

ORDINANCE 2023-08
AN ORDINANCE TO AMEND
SECTION 300-9(B)(2) BUILDING REGULATIONS - OFFSETS
OF THE VILLAGE OF VERNON MUNICIPAL CODE

WHEREAS, the Village of Vernon has discussed amending the language in Section 300-9B(2) of the Zoning Code regarding Building Regulations an ordinance specifically relating to Offsets; and

WHEREAS, the Village Staff has amended Section 300-9B(2) of the Zoning Code regarding Building Regulations an ordinance specifically relating to Offsets; and

WHEREAS, the Village of Vernon has requested to modify the language of Section 300-9B(2) regarding building, structure and impervious offsets to wetlands; and

WHEREAS, the Village Code currently requires structures to be offset from a delineated wetland by seventy-five (75) feet; and

WHEREAS, the Village Board has requested to modify the language of Section 300-9B(2) regarding building, structure and impervious offsets to wetlands; and

WHEREAS, the request to modify the building, structure and impervious offsets to wetlands has been reviewed by the Village's Planning Consultant, and has been referred to the Village Plan Commission for report and recommendation; and

WHEREAS, following Class 2 notice, the Village Board of the Village of Vernon held a public hearing concerning the recommendation of the Village Plan Commission, as provided in Section 62.23(7)(d) of the Wisconsin Statutes and Section 300-46A.(4) of the Village of Vernon Village Code; and

WHEREAS, the Village Board finds that this change to the Village Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board has determined that adoption of the ordinance will promote the public health, safety and general welfare of the community, and will be consistent with the Village of Vernon Comprehensive Plan.

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

SECTION 1: Section 300-9B(2) of the Village of Vernon Municipal Code relating to Building Regulations specifically entitled "Offsets" is hereby amended as follows:

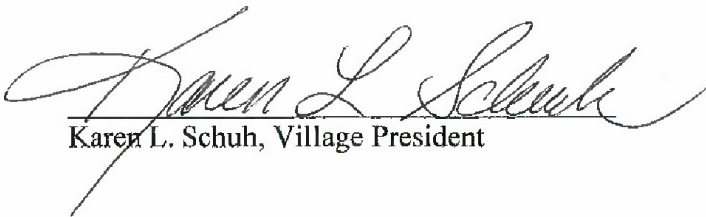
300-9B(2) Offsets.

- (2) *No building, structure or impervious surface shall be erected, placed or altered so that any portion, excluding a roof overhang measuring 24 inches or less, is closer than 15 feet to a wetland. Wetlands shall be delineated with WDNR concurrence when required by the Plan Commission or Zoning Administrator. For the purpose of this section, impervious surfaces shall include gravel. The following exceptions apply:*
- (a) *The Plan Commission, Village Engineer, or Zoning Administrator may increase the required wetland offset based on the size or intensity of proposed improvements and the need to further buffer a sensitive environmental area, accommodate for potential wetland expansion or to provide an increased area for stormwater runoff.*
 - (b) *The Plan Commission, with input from the Village Engineer, may decrease the required wetland offset where it can be demonstrated that runoff from the proposed improvements will not impact the wetland due to existing or proposed topography.*
 - (c) *Landscape features including, but not limited to, vegetation, fences, retaining walls, a single stairway/walkway, and planters/planting beds may be located within the wetland offset provided they are located outside of the wetland.*
 - (d) *Grading, excavation and filling with proper erosion control measures as determined by the Village Building Inspector are permitted within the wetland offset provided there is no impact to the wetland.*
 - (e) *In addition to these standards, Wisconsin Department of Natural Resources and Waukesha County Stormwater Management and Erosion Ordinance standards apply.*

SECTION 2: SEVERABILITY. Section 300-9B(2) of this ordinance are Hereby amended. Any other ordinances whose terms are in 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 9th day of August 2023 by the Village Board of the Village of Vernon, Waukesha County, Wisconsin:


Karen L. Schuh, Village President

Attest to posting on the ____ day of _____ 2023

Bradley Calder, Village Administrator/Clerk