3, M-1, M-2, B-P, B-4, P-1, A-B or A-E District; also excluded are the properties shown as having previously been in the A-O Overlay District as set forth on Exhibit A attached hereto and incorporated herein and kept on file in the Village Clerk's office. Such buildings shall be referred to in this section as "accessory buildings," in lieu of the definition of "accessory building" contained in § 125-3. No property owner shall, within the Village of Vernon, build, construct, use, or place any type of accessory building, including prefabricated accessory buildings, until a building permit has been obtained from the Building Inspector.~~
- ~~B. Compliance. Accessory buildings shall conform to all requirements of this chapter and also with all current and future applicable codes of the Village of Vernon, State of Wisconsin and federal government.~~
- ~~C. Application and approval:~~
- ~~(1) Accessory building application. An application for such an accessory building permit shall be made, in writing, to the Building Inspector, along with a complete set of building plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to lot lines, buildings and septic and well locations on the applicant's lot and all buildings on adjacent lots.~~
 - ~~(2) Building Inspector request for survey. The Building Inspector has the right and may request a plat of survey or certified survey map as well as a stakeout survey of the property indicating offsets and setbacks of both the primary building and proposed accessory building.~~
 - ~~(3) The Building Inspector shall not issue a building permit for any accessory buildings over 900 square feet until deed restriction is placed on the subject property in a form as approved by the Village Attorney giving notice that the accessory building cannot be used for any commercial or industrial purpose.~~

~~(4) The Building Inspector shall not issue a building permit for any accessory building that will exceed 3,000 square feet without prior Village Plan Commission approval. A petitioner may submit a written request for the same to the Village Clerk. Upon receipt of such request the Village Clerk shall place the matter on a Village Plan Commission agenda within a reasonable time. The Village Plan Commission shall then consider the following factors: whether the requested building would be consistent with the general intent of this chapter; whether the request, if granted, would adversely affect property owners in the surrounding area; and any other facts that may be relevant to the application. Upon consideration of these factors, but without necessarily making affirmative findings thereon, the Village Plan Commission shall determine whether the accessory building application is objectively reasonable. The Village Clerk shall forward the Village Plan Commission determination to the Village Building Inspector, who shall then issue the permit if the request was granted. Compliance with Subsection C(3) above is also required.~~

~~D. Location. Detached accessory buildings shall be constructed no closer to any lot line than zoning allows and shall not be constructed in the front yard. The front yard shall be defined as follows:~~

~~(1) In the case of a lot which abuts one, and only one, existing or proposed public road, the front yard shall be a yard extending across the full width of the lot, the depth of which shall be the minimum distance between the existing or proposed public road and a line parallel thereto through the nearest point of any existing or proposed principal building on the lot.~~

~~(2) In the case of a lot which abuts more than one existing or proposed public road, the front yard shall be determined in the same manner described in Subsection D(1) above, but only from the existing or proposed public road that the front of the existing or proposed principal building faces.~~

~~(3) In the event Subsection D(1) and (2) do not describe the particular circumstances of an individual lot, or a dispute arises regarding the proper interpretation or application of the same, the Village Planner and Village Building Inspector shall have the discretion to reasonably determine the location of the front yard on the lot for purposes of this section. If a dispute arises between the Village Planner and the Village Building Inspector, the Plan Commission shall have sole discretion to reasonably determine the front yard on the lot, for the purposes of this section.~~

~~(4) In this section, a lot shall be considered to abut the existing or proposed road if the lot directly adjoins the road right of way at any point. Lots which do not abut any public road, which are accessed by private easement, for example, are reviewed on a case-by-case basis pursuant to Subsection D(3) above.~~

~~E. Quantity and size.~~

~~(1) Quantity. A parcel shall have no more than two accessory buildings, unless a waiver or modification is granted, pursuant to Subsection I, to allow three or more accessory buildings, with the following exceptions:~~

~~(a) On parcels of three acres or more in size, more than two accessory buildings may be permitted when the Village Board, upon consideration of a recommendation from the Village Plan Commission, makes all of the following findings:~~

~~[1] There are one or more rural structures, as defined herein, on the property;~~

~~[2] Such rural structure(s) is (are) not a nuisance or detriment to the existing neighborhood;~~

~~[3] The total number of accessory buildings, excluding the rural structure(s), shall not be more than two, unless a waiver modification is granted by the Village of Vernon Plan Commission; and~~

~~(b) In accordance with Subsection A, agricultural buildings as defined herein are not subject to the limitations of this section.~~

- ~~(2) Size. The maximum aggregate square footage of accessory buildings shall not exceed the following aggregate square footage requirements, unless aggregate square footage requirements are waived or modified pursuant to Subsection F:~~

Minimum Lot Size	Maximum Aggregate Square Footage
Less than 1 acre	900 square feet
1 but less than 2 acres	1,200 square feet
2 but less than 3 acres	1.5% of the lot area or 1,960 square feet, whichever is smaller
3 acres or more	3% of the total lot area of the lot, provided that no individual accessory building (which term excludes agricultural buildings as defined herein) may exceed 3,000 square feet, except upon approval of the Plan Commission pursuant to Subsection C(4)

~~F. Construction standards for detached private garages.~~

- ~~(1) Foundations and footings. Detached private garages over 200 square feet must be built with a continuous floating slab of reinforced concrete not less than four inches in thickness, and this reinforcement shall be a minimum of Number 10 six inch by six inch wire mesh. The slab shall be provided with a thickened grade beam, eight inches wide and eight inches below the top of the slab. The thickened grade beam shall have two Number 4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two inches above the bottom of the thickened grade beam, and the upper reinforcement grade beam shall be set six inches above the bottom of the thickened grade beam. Exterior wall curbs shall be provided not less than four inches above the finished ground grade adjacent to the garage. Bolts 3/8 inch long shall be embedded three inches in the concrete curb of detached garages, eight feet on center.~~
- ~~(2) Floor surface. The floor in all detached private garages shall be of concrete construction and sloped toward the exterior garage door or opening.~~
- ~~(3) Construction. Detached private garages of wood frame construction shall be constructed with the following requirements:~~
- ~~(a) Studs may have a maximum spacing of 24 inches on center.~~
 - ~~(b) Diagonal corner bracing shall be installed on both walls at each corner. Diagonal corner bracing may be applied on the inside surface of studs.~~
 - ~~(c) Corner posts may consist of two two inch by four inch studs or a single four inch by four inch stud.~~
 - ~~(d) Collar beams at the top plate and collar ties in the upper 1/3 of the roof shall be installed with a maximum spacing of 48 inches on center. Collar beams may be two inches by six inches. Collar ties shall be at least two inches by four inches per foot. A one inch by six inch collar tie may be used for roof slopes four inches per foot or greater.~~
 - ~~(e) Roofs shall be framed in accordance with the applicable requirements of the Administrative Code.~~
- ~~G. Construction standards for other detached accessory buildings. Except as described above regarding detached private garages, buildings that are not attached to a principal building on a lot are not required to have concrete slabs or frost free footings. However, if concrete slabs or frost free footings are installed, they shall comply with § Comm 21, Wis. Adm. Code.~~
- ~~H. Compatibility. All accessory buildings shall be constructed in such a way that the exterior appearance is compatible with the principal building on the parcel. The determination of compatibility shall be made by the Building Inspector. If the Building Inspector determines that the proposal is not compatible, the applicant may appeal to the Village Plan Commission.~~
- ~~I. Request for waiver or modification. A petitioner may request that the Village waive enforcement or modification of one or more provisions of this chapter dealing with size and location limitations stated in this section as follows:~~

- ~~(1) Written request. The petitioner shall submit a written request for a waiver or modification to the Village Clerk. With such request for a waiver or modification there shall be a fee in an amount established from time to time by the Village Board; a copy of the application as submitted to the Building Inspector; a statement specifying the specific provision that the petitioner requests the Village to waive or modify and what, if any, substantial reasons exist for the request for waiver or modification; what, if any, effect the proposed accessory building will have the subject property and adjacent property; and whether or not the proposed accessory building is consistent with the general neighborhood.~~
- ~~(2) Procedure. Upon receipt of such request for a waiver or modification, the Village Clerk shall place the matter on a Village Plan Commission agenda within a reasonable time and shall give written notice of the request for waiver or modification, hearing and time to all property owners within 300 feet of the property being discussed.~~
- ~~(3) Considerations. The Village Plan Commission shall make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
 - ~~(a) Whether the request for the waiver or modification, if granted, would be consistent with the general intent of this chapter.~~
 - ~~(b) Whether the request for the waiver or modification, if granted, would adversely affect property owners in the surrounding area.~~
 - ~~(c) Whether the request for the waiver or modification, if granted, would benefit the petitioner's project in a way that is not inconsistent with the Village's interests.~~
 - ~~(d) Whether the petitioner is in full compliance with applicable ordinances and agreements with the Village.~~
 - ~~(e) Whether, instead of granting the request for the waiver or modification, the chapter itself should be changed to accommodate the kind of situation presented by the petitioner.~~~~
- ~~(4) Grant or denial of request for waiver or modification. After considering the above-listed factors and any other factors that may be relevant to the matter, the Village Plan Commission shall then determine whether it is objectively reasonable to grant the request for a waiver or modification. A request for a waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so.~~
- ~~(5) Past noncompliance not waived. A waiver or modification that is granted pursuant to a written request as described in this section shall not waive or modify any fines, forfeitures or other penalties that may have accrued due to violations of this chapter that took place prior to the date of the request for waiver or modification being granted, unless specifically stated otherwise in the decision of the Village Plan Commission.~~
- ~~(6) Deed restriction. If the Village Plan Commission grants a request for a waiver or modification at such time as the request for a waiver or modification is granted, a determination needs to be made by the Village Plan Commission as to whether or not, prior to the Building Inspector issuing a building permit for the same, a deed restriction must be placed on the subject property in a form as approved by the Village Attorney. If the Village Plan Commission grants a request for a waiver or modification and determines that a deed restriction be placed on the subject property prior to the Building Inspector issuing a building permit for the same, a deed restriction must be placed on the subject property in a form as approved by the Village Attorney.~~
- ~~(7) Appeal. Any party to a proceeding resulting in a final decision of the Village Plan Commission may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination or remand the matter to the Village Plan Commission for further proceeding consistent with the court's decision.~~

~~J. Use of accessory buildings. No accessory building shall be used for commercial or industrial purposes.~~

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon passage and posting by the Village Administrator Clerk as required, pursuant to s. 61.50 Wis. Stat.

Adopted this 8th day of February 2023 by the Village Board of the Village of Vernon, Waukesha County, Wisconsin:



Carl Fortner, Village President

Attest to posting on the 3rd day of March 2023



Bradley Calder, Village Administrator/Clerk