

ORDINANCE 2023-03
AN ORDINANCE TO REPEAL
CHAPTER 144 ENTITLED "COMMERCIAL & INDUSTRIAL DEVELOPMENT"
OF THE VILLAGE OF VERNON MUNICIPAL CODE

WHEREAS, Chapter 144 of the Village of Vernon Municipal Code regulates commercial and industrial development throughout the Village of Vernon; and

WHEREAS, the Village of Vernon has discussed repealing the language in Chapter 144 Commercial and Industrial Development ordinance connection with repealing and recreating Chapter 300 Zoning Code because provisions in Chapter 144 have been made part of Chapter 300 the Zoning Code, as amended and recreated: and

WHEREAS, the Village Administrator, upon review of the Village of Vernon Municipal Code, recommended the Village Board repeal Chapter 144 of the Village Code; and

WHEREAS, the Village Board, upon review of the recommendation from the Village Administrator, finds that it is in the best interest of the Village of Vernon, and will be a benefit to the health, safety, and general welfare of the Village of Vernon residents to repeal Chapter 144 of the Village of Vernon Municipal Code.

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

SECTION 1: Chapter 144 of the Village of Vernon Municipal Code entitled Commercial and Industrial Development is hereby repealed.

1. ~~Definitions:~~

As used in ~~this chapter~~, the following terms shall have the meaning indicated: ~~—~~

~~BUILDING~~

~~Includes both the main portion of any building on the premises, including accessory buildings, and all projections and extensions thereof, including but not limited to platforms, docks, eaves, canopies, walls and opaque visual screens.~~

~~BUILDING SITE~~

~~Any lot or contiguous lots or portion(s) thereof within the development upon which buildings may be erected and used under the same ownership in conformance with these covenants and the statutes, regulations, codes and ordinances of the State of Wisconsin, County of Waukesha, and Town of Vernon.~~

~~COMMERCIAL AND INDUSTRIAL~~

~~Town of Vernon Zoning Districts which are B-1, B-2, B-3, B-4, B-P, I-1, P-1, and Agricultural Business Zoning Districts and Waukesha County Shoreland and Floodland Protection Ordinance Zoning Districts which are B-1, B-2, B-3, B-4, B-P, M-1, M-2, P-1, and Agricultural Business Zoning Districts.~~

~~CONDITIONAL USE~~

~~Certain uses and situations which are of such a special nature or are so dependent upon current circumstances as to make impractical the predetermination of permissibility, or the detailing in this~~

~~chapter of specific standards, regulations, or conditions which would permit such determination in each individual situation.~~

EXCEPTION

~~A special or unique situation, excluding a change in use or a use prohibited in a zoning district, which may be authorized by the Plan Commission and which may justify the waiver of the regulations applicable thereto and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty.⁽⁴⁾~~

EXTERIOR WALL AREA

~~The exterior and externally visible opaque surfaces.~~

PLAN COMMISSION

~~The Plan Commission or such other committee of the Town of Vernon authorized to review and approve land use planning.~~

STRUCTURE

~~Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.~~

TRUCK

~~Any truck requiring a state license plate other than "A," "B" or "C" is defined as a truck for purposes of this chapter.~~

2. Approval required.

~~All persons, firms or associations seeking to use property for industrial or commercial purposes, whether by zoning permit or conditional use or any other way, shall file an application, site plan, plan of operation and building plans with the Town Clerk. No person, firm or association shall use or own any property for commercial or industrial purposes without obtaining the prior permission of the Plan Commission. Such use shall strictly conform to the Plan Commission's approval.~~

3. Site plan.

~~A site plan shall include building site and location, existing and proposed grades, parking area and surfacing, lighting, signage and location of signs, flow of traffic, vegetative cover, landscaping plan and surface water drainage, construction site erosion control practices, sanitary facilities and septic system, any outside storage or refuse container and any other items the Plan Commission feels are necessary for its review. It may also be deemed appropriate that anticipated completion dates are supplied in the site plan.~~

4. Plan Commission review; minimum standards.

~~The Plan Commission shall review the application and site plan and approve, conditionally approve or deny the application based upon the following minimum standards:~~

A. Primary structures.

- (1)** ~~Primary structures shall be designed by an architect or engineer. No side, elevation or facade of a building or structure is exempt from public view; consequently, all sides, elevations, or facades of all buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with structures on contiguous parcels. Building materials will be selected for their ability to present a visual statement of a~~

building structure's strength, attractiveness and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the area.

~~(2) — The majority of exterior and externally visible opaque surfaces shall be constructed of not more than three of the following types of materials (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth beams):~~

~~(a) — Brick.~~

~~(b) — Architectural precast concrete panels.~~

~~(c) — Decorative concrete block.~~

~~(d) — Cut stone.~~

~~(e) — Exterior insulation and finish systems such as Drivit or Sunalar.~~

~~(f) — Wood.~~

~~(g) — Refinished metal siding (for not more than 33 1/3% of the exterior wall area of the total structure). Metal trim material may be used when in keeping with the architectural and aesthetic character of the building or structure but is not included in the 33 1/3%.~~

~~(h) — Other building materials being developed, and to be developed, by the construction industry. The use of such materials will be reviewed by the Plan Commission on a case by case basis.~~

~~(3) — Commercial buildings must have cement footings and frost free wall foundations.~~

~~B. — Parking. All parking shall be constructed in accordance with applicable zoning ordinance requirements. Overnight parking of campers, mobile homes, boats, trailers and similar vehicles is prohibited unless prior written approval is obtained from the Plan Commission. Overnight parking of trucks and service vehicles shall be behind landscape screening so as not to be visible from the roadway unless prior written approval is secured from the Plan Commission. Site plan and plan of operation must include numbers and particular types of vehicles to be parked in each site and must be approved by the Plan Commission. No parking will be allowed within 20 feet of any property line.~~

~~C. — Impermeable surface. No site plan shall have more than 65% of impermeable surface, buildings, pavement or other covering material which is impervious to surface water absorption.~~

~~D. — Utilities. All utilities, including all electrical and telephone connections and other installations of wires, shall be underground from the nearest available source. No transformer, electric, gas or other meter of any type or other apparatus shall be located on any power pole. All transformers and meters shall be placed and located in compliance with utility company regulations and shall be adequately screened or fenced; all such installations shall be included in and approved as a part of the application and site plan approval.~~

~~E. — Loading docks. All outside loading docks must be screened from view from the street and adjacent residential use by berm and/or landscaping as approved by the Plan Commission and in accordance with the applicable zoning ordinance regulations.~~

~~F. — Storage. No articles, goods, materials, finished or semi finished products, incinerators, storage tanks, refuse containers or like equipment shall be kept outdoors or exposed to public view, or~~

~~to view from adjacent buildings. A variance may be granted upon written application and prior approval of the Plan Commission. In the event that such approval is granted, such material shall be screened from view by completely opaque screens in a manner approved by the Plan Commission, and under no circumstances shall such storage occur within 40 feet of any street. Garbage and refuse containers shall be screened from view from the street and neighboring facilities. The proposed location of all storage and all garbage containers shall be shown on the application and site plan submitted for approval.~~

- ~~G. Fuels or chemicals. No fuels or chemicals shall be stored in the ground or above the ground unless such storage complies with all applicable federal, state and local laws and regulations.~~
- ~~H. Temporary structures. No temporary structures or trailers are to be permitted without prior approval of the Plan Commission, including those belonging to construction companies during periods of construction.~~
- ~~I. Secondary structures. No water tower, storage tank, processing equipment, solar collector, telecommunication equipment, cooling tower, appurtenances such as air conditioning units or water cooling units or other auxiliary structure or outside equipment shall be constructed, erected or placed without prior approval of the Plan Commission.~~
- ~~J. Parking areas. All parking surfaces, roadways, driveways and loading areas shall be paved with a bituminous or concrete surface within six months after occupancy of the site, unless extended by the Plan Commission.~~
- ~~K. Driveways and loading areas. Driveways and loading areas shall be large enough to accommodate all vehicles maneuvering on the site.~~
- ~~L. Fencing. No fencing should be established on any site without prior approval of the Plan Commission.~~

5. Letter of credit required.

~~The Plan Commission shall require that a letter of credit in an amount equal to the cost of landscaping, paving, grading and surface drainage, with terms acceptable to the Town Attorney, be provided to the Town pursuant to the site plans approved by the Plan Commission, to assure that landscaping, drainage and paving work are installed as approved and completed within six months of occupancy, unless extended by the Plan Commission.~~

6. Exceptions.

~~The Plan Commission may grant an exception, as defined in § 144-1 of this chapter.~~

7. Violations and penalties.

~~Penalties for a violation of this chapter shall be as described in Chapter 1, § 1-10 of this Code. In addition, the Building Inspector may also issue stop-work orders.~~

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 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 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