

ORDINANCE 2023-01
AN ORDINANCE TO REPEAL AND RE-CREATE
CHAPTER 300 ENTITLED “ZONING”
OF THE VILLAGE OF VERNON MUNICIPAL CODE

WHEREAS, the Village Board for the Village of Vernon has initiated this proposed Zoning Code amendment and has referred the matter to the Village Plan Commission for report and recommendation pursuant to Wisconsin Statutes Section 62.23(7)(d)(2); and

WHEREAS, pursuant to Wisconsin Statutes Section 62.23(7)(d)(1)b Class 2 Notice was published on December 28, 2022 and January 4, 2023 for the hearing held by the Village Board and Plan Commission, which occurred on January 11, 2023; and

WHEREAS, the Village Board received a report and recommendation from the Village Plan Commission in favor of adopting the ordinance to amend the Zoning Code for the Village of Vernon; and

WHEREAS, the Village Board finds that this Zoning Code amendment will benefit the health, safety and welfare of the Village of Vernon by updating these provisions of the Village’s Zoning Code; and

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

WHEREAS, further the Village Board of the Village of Vernon having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Zoning Code for the Village of Vernon, will not be contrary to the public health, safety or general welfare of the Village of Vernon, and the amendment is 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SECTION 1: Chapter 300 of the Village of Vernon Municipal Code entitled “Zoning” is hereby repealed and re-created as shown in “Chapter 300 Zoning” attached hereto and incorporated herein by reference:

SECTION 2: SEVERABILITY. The amendments to Chapter 300 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 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: CONTINUATION OF EXISTING PROVISIONS. The provisions of the ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinance and not as new enactments, and the

effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions in stayed pending the final resolution of such actions, including appeals.

SECTION 4: 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

Chapter 300

Zoning

FEBRUARY 9, 2023 DRAFT

Article I

In General

§ 300-1 Authority and intent.

- A. This code is adopted under the authority granted by Chapters 59, 60, 61, 62, 87, 145, 236 and 281 of the Wisconsin State Statutes and amendments thereto. Except as otherwise provided in this code, the current and future provisions of the State Statutes adopted herein are adopted and made a part of this code by references as if fully set forth herein. A violation of any such provisions shall constitute a violation of this code. Any further amendments, revisions, modifications, or additions of the current or future statutes incorporated herein are intended to be made part of this code in order to secure unified statewide regulation.
- B. For the purpose of promoting health, safety, morals or the general welfare of the community, this code is enacted:
- (1) To regulate the height, location and size of buildings;
 - (2) To classify and regulate the use of buildings and lands according to their specific characteristics;
 - (3) To regulate the density of population and the use of lot area;
 - (4) To regulate and determine the areas of open space surrounding buildings;
 - (5) To divide the Village into districts of such number, shape and area to carry out the regulations of this code;
 - (6) To provide for the administration and enforcement of this code; and
 - (7) To prescribe penalties for the violation of the provisions of this code.
- C. The provisions of this code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code or amendments hereto, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall be from the date of the first adoption of such provisions. By the initial adoption of this code, the Village of Vernon is assuming zoning authority that has previously been exercised by Waukesha County, and therefore this intention to continue ordinances in force immediately prior to the enactment of this code extends to the provision of the Waukesha County Zoning Code, to the extent the provisions of this code are substantively the same.

§ 300-2 Purpose.

The provisions of this code shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village. Among other purposes, such provisions are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in § 157.70(1)(b), Wis. Stats. The provisions within this code have been made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village.

§ 300-3 Effect on other provisions.

It is not intended by this code to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties, or with any rules, regulations or permits previously adopted or issued pursuant to law; provided, however, that where this code imposes a greater restriction upon the use of building or premises, or upon the height, location, or size of a building, or upon the open space requirements, the provisions of this code shall govern.

§ 300-4 Definitions.

- A. General interpretation. For the purpose of this code and when not inconsistent with the context; words used in this code, in the present tense include the future, in the singular number include the plural, and in the plural number include the singular and the term "shall" is always mandatory, not merely permissive.
- B. Specific words and phrases. The following words, terms and phrases, when used in this code shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADULT BOOK STORE

A commercial establishment that has a significant or substantial portion of its stock-in trade, or derives a significant or substantial portion of its revenues from books, magazines and other periodicals, videos, streaming videos, DVDs, tapes, and other similar items, which are distinguished or characterized by their emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment. This definition excludes films, motion pictures, video cassettes, streaming videos, DVDs, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

ADULT CABARET

A commercial establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment,

that regularly features (1) persons who appear semi-nude; (2) live performances that are characterized by the exposure of specific anatomical areas or by specified sexual activities; or (3) film, motion pictures, video cassettes, streaming videos, DVDs, slides or other photographic reproductions, which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas. This definition excludes films, motion pictures, video cassettes, slides, or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

ADULT ENTERTAINMENT

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas as defined in this section.

ADULT FAMILY HOME

A place licensed by the state under § 50.033(1m), Wis. Stats.

ADULT MINI-MOTION PICTURE THEATER

An enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

ADULT MOTION PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENTS

Includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets. The term "adult-oriented establishments" further includes any premises to which public patrons or members are invited or admitted and which are physically arranged to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

AGRICULTURAL BUILDING

A building used to store and maintain agricultural or farm-type equipment, store agricultural supplies and products and/or keep livestock that is located on a parcel of land used exclusively for agricultural or farm use, or is contiguous to land used exclusively for agricultural or farm use under the same ownership. Parcels divided by a road or navigable stream shall be considered to be contiguous if the parcels on both sides of the road are in agricultural use under the same ownership. The term "same ownership" as used herein shall mean it is owned by one individual, estate, or trust, or by two or more persons having a joint or common interest in the land, or by one corporation, business trust, partnership, limited liability company, or other single entity that is registered with the State of Wisconsin Department of Financial Institutions.

AGRICULTURAL OR FARM USE

The use of the land by tilling the ground, and growing, raising, cultivating, fertilizing, producing, and harvesting field crops; by feeding, watering, grazing, breeding, managing, pasturing, or producing livestock, poultry, fur-bearing animals, or dairy animals; by the sale, barter or trade of products related to livestock, poultry, fur-bearing animals, or dairy animals; by any other horticultural, floricultural, or viticulture use; by animal or poultry husbandry; or by any combination thereof.

AGRICULTURAL SALES AND SERVICE

A place where equipment, products, byproducts, or materials primarily associated with agricultural operations are sold, processed, handled, repaired, or stored. Examples include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; food processing facilities; and canning and other packaging facilities.

AMUSEMENT DEVICE

Any coin- or token-operated machine or device, whether mechanical, electrical, or electronic, that is ready for play by the insertion of a coin or token and operated by the public for use as a game, entertainment, or amusement.

APARTMENT

A suite of rooms or a room in a multiple dwelling which suite or room is arranged intended or designated to be occupied as a residence of a single family, individual or group of individuals. Such a suite shall also generally define a dwelling unit.

APARTMENT HOUSE

See "Dwelling, multiple."

APPLICANT

Any person or entity applying for any permit, variance, special exception, conditional use, site plan, plan of operation, rezoning, license, or other application for governmental approval under this code. An applicant shall be a landowner, specifically a person or entity holding fee title to the parcel as set forth below, or other such person having an interest in the parcel where the landowner has authorized such application:

- (1) In the case of corporation, an officer of the corporation duly authorized to make such application who has overall responsibility for the operation of the site for which the permit is sought.
- (2) In the case of a limited liability company, a member or manager that is duly authorized to make such application in that, although a member may be restricted as to his/her ability to bind the limited liability company by means of an operating agreement, the manager is authorized to do so by virtue of his/her position.
- (3) In the case of a partnership, a general partner.
- (4) In the case of sole proprietorship, the proprietor.

- (5) For a unit of government, by an elected official or other duly authorized representative.
- (6) In the case of an individual, by the individual, the individual's attorney, or one allowed to act as power of attorney.

ARCADE

Any premises containing three or more amusement devices for the primary use and entertainment of the public. Premises for which a license to sell fermented malt beverages and/or intoxicating liquors has been issued may be excluded from this designation.

AREA-WIDE STORMWATER FACILITIES

Stormwater facilities designed to provide peak flow reduction, water quality treatment, and/or groundwater recharge for entire watersheds or drainage areas, which may extend across property lines. Area-wide stormwater facilities coordinate stormwater management for the watershed, including existing and future land development activities and best management practices for individual sites, and to provide for long-term maintenance and funding of the facilities.

BASE SETBACK LINE

The ultimate right-of-way line as established by the Official Map of the Village of Vernon and from which all required setbacks shall be computed.

BASEMENT

A level of a building that is more than 1/2 below the finished grade on at least one side.

BED-AND-BREAKFAST FACILITY

An owner-occupied residence often in a building with landmark or historical significant qualities, where lodging for paying guests is offered on a daily or weekly basis and which offers breakfast to those guests as its only meal.

BOARDINGHOUSE

A building or premises where meals or meals and lodging are offered for compensation for five or more persons, but not more than 12 persons, and having no more than five sleeping rooms for this purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant. An establishment with more than five sleeping rooms shall be deemed a hotel.

BREEZEWAY

An above-ground, roofed area for passage for the purpose of connecting two structures or buildings, as between a house and a garage, with either open or enclosed sides, with or without a foundation, and must be designed and constructed in keeping with the existing structures or buildings.

BUILDING

Any structure used, designated or intended for the protection, shelter or enclosure of persons, animals or property.

BUILDING, ACCESSORY

A building or portion of a building subordinate to the principal building and used for a purpose customarily incident to the permitted use of the principal building.

BUILDING, HEIGHT OF

The vertical distance from the average finished grade at the building line to the highest point of any roof line.

BUILDING, PRINCIPAL

The main building on a lot, intended for primary use as permitted by the regulations of the district in which it is located. Any building intended to be used for human habitation shall constitute the principal building. Where the construction of the building constitutes one or more than one structure, it shall be determined by the Building Inspector or Zoning Administrator based upon the above-ground elements; if there is a separation between the above-ground elements so that they appear to be separate structures, the above-ground elements shall be regulated as separate structures, and such separate structures may be restricted or prohibited as regulated herein. This shall be true even if the above-ground elements are connected below ground, or by insubstantial means that do not dispel the above-ground appearance of separate structures. "Insubstantial means" include, without limitation: unenclosed connections; connections that lack a roof or floor; connections that are not heated, ventilated or air-conditioned in the manner of the main structure; connections that lack substantial structural elements that are present in the main structure; and connections that lack a foundation or footing. Whenever a parcel in any residential or agricultural district is without a building intended to be used for human habitation, any building located on such parcel that is used solely for agricultural purposes shall be deemed a "principal building" provided the building is not used for the keeping of animals for purposes of the Zoning Code.

BUILDING, TOTAL FOOTPRINT (also TOTAL BUILDING FOOTPRINT or AGGREGATE SQUARE FOOTAGE)

The ground area occupied by all roofed structures on a lot. Such footprint is measured from the dripline of roofed structures, except that eave depth of 24 inches or less is excluded.

CODE

The Village of Vernon Zoning Code.

COMMUNITY LIVING ARRANGEMENT

Any one of the following facilities: (1) residential care centers for children and youth, as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) group homes for children, as defined in § 48.02(7), Wis. Stats.; and (3) community-based residential facilities, as defined in § 50.01(I g), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats., day-care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

COMPOSTING FACILITY

A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

CONDOMINIUM

Property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes as amended and renumbered from time to time.

CONTRACTORS YARD

An exterior premises on which construction and maintenance materials (i.e., salt, sand, cement, stone, etc.), bulk materials (i.e., sand, gravels, stone, timbers, wood chips, etc.) or construction or maintenance equipment (i.e., bulldozers, front-end loaders, backhoes, trucks, trailers, etc.) are stored to be utilized for off-site construction and/or maintenance purposes. Where landscape materials are stored or sold for retail or wholesale markets and not as an accessory to an otherwise permitted use by right, such uses shall not be considered a contractors yard. See also "landscaping, lawn and garden business."

CREMATORIUM

A building or structure that includes a furnace used for cremating the deceased.

DANCE HALL

A facility including any room, place or space in which a public dance, public ball with live or amplified music (not including a jukebox) and live entertainment including shows, disc jockeys, comedy or dramatic acts, is conducted excluding any public or parochial school or church hall when used for public dances sponsored by the school or church authority or of a parent-teachers association.

DECK

A structure characterized by a flat open horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilevers and/or by other methods.

DISTRICT

A section of the Village for which the regulations governing the height, area and the use of building and premises are the same.

DWELLING, MULTIPLE

A building or portion thereof, designed for and occupied by more than one family, including duplexes, row houses, condominiums, apartment houses and apartment hotels.

DWELLING, SINGLE-FAMILY

A detached building designed for and occupied exclusively by one family.

DWELLING, TWO-FAMILY

A detached or semidetached building designed for and occupied exclusively by two families.

EMERGENCY SHELTER

A place where primarily indigent, needy, homeless, or transient individuals are temporary housed and provided with ancillary services.

ENTRANCE GATE or ENTRANCE MONUMENT

A structure, usually built with a decorative feature or landscape feature located at the entrance to a property, such as walls, which are often constructed in conjunction with lights, fencing, gates, pillars

with lights, property identification signage, or raised planting boxes.

ENVIRONMENTAL CORRIDORS (PRIMARY, SECONDARY, AND ISOLATED NATURAL RESOURCE AREAS)

Concentrations of key significant natural resource elements including surface water such as lakes, streams, and rivers and their associated undeveloped floodlands and shorelands; woodlands, wetlands, and wildlife habitat; prairie remnants; areas of groundwater discharge and recharge; unfarmed wet, poorly drained and organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features. In general, primary environmental corridors are concentrations of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width. Secondary environmental corridors are concentrations of significant natural resources at least 100 acres in area and at least one mile in length (possibly smaller and shorter if considered a primary link). Isolated natural resource areas are concentrations of significant natural resources at least five acres in area and at least 200 feet in width. Generalized environmental corridor boundaries are mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), typically at five-year intervals, and precise boundaries are field delineated by or reviewed and approved by the SEWRPC Staff. A description of the processes for further defining and delineating primary and secondary environmental corridors and isolated natural resource areas is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference.

ENVIRONMENTALLY SIGNIFICANT AREAS

Lands which are zoned as CO Conservancy Overlay District, ECO Environmental Overlay District, HGO High Ground Water Overlay District, or designated as primary environmental corridor, secondary environmental corridor or isolated natural areas on the Village of Vernon Comprehensive Plan Land Use Plan Map.

EXTERIOR WALL AREA

The exterior and externally visible opaque surfaces of any building or structure.

FAMILY

One or more persons who live together in one dwelling unit (DU) as a single housekeeping entity.

FARM OR AGRICULTURAL OPERATION

One or more parcels of land owned and managed by a single entity and zoned for agricultural or farm use upon which natural fibers, animals, or food for human or animal consumption is produced.

FARM, FUR

A tract of land devoted in whole or part to the raising of fur-bearing animals for commercial purposes.

FARM, GENERAL

A tract of land devoted principally to the raising of crops, livestock and/or farm products, but not including commercial stables or private stables.

FARM, PIG

A tract of land devoted principally to the raising and feeding of pigs and hogs.

FARM, POULTRY AND/OR EGG PRODUCTION

A tract of land devoted in whole or part principally to the raising of poultry and/or egg production for commercial purposes.

FEED LOT

A lot or facility used or proposed to be used for the confined feeding and/or holding of animals where the number and kind of animals exceed 75 units per acre of confined area. One animal unit shall be equivalent to 1,000 pounds of live animal weight, and the acreage used to compute the density shall include all fenced areas, pens, yards or similar uncovered structures and all covered enclosures where the animals are enclosed for 30 or more continuous twenty-four-hour days per year. Dairy farm operations utilizing seasonal winter confinement of livestock are excluded from this definition unless the Village Board determines that the operations of a particular dairy farm meet the provisions of this section and the intent of this code will be furthered by regulation of such operations under this definition. The intent of this definition is to clearly distinguish the feed lot type of farming situation which concentrates large numbers of livestock on small acreage from the more general type of farm operation in which cultivation and livestock grazing or feeding is conducted on a smaller scale. It is not the intent of this definition to prohibit these kinds of operations, but to recognize the potential as a pollution source and to effectively control it.

FINDING

A written conclusion or determination that is made in connection with reaching a decision.

FLOOD

A temporary rise in the stream flow or change in lake level that results in water over-topping the boundaries of its channel and inundating areas adjacent to the stream channel or lake bed.

FLOOD PROTECTION ELEVATION

The flood protection elevation shall correspond to a point two feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines. See "freeboard."

FLOODPLAIN

Those lands, including the floodway subject to inundation by the one-hundred-year reoccurrence flood, or, where such data is not available, the maximum flood of record.

FLOODPROOFING

Any combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to the properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas. Any such measures shall be certified by an architect or engineer as conforming to these requirements.

FLOODWAY

Those floodplain areas including the channel required to carry and discharge the one-hundred-year reoccurrence interval flood.

FLOOR AREA

The sum of the horizontal areas of each floor of an enclosed building as measured to the outside edges of the outside walls. This definition does not include basements, exterior balconies, unenclosed porches, or garages.

FOSTER AND TREATMENT HOME

A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.

FREEBOARD

A factor of safety expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated, and include, but are not limited to, ice jams, debris, accumulation, wave action, obstructed bridge openings and the effects of urbanization on the hydrology of the watershed.

FUNERAL HOME

A place where the deceased may be prepared for burial and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries. See "crematorium."

FUR-BEARING ANIMALS

Animals which are specifically raised for their pelts, including, but not limited to badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, possum, otter, raccoon, skunk, weasel and wolf.

GARAGE, PRIVATE

A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored.

GARAGE, PUBLIC OR COMMERCIAL

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored for monetary gain as a business.

GARAGE, STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold, and vehicles are not equipped, serviced, repaired, hired or sold for monetary gain as a business.

GRADE, ESTABLISHED

The elevation of a designated point as fixed by a licensed engineer, or by such authority, as shall be designated by law to determine such an elevation.

GREEN SPACE

A natural or man-made land area not occupied by any structure or impervious surface.

GREENHOUSE

An enclosed building or structure constructed mainly of glass, glasslike or translucent material, cloth or lath, and a support frame and which is devoted to the protection or cultivation of flowers, vegetables, or other tender plants.

GROUP DAY-CARE CENTER

A place licensed as a day care by the state where care is provided for nine or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

GUESTHOUSE

A structure used principally for occasional occupancy by guests of the owners, and shall not be leased or rented for human occupancy.

HIGHWAY

A right-of-way designated by the county-established street and highway width map or any other comprehensive system for the principal purpose of providing vehicular thoroughfare and not necessary affording direct access to abutting property.

HOME OCCUPATION

A gainful occupation conducted by a member or members of a family within their place of residence, where the space used is incidental to residential use and such use is conducted in compliance with the provisions of § 300-8D..

HORTICULTURE

The culture of growing and cultivating fruits, flowers and related plant material.

HOT TUB

An outdoor warm water reservoir usually with hydromassage jets. A hot tub may be built in or portable. The term includes spa.

HOTEL

A building in which lodging, with or without meals, is offered for compensation and which may have more than five sleeping rooms for this purpose.

HOUSEKEEPING ENTITY

A housing or lodging unit where all of the amenities of bathing and sanitary facilities, eating, cooking, living, sleeping and storage are provided the person or body of persons occupying and living together as a single entity within the unit.

HUMAN HABITATION

Utilization of a building or structure for overnight living or longer periods of time, and including the aggregate of normal occupancy activities such as lounging, cooking, eating, sleeping, bathing, sanitation, etc.

HUNTING PRESERVE

A place where the public or those with a membership can, for a fee or other consideration, hunt game animals not confined within a fenced enclosure. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing game animals for hunting purposes, and buildings for housing maintenance equipment, supplies, and related materials.

IMPERVIOUS SURFACE

Land area and surfaces where precipitation is unable to infiltrate into the soil. Such surfaces include, but are not limited to, roadways and pathways that are paved with concrete or asphalt, roofs, patios, and similar surfaces.

IN-LAW UNIT

A room or suite of rooms used or occupied as a separate housekeeping entity and located in a single-family dwelling occupied by persons related by blood or marriage to the family or persons occupying the single-family dwelling.

INDIVIDUAL GRADING PLAN

A detailed plan that depicts the existing and proposed elevations or topography of a subdivision or other unified development site. An individual grading plan contains components that depict site drainage patterns, erosion control measures, road and lot elevations, and other data deemed appropriate by Waukesha County and the Village of Vernon.

INFILTRATION SWALES

A shallow grassed or vegetated channel designated to capture, detain and treat stormwater and convey larger flows. It takes surface flows from adjacent paved surfaces and allows it to infiltrate through a soil bed into underlying soils. The swale provides conveyance for larger storm events to the storm drain system. Variations on designs include an underlying drain rock reservoir, with or without a perforated underdrain.

INHABIT

To be present in or occupy any building or structure which is designed or intended to be occupied or used for human habitation.

JUNK

Garbage, waste, refuse, trash, any motor vehicle upon which no current license plate is displayed, any inoperable or abandoned motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, lumber, furniture, paper, cans or bottles. Any trailer which is required to be licensed by the State of Wisconsin, but which is unlicensed, or any trailer which is abandoned or inoperable is considered junk under this code.

KENNEL, COMMERCIAL

An establishment, structure, or premises where dogs are raised and sold, bred, boarded, trained, or groomed for commercial purposes. The raising or selling of three or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.

KENNEL, HOBBY

An establishment, structure, premises, or pursuit accessory to the principal use of the property where four or more dogs of six or more months of age are kept for such private purposes as pets, field trials, shows, or hobby, which is not a commercial kennel. The raising of two litters of dogs per year on a premise and the sale or disposal of said dogs within six months of their birth shall also be considered a hobby kennel.

LAND-ALTERING ACTIVITY

Any man-made change of the land surface, including removing vegetative cover which changes the land surface, cutting of trees which changes the land surface, excavating, soil removal, filling, grading, dredging and channel improvements in excess of those limits set forth in this code, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees, and tree nurseries.

LANDSCAPING, LAWN AND GARDEN BUSINESS

Any property on which or from which landscaping equipment (other than one riding mower and/or one push lawn mower) consisting of trucks, trailers, materials and equipment to be stored and maintained on the site for the purpose of taking to the clients' properties to perform landscaping construction and landscaping maintenance services, such as lawn installation, plant installation, hardscaping, water feature installation, landscape lighting installation, snow plowing and removal and other traditional landscape construction services, the growing of trees, shrubs, bulbs, annuals, perennials and other plants imported to the site which are to be installed by the business on the clients' properties, storage of bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, landscape lighting, natural stone and brick, and other items to be imported to the site and then installed on the clients' properties; wholesale or retail nursery sales of trees, shrubs, bulbs, annuals, perennials and other plant material grown and/or imported and sold to wholesale customers (i.e., other landscapers), or of hardwood, bulk bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, and landscaping natural materials, shall be imported and sold to wholesale customers.

LIGHTING, HIGH INTENSITY

Lighting that is greater than 0.5 footcandles, measured at a property line.

LIGHTING, LOW INTENSITY

Lighting that is 0.5 footcandles or less, measured at a property line.

LIVING AREA

The occupied or usable floor area in a building designed and built with necessary ceiling, flooring, and electrical, heating and plumbing facilities to accommodate human habitation.

LODGING HOUSE

A building where lodging only is provided for compensation and having not more than five sleeping rooms for this purpose.

LOT

A parcel of contiguous land with described boundaries and abutting or having access via an approved easement to a public street or other approved way. Such parcel shall be exclusive of any land lying in any public right-of-way, navigable streams, or other navigable body of water. Where such navigable streams, navigable body of water, mil tax road, or public rights-of-way divide a single described parcel into two or more parts, such severed portions shall be considered separate individual lots provided they meet the use, building location and area regulations of the district in which they are located. Where such separate parcels do not meet such use, building, location and area regulations, and have been described as a single parcel of record, they, in combination, shall be considered to be a single lot for regulatory purposes, computation of area requirements and other locational provisions of this code.

LOT AREA

The area of a lot as described herein bounded by lot lines exclusive of land dedicated, reserved, or used for public rights-of-way, and any navigable streams or other navigable bodies of water.

LOT DEPTH

The mean horizontal distance measured between the street right-of-way line, as established by the Official Map of the Village of Vernon, and the opposing rear line(s) of the lot.

LOT LINE, SIDE

A lot line extending from a street line towards the interior of the lot and separating adjoining lots.

LOT LINES

The lines bounding a lot.

LOT OF RECORD

A platted lot or lot described in a Certified Survey Map, which has been approved by the Village and has been recorded in the office of the Waukesha County Register of Deeds, or a metes and bounds description of a lot which has been recorded in the Waukesha County Register of Deeds Office prior to the adoption of the original Waukesha County Zoning Code on February 26, 1959.

LOT WIDTH, MINIMUM AVERAGE

The mean horizontal distance measured between side lot lines, perpendicular to the lot depth and at a point in relation to the depth where the product of the two would produce the minimum required lot area.

LOT, LEGAL NONCONFORMING

A lot that at the time it was legally created conformed to existing rules and regulations, but is now inconsistent with the dimensional requirements set forth in this code.

LOWEST FLOOR OR LEVEL

The lowest floor or level of the enclosed area in a building, including a basement.

MOTEL

A building or series of buildings in which lodging is offered only for compensation, has more than five sleeping rooms or units, and is distinguished from a hotel primarily by reason of providing direct,

independent access and adjoining parking for each rental unit.

MOTOR VEHICLE

Any automobile, truck, tractor, bus, vehicle or other conveyance that is self-propelled by an internal combustion engine or motor, and for the purposes of this chapter shall include but not be limited to boats, recreational vehicles, all-terrain vehicles, motorized farm equipment and mobile machinery, motorcycles and snow mobiles.

NAVIGABLE RIVER OR STREAM

Those intermittent and perennial rivers, streams, ponds, lakes and flowages shown on the U.S.G.S. Topographic Quadrangle 7.5 minutes series maps of Waukesha County (and as periodically updated) and those stream reaches shown on the large scale topographic mapping control survey project for Waukesha County conducted under § 87.31, Wis. Stats., and amendments thereto. Any water is considered navigable in fact if it meets the tests outlined in state laws. Determinations of navigability are ultimately field determinations and map delineations are merely the best representation of navigable conditions at any particular time.

NURSERY

Any parcel of land used to cultivate, grow, raise, and harvest trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants in the outdoors or in greenhouses and for sale to retail or wholesale outlets or garden centers.

NURSERY, RETAIL

The sale of trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants on the premises where they are grown, or the place of business where the nursery stock is received after being transported from an off-site location.

NURSERY, WHOLESALE

The cultivation of trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants on a property and where the nursery stock is transported to market and is not offered for sale on site.

NURSING HOME

A place where five or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require twenty-four-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual; (2) a hospice as defined in state law; or (3) a residential care complex.

OCCUPY

To commence use of any building or structure which is designed or intended to be occupied, used, or inhabited.

OFFSET

The horizontal distance measured from the side or rear lot line, not along a street, to any roofed or

enclosed portion of a building not including an overhang, as defined herein, of 24 inches or less.

OFFSITE PARKING LOT

Areas on the exterior of the building used for the parking of vehicle that are fully registered, licensed, and operative which are contained on the same premises as the use which the off-street parking lot is intended to serve.

OPEN SPACE

Land area used for recreation, agriculture, and resource protection, amenities for recreational purposes or buffers.

OPEN SPACE, COMMON

Lands which are open space and owned in common by individuals within a development or land trusts or other private conservation organizations.

OPEN SPACE, PUBLIC

Lands which are open space, dedicated and owned by a public entity, such as a town, city, village or other public entity, and used for any public purpose other than streets or highways.

ORDINARY HIGHWATER MARK

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary highwater mark is, alternatively the point may be identified on the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

OUTDOOR SHOOTING RANGE

An outdoor area where patrons shoot guns, such as pistols, rifles, and shotguns, and bow and arrows for target practice. The term includes archery ranges, trap and skeet clubs, target ranges, and the like.

OUTDOOR/INDOOR RECREATIONAL FACILITIES

Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly "outdoor or indoor" nature and of having a more specific purpose such as tennis courts, swimming pools, basketball or racquetball courts, ice arenas, facilities used for sports orientated and/or cultural events, etc., other than passive park-like open areas, and further classified as follows:

- (1) **PUBLIC** Facilities owned and operated by a governmental agency for limited or general public use.
- (2) **PRIVATE COMMERCIAL** Facilities owned and operated by an individual, group or corporation for profit as a business whether or not open to the general public use.
- (3) **PRIVATE NONCOMMERCIAL GROUP** Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.

OVERHANG

That portion of a roof over a structure and designated as an integral part of the structure, which extends from the outer wall of the structure to the eave. Rain gutters are not included or considered part of the overhang.

PARKING SPACE

An area permanently reserved and maintained for the parking of one motor vehicle which meets the dimensional standards of this chapter.

PATIO

A structure characterized by a flat, open, horizontal surface or platform which is semipervious or impervious and usually constructed of materials including, but not limited to, concrete, brick, flagstone, crushed stone, compacted stone, gravel, wood, or other natural or man-made materials. A patio is located on the surface of the ground or at the average grade of the ground surface.

PERSON

An individual, association, partnership, limited liability company, or corporation.

PERSONAL STORAGE FACILITY

A building or a portion thereof, or a group of buildings, divided into separate, self-contained, self-service storage units that are rented or leased by the owner and used to meet the storage needs of a household or for the storage of personal property of the general public. The units are not for commercial storage purposes.

PLAN OF OPERATION

A statement of operation, prepared and signed by the owner and tenant or operator of the business or use and approved by the Village Plan Commission that includes a detailed description of the request, number of employees, hours of operation, and types of uses, products or services offered and any special events which are to be conducted on the property.

PLANNED UNIT DEVELOPMENT (PUD)

A development strategy, process or procedure whereby a relatively large parcel of land is developed for a specific use in such a way as to provide specific benefits to the community as well as to the developer and future citizens who will reside within the development, and when the normal application of standards and requirements are waived or made more flexible, and which shall contain substantial amounts of common open space for aesthetic, natural preservation or recreational purposes.

PLANNED UNIT DEVELOPMENT, MIXED

A planned unit development which is a mixture of retail, service uses, industrial or residential uses. Buildings associated with open space and recreational uses, either public or private, shall be considered part of the open space use.

PLANTING SCREEN

An area landscaped with natural growing plant material which effectively screens off from vision objects it is intending to hide from view.

POLYSTRUCTURE

An enclosure having a frame of steel or other materials which is covered with plastic, polyurethane, vinyl, canvas or other flexible sheeting material.

PORCH/STOOP

A functional element of the ingress/egress of a principal structure allowing for easy and convenient passage between the exterior and interior of said structure. For the purposes of regulation in this code, a stoop is considered to be 20 square feet or less whereas a porch exceeds 20 square feet in area.

POROUS PAVEMENT

A special type of asphalt or concrete pavement that allows rain and snowmelt to pass through it, thereby reducing the runoff from a site and surrounding areas. The porous pavement surface is typically placed over a highly permeable layer of open-graded gravel and crushed stone. A filter fabric is placed beneath the gravel and stone layers to screen out fine soil particles. For the purpose of this code, permeable pavers, which are blocks with gravel or grass in between them, will also be considered porous pavement.

PORTABLE ON-DEMAND STORAGE UNIT

Any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

POULTRY

Domesticated fowl kept for eggs or meat or as pets.

PRIVATE CLUB OR LODGE

A building or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.

PROFESSIONAL OFFICE

The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, accountant, author, musician or other similar recognized profession.

PUBLIC AND SEMIPUBLIC STRUCTURES AND USES

Structures and uses principally of an institutional nature and serving a public need, such as hospitals, rest homes, schools, including private, academic and nursery schools, libraries, post offices, museums, police and fire stations, public and private utility facilities and other public services, not including the operation of a public bar, restaurant or recreational facility as a commercial enterprise.

PUBLIC NOTICE

The means that a governmental body uses, or is required to use, in accordance with applicable law, to formally notify people and other interested entities of a pending governmental hearing or proposed action.

QUARRYING

The removal of rock, slate, gravel, sand, topsoil or other natural materials from the quarrying site by excavating, stripping, leveling or any other such process.

RAIN GARDENS

A manmade depression in the ground that is used as a landscape tool to improve water quality. The rain garden forms a bioretention area by collecting water runoff and storing it temporarily, permitting it to be filtered and slowly absorbed by the soil.

RECREATIONAL VEHICLE

A vehicle including, but not limited to, a recreational vehicle (RV), motor home, camper vehicle, truck camper, all-terrain vehicle (ATV), or snowmobile which is commonly used for recreational entertainment, travel, and touring.

RECYCLING CENTER

A place where recoverable materials, which have been previously removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, wood, rubber, asphalt/concrete, and plastic.

REFUSE DISPOSAL SITE

A tract of land operated, subject to restrictions of use and under supervision, by a public or private agent where more than one family may take all types of refuse, including organic and inorganic wastes (but excluding human excretions and sewage and/or other liquid waste), for compacting and burial by sanitary landfill methods. Hard or clean fill operations involving material such as foundry sand, dirt, gravel, concrete, or other forms of clean fill material shall not be required to conform to the provisions of this code.

REGULATED HOUSEHOLD PETS

All dogs, cats, and birds are regulated household pets.

REMODELING

Any structural alteration(s), addition(s), modification(s), rebuilding or lateral enlargement(s) of any such existing structures, principal or accessory. The term "remodeling" shall also refer to the conversion of living spaces of other floor areas into space for living purposes; such as converting a part of the living into a bedroom or bathroom regardless of whether such change(s) require structural alteration(s) to the basic structures. Ordinary maintenance repairs, including painting, decorating, paneling, replacement of doors, shingles, siding, windows, and other nonstructural components shall not be considered remodeling.

RESORT

A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

RESTAURANT

Any building, room or place where meals are prepared, served or sold to the general public, and all places used in connection with it. Dine-in services, meal pick-up/carry-out and/or delivery of meals are considered restaurant services. "Meals" does not include soft drinks, ice cream, milk, milk drinks, ices and confections. For the purposes of this Zoning Code, "Restaurant" does not include:

- (1) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.
- (2) Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.
- (3) Any public or private school lunchroom for which food service is directly provided by the school or a private individual selling foods from a movable or temporary stand at public farm sales.
- (4) Any bed-and-breakfast establishment that serves breakfasts only to its lodgers.
- (5) The serving of food or beverage through a licensed vending machine.
- (6) Any college campus, as defined in § 36.05 (6m), Wis. Stats., institution as defined in § 36.51 (1)(b), Wis. Stats., or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under § 36.51 or 38.36, Wis. Stats.
- (7) A concession stand at a locally sponsored sporting event, such as a little league game.
- (8) A potluck event.
- (9) Event barns where food is served to guests, whether catered or prepared on site.

RETAINING WALL

A structure more than 24 inches in height as measured from finished grade or a combination or series of multiple structures more than 24 inches in height from finished grade, constructed of man-made or natural materials for the main purpose of retaining land or stone and resisting the lateral pressure of the land or stone.

RETIREMENT HOME

A place where individuals of retirement age may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include limited on-site commercial and medical facilities for the exclusive use of residents.

RIGHT-OF-WAY

A strip of land dedicated or acquired for public or private use.

ROAD

A public or private right-of-way usually affording primary access to abutting property.

ROADSIDE STAND

A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of the farm products raised on such farm.

ROOFLINE

The intersection of two roof surfaces forming the highest horizontal line of the roof. Also known as the ridgeline.

RURAL ACCESSORY BUILDING

An existing building, which is: (1) set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design as determined by the Village Plan Commission; (2) is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice, as determined by the Village Plan Commission; and (3) sufficiently structurally sound to meet minimum safety requirements for the proposed use. The building owner shall demonstrate to the reasonable satisfaction of the Plan Commission in the form of a stamped report from a structural engineer licensed by the State of Wisconsin that the building is sufficiently structurally sound in the event of any question of structural integrity by the Building Inspector.

SALVAGE YARD

A place where salvage materials, such as scrap metal, rubber tires, junk vehicles, and used timber and lumber, or similar materials, may be bought, sold, exchanged, stored, baled, packed, disassembled, or handled. (Note: In contrast see "recycling center.")

SCREENING

A feature such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.

SEASONAL PRODUCT SALES

An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween. The term does not include fireworks sales for the Fourth of July.

SELECTIVE VEGETATIVE CUTTING OR REMOVAL

The process of selectively cutting or removing vegetation which would include a determination by a forester or naturalist of which plants, including woody vegetation and trees, middle layer species and ground layer vegetation is to be removed or cut based upon the species type, quality, indigenous character (alien, invasive or native) or otherwise of poor quality (dead, diseased, dying).

SERVICE-ORIENTED BUSINESS

A business where personal services are performed or assistance is provided on site or at remote locations, as opposed to products sold.

SETBACK

The horizontal distance between the base setback line and the nearest roofed or enclosed portion of a building, excluding the twenty-four-inch roof overhang defined herein.

SETBACK, SHORE

The horizontal distance between the average annual high water mark of a water body, the conservancy/wetland district, or the established one-hundred-year floodplain location if available, to the closest point of a principal or accessory building.

SHORELAND

Has the meaning given in Wis. Stat. Sec. 59.692(1)(b).

SHORELAND SETBACK AREA

Has the meaning given in Wis. Stat. Sec. 59.692(1)(bn).

SIGN

Any display of lettering, logos, colors, lights, objects or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, promotions, events, occasions, facilities, persons, property interest, or business either on the lot or on any other premises. The types of signs as used in this code shall be further defined as follows:

- (1) **AWNING, CANOPY, OR MARQUEE** A projecting identification sign painted on or affixed flat to the surface of an awning or canopy and which does not extend vertically or horizontally from the awning or canopy.
- (2) **BANNER** An elongated sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric or any kind usually used for temporary display for the special announcement of a coming event or occasion.
- (3) **BILLBOARD** Any sign, permanently attached to the ground, greater than 150 square feet in area per one side or greater than 20 feet in height; and used to advertise a place of business or product.
- (4) **BULLETIN BOARD** Any sign used by governmental and institutional agencies to publicly display notices of meetings, services, regulations and announcements. Such signs are not necessarily designed to be read from a distance or by the traveling public.
- (5) **ELECTRONIC MESSAGE CENTER** A sign that conveys text and/or graphic information that is capable of being changed or manipulated electronically.
- (6) **FLAGS AND PENNANTS** Devices generally made of flexible materials such as cloth, paper, plastic, and displayed on strings or wires. Such devices may or may not include words, letters, or numbers.
- (7) **FLASHING** A sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation, and word/text changes. Illumination signs, which indicate the date, time and temperature, will not be considered as part of a

flashing sign.

- (8) **GROUND, MONUMENT, or SANDWICH** A free-standing sign affixed to or placed on the ground and independent of any buildings or other permanent structure.
- (9) **OFF-PREMISE DIRECTION/SALES** Signs which are intended to direct patrons and advertise places of business, or events not located on the same parcel or land ownership as the off-premises sign.
- (10) **POLE** A free-standing sign supported by one or more poles.
- (11) **PORTABLE** Any sign that is mounted on wheels or can be readily moved from place to place on the premises. Such signs are generally not permanently attached to the ground or to a permanent structure on the premises.
- (12) **PRODUCT** A sign which offers for sale perishable products produced on the premises.
- (13) **PROJECTING** Any sign that is not attached to the ground and projects more than 12 inches from the face of a building or other permanent structure.
- (14) **REAL ESTATE** Any sign primarily used for advertising the sale, lease or transfer of real estate.
- (15) **ROOF** Any sign erected on or over the roof of a building.
- (16) **TEMPORARY** Any sign not permanently attached to the ground, wall or building, designed to advertise a commodity or event for a specific period of time.
- (17) **WALL** A sign which is attached to a wall of a building or structure and projects not more than 12 inches from such a wall.
- (18) **WINDOW** A sign painted on or affixed to a window. Materials affixed to a window shall be affixed to the inside surface of the window.

SIGN AREA

That part of a total sign structure which encompasses the sign message exclusive of a structure upon which the sign area is affixed or which supports the sign area. However, for the purpose of computing square footage of a sign area, any exposed structure which supports a sign may not comprise more than 1/3 of the visible or exposed surface of one side of a total sign structure. Only one side of a double-sided sign shall count toward the sign area requirements of § 300-13D.

SIGN STRUCTURE, TOTAL

The sign area, plus any exposed area or members of the supporting structure on or to which the sign, or sign message, is affixed. Decorative, landscaped earthen berms or structures which are composed principally of exposed earth and/or landscape (plant) materials is not included as part of the total sign structure.

SIGNABLE AREA

The area of the facade of the building facing or abutting upon a street right of way up to the ceiling line of the top floor which is free of windows and doors or major architectural detail on which signs may be displayed.

SITE PLAN and/or PLAT OF SURVEY

A map of the property (in standard engineering or mapping scale) which provides a clear representation of the property, approved by the Village Plan Commission, that shows the location and dimensions of all existing and proposed buildings and structures and other attributes on the site, the location, number and arrangement of parking spaces or loading areas, lighting fixtures, easements, dumpsters, signs, landscaping and screening, and any other factors affecting the development of the site.

SKETCH PLANS

An informal plan to scale indicating the pertinent existing features of a tract of land and the adjacent land uses, with the general layout of the proposal, including open space areas, lot lines, roads, and outlots designated for stormwater facilities.

SOLID WASTE FACILITIES

A place where solid waste may be temporarily stored prior to transport to a processing plant, or may be permanently buried consistent with environmental protection standards. The term includes composting facilities, recycling facilities, and solid waste transfer stations. The term does not include land application units, surface impoundments, injection wells, or waste piles.

SPECIAL CARE FACILITY

This term includes adult family homes, community living arrangements, emergency shelters, foster and treatment homes, group day-care centers, and nursing and retirement homes.

SPECIAL EVENT

An event of limited duration approved by the Village Plan Commission which is open to the public and is not otherwise permitted in the district. Examples include auctions, art fairs, festivals, and fundraisers.

SPECIAL EVENT PARKING

Place where parking for motor vehicles is allowed when specifically related to a special event of regional significance as designated by the Village Plan Commission.

SPECIAL EXCEPTION

A request for a minor adjustment to the requirements of the Zoning Code only where specifically authorized by this code, owing to special conditions of the property. The special exception must be necessary and desirable and must not adversely affect adjacent property owners. A special exception differs from a variance in that a special exception does not necessarily require demonstration of an unnecessary hardship or practical difficulty. In the granting of a special exception, the approving body must still consider whether the proposed special exception would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects and may impose such restrictions or conditions they deem necessary for the protection of adjacent properties and the public interest and welfare.

SPECIFIED ANATOMICAL AREAS

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLES

- (1) Private stable. A tract of land on which horses or other livestock are kept for noncommercial use of the owner or persons residing on the tract of land.
- (2) Commercial or boarding stable. A tract of land on which horses or other livestock are kept for hire, board, training, sale or any other commercial use.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements that are exposed at least six feet on at least one side.

STREET

See "road."

- (1) **STREET, ARTERIAL** A road providing for efficient, safe and direct connection to or separation of developed areas for circulation to destinations outside the developed area and deemed as such on the Official Map of the Village of Vernon and the Established Street and Highway Width Map of Waukesha County.
- (2) **STREET, COLLECTOR** A road providing for circulation to serve local traffic moving between minor streets and arterial streets as designated on the Official Map of the Village of Vernon.
- (3) **STREET, MINOR** Any other road not deemed as a collector or arterial street on the Official Map of the Village of Vernon.

STREET FRONTAGE

A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

STREET LINE

A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURAL ALTERATION

Any change(s) in the supporting members of a building or any substantial change(s) in the roof structure or in the exterior walls.

STRUCTURE

Any manmade object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed either upon the ground or upon another structure. For the purpose of this code, the term "structure" includes swimming pools, hot tubs, patios, decks, gazebos, radio towers and television towers, but does not include landscaping or earth work including graded areas, filled areas, ditches, berms or earthen terraces. The term "structures" does not include flag poles, mail boxes, fences, basketball hoops, satellite dishes of 18 inches or less in diameter or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, lawn ornaments, temporary fences, bird feeders, birdhouses or birdbaths.

STRUCTURE, LEGAL NONCONFORMING

A building, structure, or portion thereof, lawfully existing at the time of the passage of the Code from which this section is derived, but which does not conform in one or more respects to the regulations of this code.

SUSTAINED YIELD FORESTRY

The management of forested lands to provide annual or periodic crops of forest products.

TAVERN

A place where alcoholic beverages are offered for retail sale for on-site consumption pursuant to a license or permit issued under the Wisconsin Statutes and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bars, drinking establishments, microbreweries, and lounges.

TEMPORARY STRUCTURE

A movable structure not designed for human habitation or occupancy, but for the temporary protection of goods or chattels during a period of construction, but not to exceed one year; for the enclosure or screening of goods or property; or for the display of signs and advertising.

TOURIST HOME

A building in which lodging, with or without meals, is offered to transient guests for compensation, and having no more than five sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.

TOWER

A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave

towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

TRAFFIC ARTERY

See "highway."

TRAILER PARK and MOBILE HOME PARK

A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses. The site may include services and facilities for the residents.

TRUCK TERMINAL

A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.

USE, ACCESSORY

Use subordinate to and customarily incident to the permitted principal use of the property or buildings, and located upon the same lot as the principal use.

USE, LEGAL NONCONFORMING

The use of a building or land lawfully carried on at the time of the passage of the Code from which this section is derived or amendments thereto, but which does not conform to the use regulations of this code.

USE, PRINCIPAL

The main or primary use of property or buildings as specified and permitted by the regulations of the district in which it is located.

UTILITY CABINETS

Pedestals, loaders, junction boxes, cross-connect boxes and any similar facilities which relate to the provisions of telephone, electric, natural gas, cable television, cable Internet, or similar public services, and which are owned by the providers of such services.

VARIANCE

An authorization granted by the Vernon Board of Appeals, pursuant to state law and the terms of this code, to depart from the literal requirements of this code.

VARIANCE, AREA

An authorization granted by the Vernon Board of Appeals for modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.

VARIANCE, USE

An authorization by the Vernon Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

VILLAGE

The Village of Vernon, Waukesha County, Wisconsin.

VILLAGE ATTORNEY

A person who has been designated or appointed by the Village Board to handle legal obligations or matters of the Village of Vernon.

VILLAGE BOARD

The Village of Vernon Board of Trustees and President under the jurisdiction of this code.

VILLAGE BOARD OF APPEALS

“The Board of Appeals established by the Village of Vernon Board pursuant to Wis. Stat. § 62.23(7)(e).”

VILLAGE BUILDING INSPECTOR

A person or company that has been designated or appointed by the Village Board to perform the responsibilities of a building inspector as set forth in the Wisconsin Statutes, the Wisconsin Administrative Code, and the Village of Vernon Code of Ordinances, including as amended from time to time.”

VILLAGE CLERK

The Village of Vernon Clerk/Administrator.

VILLAGE ENGINEER

A person or engineering firm who has been designated or appointed by the Village Board to handle engineering matters for the Village of Vernon.

VILLAGE PLAN COMMISSION

The Village of Vernon Plan Commission established under village powers pursuant to § 62.23, Wis. Stats.

VILLAGE PLANNER

A person or planning firm who has been designated or appointed by the Village Board to handle planning matters for the Village of Vernon.

VILLAGE ZONING ADMINISTRATOR

An individual such as the Village Building Inspector or Village Planner who is designated by the Village and does not include any committee, commission, or board or its individual members.

VISION SETBACK

The unoccupied triangular space at the street corner of a corner lot that provides an unobstructed view in both directions perpendicular to the line of sight at all road intersections. Also known as a "vision triangle."

WAREHOUSE

A building where goods, merchandise, and other materials are stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

YARD SALE

A temporary event where used household items are offered for sale.

ZONING DISTRICT, OVERLAY

A type of zoning district that is superimposed over one or more base zoning districts, or portions thereof, and thereby imposes additional requirements, modifies existing requirements of the underlying base zoning district, or both.

ZONING USE PERMIT

A document signed by the Village Zoning Administrator, as required in this code, which acknowledges that the proposed building, structure, and/or use complies with the provisions of this code and applicable Village ordinances. The issuance of a zoning use permit is a condition precedent to the issuance of a building or occupancy permit.

§ 300-5 Compliance.

Except as may be otherwise specifically provided, the use, size, height and location of buildings now existing or hereafter erected, converted, enlarged, or structurally altered, the provisions of open spaces, and the use of land, shall be in compliance with the applicable provisions of this code, all other applicable Village ordinances, and applicable county regulations.

§ 300-6 Zoning use permit.

- A. Required. No vacant land shall be occupied or used except for agricultural purposes, and no building shall be hereafter erected, structurally altered, relocated, used, or occupied until a zoning use permit has been issued certifying that any such building, use, or occupancy complies with the provisions of this code and applicable Village ordinances. This permit shall be obtained before any change is made in the type of use or before any nonconforming use is resumed, changed, extended or granted conditional use status pursuant to this code and all other applicable Village ordinances.
- B. Application. All zoning use permits, excluding zoning use permits applied for under § **300-6F**, shall be applied for with the Village Clerk. Application for a zoning use permit shall be made prior to or at the same time as the application for a building permit. All zoning use permit applications shall be prepared in triplicate, signed by the applicant and shall include for the purpose of proper enforcement of this code and all other applicable Village ordinances the following data:
- (1) A statement by the applicant as to the intended use of the premises and of any existing or proposed buildings thereon.
 - (2) An accurate map of the property drawn to a reasonable scale and properly dimensioned showing:
 - (a) The boundaries of the property involved.
 - (b) The location of the centerline of any abutting streets.
 - (c) The location on the lot of any existing buildings, proposed additions or new buildings, including the measured distances between buildings, lot lines and street lines measured to the nearest portion of such buildings.

- (d) The proposed floor elevation of any proposed buildings in relation to the existing and/or established grade of any abutting streets.
 - (e) The ordinary high water mark of any stream or lake, conservancy or wetland and/or floodplain which the property abuts.
 - (f) The proposed locations of the septic systems, including tank, drain field, and/or mound, and private wells or the location of any soil borings on the property and within 50 feet of the property lines.
- (3) Where the use involves human occupancy, a plan of the proposed sewage disposal system approved by Waukesha County through issuance of a county sanitary disposal permit when a private system is proposed.
 - (4) Fees shall be fully paid by the applicant at the time of filing of each application for a permit in accordance with the fee schedule established by the Village Board from time to time, and such payment shall be made to the Village Clerk.
- C. Issuance. Zoning use permits shall be issued by the Village Zoning Administrator after adequate investigation as to conformance with the provisions of this code, applicable Village ordinances, approval by the Village Plan Commission and Village Board (if applicable), and prior to the issuance of the building permit.
- D. Displaying/posting. Provided the application is in order, the applicable application fee has been paid, and any building, occupancy, or use as proposed would be in compliance with the provisions of this code and all other applicable Village ordinances, a certification that such zoning permit has been issued shall be displayed/posted in a prominent place on the premises during the period of any construction involved in readying the land or buildings for occupancy.
- E. Expiration. If, within 12 months of the date of issuance of a zoning use permit, the proposed construction project has not commenced in any manner including site preparation, such zoning use permit shall expire. If, within 24 months of the date of issuance of a building permit, the proposed project has not commenced in any manner, including site preparation, such building permit shall expire. Once the proposed construction project has commenced, the construction project shall be completed within a twenty-four-month period and issuance of an occupancy permit. Upon showing of valid cause and in the best interest of the Village, the Village Plan Commission, may grant one extension of such zoning use permit or building permit for a period not to exceed 12 months.
- F. Zoning use permit: site plan and plan of operation.
- (1) Required. All permitted uses (other than agricultural or single-family residential) and all conditional uses require the submission of a site plan and a plan of operation which provides a detailed description of the proposed use(s) and serves as a basis for consideration prior to approval of the Village Board, upon recommendation of the Village Plan Commission. The purpose of said site plan and plan of operation review is to document the zoning use permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and

document the plan and method of operation to enable a determination on compatibility with the requirements of this code and consideration of approval.

- (2) Application. All zoning use permits submitted under this § **300-6F** shall be applied for from the Village Clerk, or designee. Application for a zoning use permit under this section shall be made prior to the application for a building permit. All applications for zoning use permits submitted under this § **300-6F** shall be prepared and submitted with the applicable fee established by the Village Board from time to time and in accordance with the application for Village Plan Commission and Village Board agendas and shall include the following information to determine compliance with the regulations of this code and all other applicable Village ordinances.
 - (a) A plan of operation shall include, but not be limited to, name and address of the business, owner and/or operator, tax key and legal description of the premises, lot size (depth, width, acres, zoning, land use), use and operation of the site, building(s) and structure(s), exterior uses, customer dockage, maximum number of employees, hours of operation, and any other items the Village Attorney, Village Engineer, Village Planner, Village Building Inspector, Village Plan Commission, or Village Board determine are necessary for the review.
 - (b) A site plan (plat of survey or CSM in a standard engineering mapping scale not to exceed one inch equals 100 feet) shall include, but not be limited to, a drawing of the entire premises showing the location of all building(s) and structure(s), dimensions and levels of all of the building(s) and structure(s), existing and proposed grades, off-street parking, lighting, sign location, size and type (i.e., monument), flow of traffic, vegetative cover, grading plan, landscaping plan, storm and surface water drainage facilities, construction site erosion control practices, sanitary facilities and septic system, any outside storage or display area(s), refuse container(s) and any other items the Village Attorney, Village Engineer, Village Planner, Village Building Inspector, Village Plan Commission, or Village Board determine are necessary for the review. The Village may require statements of applicable anticipated completion dates as part of the site plan.
 - (c) A stormwater management and erosion control plan consistent with the requirements of the Waukesha County Construction Site Erosion Control and Stormwater Management Ordinance.
 - (d) An individual grading plan, where required, shall be submitted in the same scale as the site plan, including existing and proposed contours at a maximum of two-foot vertical intervals for slopes less than 12% and at no more than five-foot intervals for slopes 12% or greater, existing and proposed features (i.e., berms, swales, ponds, ditches, storm sewers, inlets, etc.), vegetative plan, timetable for completion, the name of the responsible party and a letter of credit, if deemed necessary. The Village Plan Commission, Village Board, Village Planner, or Village Engineer have the discretion to request an individual grading plan in a scale different than the site plan in order to show with sufficient detail the contours and features of the property.
 - (e) Building plans and plans approved by the state, if required, at a standard architectural scale, including exterior elevation drawings of all sides of all buildings proposed.
 - (f) A detailed colored rendering of all signs visible from the exterior, along with the location,

dimensions, overall height and illumination of the signs.

- (g) Lighting or photometric plan, including cut sheets of each type of exterior light fixture proposed or existing.
- (h) A detailed landscaping plan showing the location of all existing and proposed landscaping including berms, trees, shrubs, ground cover, fencing, and decorative walls. All plantings shall be specified in a schedule including species, quantity, and height/caliper at time of planting. Any proposed fencing or decorative walls shall include a descriptive photo or drawing including materials and height. A phasing plan shall be provided if planting is to occur at a later date due to the season at time of construction.
- (i) § 300-21.5 Development Standards applies to all site plan reviews.

Article II
Regulations for Sites, Uses, Buildings, and Accessory Structures

§ 300-7 Site regulations.

Every building hereafter erected, structurally altered, or relocated shall be located on a lot and in no case shall there be more than one principal building on a lot, except in agricultural, business, manufacturing, and public and institutional districts; and multifamily units and condominiums; and planned unit developments. The principal building, as defined in § 300-4, shall be built first in all districts. In any district where a building other than a residence is considered principal, such construction shall be subject to the prior approval of the Village Board.

- A. A building permit may be issued for a new single-family residence on the same parcel as an existing single-family residence that will be occupied while the new residence is being constructed, subject to the following conditions:
- (1) The existing residence shall be occupied by the same person(s) who will occupy the new residence.
 - (2) The applicant shall submit to the Village Building Inspector written proof that the waste disposal system for the property upon which the current residence exists conforms to the applicable sanitary ordinances of the Waukesha County Environmental Health Division.
 - (3) The existing residence shall be removed within two years of the date of issuance of the building permit or within 60 days of issuance of the occupancy permit for the new residence, whichever comes first. Upon the property owner showing valid cause and in the best interest of the Village, the Village Plan Commission, may grant one extension for a period not to exceed 12 months.
 - (4) Prior to issuance of the building permit for the new residence, the applicant shall obtain approval as to form from the Village Attorney and as to amount from the Village Engineer a letter of credit or cash in the amount of 115% of the removal and restoration costs relative to the existing residence as determined by the Village Engineer; and also submit to and obtain approval from the Village Attorney and the Village Engineer an agreement which would allow the Village to access the property and remove the existing structure at the applicant's expense if the applicant fails to do so within the timeframe described in A(3) above.
- B. A building permit may be issued for a new residence where an existing residence will be removed on the same parcel and where an existing accessory building(s) will remain prior to the construction of the new residence subject to the following conditions:
- (1) The applicant shall obtain approval as to form from the Village Attorney and as to amount from the Village Engineer a letter of credit or cash in the amount of 115% of the removal and restoration costs relative to the existing accessory building(s) as determined by the Village Engineer; and also submit to and obtain approval from the Village Attorney and the Village Engineer an agreement which would allow the Village to access the property and remove the existing accessory structure(s) at the applicant's expense if the applicant fails to obtain an occupancy permit for the new residence within two years of issuance of the building permit for the same. Upon the property owner showing valid cause and in the best interest of the Village, the Village Plan Commission, may grant one

extension for a period not to exceed 12 months.

§ 300-8 Use regulations.

- A. Uses restricted. In any district, no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except in conformance with the regulations hereinafter established for the district in which the property is located, or as otherwise provided in this code. Where a change in ownership or use or a new use of a building or premises is proposed in a business, manufacturing, or public and institutional district or at the site of a legal nonconforming use, a site plan and plan of operation shall be prepared for review and approval pursuant to § 300-6F of this code.
- B. Unclassified uses. Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided for. In case of question as to the classification of a use, the Village Plan Commission shall determine if the unclassified use shall be permitted.
- C. Accessory uses. In any district, accessory buildings, structures, and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be designated for that district in which they are located, or as further regulated in this code.
- D. Home occupations. Home occupations, as defined in this code, when incidental to the residential use and when situated in the same dwelling, subject to the following conditions:
- (1) Home occupations shall be allowed to have a single non-illuminated wall or window sign identifying the home occupation not exceeding two (2) square feet in sign area, mounted flush against the dwelling
 - (2) Home occupations shall not occupy more than 20% of the floor area of the dwelling. Home occupations located in basements shall provide two exits that comply with § 21.03(5), Wis. Adm. Code, as amended from time-to-time. Attached garages, detached garages or other accessory buildings may not be utilized for purposes of any home occupation.
 - (3) Home occupations shall not employ more than one person not a part of the single-family household.
 - (4) Such use shall not include the use of any machinery, tools or appliances which can reasonably be construed as creating a nuisance to surrounding property owners.
 - (5) The appearance of the dwelling shall not be altered in a manner that causes the premises to differ from its residential character either by the use of colors, materials, construction, or lighting.
 - (6) Except for permitted signage, there shall be no exterior evidence of the conduct of a home occupation, including outside storage, the visible display of merchandise for sale.
 - (7) No exterior entryways separate from entryways to serve the dwelling shall be created and/or provided solely for the conduct of the home occupation, except as required for a second exit for a home occupation located in the basement.

- (8) The home occupation shall not generate pedestrian or vehicular traffic beyond that common to a single-family dwelling. The latest Institute of Transportation Engineers (ITE) Trip General Manual shall be used as a guideline.
- (9) Parking shall be provided on-site within an existing driveway. Parking for the home occupation shall not impede parking and use of the driveway for the residence. The expansion of an existing driveway to serve a home occupation shall be prohibited.
- (10) There shall be no goods or products shipped or received by other than passenger motor vehicle the United States Postal Service, UPS, FedEx, Amazon or similar delivery services.
- (11) The following uses, as well as similar uses and services, are prohibited:
 - (a) Animal grooming, boarding and care.
 - (b) Automotive repair, small engine repair, paint and body shop.
 - (c) Automotive sales, exclusive of the sale of the residents' personal vehicle(s).
 - (d) Automotive towing and/or wrecking service.
 - (e) Health care office/clinic.
 - (f) Bus service. Bus service and van services having vehicles capable of transporting more than ten passengers provided, however, that this subsection shall not be construed to prohibit a resident's use of their personal vehicle for ridesharing and/or food delivery service(s) (e.g., Uber, Lyft, DoorDash, etc.).” .
 - (g) Retail and wholesale sales that include in-person customer transactions on the premises. Direct sales events/parties (Amway, Avon, Mary Kay, etc.) may occur on site no more than once per week.

E. Utility cabinets shall have the meanings ascribed to them in § **300-4** of this code, except where the context clearly indicates a different meaning:

- (1) Small utility cabinets. Small utility cabinets shall be considered a permitted use by right regardless of whether they are in fact accessory to other uses on the property or whether there are principal structures on the lots where they will be located; and will not require a zoning use permit; and will not have to meet the setback and offset requirements of the applicable district in which any such small utility cabinet is proposed to be located, subject to the following:
 - (a) A small utility cabinet shall not exceed 40 inches in height.
 - (b) A small utility cabinet shall either:

[1] Be placed within a Village road right-of-way in compliance with the Village right-of-way regulations, including any amendments that may be made thereto in the future; or

[2] Be placed within a public road right-of-way under the jurisdiction of the county or the state, in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction; or

[3] Be placed within a private road right-of-way with the proper easements; or

[4] Be placed on private property with proper lease or easements.

(2) Large utility cabinets. Large utility cabinets shall require a zoning use permit as described in § **300-6** and shall comply with the following requirements:

(a) A large utility cabinet shall not be less than 41 inches in height nor exceed 72 inches in height.

(b) A large utility cabinet shall either:

[1] Be placed within a Village road right-of-way in compliance with Village right-of-way regulations, including any amendments that may be made thereto in the future; or

[2] Be placed within a public road right-of-way under the jurisdiction of the county or the state in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction; or

[3] Be placed within a private road right-of-way with the proper easements; or

[4] Be placed on private property with proper lease or easements.

(c) Large utility cabinets will not have to meet the offset and setback requirements of the applicable district in which any such large utility cabinet is proposed to be located, but shall be subject to vision corner easement requirements, and must not interfere with safe sight distances from public streets accesses. Large utility cabinets shall require screening from existing, adjacent residential uses.

(3) Termination. When a zoning use permit has been issued for a large utility cabinet and it does not continue in conformity with the conditions of the original approval, or of the use itself causes the original zoning use permit to no longer be compatible with the surrounding areas or for similar cause, based upon consideration of the public welfare, the zoning use permit may be terminated or amended by action of the Village Board following a public hearing per § **300-46**.

F. Personal Storage Facilities. No person may store, and no person may permit storage of, any car, truck boat, motorcycle, trailer, recreational vehicle. or other similar vehicle in any storage unit that has not been constructed in accordance with all applicable building and fire code provisions for such storage.

G. Additional requirements. For any use or structure in any district which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions by such measures as may be directed by the Village Building Inspector consistent with reasonable technology and economic practicality and in conformance

with reasonable standards as may be determined by the Village Building Inspector as may be contained in this code and all other applicable Village ordinances. Any building determined to be unfit for human habitation or which may endanger health, safety and welfare of the public as may be determined by the Village Building Inspector shall be removed pursuant to the procedures outlined by the Wisconsin Statutes after authorization by the Village Board.

§ 300-9 **Building regulations.**

A. Setbacks.

- (1) Base setback lines, from which all required setbacks shall be measured, are established for all streets and highways in the Village as follows:
 - (a) On all streets or highways for which the ultimate right-of-way width has been established by the Official Map of the Village of Vernon, the base setback line shall be located at a distance from the centerline equal to 1/2 of such established width as designated on the Official Map of the Village of Vernon.
 - (b) On an established cul-de-sac, the base setback line shall be measured from the center point of the cul-de-sac.
 - (c) Base setback lines shall be parallel to and measured at right angles to the centerline of the street or highway.
 - (d) There shall be a required setback equal to the offset requirements of the district in which the property is located from a private right-of-way providing ingress and egress to the subject land or other lands, unless such private right-of-way is considered a mill tax road, in which case the normal road setback requirements contained in this code shall apply.
- (2) Vision setback lines for lots not requiring a division of land shall follow the standards below. If a lot requires a division of land, the vision setback lines shall follow the standards identified in the Village's Land Division and Development Control Ordinance.
 - (a) Across each sector between the intersection of a street or highway with a railroad, a vision setback line shall be established by a straight line connecting points on the base setback line and the railroad right-of-way line, which points are located 120 feet from the intersection of these two lines.
 - (b) Across each sector between intersecting streets or highways, one or more of which has an established width of 100 feet or more, a vision setback line shall be established by a straight line connecting two points on the intersecting base setback lines, which are located 60 feet from the intersection of these two lines.
 - (c) Across each sector between any other intersecting streets, a vision setback line shall be established by a straight line connecting two points on the intersecting base setback lines which are located 30 feet from the intersection of these two lines.

- (d) In the vision setback area no structure or plant material of any kind shall be permitted which exceeds a height of three feet above the elevation of the center of the intersection, except for necessary highway and traffic signs and public utility lines.
- (3) No principal building or its accessory buildings shall be erected, altered, horizontally added to, relocated or placed so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24 inches or less, is closer to the base setback line than the setback distance hereinafter specified by the regulations for the district in which such building is located with the following exceptions applicable only where the base setback requirements of the properties involved are identical:
- (a) If there is a building which is nonconforming with respect to road setback, with a similar use as the proposed building, located on an adjacent parcel on one side of the proposed building and within 200 feet of the proposed building, the average road setback of that building of similar usage and the required minimum road setback shall apply.
- (b) If there are two buildings which are nonconforming with respect to road setback, with similar uses as the proposed building, located on adjacent parcels on each side of said building and within 200 feet of the proposed building, the average of the road setbacks of those buildings of similar usage shall apply.
- (c) On corner lots of record, as of the date of adoption of this code, the effect of the base setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet.
- (4) No other structures of any kind, except as necessary highway and traffic signs, open stairs extending six feet or less from the enclosed portion of the structure, open stairs in combination with stoops and/or porches which are unenclosed and provide no more than 20 square feet in area and extend no more than six feet from the enclosed portion of the structure, public utility lines, rural mailboxes, and those signs permitted in a residential or agricultural district, shall be hereafter erected, altered or placed within such base setback area. Monuments and entrance gates, subject to review by the Village Zoning Administrator and, if applicable, the Vernon Fire Department, are structures which require a zoning use permit and shall be located at least 10 feet from the base setback line and shall not restrict safe access and visibility of the intersecting drive and the road.
- (5) In all cases where any of the highways for which base setback lines are established by § **300-9** are located on municipal boundaries, such establishment shall apply only within the unincorporated area.
- (6) Retaining walls do not need to meet the setback requirements of the individual district, subject to the provisions under § **300-17C** and **E**.

B. Offsets.

- (1) No principal building or its accessory buildings shall be erected or altered so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24 inches or less, is closer to any lot line than the offset distance hereinafter specified by regulations for the district in which such

building is located, with the following exceptions:

- (a) In the case of any lot of record which has a minimum average width of less than the required minimum average width of the district in which it is located, the side lot offset may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width, provided that no offset shall in any case be less than 10 feet.
- (2) No structure shall be erected or altered so that any portion, excluding a roof overhang measuring 24 inches or less, is closer than 75 feet to a wetland, with the following exceptions:
 - (a) A retaining wall may be located closer than 75 feet to a wetland, but shall not be located within the wetland.
 - (b) A single stairway or walkway may be permitted closer than 75 feet to a wetland subject to the following. If the walkway is proposed in an area designated as wetland, the walkway shall be constructed on pilings.
 - (c) Decks or patios immediately adjacent to the principal building may be permitted closer than 75 feet to a wetland where the principal building is already located closer than 75 feet to a wetland, provided the deck or patio is no closer to the wetland than any portion of the principal building or other immediately adjacent existing decks or patios. In no case, however, shall a deck or patio be located closer than 35 feet to a wetland.
- (3) Minimum offsets for buildings housing livestock, fur-bearing animals, pigeons, swine, goats, potbelly pigs, and poultry shall be not less than 50 feet from an adjacent property line. This does not include dog houses.
- (4) One detached accessory building or structure on any parcel less than 1 1/2 acre which is 200 square feet or less in area may be located five feet to the side or rear lot line unless otherwise excepted under any other provision. Land within the ECO Environmental Corridor or CO Conservancy Overlay Districts shall not count toward the parcel area for the purpose of this provision.
- (5) Retaining walls do not need to meet the offset requirements of the districts, and are subject to the provisions under § 300-17C and E.
- (6) Residential driveways do not need to meet the offset requirements of the district provided the driveway not be closer than five feet to the lot line or encroach upon any drainageway.
- (7) In the case of multiple-family or commercial use structures, the offsets may be modified as follows: Two or more buildings on adjoining lots may be erected with common or directly adjoining walls, provided the requirements of the applicable State Administrative Code relative to such construction are complied with, and provided that at both ends of such rowtype buildings the applicable offset requirements shall be complied with.
- (8) Offsets on decks and patios may be reduced to 50% of the distance between the principal structure and the lot line otherwise required for the principal structure, but shall in no case be located closer

than five feet to a lot line. [Added 2-7-2019 by Ord. No. 2019-01]

- C. Overhangs. Where an overhang exceeds two feet as defined herein, the additional overhang is not allowed unless the building is relocated the additional distance from the base setback line or offset.
- D. Maintenance and use of setback and offset areas. Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for placement of compost bins, storage or display of equipment, products, vehicles or any other material.
- E. Accessory building location. No detached accessory building shall be erected, structurally altered, or placed on a lot so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24 inches or less, is closer than 10 feet to the principal building on such lot, or as otherwise permitted by the building code, relative to buildings and building regulations.

§ 300-10 Height regulations.

- A. Maximum height restricted. In any district, no building or structure shall be, after the effective date of the Code from which this § **300-10** is derived, erected or structurally altered to a height in excess of that specified by the regulations for that district except as otherwise set forth in this section.
- B. Exemptions; no Village Plan Commission or Village Board approval required. The following shall be exempted from the height regulations of all districts, but are subject to all other applicable Village ordinances:
 - (1) Chimneys and flues.
 - (2) Electrical transmission and distribution facilities.
 - (3) Roof-mounted antennas not exceeding 10 feet in height from roofline.
- C. Exemptions; Village Plan Commission and Village Board approval required. The following may be exempt from the height regulations of all districts, subject to the approval of the Village Board, upon recommendation by the Village Plan Commission of a site plan and plan of operation in accordance with § **300-6F**, but are subject to all other regulations of the Village: cooling towers, elevator bulkheads, wind turbines, fire towers, monuments, penthouses, stacks, observation towers, tanks, water towers, ornamental towers, spires, masts, freestanding towers, roof-mounted antennas 10 feet or more in height from the highest point of the roofline, and aerial and necessary mechanical appurtenances.
- D. Increase permitted. All other buildings or structures not exempted by § **300-10B** or **C** may be increased by not more than 10 feet, subject to all required offsets and setbacks are increased by one foot for each foot which such building or structure exceeds the height limit of the district in which it is located; subject to compliance with all other applicable Village ordinances.

§ 300-11 Area regulations.

- A. Floor area and building footprint.
 - (1) Any building intended in whole or part for residential purposes shall provide a minimum floor area

as specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. Such minimum total shall be increased by 200 square feet for any building not having a basement of at least 300 square feet in area.

- (2) The maximum total building footprint of the buildings on a lot shall not exceed that permitted by the regulations for the district in which such buildings are located unless allowed per other sections of this code.
- (3) Floor area shall be measured at each level from the outside edge of a wall to the outside edge of wall and for purposes of computing total minimum floor area shall not include garages, outbuildings, open porches, or basements. Breezeways, exposed basements, split levels and the secondary floors of multistoried residences may be included in computing the total minimum floor area according to the following schedule:
 - (a) Breezeways shall be considered in the total minimum floor area if the breezeway is:
 - [1] Enclosed from floor to rafters on all sides.
 - [2] Heated by a heating system.
 - [3] Minimum of eight feet in width.
 - [4] Maximum of 20 feet in length.
 - (b) That portion of the basement of an exposed basement residence or split level which has been designed as an integral part of the living area of the home may be included in computing total minimum floor area when at least one side is exposed and access has been provided to the outside at grade level by means of at least one door. Such computations shall maintain a minimum basement floor area of 300 square feet.
 - (c) That portion of the secondary floors of multistoried buildings which have a minimum average distance between the ceiling face and the top of the lower floor ceiling joist of seven feet may be included in computing the total minimum floor living area, provided there are permanent stairways leading from each floor to the next floor.
- (4) In split-level units, the floor area shall be computed as follows:
 - (a) In a split-level building, the first floor area shall include all area which is not over another living area of the building.
 - (b) If less than 1/2 of the lower level is above ground, such level shall be considered a basement and cannot be included in total floor area of the building unless such basement meets the definition of an exposed basement.
 - (c) If more than 1/2 of the lower level is above ground, such areas can be included in determining

floor area. If there is no basement below this level, 200 square feet of floor area shall be required in addition to the floor area requirement of the district. This required floor area shall be finished as an integral part of the dwelling unit upon which the building permit is issued.

B. Lot size.

- (1) No lot shall be created, and no building shall be erected on a lot of less area or of minimum average width less than specified by the regulations of the district in which such building is located, unless approved as part of a planned unit development or is a preexisting legal lot of record.
- (2) The lot shall be at least as wide as the specified minimum average width for a distance of at least 1/2 the lot depth.

C. Existing substandard lot.

- (1) Conveyance restricted. Where a lot has less land area or width than required for the district in which it is located and was of record as of February 26, 1959, such lot may be used for any purpose permitted in such district, provided that the permitted use complies with the setback and offset averaging provisions of § **300-9A(3)(b)** and § **300-9B(1)(a)**. If such lot adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a building on such a lot except in conformity with the following:
 - (a) Petition for determination. The owner of such lot may at any time prior to the proposed conveyance of such lot or request for a building permit petition the Village Plan Commission and Village Board for determination as to the status of such lot.
 - (b) Referral to Village Plan Commission. Such petition shall be referred to the Village Plan Commission for a study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity with the zoning regulations of the Village.
 - (c) Time limit. The Village Plan Commission shall make its recommendation to the Village Board and act within 60 days of the date the petition was received and the Village Board shall act within 30 days of receipt of the Plan Commission recommendation to give the petitioner a determination.
 - (d) Criteria. The Village Plan Commission in making its recommendation and the Village Board in making its determination shall give consideration, among others, to the following factors:
 - [1] Compatibility. The size, quality and character of the existing lots and building development in the immediate area with a focus on maintaining compatibility and protecting existing values.
 - [2] Sewage disposal. Where public sewer is not available, the lot size shall be sufficient to insure safe sewage disposal.
 - [3] Practicability. A redivision is feasible from an economic, planning and engineering

practicability.

[4] Hardship. The degree of practical hardship which may be imposed upon the owner.

(e) Method of redivision. Such redivision may be accomplished as is most appropriate by:

[1] Replatting of all or part of recorded plat through a preliminary plat and final plat; or

[2] Combining of lots or parts of lots through a certified survey map.

(2) Determination of ownership. For the purposes of this section, lots and property shall be considered in the same ownership when owned by:

(a) The same individual or corporation.

(b) An individual and another in joint tenancy or as tenants in common, and either of the joint tenants owns other lots individually or as joint tenant or tenant in common together with another.

(c) An individual, and other lots are owned by his spouse, parents, grandparents, children, grandchildren or the spouse of any child or grandchild, or a brother, sister or spouse of a brother or sister of such person.

(d) When any such lots are owned by an individual and other lots are owned by a corporation in which the individual is an officer, director or controlling stockholder.

D. Open space.

(1) No building shall be erected, structurally altered or placed on a lot so as to reduce the useable open area of such lot to less than that specified by the regulations for that district, unless approved as part of a planned unit development.

(2) To be considered useable, such open area shall be readily accessible and of a size and shape which can be reasonably considered to provide for the amenities and necessities of light, air, play space, drying yard, garden, etc. Crop, pasture and wooded land may be included in computing such open area.

(3) No part of the open space provided for any building shall be included as part of the open space required for another building; except as provided for planned unit development.

§ 300-12 **Off-street parking.**

In all districts and in connection with every use, there shall be provided, at the time any use is converted, relocated, enlarged or moved from one location to another or a building is erected, converted, relocated, enlarged, structurally altered or moved from one location to another, off-street parking stalls for all vehicles in accordance with the following:

A. Parking requirements.

- (1) All business, manufacturing, and public and institutional parking area plans shall obtain site plan and plan of operation approval of the Village Plan Commission and Village Board in accordance with § **300-6F**.
- (2) Adequate access. A driveway access to a public street, road or highway, shall be provided for each lot and every driveway access shall be at least 12 feet wide for one- and two-family dwellings and a minimum of 24 feet wide for all other land, buildings and structures.
- (3) Location. Parking shall be located on the same lot as the principal use.
- (4) Dimensional requirement. Parking spaces, driveways and aisles for access to parking spaces shall have the following minimum dimensions.

Stall width	9 feet
Stall depth	18 feet
Parking aisle width	
Two-way traffic (90°)	24 feet
One-way traffic (60°)	18 feet
Driveway (no parking stalls)	
Two-way traffic	24 feet
One-way traffic	12 feet

- (5) Parking spaces for use by physically disabled persons. Parking spaces for use by physically disabled persons shall be in accordance with all state and federal requirements.
- (6) Surfacing. All off-street parking areas and driveways shall be surfaced with a bituminous or concrete pavement. Such parking areas shall be kept free of dust, loose stones, and gravel. Such parking areas shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles and must be completed within six months of occupancy of the building or site.
- (7) Lighting. Lights provided in any parking area shall not be greater than 0.5 footcandles, measured at a property line.
- (8) Changes in use. When parking needs of a building, structure or premises is increased due to additional employees, gross floor area, seating capacity or due to a change of occupancy, additional parking spaces shall be constructed in the amount necessary to conform to this § **300-12**.

B. Required number of stalls.

- (1) Unless waived or modified by the Village Plan Commission, through a site plan and plan of operation in accordance with § **300-6F**, parking spaces shall be provided on the same lot in sufficient number to accommodate the motor vehicles of all occupants, employees, suppliers, customers, and persons normally visiting the premises at any one time or as specified in the table below.
- (2) The Village Plan Commission shall determine the required number of parking spaces for all uses not identified in the Minimum Parking Requirements based on the requirements of § **300-12A** and

minimum parking requirements for similar uses identified in the Minimum Parking Requirements.

- (3) Where two or more different principal or accessory uses are located on the same premises, the parking requirements for the different uses shall be computed separately and cumulatively.
- (4) When computation of required parking spaces results in a fraction of a car space, the required number of the spaces shall be increased to next whole number of spaces.
- (5) No area shall be credited as a parking space that is in any part credited or used as a loading space or travel way.

Minimum Parking Requirements

Use	Minimum Parking
Bowling alleys	4 spaces for each alley, plus any required for other uses such as restaurant or bar
Churches, theaters, and auditoriums	1 space per 3 seats
Community centers and other places of public assembly, colleges, secondary schools, elementary schools, vocational and night schools	1 space for each employee plus 1 space for each 5 students 16 years of age or older
Day-care facilities	1 space per 10 children and 1 space per employee
Financial institutions, business, government and professional office	1 space per 200 feet of gross floor area
Funeral homes and crematoriums	25 spaces for each viewing room
Fuel stations	1 space per 300 square feet of gross floor area plus any spaces required for other uses such as repair garages or restaurants
Golf courses	4 spaces per golf hole plus any additional spaces required for other use which is part of the facility such as restaurants, bars, or banquet facilities
Health clubs	1 space per 150 square feet of gross floor area
Hospitals, sanitariums, institutions, and nursing homes	1 space for each 3 beds plus 1 space for each day shift employee
Lodges, clubs, and banquet facilities	1 space for every 3 persons allowed within the maximum occupancy limit
Manufacturing, warehousing, and contractor facilities	1 space per each employee during the largest shift
Medical or dental clinics	6 spaces for each doctor or professional service provider
Motels, hotels, rooming houses, boardinghouses, fraternities, sorority houses, dormitories, and rectories	1 space for each guest room, and 1 space for every 3 employees, plus any required spaces for other uses such as restaurant, bars or banquet facility
Multifamily units and condominiums	2 spaces per unit, at least one of which shall be interior to the building or garage
Repair shops and retail and service stores	1 space per 150 square feet of gross floor area
Restaurants, bars and taverns	1 space per 50 square feet of gross floor area of entertainment

Minimum Parking Requirements

Use	Minimum Parking
Retirement homes, orphanages, convents and monasteries	1 space per 1,000 square feet of gross floor area
Shopping centers	1 space per 175 square feet of gross floor area

- C. Residential parking. Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans, motor homes, recreational vehicles, or pick-up trucks used for private and recreational use, or one similar vehicle used in a business for transportation to and from a place of employment, may be parked on a residential property as long as such use does not become a nuisance to the neighborhood. No vehicle shall be parking closer than five feet to any side or rear property line.
- D. Flexibility in application. The Village recognizes that, due to the particulars of any given development, the inflexible application of the parking standards set forth in this § **300-12** may result in a development either with inadequate parking space or parking space far in excess of its needs. For example, the parking standards set forth in this § **300-12** does not consider the reduction of required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day. Therefore, the Plan Commission, may modify the minimum parking requirements based on the plan of operation of the use(s). If a specific use is not listed in § **300-12B**, the Village Plan Commission may use the minimum parking requirements of the most similar use(s) listed or establish minimum parking standards based on the specific plan of operation of the use(s). When allowing a modification of the minimum parking requirements for new development or site redevelopment, the Village Plan Commission may require the reservation of a portion of the property for additional parking to meet listed minimum parking requirements to accommodate potential expansion of the use or the future reuse of the property. Modification to parking standards are subject to the Village Plan Commission making a determination which shall include consideration, but not necessarily an affirmative finding of the following factors:
- (1) Whether the request for the waiver or modification, if granted, would be consistent with the general intent of this section.
 - (2) Whether the request for the waiver or modification, if granted, would adversely affect property owners in the surrounding area.
 - (3) 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.
 - (4) Whether the petitioner is in full compliance with applicable ordinances and agreements with the Village.
 - (5) Whether, instead of granting the request for the waiver or modification, the section itself should be changed to accommodate the kind of situation presented by the petitioner.

§ 300-13 Signs.

- A. Purpose. The Village of Vernon regulates the type, number, location, size and lighting of signs to ensure

a balance of the visual environment of the Village. While the Village recognizes that the purpose of signs is to identify businesses and/or promote products and services to generate business, the Village of Vernon also recognizes that traffic safety, economic welfare, and aesthetic harmony must be considered. All applications for sign permits are, therefore, reviewed for compliance with § **300-13**, the applicable district, and any other applicable Village ordinances.

- B. Use restricted. Signs are prohibited in all districts in the Village except as permitted to the extent specifically authorized by the applicable district regulations or § **300-13**.
- C. Permit required. Unless specifically exempted by § **300-13G**, all signs require a zoning and building permit after review and approval by the Plan Commission. Applications must include all of the following:
 - (1) Completed application forms provided by the Village Clerk.
 - (2) A scaled site plan showing the proposed sign location(s) including proposed setbacks from property lines.
 - (3) Dimensioned color drawings of all sides of the proposed signage including materials.
 - (4) Specifications of any proposed illumination.
- D. Definitions. The types of signs, words, terms, and phrases when used in § **300-13** will have the meanings ascribed to them in § **300-4** of this code, except where the context clearly indicates a different meaning.
- E. Permitted signs. The permitted signage on a lot or parcel is limited by zoning district. Sign area for parcels and buildings with more than one user/tenant shall be divided between users/tenants based on the percentage of total floor area of each.
 - (1) Residential Districts (R-1, R-2, R-3, and RRD-5): Signs are limited to those allowed per § **300-13G** and permanent subdivision signs per § **300-13J**.
 - (2) Agricultural Districts (A-B, AD-10, A-5, A-1a, A-2, and A-3): Total sign area is limited to 32 square feet.
 - (3) Business Districts (B-1 and B-2). Total sign area is limited to 50 square feet for the first 100 lineal feet of building frontage facing an adjacent road right-of-way, and 50 square feet for the next 100 lineal feet calculated fractionally based on frontage thereafter. Total signage may not exceed 100 square feet per adjacent road frontage.
 - (3) Business Districts (B-3, B-4 and BP). Total sign area is limited to 75 feet for the first 100 lineal feet of building frontage facing an adjacent road right-of-way, and 75 square feet for the next 100 lineal feet calculated fractionally based on frontage thereafter. Total signage may not exceed 150 square feet per adjacent road frontage.
 - (4) Industrial District (I-1). Total sign area is limited to 50 square feet for the first 100 lineal feet of

building frontage facing an adjacent road right-of-way, and 50 square feet for the next 100 lineal feet calculated fractionally based on frontage thereafter. Total signage may not exceed 100 square feet per adjacent road frontage.

- (5) Public and Institutional District (P-1). Total sign area is limited to 50 square feet for the first 100 lineal feet of building frontage facing an adjacent road right-of-way, and 50 square feet for the next 100 lineal feet calculated fractionally based on frontage thereafter. Total signage may not exceed 100 square feet per adjacent road frontage.

F. Prohibited signs.

- (1) Signs shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties; and shall not be flashing, revolving, blinking, strobing, animated, or have traveling lights or any other device or means not providing constant illumination, except as permitted for an electronic message center sign.
- (2) Signs shall not be constructed, operated, or maintained so as to constitute a nuisance to adjoining properties, or detract from the value of the adjoining properties.
- (3) Signs shall not 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.
- (4) Signs shall be placed so as not to obstruct or interfere with vision triangles and traffic visibility and shall not be lighted in a way which causes glare or impairs driver visibility upon public ways.
- (5) Banners, pennants, streamers, balloons, and inflatable signs are not permitted, except as a temporary sign, as may be permitted per this code.
- (6) Billboard signs.
- (7) All off-premise signage is prohibited except otherwise specified per § **300-13G** or § **300-13L** of this chapter or signs regulated per § **239-12** of the Village of Vernon Code of Ordinances.
- (8) The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, trees, poles, posts, fences, or other structures are prohibited unless otherwise permitted by this code.
- (9) Roof signs.
- (10) No sign, other than warning or equipment information, shall be placed on any communication, radio, or cell tower. See also § **300-22B(11)**.
- (11) No signs placed on parked vehicles, boats, trucks or utility trailers which are visible from the public right-of-way for which the apparent purpose is to advertise a product or to direct the public to a business or activity are prohibited. This subsection is not intended to apply to standard advertising

or identification practices where signs or advertising are painted on or permanently attached to business or commercial vehicles which are used in the daily operation of the business and parking in designated parking spaces designed for their particular vehicle type.

(12) Signs which emit audible sound, odor, or visible matter are prohibited.

G. Signs not requiring a permit. The following signs do not require a permit or count against maximum signage area per § **300-13E**.

- (1) Home occupations per § **300-8D** shall be allowed to have non-illuminated wall or window signs not exceeding two (2) square feet in sign area, mounted flush against the dwelling.
- (2) Portable menu board or sandwich board signs limited to 15 square feet in sign area per sign, one sign per business, and on private property within business zoning districts.
- (3) Plaque signs cut into a masonry surface or constructed of bronze or other non-combustible materials and placed on buildings, property, structures, graves, statuary or the like with historical importance, such as being listed on the National Register of Historic Places, local historical listings, or similar demarcation. Plaque signs shall be limited to four (4) square feet in sign area.
- (4) Signs carved into a building in such a way that they are not directly illuminated and do not contrast sharply in color with the building.
- (5) Official Village of Vernon address signs per § **100-4** and address lettering, not to exceed two (2) square feet in sign area, mounted flush against a building.
- (6) Safety signs such as traffic signs, legal notices, railroad crossing signs, danger, security, directional, and such temporary emergency or non-advertising signs, as may be erected for the public safety.
- (7) Awning signs painted, applied, or integral to awnings, provided such signs do not exceed four (4) square feet in area per display.
- (8) Signs physically associated with permitted outdoor storage of goods for sale in commercial districts, such as firewood, gas cylinders, and water bottles.
- (9) Flags of the United States, State of Wisconsin, or other sign depicting government organization or entity which do not pose a safety hazard.
- (10) Official Village, Waukesha County, State, or Federal signage.
- (11) Yard signs that are temporarily located in residential districts, provided they are not attached to utility poles, meter posts, trees, or other public utility in or along any street right-of-way within the Village, and are not attached to any building, wall fence, or other property of another person without having first obtained the prior written consent of the owner of such property. The maximum time limit for all yard signs is three (3) consecutive days, and nine (9) cumulative days in a one-year period. Such signs shall not exceed ten (10) square feet in area. This provision does not apply to political signs, which are regulated per § 300-13G(18) below.

- (12) Service door signs in non-residential districts. One (1) sign per service door shall be allowed up to four (4) square feet in area.
- (13) Window signs which do not exceed 50% of the window area.
- (14) Signs associated with outdoor public or private recreational uses limited to two (2) square feet in area.
- (15) Temporary real estate signs on properties or buildings for sale, lease, or rent:
 - (a) Maximum Number: One (1) temporary sign for each lot or parcel being advertised for sale, lease, or rent for each abutting street frontage.
 - (b) Maximum Sign Area: 12 square feet per sign on a residential property and 32 square feet per sign on a non-residential property.
 - (c) Location: Such signs shall be located only upon the premises for sale, lease, or rent, and shall be located a minimum of 10 feet from an abutting property line or road right-of-way.
 - (d) Maximum Height: Seven (7) feet.
 - (e) Removal: Such signs shall be removed within seven (7) days of the sale, lease, or rental of the premises upon which the sign is located.
- (17) Temporary real estate signs on properties which are under development including residential subdivisions:
 - (a) Maximum Number: Three (3) temporary signs for the overall development for each abutting street frontage.
 - (b) Maximum Sign Area: 32 square feet per sign.
 - (c) Location: Such signs shall be located only on the premises upon which construction or development is about to occur or is occurring. Such signs shall be located a minimum of 10 feet from all abutting property lines or road rights-of-way.
 - (d) Maximum Height: Seven (7) feet.
 - (e) Removal: Such signs shall be permitted only for an approved development and may be erected and maintained commencing no earlier than 30 days prior to commencement of construction and shall be removed within 30 days upon completion of construction for a non-residential development and one (1) year after the satisfaction of the developer's agreement for a residential development. All such signs shall be removed within 1.5 years of initial display for all development in any case.
- (18) Political signs shall be limited to 11 square feet, are allowed only for the period described in § 12.04, Wis. Stats., and shall comply with § **300-13F** of this ordinance unless otherwise exempted by

§ 12.04, Wis. Stats. In the event that § 12.04, Wis. Stats. would permit a sign that is larger than the size limitations described in this subsection, such sign, regardless of sign content, is allowed only for the period described in § 12.04, Wis. Stats.

(19) Signs regulated and approved per § **239-12** of the Village of Vernon Code of Ordinances.

H. Nonconforming signs.

- (1) Signs which were lawful prior to the time this code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this code, shall be deemed legal nonconforming signs. Such signs shall be permitted to continue until such time as a major change is made to the sign. Major changes include changing the size, shape, purpose, and/or relocation.
- (2) All nonconforming signs shall be kept in good repair and in safe, neat, clean, and attractive condition. In the event signs are not kept in good condition or are demolished by any force whatsoever to the extent of 50% or more of its replacement cost at the time of the damage, any replacement sign shall then conform to this code, except in circumstances where rebuilding is allowed by state statute. Nothing herein shall prevent maintenance, repainting, or normal repair of legally established nonconforming signs.
- (3) A nonconforming sign must be removed if the structure, building, or use to which it is accessory is destroyed, or demolished to an extent exceeding 50% of the appraised value of the principal structure, building, or use, except in circumstances where rebuilding is otherwise allowed per state statute.
- (4) Supporting structures for nonconforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable district requirements.

I. Decorative art or wall art. All decorative art or wall art, conducted in a professional manner, shall require review and approval by the Village Plan Commission and Village Board through a site plan and plan of operation in accordance with § **300-6F**.

J. Permanent subdivision signs. Permanent subdivision identification monument signs shall require review and approval by the Village Plan Commission and Village Board as part of the subdivision plat review process. Subdivision identification signs shall be located at least 10' from all property lines and rights-of-way

K. Electronic message center signs. Electronic message center (EMC) signs may be allowed in any business district, industrial district, or public and institutional district upon review and approval by the Village Plan Commission and subject to the following criteria:

- (1) The EMC sign advertisements shall not be animated, flashing, scrolling, or revolving, etc.
- (2) The EMC sign shall be limited to a maximum of four lines of text per message with text characters measuring five inches or greater in height.

- (3) The EMC sign shall only advertise three messages/advertisements per day. Each message/advertisement shall be displayed for a minimum of 10 seconds. The display of time and temperature is excluded from the total number of messages/advertisements allowed per day.
 - (4) Messages/advertisements on the EMC sign shall be limited to only the marketing, identification, and operation of the subject use.
- L. Temporary signs. Temporary signs, in any district, shall conform to the standards of § **300-13**. Any temporary signage excluding temporary real estate signs included in § **300-13G** shall not be displayed for a period to exceed 21 days, and shall require review and approval by the Village Plan Commission prior to issuance of a sign permit.
- M. Setbacks and offsets. In any District, no sign shall be permitted closer than 10 feet to the base setback line or any property line.
- N. Maximum Height. No freestanding sign shall exceed 20 feet in height from the ground. No wall sign shall extend above the eave of a pitched roof or parapet of a flat roof.
- O. Illumination. The level of illumination as measured at one foot perpendicular to any face of an illuminated sign shall not exceed 100 foot candles during the day and 45 foot candles during the night.
- P. Signage special exceptions. The Village Plan Commission may grant special exceptions to the sign regulations of this § **300-13**, as follows:
- (1) Approval required. Where a property or the uses on the property are of such a special nature, or such a unique situation, or its effect is so dependent upon actual contemporary circumstances as to make impractical the absolute predetermination of permissibility or listing of specific signage standards which would be automatically applied in each case, an application for a special exception regarding matters identified in Subsection **Q(2)** below may be made to the Village Plan Commission. In such case, the Village Plan Commission may grant a special exception to one or more of the requirements identified in Subsection **Q(2)** below, if the Village Plan Commission determines that there is or will be compliance with the standards or conditions set forth in this section. In order to approve a special exception, the Village Plan Commission does not necessarily require the demonstration of an unnecessary hardship or practical difficulty.
 - (2) Limited jurisdiction. The Village Plan Commission shall have no authority to grant a special exception to any of the requirements of this Zoning Chapter except as described herein. The Village Plan Commission's authority to grant special exceptions is limited to the following issues:
 - (a) In all districts, the Village Plan Commission may increase the total square footage of signs permitted on the lot by not more than 25%.
 - (b) In all districts, the Village Plan Commission may reduce the otherwise applicable base setback line or offset line requirement for signs by not more than 50%.
 - (c) In all districts, the Village Plan Commission may make such other modifications of the

requirements of this § **300-13** as it determines to be necessary and appropriate to the circumstances.

- (3) Procedures. The following procedure shall apply for special exceptions to the requirements of this § **300-13**:
 - (a) Petition. The applicant shall file a petition with the Village Clerk.
 - (b) Data required. In addition to all information required on the petition form, if any, the petitioner shall supply the following:
 - [1] A plot map drawn to scale of not less than 100 feet to the inch showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land, and the principal use of all properties within 500 feet of such land.
 - [2] The names and addresses of the owners of all properties within 500 feet of any part of the land included in the proposed change.
 - [3] A detailed description of the intended use, and the reason for the request.
 - [4] Any further information as required by the Village staff, Village Plan Commission, or Village Board to facilitate the making of an evaluation of such request.
 - (c) Plan Commission Review. The matter shall be submitted to the Village Plan Commission for consideration.
 - (d) (Reserved)
 - (e) Fee. Any petition shall be accompanied by a fee as set from time to time by the Village Board to defray the cost of publication, notification, and holding a public hearing, administrative expenses. The petitioner shall also pay to the Village all costs incurred for legal, planning, engineering, and administrative work necessary to administer the application and oversee the matter.
- (4) Basis of approval. An application for a special exception may be approved, denied, or approved with conditions. If approved, the Village Plan Commission must determine that the approval, except as elsewhere herein expressly provided, shall not:
 - (a) Be inconsistent with or contradictory to the purpose, spirit, or intent of this chapter.
 - (b) Violate the spirit or intent of this § **300-13**.
 - (c) Be contrary to the public health, safety, or welfare, but rather shall promote the public health, safety, and welfare.
 - (d) Be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, traffic

congestion, odor, or other similar factors.

(e) For any other reason, cause substantial adverse effect on the property values and general desirability of the neighborhood.

(f) Be a use which is incompatible to the surrounding land uses.

(5) Determination. The action of the Village Plan Commission shall be stated in writing, and shall include findings of fact setting forth the basis upon which the special exception is granted, utilizing and referring to the criteria set forth above. A copy of the Village Plan Commission's action shall be made a permanent part of the Village records. If a special exception is not approved, the reasons therefor will be included in such record. In considering this possible grant, the Village Plan Commission shall be guided by the purpose of this § 300-13 along with the basis for approval described above, without consideration of the content of any such signage.

§ 300-14 Accessory structures.

A. Accessory buildings.

- (1) Applicability limited. This section applies to all buildings which are not principal buildings in all zoning districts other than the B-1, B-2, B-3, B-4, B-P, I-1, 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 kept on file in the Village Clerk's office. 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.
- (2) Compliance. Accessory buildings shall conform to all requirements of this ordinance and also with all current and future applicable codes of the Village of Vernon, State of Wisconsin and federal government.
- (3) Application and approval.
 - (a) 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 property.
 - (b) 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.
 - (c) 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.

- (d) 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, 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 (3)(c) above is also required.
- (4) 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:
- (a) 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 right-of-way and a line parallel thereto through the nearest point of any existing or proposed principal building on the lot.
- (b) 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 (4)(a) above, but shall be limited to the existing or proposed public road adjacent to the front of the existing or proposed principal building.
- (c) In the event Subsection (4)(a) and (b) 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.
- (d) 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 (4)(c) above.
- (5) Quantity and size.
- (a) Quantity. A parcel shall have no more than two accessory buildings, unless a waiver or modification is granted, pursuant to Subsection (7), to allow three or more accessory buildings, with the following exceptions:

[1] On parcels of three acres or more in size, more than two accessory buildings may be

permitted when the Village Plan Commission, makes all of the following findings:

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

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

[c] 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

[2] In accordance with Subsection (1), agricultural buildings as defined herein are not subject to the limitations of this section.

(b) 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 (7):

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 3(d)

(6) 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 Plan Commission for buildings larger than 3,000 SF or buildings requiring consideration of a waiver. The Building Inspector shall determine compatibility for all other accessory buildings. If the Building Inspector determines that the proposal is not compatible, the applicant may appeal to the Village Plan Commission.

(7) 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:

(a) 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 a narrative addressing items in subsection (c) below.

(b) 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 500 feet of the property being discussed.

- (c) Considerations. The Village Plan Commission shall make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
 - [1] Whether the request for the waiver or modification, if granted, would be consistent with the general intent of this chapter.
 - [2] Whether the request for the waiver or modification, if granted, would adversely affect property owners in the surrounding area.
 - [3] 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.
 - [4] Whether the petitioner is in full compliance with applicable ordinances and agreements with the Village.
 - [5] 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.
 - (d) 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.
 - (e) 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.
 - (f) 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.
- (8) Use of accessory buildings. No accessory building shall be used for commercial or industrial purposes.
- B. Swimming pools. Above- and below-ground swimming pools, as defined herein, are permitted in any district except the CO, ECO and HGO Districts as accessory to a residential use, upon the issuance of a zoning use permit, subject to the following:
- (1) The application for a zoning use permit shall include a plat of survey drawn to scale showing the

location of the swimming pool, the location of any fence, deck, patio and any accessory heating, pumping and filtering units that may be placed outside the swimming pool. The survey shall also show the lot lines of the lot, the location of the residence on the lot, the location of the well and septic system, the location of any other structure(s) on the lot, the location of any electrical transmission lines on the lot and the location of residences and structures on neighboring lots.

- (2) No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the adjacent property owner, onto the paved surface of any Village road, or into a municipal sewerage system, or directly into a navigable body of water.
- (3) Heating units, pumps, and filter equipment shall be adequately installed in such a manner as not to create a nuisance.
- (4) No swimming pool shall be located closer than 10 feet to a principal building or an elevated deck attached to the principal building, unless approved by the Village Building Inspector or Zoning Administrator, and shall be in compliance with the setback and offset requirements for a building in the applicable district in which it is located and no closer than 10 feet to a lot line, whichever requirement is greater, and shall not be located on the street side of a residence.
- (5) No deck surrounding a swimming pool shall be located closer than the required offset to a lot line.
- (6) The swimming pool must be intended to be used solely by the occupants of the principal use of the property on which the swimming pool is intended to be located and their guests. Operation of a business, including but not limited to swimming lessons, may be permitted as a home occupation or limited family business per the regulations of this code.
- (7) Swimming pools shall comply with Sec 125-27 of the Village of Vernon Code of Ordinances including fencing requirements.
- (8) All applicable Village of Vernon, County of Waukesha and State of Wisconsin codes, ordinances, regulations and rules shall be complied with, including, but not limited to, any setback and offset requirements and sanitary and environmental regulations.

C. Fuel tanks. All principal and accessory structures involving the utilization or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and comply with all applicable federal, state, and local laws and regulations. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed 500 gallons unless approved by the Village Board upon recommendation by the Village Plan Commission and Vernon Fire Department Chief (or designee).

D. Alternative energy systems.

- (1) Use permitted. Alternative energy systems are permitted in any district other than CO, when used solely by the owner or occupant of the principal use.
- (2) Types of special uses.

- (a) Solar energy conversion system. Solar energy conversion system commonly referred to as "active" or "passive" solar collection and heating systems and including systems defined by § 13.48, Wis. Stats.
- (b) Wind energy conversion systems. Wind energy conversion systems commonly referred to as "windmills" which are used to produce electrical power and as regulated by Ch. PSC 128, Wis. Adm. Code, and amendments thereto.
- (3) Local procedure. All alternative energy systems shall follow the local procedure regulated by § 66.0401, Wis. Stats.

E. Portable-on-demand storage units.

- (1) A portable-on-demand storage unit may be utilized within the Village when in compliance with the standards of § 300-14E(2) through (5). Any use of such units within the Village not in compliance with § 300-14E(2) through (5) shall be unlawful.
- (2) Length of time units may be on property.
 - (a) A portable on-demand storage unit may be located on property within the Village for a period not exceeding two weeks in duration from time of delivery to time of removal. No more than two portable on-demand storage units may be located on a specific piece of property within the Village at one time; such units shall be individually limited to the duration time period established herein. Such units may not be located on a specific property more than one time in any given thirty-calendar-day period. Such unit may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length. It shall be the obligation of the owner or user of such unit to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the portable-on-demand storage unit. In the event of high winds or other weather conditions in which such unit may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such unit.
 - (b) In the event of fire, tornado, flood or natural disaster causing substantial damage to a principal structure, the property owner may request from the Village Building Inspector permission to extend the time that a portable-on-demand storage unit may be located on the property. Application for such extended duration shall be made in writing and filed with the Village Building Inspector and shall give sufficient information to determine whether such extended duration should be granted. The Village Building Inspector shall determine whether or not to grant such extended duration and the length of such extension.
 - (c) Any portable on-demand storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such unit for safety reasons, may be removed by the Village immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the portable-on-demand storage unit was located and may be filed as a lien against such property by the Village Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.

- (3) Placement of portable on-demand storage units shall only be on the property owner's driveway or a parking area, or if access exists at the side or rear of the site, the side or rear yard. Such storage unit shall be located no closer than 10 feet to the property line unless placed on an existing impervious driveway. The required parking space(s) shall at all times be maintained if portable-on-demand storage units are placed in parking areas.
- (4) The owner, as well as the supplier, shall be responsible for ensuring that the portable-on-demand storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.
- (5) No portable-on-demand storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential or commercial property where the portable-on-demand storage unit is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the owner of the property, the Village may inspect the contents of any portable-on-demand storage units at any reasonable time to ensure that it is not being used to store said materials.

F. Outdoor food and beverage restaurant or tavern service areas.

- (1) Maximum size of service area. The size of the outdoor service area shall not be more than 30% of the floor area of the restaurant or tavern as permitted in the Business Districts of this code and as authorized by a site plan and plan of operation in accordance with § 300-6F.
- (2) Location of service area. The outdoor service area shall be located on the same parcel of land as the restaurant or tavern. The outdoor service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or within the road setback, offset or shore setback areas.
- (3) Special restrictions when adjacent to a residentially zoned parcel. If the outdoor service area is within 100 feet of a property in a residential zoning district, the following restrictions shall apply:
 - (a) Alcoholic beverages. Alcoholic beverages shall only be served with a meal.
 - (b) Hours of use. No person shall occupy the outdoor service area after 9:30 p.m.
- (4) Consistency with state liquor license. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the Village, explicitly includes the outdoor service area as part of the licensed premises.
- (5) The entrance to service area if alcoholic beverages are served. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a fence or railing system shall be erected to prevent entry to the outdoor service area by any other means.
- (6) Restroom requirements. The restroom facilities in the restaurant or tavern shall be in compliance with all federal, state, county, and local laws and regulations. Temporary toilet facilities for special events require approval by the Village Plan Commission and Village Board through a site plan and

plan of operation in accordance with § **300-6F**. A sanitary permit may be required by Waukesha County. Environmental Health.

§ 300-15 **Junk or undesirable buildings or structures.**

- A. Junk. As defined by this code, junk shall at all times be stored in an enclosed building thereby securing it from the view of the public and adjacent property owners.
- (1) Section **300-15** is not intended to regulate or place limitations on any properly zoned junk yard, salvage dealer, or other junk, waste disposal or storage activity for which a valid license from the State of Wisconsin or other necessary municipal issuing authority is required and proper permits have been issued and all such licenses and permits are in full force and effect and the operation is in full compliance therewith.
 - (2) Section **300-15** is not intended to regulate or place limitations on the storage of idle but operable farm equipment on farms greater than 35 contiguous acres or the storage of inoperative or abandoned farm equipment on farms greater than 35 contiguous acres if such inoperative or abandoned farm equipment is screened from view of the public and adjacent property owners by a natural or man-made visual barrier.
 - (3) Section **300-15** is not intended to regulate or place limitations on the storage of idle but operative snow removal vehicles or equipment or lawn mowing equipment.
 - (4) Section **300-15** is not intended to regulate or place limitations on the orderly storage of firewood for fuel or personal use.
 - (5) Section **300-15** is not intended to regulate the temporary storage of construction materials which are for use on the site for the project authorized by an active zoning permit and which are stacked, stored and secured on the site in an orderly method.
- B. Junked vehicles. A motor vehicle, as defined herein, which is no longer licensed, which has been abandoned, disassembled, is incapable of self-propulsion on a public right-of-way, disabled, junked, or wrecked shall not be stored anywhere on any premises, except in an authorized salvage yard, or completely enclosed in a structure.
- C. No undesirable structures. No building or structure shall be erected, structurally altered, or relocated in a manner which shall be of such character as to adversely affect the nearby properties or general desirability of the neighborhood.
- (1) If a question arises about a building or structure, the issue shall be submitted by the Village Building Inspector to the Village Plan Commission for its review.
 - (2) A determination by the Village Plan Commission, shall be made and stated in writing, including the reason for denying a permit or conditions of approval for a permit, and may be based upon considerations that the design or appearance is of such an unorthodox or abnormal character as to have an adverse effect on the nearby properties or general desirability of the neighborhood.

§ 300-16 **Legal nonconforming uses, structures, and lots.**

A. Continuance of use.

- (1) Any lawfully established construction of a building or structure at the time of the enactment of this code or any amendment applicable thereto that does not conform to the dimensional regulations for the district in which it is located shall be deemed a legal nonconforming structure and may be continued, except as otherwise provided herein.
- (2) Any lawfully established use of a building, structure or land at the time of the enactment of this code or any amendment applicable thereto that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- (3) Any lawfully established lot or parcel of land at the time of enactment of this code or any amendment thereto which does not meet the requirements for the district in which it is located shall be deemed to be a legal nonconforming lot and may be used in accordance with this code and as provided herein.

B. Regulation. For the purposes of administration, legal nonconforming structures, uses and lots shall be classified and regulated as follows:

- (1) Existing nonconforming structures. A lawful structure which existed at the time of the adoption or amendment of this code may be continued as a legal nonconforming structure, although the structure size or location does not conform to all the requirements of this code; however:
 - (a) A legal nonconforming structure containing conforming uses may be repaired, maintained, renovated, remodeled, or totally rebuilt if, and only if, such work is identical in respect to the size, height, location, footprint, and use of the original structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements.
 - (b) A legal nonconforming structure containing conforming uses, subject to approval of a special exception by the Village Plan Commission, may be reduced in size, may have its shape modified, may have its height lowered, and may have its style modified, as long as the proposed structure does not increase any nonconformity.
 - (c) A legal nonconforming structure containing conforming uses, subject to approval of a special exception by the Village Plan Commission, may be increased in size, may be increased in shape, may be increased in height, and the location and footprint may be modified, provided any increase or change conforms to the requirements of this code.
 - (d) A legal nonconforming structure containing conforming uses is not prohibited, or limited based on cost, the repair, maintenance, renovation, or remodeling of the structure.
 - (e) Regardless of the foregoing provisions in this § **300-16**, the footprint of a legal nonconforming primary residence with conforming uses, subject to approval of a special exception by the

Village Plan Commission, may be expanded into areas of the lot where the expansion fully complies with all offset and setback requirements of the district in which it is located, provided that the expansion is otherwise in compliance with all other applicable laws, including but not limited, to Ch. NR 115, Wis. Adm. Code. In passing upon such matter, the Village Plan Commission shall consider all the following factors: the size of the lot; the size and location of the existing legal nonconforming structure; the size and location of any other structure on the lot; the size and location of the proposed expansion; the impact, if any, that the expansion may have upon neighboring properties; whether the proposed expansion would violate the intent of this code and such other matters as the Village Plan Commission and finds to be relevant in the interest of the public health, safety, welfare, and be compatible with other properties in the area of the Village.

- (2) Nonconforming use of structures and lands. A lawful use which existed at the time of the adoption or amendment of this code may be continued as a legal nonconforming use, although the use of the structure and land does not conform with the provisions of this code; however:
 - (a) No such use may be expanded or enlarged.
 - (b) Upon petition to and approval of the Village Plan Commission, such use may be changed to another use provided the Village Plan Commission determines that the new use would not result in a greater degree of non-conformity than the current use.
 - (c) When any such use is discontinued for 12 consecutive months, any future use of the land or structure shall conform to the use regulations of the applicable district.
 - (d) When a structure which houses such nonconforming use is damaged beyond 50% of its present equalized assessed value, it shall be restored for any use in conformity with the applicable district regulations.
 - (e) Total structural repairs or alterations to a structure housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50% of the present equalized assessed value of the structure, unless permanently changed to a conforming use.
- (3) Nonconforming lots.
 - (a) General. The size and shape of such lots shall not be altered in any way which would increase the degree of such non-conformity to the applicable district regulations.
 - (b) Building on legal nonconforming lots accessed by a private street or way. Subject to the approval of a special exception by the Village Plan Commission, the construction of one principal residence on a legal nonconforming lot may be permitted on a tract of land that does not front or abut a public street or cul-de-sac subject to the following conditions:
 - [1] The tract of land is a minimum of three acres;
 - [2] The tract of land has a minimum lot width of 200 feet;

[3] The tract of land has access by a permanent easement of at least 33 feet in width to a public street.

[4] The proposed driveway shall be constructed to Village standards, as identified by the Village Engineer and Vernon Fire Department Chief, or their designees.

[5] In addition to the above, if more than one legal nonconforming lot is accessed by a permanent easement, the easement must be a minimum of 66 feet in width to a public street.

C. Conditional use status.

(1) Establishment. Subject to the requirements of § **300-22A**, conditional use status shall be granted to existing legal nonconforming uses, structures or lots upon petition of the owner and where such use, structure or lot is determined by the Village Board, upon receipt of a recommendation from the Village Plan Commission, to be not adverse to the public health, safety, or welfare; not in conflict with the spirit or intent of the Code; and not otherwise detrimental to the community and particularly the surrounding neighborhood. Such conditional use status shall be granted only with the recommendation of the Village Plan Commission and approval of the Village Board following a joint public hearing in the manner provided in § **300-22A(2)**.

(2) Expansion. The Village Board, upon receipt of a recommendation from the Village Plan Commission, may permit the expansion of legal nonconforming uses and structures granted conditional use status through the conditional use review process per § **300-22A** to include:

(a) New uses or expanded existing uses provided any new use is a permitted or conditional use allowed in the zoning district. A waiver from the dimensional standards for specific conditional uses outlined in § **300-22B** within existing legal nonconforming buildings may be considered.

(b) New structures or expanded structures provided any new structure or the expanded portion of any structure meets all dimensional and area requirements of the zoning district and ordinance.

D. State law. Any applicable restriction in this code which prohibits restoration of a damaged or destroyed nonconforming structure shall not apply to the extent that § 62.23(7)(hc), Wis. Stats., applies to such restoration, including such amendments and renumbering of such statute as may be made from time to time.

§ 300-16.5 **Exterior Lighting.**

A. Exterior lighting of properties and buildings and shall be designed so that illumination is not directed offsite and the light source is shielded from direct offsite viewing. Decorative light fixtures 12 feet or less in height without shielding shall be permitted on residential and agricultural properties and may be considered for approval for commercial, industrial and public and institutional properties per the site plan and plan of operation review process per § **300-6F**.

B. The maximum height for pole-mounted light fixtures shall be 25 feet.

C. Illumination shall be limited to low intensity lighting (not exceed 0.5 footcandles) at any property line,

unless approved per the site plan and plan of operation review process per § **300-6F** for the purpose of public safety adjacent to rights-of-way.

D. Standards within § **300-17** do not apply to street lighting within the public right-of-way.

Article III
Regulations for Development Activity

§ 300-17 **Land altering activities.**

- A. Purpose. This section is adopted in order to protect property owners from possible damage due to change in the existing grade or runoff from adjoining lands and to aid in preserving and protecting the natural resources, natural beauty, and the character of the landscape.
- B. Compliance. All land altering or land development activity shall comply with this § **300-17**, § **300-6**, regarding zoning use permits, and other zoning requirements in this code, and any applicable permit requirements under applicable Waukesha County ordinances.
- C. Applicable laws. No land development or land altering activity shall occur that would violate requirements of applicable federal, State of Wisconsin, Waukesha County or local municipal codes, statutes, ordinances, regulations, rules and lawful orders.
- D. General requirements. Any land altering or land development activity regulated under this code shall comply with the following minimum requirements and the technical standards:
- (1) Site drainage. Minimize adverse impacts from site drainage, including other property, the general public or natural resources, in accordance with § **300-15** of this code.
 - (2) Construction site erosion control. Control soil erosion and off-site sedimentation during construction activities until final grading is complete and vegetation is established.
 - (3) Site stabilization. All disturbed areas shall be stabilized within seven days of final grading. Any disturbed area that remains inactive for greater than seven days shall be stabilized with temporary soil stabilization measures.
 - (4) Environmental corridors. Environmental corridors shall not be disturbed unless a building envelope is designated and unless otherwise permitted by this code or other official actions by the Village of Vernon. Disturbance of slopes 12% or greater within an environmental corridor shall be prohibited unless no practicable alternative exists.
 - (5) Slopes. Proposed activity shall fit the natural terrain of the site, minimizing grade changes, steep slopes, and impact on the surrounding landscape to the extent practicable. Slopes steeper than two horizontal to one vertical must be approved in accordance with § **300-17F** below and may require additional soil reinforcement or other slope stabilization measures than required under applicable technical standards.
 - (6) Pond design. All ponds shall comply with applicable technical design standards published by the WDNR, the USDA-Natural Resources Conservation Service, and Waukesha County, including but not limited to soil investigations, safety shelf, berm design, compaction specifications, inlet/outlet design and erosion control.
 - (7) Earthen berm design. Any earthen berm constructed for non-stormwater management purposes shall

have variable top elevations, and include a diversity of landscape plantings to improve aesthetics, if practicable.

- (8) Retaining walls. All retaining walls shall be installed according to manufacturer's recommendations and shall include provisions for adequate soil drainage behind the wall, such as stone aggregate, weep holes and tile drains. Any plan designs for a retaining wall proposed to be greater than four feet in height from the finished grade must be designed and stamped by an architect, landscape architect, or professional engineer licensed by the State of Wisconsin and shall be subject to approval by the Village Zoning Administrator and approved prior to construction.
- (9) Individual grading plan.
 - (a) An individual grading plan shall be required for all land altering (or land development) activity prior to the issuance of a building permit. The same shall be submitted to, and subject to the approval of, the Village Building Inspector and/or Village Engineer. In some instances, such as land altering (or land development) activity that requires a stormwater management and erosion control permit, the same may be subject to the approval of Waukesha County. An individual grading plan shall contain components that depict site drainage patterns, stormwater management and erosion control measures; elevations for roads and lots; building floor elevations that are subject to grade restrictions; drainage and utility easements, setbacks, location of natural areas, including environmental corridors, wetlands, and floodplains, and other information deemed appropriate by the approving authorities.
 - (b) Upon completion of the project, but prior to occupancy, a grade recertification of the individual grading plan (also known as an "as-built survey") to verify the compliance with the original grading plan shall be submitted to, and subject to the approval of, the Village Building Inspector and/or Village Engineer prior to the issuance of an occupancy permit. Upon showing of valid cause by the applicant, the Village Building Inspector may authorize the issuance of an occupancy permit, but not the release of any project bonds with a condition that the grade recertification as required above shall be completed within four months by the applicant. Failure of the applicant to provide the same within four months shall result in the automatic forfeiture of all project bonds through the Village of Vernon. The Village Building Inspector shall contract for the grade recertification as required above and any costs for the same shall be charged as a special charge against the subject property.

E. Prohibited activities. The following land altering or land development activities are prohibited.

- (1) Those that may have significant adverse impacts on the owner, adjoining properties, the general public or natural resources, as determined by the Village Zoning Administrator.
- (2) Construction or replacement of any retaining wall greater than six feet in height at any point above finished grade.
- (3) Construction or replacement of any retaining wall greater than four feet in height at any point above finished grade within 50 feet of a floodplain or wetland boundary at any point. Averaging of the fifty-foot setback in this provision is prohibited.

- F. Applicability for zoning use approvals. Any proposed land altering or land development activity that meets one of the following criteria shall require Village of Vernon approval in accordance with the procedures and requirements in § **300-17G** through **I** below. This zoning use approval is in addition to a county stormwater permit and other requirements that may apply.
- (1) Retaining wall. Construction of a retaining wall greater than four feet in height at any point above finished grade; or a series of retaining walls greater than six feet in total height at any point above finished grade with less than four feet between each wall; or any retaining wall greater than four feet which is proposed to be located five feet or less from a property boundary. If the Village Zoning Administrator determines that a proposed retaining wall is replacing an existing retaining wall less than four feet in height and of otherwise equal dimensions, location and setback, the activity shall be exempt from this section.
 - (2) Grade changes.
 - (a) Increasing or decreasing existing ground surface elevation greater than four feet at any point where the top or bottom of the proposed slope is within 10 feet of any existing property boundary or within 50 feet of an environmental corridor; or
 - (b) Increasing or decreasing existing ground surface elevation steeper than two horizontal to one vertical or a total elevation change of six feet or greater at any point; or
 - (c) Bringing in fill material to a site, removing excavated material from a site, or disturbing material on a site in quantities greater than 1,000 cubic yards, as determined by the Village Zoning Administrator, unless otherwise approved through an individual grading plan.
 - (3) Ponds. Construction of any pond with a proposed water surface area of 20,000 square feet or greater or water surface within 50 feet of a property line, environmental corridor, wetland or floodplain at any point shall require a zoning use permit.
 - (4) Exempt from this section. The following shall be exempt from this section, but shall require a county stormwater permit:
 - (a) Any wetland enhancement, restoration or development project approved by the WDNR and the top or bottom of a proposed slope is 15 feet or greater from the nearest existing property boundary at any point; and
 - (b) Any stormwater management practice permitted under the Waukesha County's Stormwater Ordinance if the top or bottom of the proposed slope is located 15 feet or greater from the nearest existing property boundary or environmental corridor at any point. However, if a proposed berm for a stormwater management practice is greater than four feet in height at any point, the applicant may be required to complete additional engineering review or meet more restrictive berm design requirements, depending on the Waukesha County's determination of risk for downstream damages.
- G. Application. All applications and associated fees submitted for approval under § **300-17F** above shall

include an individual grading plan prepared and stamped by an architect, landscape architect, or professional engineer licensed by the State of Wisconsin. The individual grading plan shall be of adequate scale, accuracy and clarity, as determined by the Village Zoning Administrator (survey preferred), and shall include all applicable items listed below:

- (1) Plan view and cross-sections of existing and proposed grades on the subject property, including top and bottom elevations of proposed retaining walls;
- (2) Existing grade of any adjacent property that is, at any point, closer than 20 feet to any portion of the proposed land altering activity, showing how the proposed grades will tie into the existing adjacent property grades;
- (3) Proposed cut and fill slopes, total depths and slope ratios (horizontal and vertical);
- (4) Proposed volume of excavation and fill material involved in cubic yards, including the source and content of any proposed fill;
- (5) Proposed boundaries of the land disturbance, planned pond water surface area, and the square footage of each area;
- (6) Location of natural areas, such as environmental corridors, floodplains, or wetlands;
- (7) Proposed soil stockpile locations, length of time they will exist and methods of stabilization or sediment control;
- (8) Proposed temporary erosion and sediment control practices, such as silt fence, mulch, soil treatment and temporary seeding;
- (9) Proposed permanent vegetation plan, including topsoil application depth, seed mixes, amounts, application methods, timing, and stabilization methods such as mulch, soil treatment, and matting; and
- (10) Any other site drainage, stormwater management, erosion control or other items that may be required under a stormwater permit or by the Village Zoning Administrator to complete the review process under § **300-17H** and **I** below, or to otherwise ensure compliance with this code.

H. Procedures for approval.

- (1) Upon submission of a complete application to the Village of Vernon Village Clerk, the Village of Vernon will consider the request as described herein.
- (2) The Village of Vernon shall provide written notice of the Village Plan Commission meeting to owners of land within 500 feet of the subject property, by regular mail that is mailed at least 10 days prior to the Village Plan Commission meeting..
- (3) All property owners notified shall have the opportunity to comment on the proposed request during

the scheduled Village of Vernon Plan Commission meetings.

- I. Zoning use review criteria. When determining whether to authorize any land altering or land development activity under § **300-17F** above, the Village of Vernon shall consider all of the items listed below, and ensure compliance with the general requirements under § **300-17D** above. The Village of Vernon may make a referral to the Waukesha County for a determination of necessity for a county stormwater permit.
 - (1) The aesthetic impact.
 - (2) The potential for adverse drainage.
 - (3) The potential impact upon neighboring properties.
 - (4) The potential impact upon environmentally sensitive areas.
 - (5) The potential impact upon existing lakes and streams.
 - (6) The potential impact on roadways and other infrastructure.
 - (7) Public safety.
 - (8) The length, height, design and location of any retaining walls or earthen berms.
 - (9) If a retaining wall is needed to stabilize the grade or control soil erosion based on existing topography.
 - (10) How the proposed activity fits with the individual grading plan, if applicable.
 - (11) Proposed landscaping and screening.
 - (12) The materials used and source for fill, landscaping, and retaining walls.
 - (13) The total area of land disturbance.
 - (14) Proposed pond size, use, location, design, landscaping, and water source.

§ 300-18 **Street grade.**

- A. Every building erected, structurally altered, or relocated shall be at a grade approved by the Village Building Inspector and/or Village Engineer as being in satisfactory relationship with the established street grades, or with the existing street grade where one is established, with particular consideration including, but not limited to, proper drainage, safe vehicular access, highest groundwater table, and adjacent property elevations.
- B. Vertical locations. No building intended for human habitation shall be located so that the bottom of the lowest floor, including any basement floor, is less than one foot above the highest ground water table, unless in compliance with § **300-19A(1)**.

§ 300-19 Drainage regulations.

A. Adequate drainage required. In no case may a principal building be located in an area zoned Conservancy or in an area considered to be one of the eight types of wetlands (Type 1 through 8) as described in Circular 39 of the Fish and Wildlife Service, United States Department of the Interior, published in 1956 and which are on record on the 1975 aerial maps of the Southeastern Wisconsin Regional Plan Commission. No principal building shall be erected, or relocated, and no below-grade structures shall be expanded on newly created or existing lots that are not in compliance with the site drainage standards contained in the Waukesha County Storm Water Management and Erosion Control Ordinance, including all county technical procedures and forms used to enforce these standards [Chapter 14-342(c)]. The lowest floor, including the bottom of the basement floor or top of footings, shall not be less than one foot above the highest seasonal groundwater level. For the purposes of this section, the "highest groundwater level" is defined as the upper limit of the zone of soil saturation caused by underlying groundwater at its highest level. Where groundwater limitations exist, subdivision plats and certified survey maps shall state the lowest allowed floor elevation for any proposed principal structure as needed to ensure compliance with the above noted site drainage standards. All basement elevations must comply with the subdivision plat or certified survey map master grading plan or with the master grading plan referenced on the subdivision plat or certified survey map. The Village Building Inspector and/or Village Engineer may request at the owner's expense the advice and assistance of a licensed professional engineer specializing in soils engineering or other qualified person in fulfilling their duties pursuant to this provision. Building, drainage, grading or other similar plans may be required to determine compliance with this section. The Village accepts no liability for construction activities involving groundwater limitations and property owners are solely responsible for protecting their interests in this regard.

- (1) The zoning use permit and building permit issued for the erection, structural alteration or relocation of a principal building shall state specific design, engineering and construction requirements, as a condition of the permit, notwithstanding applicable construction codes, which must be incorporated within the improvement to be done on and in soil which has such conditions necessitating additional protection of the building, basement, foundation, occupants and personal property. Such provisions shall comply with Waukesha County Land Resources Division's basement protection standards.
- (2) Subdivision plats and certified survey maps shall state, on their face, whether protection measures, pursuant to the above, are likely to be required as a condition of a zoning use and building permit. The Village Plan Commission or Village Board may cause such notice to be affixed to the face of the document.
- (3) In the event a dispute arises as to the necessity for or the adequacy of the protection measures set forth above, the matter shall be reviewed by the Vernon Board of Appeals, upon recommendation of the Village Engineer pursuant to the appeal provisions of this code.

B. Obstruction to drainage prohibited. The damming, filling or relocating of any surface water drainage swale, channel, or natural watercourse shall not be permitted except with approval of the Village Board, the State Department of Natural Resources, and the United States Army Corps of Engineers, when applicable.

§ 300-20 Sanitation and water supply.

- A. Safe sewage disposal possible. No principal building shall be erected, structurally altered or relocated unless it conforms to all Village ordinances and other governmental laws or regulations then applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provisions for disposal of sewage is possible. A county sanitary system permit shall be required for all new private systems. Certification from Waukesha County Environmental Health verifying the soil's suitability to meet standards shall be furnished when a specific system is being proposed.
- B. Water supply required. No occupancy permit shall be issued for any building unless provisions are made for a safe and adequate supply of water in or within 300 feet of said building or connection is to be made to an approved municipal or community water system.

§ 300-21 Sedimentation control.

Any plans for site alterations which disturb the natural cover vegetation must include provision for adequate protection to adjacent properties from sedimentation. Disturbed areas must be seeded or vegetated within one year of commencement of construction.

§ 300-21.5 Development Standards.

- A. Approval required. All persons, firms or associations seeking to use property for any purpose other than agricultural and single-family residential, whether by zoning permit or conditional use or any other way, shall file an application including a site plan and plan of operation per § **300-6F** with the Village Clerk. No person, firm or association shall use any property for commercial or industrial purposes without obtaining the prior permission of the Village Board, upon receipt of a recommendation from the Plan Commission. Such use shall strictly conform to the Village Board approval.
- B. Minimum standards. The Plan Commission and Village Board shall review the application and site plan and plan of operation, and approve, conditionally approve or deny the application based upon the following minimum standards. Specific conditional uses listed in § **300-22B** may include additional standards. The more restrictive standard shall apply in the case of any conflict:

(1) Buildings and structures.

- (a) Primary buildings and 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. The majority of the exterior wall area on all building sides shall be constructed of the following types of high-quality finished materials:

[1] Architectural panels: finished metal, precast concrete, wood, and other materials approved as part of the site plan and plan of operation approval.

[2] Brick.

[3] Cut stone.

[4] Decorative concrete block.

[5] Exterior insulation and finish systems such as Drivit.

[6] Finished wood siding.

[7] Glass, glazing, and windows.

[8] Other building materials developed by the construction industry to be reviewed on a case-by-case basis.

- (b) Accessory buildings and structures shall be reviewed in the same manner as principal buildings and structures, however, only building elevations facing and visible from a street shall require the majority of the exterior wall area to be constructed of the finished materials listed above.
 - (c) Material changes shall not occur at exterior building corners. Any material changes shall generally occur at interior corners or be delineated by transitional details including vertical elements such as a change in plane, or horizontal elements such as belt courses or sills.
 - (d) High quality finish materials shall be used to create visual interest and accentuate the base of buildings, building entrances, and prominent facades and architectural features.
 - (e) Commercial and industrial buildings must have cement footings and frost-free wall foundations.
- (2) **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 approval is obtained as part of the site plan and plan of operation approval. Overnight parking of trucks and service vehicles shall be behind landscape screening or fencing so as not to be visible from the roadway unless approved as part of the site plan and plan of operation. The site plan and plan of operation must include numbers and particular types of vehicles to be parked onsite. No parking will be allowed within 20 feet of any property line.
 - (3) **Impermeable surface.** No site plan shall have more than 65% of impermeable surface including buildings, pavement or other covering material which is impervious to surface water absorption.
 - (4) **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.
 - (5) **Loading docks.** All outside loading docks and overhead door must be screened from view from the street and adjacent residential use by the building, berm, landscaping and/or fencing as approved as

part of the site plan and plan of operation approval and in accordance with the applicable zoning ordinance regulations.

- (6) Storage. No articles, goods, materials, finished or semi-finished products, incinerators, storage tanks, or like equipment shall be kept outdoors or exposed to public view, or to view from adjacent properties unless approved as an exception per § 300-21.5C. In the event that such approval is granted, such material shall be screened from view per § 300-21.5B(14), and under no circumstances shall such storage occur within 40 feet of any street.
- (7) Garbage and refuse containers. Garbage and refuse containers shall be screened from the street and neighboring properties per § 300-21.5B(14). The proposed location of all storage and all garbage containers shall be shown on the application and site plan submitted for approval.
- (8) 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.
- (9) Temporary structures. No temporary structures or trailers are to be permitted without prior approval of the Village Board, including those belonging to construction companies during periods of construction.
- (10) 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 site plan and plan of operation approval.
- (11) 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 as part of the site plan and plan of operation approval.
- (12) Driveways and loading areas. Driveways and loading areas shall be large enough to accommodate all vehicles maneuvering on the site.
- (13) Fencing. No fencing should be established on any site except as part of site plan and plan of operation approval.
- (14) Landscaping. The property shall include decorative landscape elements to enhance the site, building and parking lot edges, and screen unsightly uses from public view. A mix of deciduous and evergreen trees and shrubs should be used across the developed site for variety and to ensure that green landscaping remains in the winter months.
 - (a) Landscape point system. The minimum required landscaping for a site shall be based on a point system as follows:

[1] Landscaping shall be distributed throughout the site including street frontages, parking lots, district boundaries, building foundations, service area boundaries, and the general site.

- [2] Preservation of existing trees is encouraged and shall count as 1.5 times the normal required point value, provided they otherwise satisfy landscaping location requirements.
- [3] Point calculations shall be rounded up to the nearest whole number and fractional distances and areas shall be prorated.
- [4] Landscaping that satisfies more than one locational requirement, excluding general site landscaping, may be counted for each.
- [5] Points are calculated as follows:

Type	Points	Min Size at Planting
Deciduous canopy tree (mature height of 30+ feet)	20	2" caliper
Ornamental tree	10	1.5" caliper
Evergreen tree	10	3' tall
Shrub, deciduous	2	18" or 3 gallon container
Shrub, evergreen	2	18" or 3 gallon container
Ornamental grass	1	18" or 3 gallon container
Decorative walls or fencing	4 per 10 lineal ft	N/A

- [6] Additional landscaping beyond what is required by the point system may be required as determined by the Village Plan Commission and Village Board to ensure proper buffers, screening, and aesthetic quality.

(b) Street frontage landscaping

1. Landscaping shall be provided along the edge of the site within the required building and parking lot setback areas along adjacent streets to enhance the view from public rights-of-way and define the street edge.
2. For each 100 lineal feet of developed lot frontage, a minimum of 40 points of landscaping are required within 30 feet of the right-of-way.
3. Street frontage landscaping may be reduced to 50% of the normal requirement in order to maintain visibility of commercial buildings and signage, provided the landscaping is added to other locations on the site at the discretion of the Village Plan Commission and Village Board.

Board.

(c) District boundary landscaping

1. Screening and landscaping shall be provided along the rear and side property lines where the site abuts an existing or planned less intensive use or zoning district, determined by the Village Plan Commission and Village Board.
2. For each 100 lineal feet of property edge, a minimum of 50 points of landscaping are required within 30 feet of the property line.
3. Evergreen landscaping shall comprise at least 50% of the total required points.
4. Earthen berms in conjunction with landscape vegetation, with no greater than a four-to-one slope and a minimum height of three feet may be counted toward meeting the minimum landscape requirements at a rate of 10 points per 100 lineal feet.
5. Parking areas adjacent to residential uses on neighboring properties may require buffering with opaque decorative walls or fencing at the discretion of the Village Plan Commission, and Village Board to minimize impacts from noise and headlights.

(d) Parking lot landscaping

1. Landscaping shall be provided within and surrounding parking lots with 10 or more vehicle parking spaces to soften and interrupt large, paved areas.
2. For every 10 vehicle parking spaces (or fraction thereof), a minimum of 30 points of landscaping are required within internal parking lot islands or within 15 feet of the lot perimeter.
3. Shrubs, ground cover, or ornamental grasses used within internal parking lot islands adjacent to drive lanes shall be limited to a height of two feet in order to maintain driver visibility.

(e) Building foundation landscaping

1. Landscaping shall be provided along the foundation to accent and define building foundations and accentuate building entrances.
2. For each 100 lineal feet of building foundation viewable from publicly accessible areas, a minimum of 40 points of landscaping are required within 15 feet of the foundation. Portions of building foundations directly adjacent to paths or other paved areas shall be excluded from the calculation.
3. Building foundation plantings shall be located in a mulched planting bed and primarily consist of shrubs and ornamental grasses. Properly scaled ornamental trees, not to exceed

50% of the total landscape points, may also be used.

(f) General site landscaping

1. Landscaping shall be used throughout the open space on the site to enhance natural areas, green space, stormwater management areas, plazas and major entrances and should be grouped to create significant features.
2. For each 10,000 square feet of developed area for the total site, a minimum of 5 points of landscaping are required for general landscaping to be used throughout the site. The developed area shall be the portion of the site that is not left in an undisturbed natural state.

(g) Service area (refuse/loading/mechanical) screening. Service and loading areas, building mechanicals, and refuse/recycling containers shall be screened with opaque evergreen landscaping and/or decorative fencing, walls or enclosures when not otherwise hidden from public view.

(h) Maintenance

1. Landscaping shall be maintained in a healthy condition with a neat and orderly appearance and shall be kept free of refuse, weeds, and debris. Plants shall be replaced as necessary within one growing season to maintain the minimum required landscaping standards.
2. Mulch within planting beds shall be replenished as necessary to maintain a neat, weed-free appearance.

C. Exceptions. The Village Board, upon receipt of a recommendation from the Plan Commission, may grant an exception from the requirements of **§ 300-21.5** for a special or unique situation, where the applicant demonstrates to the satisfaction of the Plan Commission and Village Board that the exception requested will not negatively impact the surrounding properties or the community based on the design and layout of the site and/or structures. Granting of an exception does not require demonstration of an unnecessary hardship.

D. 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.

Article IV Conditional Uses

§ 300-22 Conditional uses.

A. Approval required. Certain uses and situations are of such a special nature or are so dependent upon actual contemporary circumstances that it is impractical to predetermine the permissibility of such uses or to detail in this chapter all of the specific standards, regulations or conditions which would permit such uses in each individual situation. Such uses may, however, be permitted as conditional uses. The applicant for a conditional use must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are, or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny any such conditional use permit will be based upon substantial evidence presented at a public hearing. Only those uses specifically listed herein can be granted a conditional use. Any other uses not specifically listed shall require an amendment to this code to be considered by the Plan Commission and Village Board.

(1) Application.

(a) Application for conditional use permits may be made by an individual property owner, group of owners, by a municipality, or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Village Clerk or designee and shall include:

[1] Completed Conditional Use Application Form available from the Village Clerk.

[2] A site plan and plan of operation in accordance with § **300-6F**.

[3] Additional information as may be required by the Village Planner, Village Engineer, Village Attorney, the Village Plan Commission, or Village Board.

[4] A fee, as may be established by the Village Board and periodically modified, shall accompany each application. Such fees shall be paid to the Village of Vernon to defray the cost of official notification and posting of the public hearing. Cost incurred by the Village in obtaining legal, planning, engineering, publication, and notice requirements, and other technical and professional advice in connection with review of the conditional use applications and preparation of conditions to be imposed on such uses, shall be charged to the applicant, and, if required by the Village, a prepayment deposit covering the costs shall accompany the application.

[5] Where necessary, to comply with certain regulations established by applicable laws, applications shall be required to be submitted to the other governmental bodies having jurisdiction which may include the State Department of Natural Resources, the United States Army Corps of Engineers, and/or Waukesha County.

(2) Public hearing.

(a) Upon receipt of the application, the foregoing data and fees, the Village Clerk shall establish a

date for a public hearing by the Village Plan Commission meeting jointly with the Village Board, and shall publish notice of said hearing once each week for two consecutive weeks in a newspaper of general circulation in the area of the proposed conditional use. The Village Clerk, or designee, shall give notice of the public hearing by first class mail to the owners of all lands within 500 feet of any part of the land included in such conditional use at least fifteen days before such public hearing. If the applicant is a governmental entity or group of property owners and the area affected by the proposed conditional use is so large such that the Village Plan Commission finds the first class mail notice to the owners within 500 feet to be unnecessarily burdensome, the Village Plan Commission may waive the first class mail notice requirement. The Village shall place a sign in front of the subject property stating the conditional use and public hearing request, visible from public road, at least 15 days in advance of the hearing.

- (b) A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to any other governmental agencies having jurisdiction by first class mail not less than seven days prior to the date of the public hearing. Testimony of all interested parties will be received at the public hearing and the Village Plan Commission shall take action within a reasonable time to either recommend approval or denial of the application along with any recommended conditions of approval or reasons for recommending denial.
- (3) Final review and approval. The Village Plan Commission shall review the proposal as submitted along with requirements as may be established or recommended by other governing bodies having jurisdiction. The Village Board, upon receipt of a recommendation from the Plan Commission, shall approve or deny the application. If the Village Board approves the conditional use, any conditions imposed by the Village shall be made an integral part of the conditional use permit. The applicant shall comply with these conditions, and any failure to comply with the conditions set forth in the conditional use permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this code and will be subject to prosecution and penalties under the terms of this code.
- (4) Basis of approval.
 - (a) The determination of whether to approve or deny or conditionally approve such conditional use shall be made by the Village Board, upon receipt of a recommendation from the Plan Commission, and shall be based on substantial evidence. 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. Any condition imposed by the Village must relate to the purpose of the ordinance, be reasonable, and to the extent practicable, measurable. Conditions shall be established to ensure that the proposed use will not:
 - [1] Violate the spirit or intent of the Village of Vernon Comprehensive Plan or this code.
 - [2] Be contrary to the public health, safety or general welfare.
 - [3] Be hazardous, harmful, noxious, offensive or a nuisance by reason of appearance, noise,

dust, smoke, odor or other similar factors.

- (b) Except as may be specifically otherwise provided for by this code, any such use shall conform to any building location, height, and area regulations of the district in which it is located.
- (5) Determination. The conditional use review may include, but not be limited to, the site, neighboring uses, size, location and use of existing and proposed structures, architecture, parking, driveway locations, access and circulation, traffic generation, drainage, sewer and water systems, potential impact on surrounding property values, and the proposed site plan and plan of operations. Conditions such as, but not limited to, landscaping and buffers, architectural design, lighting, traffic circulation and access, parking requirements, increased setbacks and offsets, natural resource protection, phasing, sureties, operational control, hours of operation, deed restrictions, and permit duration may be established. Any conditions as may be deemed necessary by the federal government, the state, or county shall be made an integral part of the permit. Any conditions imposed by the Village must be related to the purpose and intent of this ordinance and shall be based on substantial evidence. If an applicant demonstrates through substantial evidence that they meet or agree to meet all requirements and conditions specified in the ordinance, or those imposed by the Village, and no substantial evidence to the contrary is provided, the conditional use permit shall be granted. The action of the Village Board, upon receipt of a recommendation from the Plan Commission, shall include reasons for approval or denial. Any approval shall include: an accurate description of the use permitted, the property on which permitted, and any conditions made applicable thereto. If a conditional use permit is approved, it shall be issued upon compliance with all conditions of approval and the recording of the conditional use agreement in the Waukesha County Register of Deeds Office. The conditional use agreement must be signed by the owner and applicant, and the Village President and Village Clerk. The grant of such permit shall be applicable solely to the structures, use and property so described.
- (6) Application for change or extension of conditional use permits. Any change, addition, modification, alteration and/or amendment of any aspect of a conditional use granted by the Village Board, upon receipt of a recommendation from the Plan Commission, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized by the conditional use permit conditions, shall require a new conditional use permit and all procedures in place at the time must be followed. Unless the conditional use permit conditions expressly state otherwise, plans that are specifically required by the conditional use order may be amended upon the prior approval of the Village Board, upon receipt of a recommendation from the Plan Commission, if the Village Board finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Board finds in its sole discretion to be substantial shall require an amendment to the conditional use permit, and all procedures in place must be followed.
- (7) Review of conditional use permit. All conditional use permits shall be reviewed every two years by Village Staff in order to determine conformance with the provisions of the permit and its compatibility with the adjacent land uses. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures outlined in this code.

- (8) Transfer of conditional use permit. Conditional use permits may not be transferred without the issuance of a new conditional use permit following the procedures in place at that time with the exception of assignment of rights as permitted under 300-22B(13)(c)(3)(d)[xxvii].(9) Termination of conditional use permit. Conditional use permit may be terminated as follows:
- (a) The conditional use permit may be terminated on request when the applicant or holder of the conditional use permit and the property owner make a request in writing to the Village Plan Commission and Village Board that the conditional use be terminated and the Village Board, upon receipt of a recommendation from the Plan Commission, agrees to terminate said conditional use permit and notice of said termination of the conditional use permit is recorded in the Waukesha County Register of Deeds Office; or
 - (b) The conditional use permit may be terminated after public hearing and a Class 2 Notice is published, and notice is provided to the applicant or holder of the conditional use permit and the owner of the subject property, upon the Village Board determining any of the following:
 - [1] The conditional use has not continued in conformity with the conditions of the permit.
 - [2] A change in the character of the surrounding area or if the conditional use itself causes it to be no longer compatible with surrounding uses.
 - [3] The conditional use has been discontinued for a period of 12 consecutive or 18 cumulative months during a three-year period. A business of seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, ski hills, quarries, marinas, etc.).
 - (c) Upon determination or finding by the Village Board, upon receipt of a recommendation from the Plan Commission, that the use must be terminated the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulation of the applicable district in which the property is located within 60 days from such determination, unless such time is extended by mutual agreement of the Village Board and the owner. Upon determination or finding by the Village Board, upon receipt of a recommendation from the Plan Commission, that changes in use or conditions of use are found to be more appropriate by the Village Board, any changes or required improvements or changes to use or operation as set forth by the Village Board shall be made within 60 days unless such time is specifically extended by mutual agreement of the Village Board and owner.
 - (d) The conditional use permit may be terminated as specified in the provisions of the conditional use permit.
- (9) Continuation of Existing Conditional Permits. Any conditional use permit granted pursuant to conditional use authority that has since been repealed and that was in effect, and the use was legally in operation on the date of such repeal, that is no longer a permitted conditional use of the property, shall be allowed to continue as a conditional use subject to all conditions stated in the conditional use order. Any such conditional use permit that requires compliance with a section of the Village of Vernon Zoning Code that has since been repealed, shall continue to require compliance with the

referenced Code section as it existed immediately prior to such repeal and the repeal of such provision is stayed solely for such existing conditional use permit(s). These continuation provisions are intended to preserve the status quo for all rights and responsibilities incurred or accrued prior to the adoption of this ordinance. Nothing herein shall be interpreted to prevent existing conditional use permit holders from applying to amend their conditional use pursuant to all laws in effect at the time of the application, or as set forth in the conditional use permit including those amendments requiring a public hearing. The conditional use shall remain in effect until the permit is terminated according to Sec 300-22A(9).

B. Conditional uses permitted. Subject to the foregoing, in addition to such uses enumerated in the district regulations, the following may be permitted conditional uses in the districts specified, provided that a public hearing per § **300-46** shall be held jointly by the Village Plan Commission and Village Board before approval for any such conditional use is granted.

(1) Adult-oriented establishments. See Exhibit A, in addition to the following:

(a) Adult-oriented establishment shall comply with the provisions of Chapter **105** in the Code of the Village of Vernon, and any amendments to or renumbering of Chapter **105** in the Code of the Village of Vernon.

(b) Adult-oriented establishment shall be located at least 1,000 feet from:

[1] Any residential district;

[2] Any playground lot line or public park lot line;

[3] Any place of religious worship or public or private school, or day-care facility;

[4] Any other structure housing an adult-oriented establishment; and

[5] Any structure housing an establishment which holds an alcohol beverage license.

(c) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the adult-oriented establishment to the lot lines of any structure listed in § **300-22B(1)(b)** above.

(d) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, excluding a roof overhang measuring 24 inches or less.

(e) For adult-oriented establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the adult-oriented establishment.

(f) For any adult-oriented establishment located above ground level in a multistory structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the adult-oriented establishment

(excluding emergency exits).

(g) A licensed adult-oriented establishment is not disqualified from holding an adult-oriented establishment license by the subsequent location of any of the establishments described in § 300-22B(1)(b), above, within 1,000 feet of the licensed premises after the grant or renewal of its license. This provision applies only to renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

(2) Bed-and-breakfast: See Exhibit A, in addition to the following:

(a) Modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the applicable district in which it is located.

(b) Off-street parking shall be provided at the rate of one parking space for each room rented. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened from view with natural plant material, and found to be compatible with the neighborhood.

(c) The number of rooms shall be limited to five sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than two beds.

(d) One on-premises sign may be allowed provided that such sign is not more than 16 square feet in size.

(e) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed-and-breakfast service.

(f) Room rentals to families or individuals shall not exceed 14 consecutive days.

(g) The bed-and-breakfast facility must be accessory to and contained within the single-family dwelling occupied by the owner (e.g., not a manager) of said premises.

(h) The only meal to be provided to travelers/guests shall be breakfast and it shall only be served to guests taking lodging in the facility.

(i) The applicant shall provide written proof to the Village Building Inspector that the Waukesha County Environmental Health Division has examined both the water system and the sewage disposal system, and has made a general health and safety inspection of the proposed facility, and has granted its approval. The Waukesha County Environmental Health Division may impose any conditions required to ensure that all necessary health and safety standards have been met. The Village Building Inspector shall withhold all building permits until the Waukesha County Environmental Health Division provides documentation to the Village Building Inspector that the necessary inspections have been completed and any deficiencies have been corrected and all conditions have been satisfied.

- (3) Commercial vehicle parking. See Exhibit A, in addition to the following:
- (a) The parking and storage of commercial-type vehicles (dump trucks, school buses, construction vehicles, semi-trailers and tractors, cube vans and box trucks) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or major collector street, as defined in the county-established street and highway width map.
 - (b) No more than one such vehicle shall be allowed to be parked or stored on the occupant's property and no more than two additional construction vehicles (backhoes, front end loaders, grading equipment, etc.) shall be allowed. Such vehicles shall be fully operative and in active use. Where considered appropriate, two trailers may be allowed but in no case may there be more than one semi-tractor or cab unit.
 - (c) No such vehicles shall be allowed to be parked or stored closer than 50 feet to any adjacent lot line and not closer than 100 feet from the base setback line. In the case of a refrigerator truck, the refrigeration unit may not be operated in the open if such truck is parked closer than 500 feet to the nearest neighboring residential property line.
 - (d) In determining whether or not the proposed conditional use permit should be issued, a determination of compatibility with adjacent land uses shall be made by the Village Board, upon receipt of a recommendation from the Plan Commission, in issuing this conditional use permit. If it is determined that it would be incompatible and represents an adverse effect or nuisance to adjacent land uses, the conditional use permit will not be issued.
- (4) Contractor's yard: See Exhibit A, in addition to the following:
- (a) The minimum lot area shall be at least five acres in all districts where allowed, except the B-3 and I-1 Districts where the minimum lot area shall be three acres.
 - (b) All buildings used in the conduct of the business shall be located at least 100 feet from the lot line of an adjoining lot in a residential district or at least 50 feet from a lot line of an adjoining lot in any other district.
 - (c) No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in this code.
 - (d) A planting screen at least 10 feet high in initial height shall be provided between any abutting property line and the proposed use. The Village Plan Commission or Village Board may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
 - (e) In determining whether or not the proposed conditional use should be approved, the Village Board, upon receipt of a recommendation from the Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the

adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.

- (5) Conversions. This conditional use permit is required whenever items (i.e., machinery equipment, vehicles, boats, furniture and similar items) that are not owned by the lot owner or by a person lawfully residing on the lot are stored in existing barns or farm buildings existing as of December 9, 2020, not to be expanded beyond footprint of existing buildings, and for which the owner of said items pays rent for the storage of said items. See Exhibit A, in addition to the following:
 - (a) No such use shall be permitted on parcels less than three acres in size.
 - (b) The use, if it is allowed, will be allowed only in buildings as they exist on the premises on the effective date of this code from which this section is derived, except as otherwise described in this code.
 - (c) The parcel must have access to an arterial or collector street as defined on the Official Map of the Village of Vernon.
 - (d) There shall be no outside storage allowed. Storage of machinery, vehicles, equipment, boats, furniture or other similar items outside overnight shall be considered a violation of the terms of any conditional use permit issued under these provisions and grounds for termination of such permit.
 - (e) Signs shall comply with the regulations of the applicable district.
 - (f) A detailed landscaping plan indicating the size, type, location and time table for installation shall be submitted and approved by the Village Board, upon receipt of a recommendation from the Plan Commission, prior to issuance of the conditional use permit, unless waived by the Village Plan Commission and Village Board.
 - (g) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
 - (h) In determining whether or not the proposed conditional use permit shall be recommended, a "determination of compatibility" with adjacent land uses shall be made by the Village Board, upon receipt of a recommendation from the Plan Commission.
 - (i) When the proposed use includes the storage of equipment and vehicles normally associated with an ongoing business, the use shall be explicitly for storage. There shall be no office permitted on such premises, nor shall the building be occupied for any reason other than periodic pickup and return of equipment on a seasonal basis.
- (6) Event Barn. An Event Barn shall be defined as one (1) or more existing agricultural building(s) originally constructed prior to June 12, 2019 for bona fide agricultural purposes and may be presently part of a functioning farm or may be remaining buildings following the termination of farming activities. An Event Barn may be used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions for gatherings and celebrations including,

but not limited to, meetings, banquets, weddings, anniversaries, birthday parties, and reunions. Event Barns by definition do not include uses that are otherwise specifically provided for as a permitted or conditional use in the code. An Event Barn may not be used for functions open to the general public such as restaurants or supper clubs, trade shows, or events where goods or services are offered for sale. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for Event Barn activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public.

- (a) The minimum lot area shall be 20 acres.
- (b) No building, structure, or outdoor use associated with the event shall be located less than 100 feet from any adjacent lot line permitting a residential use except as follows. No parking to be located less than 50 feet from any adjacent lot line permitting a residential use. No building, structure, outdoor use or parking associated with the event shall be located less than 250 feet from any residence not owned by the applicant.
- (c) The operator of the Event Barn shall reside on the same lot as the Event Barn or a lot immediately adjacent.
- (d) The subject property must abut directly upon an arterial or collector street as defined in Sec 200-9 of the Village of Vernon Code of Ordinances and the event access to the parcel shall be from the arterial or collector street. Property access on a collector street shall be no further than one (1) mile from an arterial street.
- (e) Events must be served by a private onsite waste system (not including portable facilities) and a private onsite well, a municipal sewer system and municipal water system, or a combination of both. Restroom facilities associated with the private waste system shall be located within the Event Barn. Private systems shall be sized appropriately for the building occupancy and approved by Waukesha County Environmental Health.
- (f) Events shall be limited to no more than one (1) event per day with no more than three (3) events per calendar week. For the purpose of this condition, an individual event shall include one entire occasion. For example, a scenario in which a renter reserves the site for a Saturday wedding but is also on site for a Friday rehearsal and Sunday gift opening would be counted as one (1) event.
- (g) There shall be no more than 300 attendees per event. "Attendees" include all persons present at any time including employees, catering services and other support service providers, property owners, staff, operators, hosts, guests and invitees without limitation. Use of structures and capacity is required to comply with all federal, state and local fire and building code regulations.
- (h) Events shall not begin prior to 8:00 am or continue past 11:59 pm on Friday and Saturday, and shall not begin prior to 8:00 am or continue past 10:00 pm Sunday through Thursday. These limitations apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.

- (i) Alcohol shall not be served past 11:00 pm on Friday and Saturday and 9:00 pm on Sunday through Thursday.
- (j) No sale of alcohol is permitted unless an alcohol beverage license for the event barn is obtained from the Village of Vernon.
- (k) There shall be no outdoor sound amplification devices used in association with outdoor event areas before 9:00 am or after 8:00 pm. There shall be no sound amplification within buildings before 9:00 am or after 11:00 pm. Sound amplification devices shall be located at least 100 feet from all property lines and directed to minimize impact to adjacent properties, and shall comply with Chapter 221 (Noise) of the Village of Vernon Code of Ordinances. There shall be no exception for the event barn operation as an activity or event under Sec 221-2A(11).
- (l) Exterior lighting to be used in association with events shall not exceed fifteen (15) feet in height above the ground and light sources shall not be visible from the lot lines measured five (5) feet above the lot line.
- (m) There shall be no open fires associated with the operation except where approved by the Village of Vernon Village Planner in writing, within specifically designated locations.
- (n) The minimum number of parking spaces shall be equal to one (1) parking stall per three (3) Attendees, as defined above. At no time shall the number of Attendees exceed three (3) times the number of stalls.
- (o) All parking areas shall be clearly defined and designed with appropriate surface materials determined by the Village Plan Commission based on surrounding aesthetic character and uses, topography and drainage, and potential for dust.
- (p) There shall be no parking associated with the Event Barn on any public road.
- (q) Any area occupied by outdoor tents shall not exceed the square footage of the Event Barn.
- (r) The Plan Commission may require landscaping/screening for parking and outdoor areas used in conjunction with events to provide buffering for adjacent residential uses.
- (s) The exterior of buildings to be used for event activities may be repaired or refurbished, but shall not be substantially modified as to significantly alter the character as determined by the Village Plan Commission.
- (t) The floor area of an existing building to be used for event activities may be expanded for event activities by no more than ten percent (10%) provided all building and zoning requirements are satisfied. This does not include alterations made to accommodate for items such as access or circulation, which will be considered on a case by case basis.
- (u) The proposed Event Barn including the site plan and access shall be reviewed by the Village of Vernon Fire Department Chief (or designee). The Event Barn and property shall comply with

any and all recommendations provided by the Fire Chief (or designee). Such inspection is for the Village's purposes and shall not be relied upon by the property owner as any assurance of safety nor of compliance with all applicable laws, which shall be solely the responsibility of the owner and Event Barn operator.

- (v) The Event Barn conditional use permit shall be reviewed every two (2) years by the Village Plan Commission to determine compliance with the conditions and requirements of the permit and may be terminated in accordance with Sec 300-22A(9)(b) of the Village of Vernon Code of Ordinances.
 - (w) The Plan Commission at its sole discretion and in accordance with the flexibility afforded in Sec 300-12(D), specifically as it relates to Sec 300-12A(2), 300-12A(4), 300-12A(6), and 300-9B(6), may modify requirements related to site access including driveway dimension, setbacks, width and appropriate surface materials. In addition to the standards described in Section 300-12(D), modification shall be based on a specific site's: existing conditions including offsets and setbacks, existing improvements including surface materials, surrounding aesthetic character and uses, topography and drainage, and potential for dust. The Plan Commission may require additional landscaping/screening for the parking lot and access areas per item (r). All site access modification by the Plan Commission requires review and approval by the Vernon Fire Department Chief (or designee) per item (u).
- (7) Feed lot operation, fur farms, pig farms, and egg production facilities. This conditional use category is created in recognition of the potential which exists in these uses for uncontrolled runoff and animal waste, pollution of surface and groundwater and potential for such uses to be a nuisance. See Exhibit A, in addition to the following:
- (a) General requirements.
 - [1] No operation, farm or facility shall be permitted on less than 35 acres of tillable land nor closer than 1,000 feet from any land presently zoned for a residential district.
 - [2] No accessory residence shall be permitted closer than 100 feet to an operation, farm or facility.
 - [3] No part of the operation, farm or facility shall be closer than 300 feet from the centerline of any public road or closer than 200 feet from the lot lines of the site on which the operation, farm or facility is situated.
 - (b) Information to be submitted.
 - [1] A site plan showing drainage, structures, and the methods to be employed to control, contain or divert runoff of animal wastes.
 - [2] A plan of operation detailing the method of operation and the equipment necessary to accomplish safe and sanitary disposal of animal wastes. Farmers are encouraged to seek advice from Waukesha County, Wisconsin Department of Natural Resources (WisDNR), or

applicable agencies.

[3] A statement of the number of animals to be contained in the proposed animal feed lot. This plan shall include numbers, type and weights. Any increase in the number of animal units for a period of more than 30 days shall be reported to the Village Plan Commission and Village Board.

[4] A statement detailing the method of animal collection, storage and disposal to be employed.

[5] A waste management plan approved by Waukesha County, Wisconsin Department of Natural Resources (WisDNR), or applicable agencies.

(8) In-law units. See Exhibit A, in addition to the following:

- (a) The applicant shall provide written proof to the Village Building Inspector that Waukesha County has certified that the septic system will accommodate the proposed use.
- (b) The maximum living area in an in-law unit shall not exceed 800 square feet for a one-bedroom unit and 1,000 square feet for a two-bedroom unit.
- (c) There shall be adequate parking for the in-law unit.
- (d) The architecture of the residence shall be compatible with the adjacent residential neighborhood and should appear to be a single-family residence. All other appropriate district requirements for the principal living unit shall apply. A common entrance to the residence and in-law unit shall be designed into the structure so that the structure does not appear to be a duplex.
- (e) There shall be an interior opening between the residence and in-law unit.
- (f) A deed restriction shall be filed in the Waukesha County Register of Deeds Office prior to issuance of the building permit indicating that this living unit is for family members of the principal dwelling unit only. This deed restriction shall state the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit. The deed restriction shall require that the in-law unit be removed and the dwelling restored to a single housekeeping entity upon termination of the occupancy of the in-law unit by persons related by blood or marriage to the family occupying the principal unit.

(9) Landscaping, lawn, greenhouse and garden businesses. See Exhibit A, in addition to the following:

- (a) All buildings used in the conduct of the business shall be located at least 150 feet from the lot line of an adjoining lot in a residential district or at least 50 feet from a lot line of an adjoining lot in any other district.
- (b) No such use shall be allowed on any parcel except as may front directly upon and have access to an arterial or major collector street, as defined in this code.

- (c) A planting screen at least 10 feet in initial height and 15 feet wide shall be provided between any abutting property line and the proposed use. The Village Board, upon receipt of a recommendation from the Plan Commission, may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.
- (d) In determining whether or not the proposed conditional use should be approved, the Village Board, upon receipt of a recommendation from the Village Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses and the surrounding area as it relates to noise, traffic, dust, hours of operation, etc. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses, conflict with future development of the area, or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
- (e) A site plan and plan of operation application in accordance with § **300-6F** shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the location and type of storage of materials, location of all greenhouses, shade houses and storage bins, parking areas for customers and employees, signs, toilet facilities, fuel storage facilities, landscaping and lighting plans, dumpsters, and hours of operation.
- (f) The landscaping, lawn, greenhouse and garden business is restricted to a service-oriented business and is prohibited from manufacturing or assembling products. The sale of products on the premises which are not produced on the subject property is prohibited unless expressly permitted or permitted subject to specific conditions in the conditional use permit (e.g., mulch, fertilizer, decorative stone, plants).
- (g) The design and size of the structures used in the operation of the business shall be subject to conditions in the conditional use permit.
- (h) All offices, vehicle storage, greenhouses, shade houses, storage bins, maintenance or service facilities, hazardous chemical or salt storage facilities shall comply with all applicable federal, state, county, and Village regulations.

(10) Planned unit development.

- (a) Intent and purpose. Due to increased urbanization and the associated greater demands for open space and the need to create a more desired and creative living environment than would result through the strict application of the standard zoning requirements, it is herein provided that there be flexibility in the regulations governing the development of land. This district is intended to encourage planned unit development in directions which will recognize both the changes in design and technology in the building industry and the new demands in the housing market. It is intended that these provisions create imaginative and interesting communities with substantial open area owned in common or dedicated to the public and for the enjoyment of the residents, and will encourage a more efficient and desirable use of the land and open space areas, thereby resulting in more variety of the physical development of the Village. An overall development plan showing how the above objectives are to be achieved must be submitted to the Village Plan Commission for review and approval. No portions of any buildings or

structures, to the greatest extent practical, shall be allowed in the CO, ECO, or HGO Districts. See Exhibit A, in addition to the following:

(b) Regulations.

[1] The unified and planned development of a site, in single, corporate ownership, or common ownership under the Condominium Ownership Act (§ 703.01 et seq., Wis. Stats.) at the time of development, may be permitted in a planned development without the customary division into individual lots and without requiring strict compliance to the specific district regulations, subject to the requirements of these provisions. Lot size, offset, setback, height, open space, building location, and building footprint requirements may be modified according to the following conditions:

[a] All sanitary and water provisions are in conformance with the requirements of the State Department of Commerce and/or Waukesha County Environmental Health Division.

[b] The proposed development is in conformity with the Village Comprehensive Plan, is not contrary to the general welfare or economic balance of the community and that the benefits and amenities of the resultant development justify the variation from the normal requirements of the district in which it is located.

[c] All other requirements of the planned development are met as set forth in this code.

[2] Required standards as established by the Village relative to road design, drainage or other engineering parameters may be modified subject to the conditions of approval as long as such modifications are consistent with good engineering practice and the approval of the Village Plan Commission.

(c) Residential planned unit development.

[1] The following table may be utilized to compute the maximum dwelling unit density requirements of the PUD, except that areas which are Upland, Primary or Secondary Environmental Corridors are also subject to § **300-22B(21)(c)[2]** below.

A-1a	120,000 square feet (2.75 acres) per dwelling unit
A-2	120,000 square feet (2.75 acres) per dwelling unit
A-3	80,000 square feet (1.84 acres) per dwelling unit
A-5	200,000 square feet (4.59 acres) per dwelling unit
ECO	5 acres per dwelling unit *
R-1	39,000 square feet (0.89 acres) per dwelling unit
R-2	25,000 square feet (0.57 acres) per dwelling unit
R-3	15,000 square feet (0.34 acres) per dwelling unit

NOTE:

* If all of the upland, primary and secondary environmental corridor are preserved in their entirety within the public open space or common open space and preserved in their natural state, the density of one unit per five acres may be added to the maximum

number of dwelling units derived from utilizing the table above.

- [2] Lands currently zoned CO or HGO District may not be used in formulating the density of the project.
- [3] Public open space or common open space shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible and to provide protection of environmentally significant lands: they shall not consist of long, narrow bands or corridors, but shall be larger blocks or wide corridors of land, usually not less than one acre in area. Corridors linking large blocks of public open space or common open space shall be not less than 50 feet in width to provide adequate buffers from adjacent residential lots. The size, shape and location of said public open space or common open space shall be subject to review and approval of the Village Plan Commission in order to qualify the project for consideration as a PUD Public open space or common open space shall be a minimum of 40% of the entire development, while no more than 10% of the entire acreage of the development included in the required 40% of open space can be CO, ECO, or HGO zoned land. In any development, no more than 5% of the public open space may be used for public buildings, such as schools, fire stations, municipal buildings, etc.
- [4] In public open space or common open space containing environmentally significant areas, a maximum of 2% of the environmentally significant areas may be used for limited construction of recreational related structures and recreational/trails.
- [5] Public open space or common open space shall contain at least 90% green space. Such public open space or common open space shall not be part of individual residential building lots and all but 5% of the open space shall be free of structures and impervious surface.
- [6] Adequate guarantee shall be provided for permanent retention of the open space resulting from these regulations, either by private reservation for use of the residents within the development or others as may be specifically provided for, i.e., farmers' use of open space, dedication to a public entity or development of a private recreational facility open to the general public in perpetuity for a fee, subject to Village Plan Commission approval. There shall not be any clear cutting or clearing of vegetation other than dead, diseased or dying vegetation or removal of invasive species on any lands being so preserved in public open space or common open space which are considered primary or secondary environmental corridor or isolated natural areas, as depicted on the Village Land Use Plan.
- [7] Perpetual care and maintenance of public open space or common open space shall be provided for by an agreement recorded with the Waukesha County Register of Deeds Office. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Village Plan Commission, and if applicable the Waukesha County Land Conservation Division.
- [8] Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Village Plan Commission and made part of the conditions of approval.

(d) Commercial PUD. The use of a commercial PUD may be authorized only where the underlying zoning is mapped in one or more of the business districts on the parcel or a portion thereof. If only a portion is zoned for business, the commercial PUD may only be used for the same percentage of the site that would result from the normal application of the business district requirements. The location of the proposed business uses can, however, be flexed on the site so long as no more area is devoted to such use than is permitted in the underlying district. The attendant parking areas and service facilities for the commercial areas shall be included in the areas allocated to such nonresidential uses.

[1] The proposed PUD shall be served by adequate off-street parking, loading and service facilities.

[2] The PUD shall not create an adverse effect upon the general traffic pattern or adjoining property values.

[3] Architecture, landscaping, lighting and general site development shall be compatible with the surrounding neighborhood.

[4] The aforementioned requirements shall be certified by the Village as having been fully met.

(e) Mixed PUD. A mixed PUD shall consider allowing a mixture of business, residential or other uses as the underlying district would allow. The percentage of area in the project shall be the same as would result from the application or the strict adherence of the district regulations. The location of the uses can, however, be flexed on the site so long as no more area is devoted to the various uses than would be permitted in the underlying district. The attendant parking and service facilities for the nonresidential part of the project shall be included in the area allocated to such nonresidential uses.

[1] The proposed mixture of commercial, industrial, residential, and other uses shall produce a unified development which is compatible both within itself and with the surrounding neighborhood.

[2] The mixed uses shall conform to the general requirements applicable to each of them as hereinbefore set forth.

[3] The maximum allowable dwelling unit density shall be computed using only the residential area portion of the total PUD area. If residential use and nonresidential use occur in the same proposed building, that percentage of the commercial use of the building shall be deducted from said building lot and only the remaining area shall be used in the density computation for the remaining residential units.

(f) Termination. After all conditions of a planned unit development project are certified by the Village as being completed, the conditional use permit of such completed development may be terminated in compliance with Section 24(7) and such uses shall be determined as permitted uses in the district in which it is located.

- (g) Example: computing maximum dwelling unit density in a planned unit development. A developer wishes to divide 100 acres of land into a planned unit development. Ten of these acres are zoned CO District. The rest is zoned R-1 District. The preliminary plan shows an additional 10 acres proposed for commercial uses but not zoned business district. The following computations demonstrate the method of determining how many residential units will be allowed in the project.

Gross acreage	100 acres
Less 10 acres zoned CO	90 acres
Less 10 acres zoned B-2	80 acres
Total residential acreage in square feet	3,484,800 square feet (80 acres x 43,560)
Divide by square feet per dwelling unit requirement for R-1 Residential District (3,484,800 divided by 39,000)	89 units

The 10 acres zoned for residential use cannot be included in the dwelling unit calculation for the PUD as it is intended for commercial use.

- (h) Preapplication procedures.

[1] The following information shall be submitted prior to any requests for approval of any type of a planned unit development. The applicants are required to submit a site analysis map at the time they submit an application for a preapplication conference. The purpose of the site analysis map is to ensure that the important site features have been adequately surveyed and identified and this information has been or will be incorporated into the site design. This will give the Village Plan Commission and applicable Village staff the necessary information to understand the physical features of the site in their review of the preliminary concept plan and make recommendations for changes before the applicant has invested in the final site design. The site analysis map shall show:

[a] Property boundaries.

[b] All streams, rivers, lakes, wetlands and other hydrological features.

[c] Topographic contours with intervals of two feet or less.

[d] Each primary and secondary environmental corridor labeled by type.

[e] General vegetation characteristics.

[f] General soils types by group.

[g] The planned boundaries of protected open space.

[h] Existing roads and streets.

[i] Open space and trails traversing or adjacent to the site, whether existing or planned.

[j] All Class I and II soils for agricultural uses.

[k] Aerial photographs with a scale of one inch equals 100 feet.

[l] Any groundwater recharge areas designated by the Southeastern Wisconsin Regional Plan Commission or the State Department of Natural Resources.

[m] Any other information reasonably necessary for the Village Plan Commission to make a determination.

[2] Site visit. The applicant is encouraged to hold a site visit on the subject property, prior to filing an application, as part of the preapplication process. The applicant can make arrangements for a site visit by contacting the Village Clerk and/or Village Planner. The purpose of the site visit is to provide an opportunity for everyone involved in the subdivision proposal to familiarize themselves with the property's existing conditions and special features, to identify potential site design issues, and to discuss design concepts, including the general layout of designated conservation areas, if applicable, and potential locations for proposed buildings and street alignments. This part of the preapplication conference is optional, but is perhaps the most critical of the entire design and review process, because it enables the applicants, the staff, and the Village Plan Commission and Village Board to work together to fully understand the site and its potential for carefully designing full density development around an open space network. The goal of the site visit is to ensure that the features mapped on the site analysis maps have been designed around and protected. If a site visit is scheduled, those invited shall include the Village staff, the Village Plan Commission, and Village Board, along with the applicant. Notice of the site visit shall include all notices as may be required by the state open meetings laws, and the site visit shall be conducted in compliance with such laws. The Village, its boards, commissions, officers, agents and staff are not required to attend a scheduled site visit, and a properly noticed site visit can occur even if less than a quorum of any invited governing body attends. Comments made by Village officials, agents or staff during a site visit shall be understood and interpreted as being only informal and suggestive, and shall not be binding on either the Village or the applicant. It should be understood by all parties that no formal recommendations can be offered, and no decisions can be made at the site visit, which is essentially an outdoor workshop session. Nothing that transpires during the site visit shall relieve the applicant from the obligation to fully comply with the application, submittal and review procedures of this code and all other applicable Village ordinances. The Village, its boards, commissions, officers, agents and staff shall not be deemed to have formal, actual or implied notice of existing features of the property or the surrounding environs that must be shown or disclosed in the application and review process, even if such features were observed or were readily observable during a site visit.

[3] Preliminary concept plan. The applicant shall submit a concept plan of the planned unit development. The concept plan shall comply with the District requirements and the Village Land Division and Development Control Ordinance. The concept plan shall be reviewed for discussion by the Village Plan Commission and Village Board.

- (i) Application procedures. Following the preapplication conference, an official submittal shall be made to the Village Clerk, drawn at a scale of one inch equals 100 feet, showing the following:
- [1] The size, arrangement, and location of all lots, blocks, and all proposed buildings or building groups located within the common area;
 - [2] The pattern of public streets, existing and proposed utility easements, and other public improvements;
 - [3] The location of recreational open space and areas reserved or dedicated for use by the residences;
 - [4] The general landscape treatment with particular attention given to the treatment and creation of buffer zones between the proposed planned unit development and any adjacent development whether residential or otherwise;
 - [5] Existing topography and stormwater drainage, and proposed, stormwater drainage systems, showing basic topographic changes and proposed grading elevations;
 - [6] All physical features of the site, such as wetlands, primary and secondary environmental corridors, isolated natural areas, and historic features;
 - [7] All types and locations of trees greater than eight-inch caliper in the buildable area. This requirement may be waived by the Village Board, upon receipt of a recommendation from the Plan Commission, if it is determined during a site visit that no public or private improvements will occur on area on the site containing trees;
 - [8] A completed Village Land Division and Development Control Ordinance checklist;
 - [9] Statistical data on the total size of the project area, area of the open space, density computations, proposed number and types of residential units, an economic and market analysis, impact on municipal services, wetlands, groundwater and other environmentally sensitive areas and any other pertinent data required by the Village;
 - [10] Anticipated amounts of impervious surface including all proposed public and private improvements;
 - [11] General outline of intended organizational structure related to property owner's association, architectural review committee, deed restrictions, and provision of utility and other services;
 - [12] A project staging plan which outlines a timetable for project development including, but not limited to, road cutting, utility hookups, building constructions, landscaping, and open space/recreational areas provision; and
 - [13] An environmental impact assessment of loss of plant species and animal habitat,

farmland, wetlands, soil erosion, surface and groundwater hydrology, water quality, aquatic species and air resources may be required if deemed reasonably necessary by the Village.

(j) Fees. A fee, as set by Village Board resolution from time to time, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Village of Vernon to defray the costs of review. The costs incurred by the Village in obtaining legal, planning, engineering, and other technical and professional advice in connection with the review of the application and preparation of conditions for such uses shall be charged to the applicant and, if required by the Village, a fee covering such costs shall accompany the application.

(k) Review process.

[1] Referral for action. The Village Clerk and/or Village Planner shall, within 30 days after receipt of the application, determine whether the application fulfills the requirements of this code. If the staff determines that the application is complete and fulfills the requirements of this code, the staff shall refer the same to the Village Plan Commission to schedule a public hearing, in accordance with this code. If the staff determines that the application is not complete and does not fulfill the requirements of this code, they shall return the application to the applicant. When the application meets the staff's approval, it shall be referred to the Village Plan Commission and the Village staff for their report. Upon completion of the necessary study and investigation, the Village Plan Commission shall make its recommendation to the Village Board, as to the appropriateness and desirability of the proposed project with the density factor requested, the suitability of the proposed development, and any changes or additional conditions applicable to such plans which they may feel are necessary and appropriate.

[2] Basis for approval. The Village Board, upon receipt of recommendation of the Plan Commission, shall give consideration to and be satisfied as to the following:

[a] The proposed development is consistent with the spirit and intent of this code and will not be contrary to the general welfare and economic prosperity of the Village, but rather that the benefits derived by utilizing the planned unit development in keeping with the current economic and social consideration, justifies the application of the planned unit development technique;

[b] Such development conforms to the Village's Comprehensive Plan;

[c] The size, quality, and architectural design of all buildings in the project shall not be of such as to have an adverse effect upon the general character of the Village or the surrounding neighborhood;

[d] Functional utility and relationship of the lots or units to the common open space and facilities provided shall be of such quality, size, and aesthetic value as to meet the purpose and intent of this code, and that all other required preserved areas are preserved or protected unless disturbed to accommodate a road as designated on the Official Map of the Village of Vernon;

- [e] The approval shall be based upon satisfaction of standards of this code and shall include any conditions of approval applicable thereto, regarding the building design, site layout, and operational plans, as well as all other commitments offered and required in regard to project value, character, or other factors pertinent to an insurance that the proposed development will be carried out as approved;
 - [f] The plan will result in preservation of open land in a manner which will enhance the total environmental setting and desirability of the development and of the neighborhood and that adequate guarantee is provided for permanent retention as common open space of the residential open land areas resulting from the application of these standards. These are by private reservation or by dedication to the public; and
 - [g] Ownership and tax liability of the private open space preservation areas shall be established in a manner acceptable to the Village Attorney and made a part of the conditions of this specific plan approval.
- [3] Approval by Village Board. The Village Board, upon receipt of recommendation of the Plan Commission, after conducting the public hearing per this code, and due consideration, may deny, approve, or approve subject to additional conditions the conditional use permit.
- [4] Conditions for preparation of final plat. After issuance of a conditional use permit, and approval or conditional approval of the preliminary plat, the final plat shall be prepared in accordance with the conditions specified and the following shall be submitted:
- [a] Developers' agreement. A contractual agreement between the Village and the owners of the development setting forth all of the obligations and commitments required by the Village.
 - [b] Rights-of-way, easements, exact net area. The subdivision plat or certified survey map shall show all rights-of-way, easements, and the exact net area.
 - [c] Homeowners' association bylaws. The homeowners' association documents of incorporation and bylaws shall be submitted to and approved by the Village Attorney, Village Planner, Village Engineer, and the Village Plan Commission and placed on record with the Village Clerk and be recorded in the Waukesha County Register of Deeds Office. Such documents must conform to all state and local requirements for the protection of the property owners and the Village.
 - [d] Utility and stormwater facility easements. Wherever required by the Village, utility companies or Waukesha County and conforming to the form and specifications of the Village and County.
 - [e] Construction routes. A map of the development showing the access points to be used by construction vehicles during the course of construction, and which shall become part of the contract between the Village and the developer, with such provisions for enforcement as provided in the contract.

[f] Consultant and legal fees. If the Village incurs consultant or legal fees to prepare or review any aspect of the proposed development, the Village will notify the petitioner of what portion of fees shall be charged to petitioner, and all such charges shall be paid in full before execution of the final document by the Village, in the form of a final plat, certified survey map, or condominium plat.

[g] Financial guarantee to complete construction of improvements in planned unit development. A letter of credit or cash escrow in a state financial institution or other satisfactory financial guarantee in a form and amount approved by the Village Attorney or Village Plan Board to cover the cost of all improvements and facilities agreed upon in the conditional use permit and final plat or certified survey map.

[h] Recording. The conditional use shall be recorded in the Waukesha County Register of Deeds Office to affect the real estate upon which the conditional use is granted.

(l) Subsequent changes or additions. Any subsequent changes or additions to an approved plan shall be submitted to the Village Plan Commission and, if it is the Commission's opinion such change or addition is not substantial, it may approve without the requirement of a public hearing. The following shall automatically be construed to be substantial:

[1] An increase in the number of dwelling units from that shown in the approved project;

[2] A significant change in the size, value, or type of structure from that contained in the approved conditional use;

[3] The addition of any principal uses not included in the approved conditional use; and

[4] Any change in the basic concept of the site development, which would significantly alter the relationship of uses or open space.

(11) Wireless telecommunications mobile service facilities.

(a) Purpose. This section is intended to regulate mobile service facilities to the full extent allowed by Wisconsin Statutes Section 66.0404 and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wisconsin Statutes Section 66.0404 or other applicable laws.

(b) Definitions. All terms used herein shall have the meaning described in Wisconsin Statutes Section 66.0404(1).

(c) New Towers and Facilities. The siting and construction of a new mobile service support structure and facilities shall be subject to the following requirements:

[1] Application Process. The Applicant shall submit a written application which shall include all of the following information:

- [a] The name and business address of, and the contact individual for, the Applicant.
 - [b] The location of the proposed tower.
 - [c] The location of the mobile service facility.
 - [d] A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
 - [e] An explanation as to why the Applicant chose the proposed location, and why the Applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the Applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- [2] Determination of Completeness within 10 Days of Submittal. The Village of Vernon Clerk or the Village of Vernon Clerk's designee shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village of Vernon Clerk or the Village of Vernon Clerk's designee shall notify the Applicant in writing within ten days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
- [3] Conditional Use Review Procedure. The wireless telecommunications mobile service facility shall be a conditional use; however, it is not subject to the procedures of Section 300-22A (1) and (2) of this code, and instead shall be reviewed pursuant to the following procedures:
- [a] Plan Commission. Within a reasonable time after an application and all required information has been filed, the matter shall be referred to the Village of Vernon Plan Commission for its review and recommendation to the Village of Vernon Board. The Plan Commission may choose to attend the public hearing, described below, jointly with the Village of Vernon Board, prior to making its recommendation.
 - [b] Public Hearing. Upon class 2 notice, a public hearing shall be held by the Village of Vernon Board in accordance with §§62.23(7)(d) and (de), Wisconsin Statutes and in addition mailed notice shall be attempted to all owners of property located within 100 feet of the property lines of the proposed location at least 5 days before the public hearing.
 - [c] Fee. Any application shall be accompanied by a fee as set from time-to-time by the Village of Vernon Board to defray the cost of notification and holding of public hearing. Costs incurred by the Village of Vernon in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional

use and preparation of the conditions to be improved shall be charged to the Applicant. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d).

[d] Requirements.

- [i] A conditional use permit shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection iv. below, if an applicant provides the Village of Vernon with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Village of Vernon has and provides to the Applicant substantial evidence that the engineering certification is flawed.
- [ii] All facilities shall meet all State and federal codes.
- [iii] Adverse impact. The proposed wireless communications towers, antennas, and associated accessory structures and facilities use will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish and impair property values within the community or neighborhood and:
 - a. Interference with surrounding development. Will be constructed, arranged, and operated so as not to unreasonably interfere with the use and development of neighboring property according to the applicable zoning district regulations.
 - b. Adequate public facilities. Will be served adequately by any required essential public facilities and services.
 - c. Traffic congestion. Will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.
 - d. Destruction of significant features. Will not result in the destruction, loss, or damage of any points of visual interest, including views of waterways, open spaces, historic buildings or historic landscapes or architecturally significant structures, or other scenic views or natural, scenic, or historic feature of significant importance.
 - e. Hazard protection. Will reasonably protect persons and property from erosion, flooding, fire, noise, glare, falling debris or ice, or similar hazards.
 - f. Compliance with State of Wisconsin Statutes and the Wisconsin

Administrative Code. The proposed facilities shall be in compliance with all applicable State of Wisconsin Statutes and Wisconsin Administrative Code provisions and requirements.

- [iv] Any tower that is constructed on or adjacent to a parcel of land on which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals or exceeds the height of the tower.
- [e] Aesthetic Requirements. All wireless telecommunications facilities shall comply with the following aesthetic standards:
- [i] In areas where facilities are currently nonexistent or underground, undergrounding is required.
 - [ii] No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.
 - [iii] Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
 - [iv] Any party objecting to the requirements of this Subsection e. shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or federal law, upon application to the Village of Vernon Board, and the Village of Vernon Board shall waive the requirement if it finds the standard to effectively prohibit the expansion of wireless technology in the Village of Vernon or otherwise violates State or federal law.
- [f] Determination. The Village of Vernon Board shall make a decision on the application within a reasonable time after the public hearing, provided further that final action shall be taken within 90 days of receipt of a complete application unless the time extended by the Applicant. Said decision shall be stated in writing and a copy made a permanent part of the Village of Vernon records. If a conditional use permit is not granted, the reasons therefor will be included in such record.
- [g] Changes or Additions. Subsequent change or addition to the approved plans or use shall first be submitted to the Plan Commission for recommendation to the Village of Vernon Board, and then to the Village of Vernon Board for action. If in the opinion of the

Village of Vernon Board, such change or addition constitutes a substantial alteration, a public hearing shall be held before the Village of Vernon Board shall be required and notice thereof be given pursuant to this Chapter.

- [h] Conditions. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, among other issues as deemed appropriate may be required by the Village of Vernon Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter; subject to the limitations of Section D, below. Particular conditions may include the following:
- [i] Interference with air traffic prohibited. The proposed antenna or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport and must meet the applicable Federal Aviation Administration (FAA) regulations.
 - [ii] Interference with radio or television reception and/or any other form of wireless communication prohibited. The proposed tower, alternative tower structure and/or antenna(s) shall not result in interference with radio and/or television reception and/or any other form of wireless communication in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission (FCC) regulations. In the event that any complaints of interference are received and they are reasonably suspected by the Village of Vernon to be caused by the tower, alternative tower structure and/or antenna (s), the Village of Vernon shall notify the Applicant and Property Owner. The Applicant shall have a period of 30 days following receipt of said notification to investigate said complaints and respond to the Village of Vernon. In the event that it is determined by the FCC that the tower, alternative tower structure and/or antenna(s) is the source of interference, the Applicant shall have 10 days to correct all problems.
 - [iii] Access. The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority, including the Wisconsin Department of Transportation, Waukesha County and/or the Village of Vernon.
 - [iv] Limitation on use of drives or required off-street parking spaces. No wireless communications towers, antennas, and associated accessory structures and facilities shall occupy any drive and/or off-street parking space which is required by this chapter for the principal use of the property.
 - [v] Blocking of ingress/egress routes prohibited. No wireless communications towers, antennas, and associated accessory structures and facilities shall block any permanent vehicular and/or pedestrian ingress and egress route or access aisle or

drive (including entrances and/or exits to a site or building).

- [vi] Visibility and safety. The location of wireless communications towers, antennas, and associated accessory structures and facilities on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
- [vii] All new towers to be of a monopole or special design unless otherwise determined by the Village of Vernon Board. Unless otherwise determined by the Village of Vernon Board as provided herein, all new wireless communications towers shall be of a monopole tower design and shall not exceed a width or diameter of five feet in diameter as measured at its base. However, the Village of Vernon Board shall have authority to require a special design of new wireless communications towers where findings of particular sensitivity are made, such as proximity to historic or aesthetically significant structures, views and/or community features or other factors as determined by the Village of Vernon Board.
- [viii] Wireless communications towers, antennas, and associated accessory structures to be structurally self-supporting. All wireless communications towers, antennas, and associated accessory structures and facilities shall be structurally self-supporting without the use of guy wires and shall be specified or plan approved by a structural professional engineer licensed in the State of Wisconsin. All wireless communications towers, antennas, and associated accessory structures and facilities shall be permanently anchored to the ground.
- [ix] Minimum of four service providers to be allowed to use tower facilities. Unless specifically waived by the Village of Vernon, new towers shall be designed to accommodate at least three other wireless communication service providers at market rate. The Applicant shall allow the sharing of the antenna support facilities with three or more other service providers through the use of a collocation agreement. The holder of a conditional use permit for an antenna support facility shall not make access to the antenna support facility and site economically unfeasible. If additional users demonstrate (through an independent arbitrator or other pertinent means) that the holder of a conditional use permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the conditional use permit for said facility shall become null and void. All towers and structures shall be designed structurally, electrically, and in all respects to:
 - a. Accommodate both the Applicant's antennas and comparable antennas.
 - b. Allow for the future rearrangement of antennas upon the commercial communication tower or structure.
 - c. Accept antennas mounted at varying heights, provided that said heights do not exceed the maximum height approved or the height of the approved

commercial communication tower or existing structure.

- [x] Buildings, enclosures, equipment and associated devices. All buildings, enclosures, equipment, and other associated devices ancillary to wireless communications towers and antennas shall be placed in close proximity to the base of the tower located on the wireless communications site. If the wireless communications facility does not have a tower, the buildings, equipment, and other associated devices shall be placed in close proximity to the alternative tower structure. If the wireless communications facility has a roof-mounted antenna support structure, an equipment enclosure may be located on the roof, provided that such enclosure is placed as unobtrusively as possible and in compliance with all applicable building codes and this chapter.
- a. All buildings, enclosures, equipment, and other associated devices shall be kept locked at all times.
 - b. Each building, enclosure, equipment, and other associated device shall have a label attached to it. The label shall give the name, address, and telephone number of the person who should be contacted in the event of an emergency.
 - c. The aggregate floor area of all buildings and equipment enclosures shall not exceed 500 square feet per tower.
 - d. The total height of the buildings structures shall not exceed 15 feet in height, and the construction materials shall consist of a brick finished masonry exterior on all sides of the structures with the exception of the entrance to each.
 - e. Backup electrical power generators, if provided, shall only be operated during electrical power outages and for testing and maintenance purposes. If the electrical power generator is located within 100 feet of a residential zoning district boundary line, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of not greater than 45 Ldn at the property line. Testing and maintenance of said electrical power generators shall only take place on weekdays between the hours of 9:00 a.m. and 5:00 p.m.
 - f. An "RF Safety Hazard" sign per ANSI Standard C95.2-1982, including descriptive wording or warning information at the user's option, shall be located on the tower and facilities where appropriate to create an awareness of a possible RF exposure to personnel. Sign lettering is recommended to conform to ANSI Z35.1-1972m while the yellow triangle shall conform to ANSI Z53.1-1979. ANSI Z35.1-1972 details construction guidance in the selection of finishes, illumination and placement.
- [xi] Anticlimbing measures required. Towers shall be designed to prevent children and trespassers from climbing on those structures. Sufficient anticlimbing measures shall be incorporated into the facility to reduce the potential for trespass and injury.

Ladder rungs on towers shall be placed a minimum of 20 feet above the ground.

[xii] Advertising and signage. No form of advertising or signage (other than warning or equipment information signage) shall be allowed on the wireless communications towers, antennas, and associated accessory structures and facilities. All signage shall be according to the sign regulations set forth in the Village of Vernon sign regulations. In addition, the following signs are hereby prohibited:

- a. Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all flags (except that of the United States of America, State of Wisconsin, and Village of Vernon), pennants, whirling objects, banners, or other entities attached to strings or lines.
- b. Inflatable advertising devices or signs.
- c. Changeable copy and portable trailer signs, either fixed or moveable.
- d. Banners which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event (except as may be permitted by the Village of Vernon Board).
- e. Statues and stuffed animals.

[xiii] Cable installation. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure. Above ground cable installation may be allowed if it is adequately screened from view from outside the fenced area as determined by the Village of Vernon Board upon receipt of a recommendation from the Plan Commission.

[xiv] Security and fencing. The base of the tower and its associated accessory structures shall be enclosed and fenced by a security fence not less than six feet in height 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 as determined by the Village of Vernon Board upon receipt of a recommendation from the Plan Commission. Electrical fencing is prohibited. All fencing shall meet the applicable fence requirements of the Village of Vernon Code.

[xv] Landscaped buffer yard required. A buffer yard of plant materials of sufficient maturity and size (as determined by the Village of Vernon Board) to immediately and effectively screen the equipment cabinets, structures, or buildings from public view and from adjacent properties shall be provided.

- a. The minimum buffer yard shall consist of a landscaped strip at least 10 feet in width outside the entire perimeter of the wireless communications facility.

- b. In locations where the visual impact of the tower would be minimal (as determined by the Village of Vernon Board), the landscaping requirement may be reduced or waived with the approval of the Village of Vernon Board.
- c. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, when such towers are sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer yard.
- d. All landscaping requirements detailed here shall be properly maintained in perpetuity.
- e. The minimum size of plant materials used in the required buffer yard shall be as indicated below:

Plant Material Type	Minimum Plant Material Sizes
Canopy trees	
Single stem	3-inch caliper
Multistem clump	12 feet tall
Coniferous trees	8 feet tall
Understory trees	2-inch caliper
Shrubs	3 feet tall

[xvi] Lighting. No tower, antenna support structure, or antenna shall be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other applicable authority. This subsection does not prohibit the use of motion detectors and associated lighting for security nor the use of full cutoff luminaire design outdoor lights when the wireless communication provider's personnel are present. This subsection is not intended to prohibit any lighting required by any local, state, or federal law, rule, or regulation. If lighting is required by such law, rule, or regulation, the operator and owner shall choose the lighting which causes the least disturbance to the occupants of the adjacent properties.

[xvii] Color and finish. All towers and antennas shall be of a color that best allows them to blend into the surroundings so as to reduce visual obtrusiveness or to camouflage the tower and antennas. The use of grays, blues, and greens may be appropriate; however, each case shall be evaluated by the Village of Vernon on an individual basis. All finishes shall be nonreflective.

[xviii] No outdoor storage permitted. There shall be no outdoor storage of any vehicles, equipment, or other goods permitted in conjunction with wireless communications towers, antennas, and associated accessory structures and facilities. This subsection does not apply to overnight storage of vehicles or equipment necessary for the construction or repair of the wireless communications

tower, antennas, and associated accessory structures and facilities.

[xix] Hazardous materials. There shall be no use of, generation of, storage of, or disposal of any hazardous materials on, under, about, or within the land in violation of any law or regulation in conjunction with wireless communications towers, antennas, and associated accessory structures and facilities.

[xx] Maintenance. All wireless communications towers, antennas, and associated accessory structures and facilities shall be maintained in a clean, rust-free, sanitary, and safe manner and kept free from trash, refuse, and debris. In addition, all wireless communications towers, antennas, and associated accessory structures and facilities shall be maintained in accordance with all applicable local, state, and federal regulations. If the Zoning Administrator concludes that a wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) fail to comply with such codes and regulations and constitute a danger to persons or property in the vicinity, the Village of Vernon Zoning Administrator shall notify the owner or operator of the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) of such fact. The notice shall be in writing and shall require the owner or operator to bring the facility into compliance with such codes and regulations within a time frame set forth by the Village of Vernon Zoning Administrator but not to exceed 30 days of the date of service of the notice whichever is earlier; provided that the owner or operator shall have such extended period as may be reasonably required to bring the nonconforming facility into compliance, if the owner or operator has commenced repairs and diligently pursues completion. If the owner or operator fails to bring the applicable facility(s) into compliance within the time provided, the Village of Vernon Zoning Administrator may order the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) to be removed to the extent necessary to protect persons or property in the vicinity. The cost of removing the wireless communications tower, antenna(s), and associated accessory structure(s) and facility(s) shall be at the owner's expense.

[xxi] Antennas on existing towers. The attachment of a new antenna on an existing tower may be allowed to minimize adverse visual impacts associated with the proliferation and clustering of towers.

[xxii] Electrical wiring. Electrical wiring shall be installed by a licensed electrical contractor and approved by the Village of Vernon Electrical Inspector.

[xxii] Removal. In the event that the telecommunication facilities are not used to host at least one antenna facility of at least one service provider for a period of twelve (12) or more consecutive months, or continued other than in strict conformity with the conditions of the original approval, the Village may terminate the conditional use permit following public hearing and order the Applicant to remove the wireless facilities including the tower, antenna(s), and associated accessory structure(s), and

improvements within (90) days after the date of such order. In the event the facilities are not removed from the Property within the 90-day period, the Village shall have the right to remove any and all facilities at the expense of the Applicant. If such costs of removal have not been paid by the owner or operator to the Village within thirty (30) days after billing, the Village may charge the costs of such removal to the Property Owner by placing a charge on the tax roll as a special assessment pursuant to Section 66.0627 of the Wisconsin Statutes.

[xxiii] Financial guaranty and agreement for abandoned facilities removal and site restoration required. To secure the Applicant's removal obligation pursuant to condition xxii above, the ~~A#~~ Applicant shall provide to the Village of Vernon, as a condition of issuance of a conditional use permit for wireless communications towers, antennas, and associated accessory structures and facilities, an irrevocable letter of credit or cash in the amount of \$20,000 to guaranty facilities removal and site restoration if the wireless communications towers, antennas, and associated accessory structures and facilities are abandoned or no longer used. The Property Owner shall also sign, as a condition of issuance of a conditional use permit, an agreement and record (with the Waukesha County Register of Deeds) a deed restriction to remove the wireless communications tower, antenna(s), and associated accessory structure(s) and/or facility(s) within six months of the discontinuance of its use.

[xxiv] Certificate(s) of insurance required. No use shall be permitted until the Applicant has placed on file with the Zoning Administrator a certificate or certificates of insurance indicating that there is in effect general public liability insurance covering any damages arising out of the use or operation of any devices and facilities operated in connection with such wireless communications towers, antennas, and associated accessory structures and facilities. Such insurance shall be in the minimal amount of \$2,000,000 per person, \$2,000,000 for each accident and \$6,000,000 property damage. Said certificate or certificates of insurance shall be furnished the Zoning Administrator annually.

[xxv] Indemnification. The owner and operate agree to indemnify, defend, and hold harmless the Village of Vernon and its elected officials, officers, employees, agents, departments, agencies, committees, boards, and representatives from and against any and all claims, costs, losses, expenses, demands, actions, or causes of action, including reasonable attorney fees and other costs and expenses of litigation, which may be asserted against or incurred by the Village of Vernon or for which the Village of Vernon may be held liable, which arise from the negligence, willful misconduct, or other fault of the owner and operator or their employees, agents, or subcontractors from the installation, operation, use, maintenance, repair, removal, or presence of such wireless communications towers, antennas, and associated accessory structures and facilities on any property.

[xxvi] Debris. Any debris arising from the permittee's use, whether arising from construction or at any time thereafter, must be promptly removed by the permittee. Debris remaining for more than five (5) business days constitutes a violation of this Ordinance subject to the violations and penalties provisions of Sections 17.42 and 25.04 of this Code. Each day that the debris remains after such time constitutes a separate offense.

[xxvii] No Assignment. The respective rights and obligations granted to the Applicant shall not be assigned to any other person or entity without the express written consent of the Village of Vernon, except that the Applicant will be permitted to assign its rights and obligations to the following persons or entities, without the consent of the Village of Vernon: (a) any entity which controls, is controlled by, or (b) is under common control with the Applicant, or to any partner, or to any partnership which the Applicant is general partner. In case of such a permitted transfer, the Applicant shall provide the Village written notice of the name and contact information for the transferee within thirty (30) days after the transfer.

[4] Limitations upon Authority. The Village of Vernon review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4). In the event the Applicant believes the Village of Vernon has exceeded its authority in this regard, the Applicant shall notify the Village of Vernon Board in writing and the Village of Vernon Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(d) Modifications. The construction of modifications to an existing mobile service support structure or mobile service facility shall be subject to the following requirements:

[1] Substantial Modification.

[a] Application and Review Process. The application and review process for a substantial modification is identical to the application and review process for a new tower, as described above, except that the required plans should describe the proposed modifications, rather than describe the new structure.

[2] Not Substantial Modifications.

[a] Application Information. The Applicant shall submit a written application that describes the Applicant's basis for concluding that the modification is not substantial, and all of the following information:

[i] The name and business address of, and the contact individual for, the Applicant.

[ii] The location of the affected support structure.

[iii] The location of the proposed facility.

[b] Completeness Determination within Five Days. The Village of Vernon Clerk or the

Village of Vernon Clerk's designee will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village of Vernon Clerk or Village of Vernon Clerk's designee must notify the Applicant in writing within five (5) days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The Applicant may resubmit as often as necessary until it is complete.

- [c] Fee. Any application shall be accompanied by a fee as set from time-to-time by the Village of Vernon Board to defray the cost of review. Costs incurred by the Village of Vernon in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Applicant. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d).
- [d] Determination. The Village Zoning Administrator shall make a decision on the application within a reasonable time, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time extended by the Petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Village records. If approval is not granted, the reasons therefor will be included in such record.
- [e] Limitations Upon Authority. The Village of Vernon review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4) and 66.0414 as applicable, and such other laws as may apply which may include 47 USCA §1455. In the event the Applicant believes the Village of Vernon has exceeded its authority in this regard, the Applicant shall notify the Village of Vernon Village Board in writing and the Village of Vernon Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(12) Legal nonconforming use. Allowed in any district per § **300-16C**.

Article V Districts

§ 300-23 General.

A. Establishment of districts. For the purpose of this code the Village is hereby divided into Zoning Districts which shall be designated as follows:

CO	Conservancy Overlay District
ECO	Environmental Corridor Overlay District
HGO	High Ground Water Overlay District
SHO	Shoreland Zoning Overlay District
A-B	Agricultural Business District
AD-10	Agricultural Density District 10-Acre
A-5	Mini-Farm District
A-1a	Agricultural District
A-2	Rural Home District
A-3	Suburban Estate District
RRD-5	Rural Residential Density District 5-Acre
R-1	Residential District
R-2	Residential District
R-3	Residential District
P-1	Public and Institutional District
B-1	Restricted Business District
B-2	Local Business District
B-3	General Business District
B-4	Community Business District
BP	Mixed Use Business Park District
I-1	Limited Industrial District

B. Zoning Map.

- (1) Districts mapped. The boundaries of said districts are shown upon the Official Zoning Map for the Village of Vernon, which map is made part of this code, and all the notations, references and other information shown thereon shall be as much a part of this code as if the matters and information set forth by said map were all fully described herein. Said Zoning Map shall be kept on file in the office of the Village Clerk and the copy attached hereto is correct only as of the date of publication and is for general informational purposes only. For the purpose of local administration, a copy of the map shall also be kept on file in the office of the Village Building Inspector and Village Planner.
- (2) Determination of boundaries. District boundaries shall be determined by measurement from and as shown on the Zoning Map and in case of any questions as to the interpretation of such boundary lines, the Village Plan Commission and Village Board shall interpret the map according to the reasonable intent of this code.
 - (a) Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the center lines of streets, highways, railways or alleys.

- (b) The boundaries of conservancy, existing floodplain overlay and exclusive agricultural districts as drawn are intended to represent the edge of swamp, wetlands, marsh, and floodland or the high water line along a stream or watercourse, and shall be finally determined by the actual conditions in each specific situation.

- (c) The boundaries of the Environmental Corridor District are intended to include all non-wetland/floodplain primary or secondary environmental corridors, such as significant woodlands, upland wildlife habitat areas, scenic overlooks and slopes exceeding 12%. The Village Building Inspector or Zoning Administrator may make an in-field determination as to the location of the district where the mapped boundary is clearly in error. Where questions arise as to the exact location or boundary of an Environmental Corridor District, the extent and location of such corridor shall be finally determined by an infield investigation by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) Biologist (or his/her designee).

§ 300-24 Conservancy Overlay District (CO).

- A. Purpose and intent. The CO District, as mapped or intended to be mapped, is intended to preserve, protect, and enhance the streams, intermittent streams, and wetland areas. If an infield determination finds that all or a portion of a property within the CO District is erroneously mapped, the field-determined boundaries shall immediately become subject to the applicable district regulations. The regulation of the CO District will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; protect existing natural woodlands; and protect the natural recreational resources of the Village of Vernon.

- B. Permitted uses. See Exhibit A.

- C. Conditional uses. See Exhibit A.

- D. Prohibited uses. Filling or drainage of wetlands, removal of topsoil or peat, or damming/relocating of any watercourse shall not be permitted except with the approval of the Village of Vernon, Waukesha County Land Conservation Division, and the Wisconsin Department of Natural Resources (WDNR).

- E. Area regulations. There are no specific minimum lot size requirements although conservancy/wetland zoned lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, shall have a minimum area required in that non-conservancy district.

§ 300-25 Environmental Corridor Overlay District (ECO).

- A. Purpose and intent. The ECO District, as mapped or intended to be mapped, includes non-wetland/floodplain primary or secondary environmental corridors and isolated natural resource areas as defined herein, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding 12%, and upland wooded areas, while also affording an opportunity to use the site for the limited residential purposes. The Village Building Inspector or Zoning Administrator may make an in-field determination as to the location of the district where the mapped boundary is clearly in error. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be finally

determined by infield investigation by the Southeastern Wisconsin Regional Planning Commission (SERWPC) Biologist (or his/her designee). If an in-field determination finds that all or a portion of a property within the ECO District is erroneously mapped, the field-determined boundaries shall immediately become subject to the applicable district regulations.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

E. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 35 feet minimum.

F. Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet;

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet; and

(2) Accessory building.

(a) Farm: 60 feet maximum.

(b) Other: 18 feet maximum.

G. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,500 square feet.

(2) Maximum total building footprint: 17.5%.

H. Lot size. Lot size requirements in the ECO District shall be as follows: Minimum area. The overall density of lots lying entirely within the ECO District shall be one dwelling unit per five acres of corridor, with no lot being less than two acres in size. For lots which lie partially within and partially outside of the ECO District, if the lot size of the adjoining districts would permit a minimum lot size of less than five acres, the five-acre density requirement shall not apply and the lot can be the size permitted in the adjacent district, as long as any land altering activity and/or building envelopes are located outside of the ECO District and appropriately restricted as such on the face of the certified survey map, subdivision plat or other deed restrictions subject to the review approval of the Village Plan Commission and recorded with the Waukesha County Register of Deeds Office.

I. Lot width. Lot width requirements in the ECO District shall be as follows:

(1) Less than five-acre lot: minimum average width, 175 feet.

(2) Five-acre lot or more: minimum average width, 300 feet.

J. Preservation of open space. Requirements for the preservation of open space in the ECO District shall be as follows:

(1) For lots lying entirely within an ECO District, regardless of lot size, no open space regulations shall apply. However, all land altering activities and vegetative removal including building sites and driveways (area of disturbance) shall be no more than 15% of five acres (32,670 square feet) in the ECO District.

(2) For lots which lie partially within and partially outside of the ECO District, the area of disturbances shall be limited to the area outside of the ECO District, excluding any means required to access the area outside of the ECO District (i.e., driveway access), unless otherwise expressly permitted by a building envelope shown on the certified survey map, subdivision plat or other deed restriction that has been approved, in writing, by the Village Board, upon recommendation of the Village Plan Commission and recorded with the Waukesha County Register of Deeds Office.

§ 300-26 High Groundwater Overlay District (HGO).

A. Purpose and intent.

(1) This district is intended to apply to those lands that are mapped as having hydric soil conditions (depth to groundwater of one foot or less) according to the Soil Survey of Milwaukee and Waukesha Counties published by the USDA Soil Conservation Service. Many of these lands contain wetlands and floodplains and, accordingly, are mapped with a CO Conservancy Overlay District designation. Other lands with such soil conditions are presently in agricultural use by virtue of either cultivation, pasture or in some other way, and which if they were not being used for agricultural purposes would be classified as conservancy lands due to inherent wet soil characteristics and the presence of natural vegetation indicative of wet soils.

- (2) The intent of this district is to preserve and maintain agricultural or open space uses on lands suited for such purposes. These lands are generally poorly suited for urban or suburban development, while lands outside of wetlands are typically better suited for some type of agricultural use. In this district structures related to farm operations, including existing dwellings, are deemed consistent with the purpose and intent of this section where the location of buildings associated with the permitted agricultural operation are found to conform with health, sanitation and safety provisions of this and any other state regulation or local ordinance. The intent for mapping purposes is that lands within this district shall have exhibited agricultural uses in the past. It is not the intent of this section to promote or permit the conversion of wetlands.
- (3) Where on-site evaluation of soil conditions by a certified soil scientist reveals that soils mapped by the USDA as being hydric are found to be erroneously mapped, the land zoned HGO District shall immediately become subject to the district regulations of the zoning district that is mapped on the balance of the property. If no other zoning district has previously been established on another part of the parcel, the lands shall be zoned as used administratively by the Village Zoning Administrator.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

E. Building location. Building location requirements for the HGO District shall be as follows:

- (1) Setback: 50 feet minimum.
- (2) Offset: 50 feet minimum. Buildings that house animals must be 50 feet minimum.

F. Height regulations.

(1) Principal structure.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings.

(a) Farm buildings: 60 feet maximum.

(b) Other accessory buildings: 18 feet maximum.

G. Area regulations.

(1) Floor area: Minimum required for single-family dwelling where permitted:

(a) Minimum required:

[1] First floor: 900 square feet.

[2] Total single-family: 1,000 square feet.

(b) Maximum total building footprint: 10%.

H. Lot size.

(1) Minimum parcel size: five acres, except that for HGO lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, said parcel shall comply with the minimum (gross) parcel size requirement of that non-HGO district.

§ 300-27.5 Shoreland Zoning Overlay District

A. Statutory authorization, findings of fact, statement of purpose and title.

- (1) Statutory authorization. This ordinance is adopted pursuant to the authorization in Wis. Stat. sec. 61.35 and 61.353.
- (2) Finding of fact and purpose. Uncontrolled use of shorelands and pollution of the navigable waters of the Village would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
 - (a) Promote the public health, safety, convenience and general welfare;
 - (b) Limit certain land use activities detrimental to shorelands; and
 - (c) Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas.

B. General provisions.

- (1) Compliance. The use of shorelands within the shoreland area of the Village shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

- (2) Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. sec. 13.48(13) applies.
- (3) Abrogation and greater restrictions.
 - (a) This ordinance supersedes all the provisions of any other applicable Village ordinance except that where another Village ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (4) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.
- (5) Severability. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) Applicability of shoreland district regulations. The Shoreland Zoning District regulations apply only to the following shorelands:
 - (a) A shoreland that was annexed by the Village of Vernon after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692; and
 - (b) A shoreland that before incorporation by the Village of Vernon was part of a village that was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692 if the date of incorporation was after April 30, 1994.
- (6.1) District boundaries. The Shoreland District areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the Village of Vernon that are:
 - (a) Within 1,000 feet of the Ordinary High Water Mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
 - (b) Within 300 feet of the Ordinary High Water Mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other

existing county floodplain zoning maps shall be used to delineate floodplain areas.

(c) Determinations of navigability and Ordinary High Water Mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or Ordinary High Water Mark.

(d) Pursuant to Wis. Stat. sec. 61.353(7) or 62.233, the Shoreland Zoning District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

(6.2) Effect of existing land division, sanitary, zoning and other regulations. The lands within the Shoreland Zoning District are subject to all applicable provisions of the Village of Vernon Code of Ordinances. Where the provisions of this ordinance are more restrictive than other regulations in the Code of Ordinances, the provisions of this ordinance shall apply.

C. Setbacks from the water.

(1) Building and Structure Setbacks. All buildings and structures shall be set back at least 75 feet from the Ordinary High Water Mark, except as follows:

(a) Piers may be erected on the bed of Navigable Waters pursuant to Chapter 30 of the Wisconsin Statutes.

(b) Structures that meet all of the following requirements is permitted subject to issuance of a zoning permit:

[1] The part of the structure that is nearest to the water is located at least 35 feet landward from the Ordinary High Water Mark.

[2] The total floor area of all structures in the shore setback area of the property shall not exceed two hundred (200) square feet.

[3] The structure has no sides or has open or screened sides.

(c) A single stairway, rail system or walkway, determined by the Zoning Administrator, due to steep topography or severe soil limitations, to be necessary for access to a Navigable Waterway, shall be exempt from the shore setback requirements provided the width of the stairway, rail system or walkway does not exceed five (5) feet, subject to the issuance of a zoning permit. If the walkway is proposed in an area designated as wetland, the walkway shall be constructed on pilings. If the walkway is proposed in an area designated as floodplain, it shall comply with the standards in the Village Floodplain Ordinance.

(d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Ch. SPS

383, Wis. Admin. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the structure.

- (e) Devices or systems used to treat runoff from impervious surfaces.
- (f) Principal Building Setback Averaging. Where there is a development pattern with principal structures having shore setbacks less than 75 feet from the Ordinary High Water Mark of a Navigable Waterway, the setback requirements for principal structures shall be allowed to be reduced in accordance with the following setback averaging formulas:

[1] Where there are existing principal structures on each side, the shore setback shall equal the average of the distances that the two existing principal structures are set back from the Ordinary High Water Mark and the required setback of 75 feet from the Ordinary High Water Mark provided all of the following are met:

- [i] Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
- [ii] Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest principal structures.
- [iii] Both of the existing principal structures are located less than 75 feet from the Ordinary High Water Mark.
- [iv] The average setback shall not be reduced to less than 35 feet from the Ordinary High Water Mark of any Navigable Waterway.

[2] In applying these shore setback averaging formulas to a proposed principal structure, the shore setback measurements shall be taken from other principal structures only and the measurements shall not be from any immediately adjacent structures, such as decks, patios, retaining walls, swimming pools or sports courts.

[3] In applying these shore setback averaging formulas to a proposed functional appurtenance, such as a deck or patio, which is immediately adjacent to the principal structure, the shore setback measurements may be taken from other principal structures.

D. Vegetative removal.

- (1) The area parallel to the Ordinary High Water Mark and extending thirty-five (35) feet inland from all points along the Ordinary High Water Mark of a Navigable Waterway is considered a vegetation buffer zone and the removal of vegetation is prohibited, except as follows:
 - (a) Routine maintenance of vegetation is permitted.
 - (b) Removal of trees and shrubs within the vegetative buffer zone is allowed in order to create an Access and Viewing Corridor. The Access and Viewing Corridor shall not exceed thirty-five

percent (35%) of the shoreland frontage of the property and shall include all improvements such as walkways.

(c) Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard is permitted, provided that any vegetation removed shall be replaced by replanting in the same area as soon as practicable.

(d) Any vegetative removal must comply with the Waukesha County Stormwater and Erosion Control Ordinance and any underlying Village of Vernon Zoning District or Zoning District Overlay requirements.

§ 300-27 Agricultural Business District (A-B).

A. Purpose and intent. The primary purpose of this district is to maintain, encourage and promote agriculturally related business endeavors on appropriate lands within the community. Such endeavors, properly located and regulated, serve to support and enhance the viability of agriculture as an economic activity.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

E. Building location.

(1) Setback: 50 feet minimum.

(2) Offset.

(a) Buildings used for commercial purposes which include the housing of livestock: 100 feet minimum unless the adjacent district is an A-B District, in which case 20 feet minimum shall apply.

(b) Buildings used for commercial purposes not involving livestock housing or animal waste storage: 10 feet minimum.

F. Height regulations.

(1) Principal and accessory building: 35 feet maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the community providing fire and emergency services to or for the subject parcel is filed with the Village Building Inspector and/or Village Planner prior to the issuance of a zoning use permit, in which event the maximum height of a principal building in the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than 60 feet).

G. Area regulations.

(1) Floor area: Minimum required for single-family dwelling where permitted.

(a) Minimum required:

[1] First floor: 900 square feet.

[2] Total: 1,500 square feet.

(2) Maximum total building footprint: 50%.

H. Lot size.

(1) Minimum area: five acres.

(2) Minimum average width: 300 feet.

§ 300-28 Agricultural Density District-10 Acre (AD-10).

A. Purpose and intent. The purpose of this ten-acre density district is to allow for agricultural and rural use of lands to continue while also allowing for cluster development on lands located in rural or semi-rural areas. Additional stated purposes of this district include:

- (1) Promote the preservation of the rural character of the Village by encouraging farm fields, pastures, orchards, and natural open spaces to be retained either as common open spaces, or as part of a farm operation.
- (2) To achieve the optimum residential environment while recognizing the rural character of the Village. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of natural resource lands and agricultural lands.
- (3) This district allows for the transfer of residential development rights from one area of a parcel to another area of a parcel, thereby allowing an increase in density of development on suitable lands for development in exchange for establishing the preservation of natural resources or agricultural lands known as "preserved lands."

B. Review of proposed development. Where a development is to occur involving the establishment of "preserved lands," approval by the Village Plan Commission and Village Board shall be required. The development proposed shall conform to the following standards:

- (1) The shape and arrangement of preserved lands shall be approved by the Village Plan Commission and Village Board pursuant to the requirements of this district.
- (2) Lands zoned AD-10 that are proposed to be developed via subdivision plat must be developed in a conservation design format following best management practices. Subdivisions shall provide common open space and conserve natural resource lands.
- (3) The preserved lands shall be retained in one of the following manners:

- (a) A deed restriction or covenant recorded with the Waukesha County Register of Deeds noting that part or all of the development rights have been utilized for the subject land. No additional development rights would accrue to that site until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.
 - (b) All lot owners within the developed area for which the preserved land is protected could own an undividable interest in said preserved land. Development of those lands may not occur until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.
 - (c) The preserved lands may be retained in public ownership if the Village of Vernon or Waukesha County is willing to accept a dedication or acquire the land.
- (4) On a parcel which is AD-10, the development density shall not exceed 10 acres for each dwelling unit.
 - (5) In order to preserve the rural character as well as the efficiency and safety of existing road systems, lands to be developed via subdivision plat shall have lots clustered on interior subdivision streets to minimize lots being accessed from existing arterials or roadways by individual driveway accesses. The goal of this provision is to encourage grouping of lots on an interior street which will then access the existing road system.
 - (6) Any land claimed in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established, and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, in conveyance of agricultural easements. Such covenants and easements shall be recorded with the Waukesha County Register of Deeds and shall restrict the property against any development or use except as is consistent with its preservation as agricultural land or as a form of common open space until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon. The preserved land status of any parcel shall be indicated on the Official Zoning Map.
 - (7) In addition to requiring an appropriate open space or an agricultural easement on the transferring lands in favor of the Village and/or county, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the transferring lands until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.

C. Permitted principal uses. See Exhibit A.

D. Permitted accessory uses. See Exhibit A.

E. Conditional uses. See Exhibit A.

F. Building location.

- (1) Setback: 50 feet minimum.

(2) Offset: 20 feet minimum.

G. Height regulations.

(1) Principal structure.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings.

(a) Farm buildings: 60 feet maximum.

(b) Other accessory buildings: 18 feet maximum.

H. Area regulations.

(1) Floor area:

(a) Single-family residential, minimum required first floor: 900 square feet. Total: 1,500 square feet.

(b) Two-family, minimum required first floor: 750 square feet. Total per family: 1,400 square feet.

(c) Maximum total building footprint: 15%.

I. Lot size.

(1) Minimum required area: one acre.

(2) Minimum average width: 150 feet.

J. Open space: 30,000 square feet per family.

K. Density division standards. Development shall not exceed one dwelling unit per 10 acres.

§ 300-29 **Mini-Farm District (A-5).**

- A. Purpose and intent. This district is intended to provide for very low-density single-family residential development and the conversion of older farm dwellings to two-family units in predominantly rural areas in order to maintain, to some degree, the agricultural character of the property. These lands are best suited for small farm units, i.e., truck farms, horse farms, hobby farms, orchards and other similar agriculturally related activities, and usually contain a predominance of USDA-defined statewide significant category soils or prime category soils on parcels which do not qualify for agricultural preservation zoning or in areas which have an existing pattern of scattered or low-density residential development.
- B. Permitted principal uses. See Exhibit A.
- C. Permitted accessory uses. See Exhibit A.
- D. Conditional uses. See Exhibit A.
- E. Building location.
- (1) Setback: 50 feet minimum.
 - (2) Offset.
 - (a) Thirty feet minimum.
 - (b) Not less than 50 feet from an adjacent property line for any building housing livestock, poultry or other animals. This does not include doghouses.
- F. Height regulations.
- (1) Principal building.
 - (a) Non-exposed foundation.
 - [1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.
 - (b) Exposed foundation.
 - [1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.
 - [2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.
 - (2) Accessory building.
 - (a) Farm: 60 feet maximum.

(b) Other: 18 feet maximum.

G. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,500 square feet.

(b) Maximum total building footprint: 10%.

H. Lot size.

(1) Minimum area: five acres.

(2) Minimum average width: 300 feet.

I. Open space: four acres.

§ 300-30 Agricultural District (A-1a).

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 20 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to

the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total, single-family: 1,100 square feet.

(b) Maximum total building footprint: 10%.

G. Lot size.

(1) Minimum area: one acre.

(2) Minimum average width: 150 feet.

H. Open space: 30,000 square feet minimum per family.

§ 300-31 **Rural Home District (A-2).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 30 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the

average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,500 square feet.

(2) Maximum total building footprint: 10%.

G. Lot size.

(1) Minimum area: three acres.

(2) Minimum average width: 200 feet.

H. Open space: two acres minimum per family.

§ 300-32 **Suburban Estate District (A-3).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 25 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,500 square feet.

(2) Maximum total building footprint: 10%.

G. Lot size.

(1) Minimum area: two acres.

(2) Minimum average width: 175 feet.

H. Open space: 75,000 square feet minimum per family.

§ 300-33 Rural Residential Density District-5 acre (RRD-5).

A. Purpose and intent. The purpose of this five-acre density district is to allow for agricultural and rural use of lands to continue while also allowing for cluster development on lands located in rural or semirural areas. Additional stated purposes of this district include:

(1) Promote the preservation of the rural character of the Village by encouraging farm fields, pastures, orchards, and natural open spaces to be retained either as common open spaces or as part of a farm operation.

(2) To achieve the optimum residential environment while recognizing the rural character of the

Village. The density transfer technique is designed to permit variable lot sizes in the utilization of the most desirable terrain for housing sites while encouraging preservation of natural resource lands and agricultural lands.

- (3) This district allows for the transfer of residential development rights from one area of a parcel to another area of a parcel, thereby allowing an increase in density of development on suitable lands for development in exchange for establishing the preservation of natural resources or agricultural lands known as "preserved lands."

B. Review of proposed development. Where a development is to occur involving the establishment of "preserved lands," approval by the Village Plan Commission and Village Board shall be required. The development proposed shall conform to the following standards:

- (1) The shape and arrangement of preserved lands shall be approved by the Village Plan Commission and Village Board pursuant to the requirements of this district.
- (2) Lands zoned RRD-5 that are proposed to be developed via subdivision plat must be developed in a conservation design format following best management practices. Subdivisions shall provide common open space and conserve natural resource lands.
- (3) The preserved lands shall be retained in one of the following manners:
 - (a) A deed restriction or covenant recorded with the Waukesha County Register of Deeds noting that part or all of the development rights have been utilized for the subject land. No additional development rights would accrue to that site until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.
 - (b) All lot owners within the developed area for which the preserved land are protected could own an undividable interest in said preserved land. Development of those lands may not occur until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.
 - (c) The preserved lands may be retained in public ownership if the Village of Vernon or Waukesha County is willing to accept a dedication or acquire the land.
- (4) On a parcel which is RRD-5, the development density shall not exceed five acres for each dwelling unit.
- (5) In order to preserve the rural character as well as the efficiency and safety of existing road systems, lands to be developed via subdivision plat shall have lots clustered on interior subdivision streets to minimize lots being accessed from existing arterials or roadways by individual driveway accesses. The goal of this provision is to encourage grouping of lots on an interior street which will then access the existing road system.
- (6) Any land claimed in addition to the actual described residential lots, for credit toward meeting the density factor requirement, shall have its status permanently established, and guaranteed, either by dedication to the public, or by appropriate covenants running with the lands, in conveyance of

agricultural easements. Such covenants and easements shall be recorded with the Waukesha County Register of Deeds and shall restrict the property against any development or use except as is consistent with its preservation as agricultural land or as a form of common open space until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon. The preserved land status of any parcel shall be indicated on the Official Zoning Map.

- (7) In addition to requiring an appropriate open space or an agricultural easement on the transferring lands in favor of the Village and/or county, covenants shall be placed in the title of each dwelling unit, giving the owner enforceable rights to prevent the future development of the transferring lands until such times as it could be served with municipal sewer and a zoning change is approved by the Village of Vernon.

C. Permitted principal uses. See Exhibit A.

D. Permitted accessory uses. See Exhibit A.

E. Conditional uses. See Exhibit A.

F. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 20 feet minimum.

G. Height regulations.

(1) Principal structure.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings.

(a) Farm building: 60 feet maximum.

(b) Other accessory building: 18 feet maximum.

H. Area regulations.

- (1) Floor area.
 - (a) Minimum required first floor: 900 square feet. Total minimum single-family: 1,500 square feet.
 - (b) Two-family minimum required first floor: 750 square feet. Total minimum per family: 1,400 square feet.
- (2) Maximum total building footprint: 15%.

I. Lot size.

- (1) Minimum: one acre, subject to the provisions in Subsection **J** below.
- (2) Minimum average width: 150 feet.

J. Open space: 30,000 square feet per family.

K. Density division standards. Development shall not exceed one dwelling unit per five acres.

§ 300-34 **Residential District (R-1).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

- (1) Setback: 50 feet minimum.
- (2) Offset: 20 feet minimum.

E. Height regulations.

- (1) Principal building.
 - (a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

- (b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to

the highest roof line cannot exceed 46 feet.

- (2) Accessory buildings: 18 feet maximum.

F. Area regulations.

- (1) Floor area.

- (a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,300 square feet.

- (b) Maximum total building footprint: 17.5%.

G. Lot size.

- (1) Minimum area: one acre.
- (2) Minimum average width: 150 feet.

H. Open space: 30,000 square feet minimum per family.

§ 300-35 (Reserved)

§ 300-36 Residential District (R-2).

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

- (1) Setback: 50 feet minimum.
- (2) Offset: 20 feet minimum.

E. Height regulations.

- (1) Principal building.

- (a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

- (b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 900 square feet.

[2] Total: 1,100 square feet.

(b) Maximum total building footprint: 17.5%.

G. Lot size.

(1) Minimum area: 30,000 square feet.

(2) Minimum average width: 120 feet.

H. Open space: 25,000 square feet minimum per family.

§ 300-37 **Residential District (R-3).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 20 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

[1] The maximum height of a residential structure shall not exceed 35 feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

[1] The maximum building height measured from the lowest exposed point of the structure to the highest top plate that supports a roof structure cannot exceed 32 feet.

[2] The maximum building height measured from the lowest exposed point of the structure to the highest roof line cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required.

[1] First floor: 850 square feet.

[2] Total: 1,100 square feet.

(b) Maximum total building footprint: 17.5%.

G. Lot size.

(1) Minimum area: 20,000 square feet.

(2) Minimum average width: 120 feet.

H. Open space: 15,000 square feet minimum per family.

§ 300-38 Public and Institutional District (P-I).

A. Purpose and intent. This district is intended to provide for those uses which serve a public need and/are principally of an institutional, educational, medical, or governmental nature (whether public or privately owned and either for profit or not-for-profit) and serving a public need (but not including the operation of a bar, restaurant, or recreational facility as a commercial enterprise), unless authorized as a conditional use under § **300-22**. Group homes, as regulated by statute, shall not be included as they are either allowed in other districts or regulated pursuant to § **300-22** of this code.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

- E. Temporary uses. Lands and buildings within the district may be used on a temporary basis for private and commercial uses usually not more than one week in duration. Such uses might consist of carnivals, rental of said buildings for private gatherings, use of buildings for temporary commercial displays or trade fairs and similar functions for the purpose of fundraising or other special and unique events in conjunction with the permitted use. Approval must be granted by the Village Plan Commission for such temporary use and subject to any condition that may be imposed.
- F. Building location.
 - (1) Setback: 50 feet minimum.
 - (2) Offset: 50 feet minimum.
- G. Height regulations.
 - (1) Principal and accessory building. Thirty-five feet maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the community providing fire and emergency services to or for the subject parcel is filed with the Village Building Inspector and/or Village Planner prior to the issuance of a zoning use permit, in which event the maximum height of a principal building in the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than 60 feet).
- H. Area regulations. No minimum required. The use will dictate the size of the parcel. However, no more than 65% of the subject parcel shall be of impervious surfaces, including buildings, pavement, or other covering material which is impervious to surface water absorption.

§ 300-39 Restricted Business District (B-1).

- A. Permitted principal uses. See Exhibit A.
- B. Permitted accessory uses. See Exhibit A.
- C. Conditional uses. See Exhibit A.
- D. Building location.
 - (1) Setback: 50 feet minimum.
 - (2) Offset: 20 feet minimum.
- E. Height regulations.
 - (1) Principal building: 35 feet maximum.
 - (2) Accessory buildings: 18 feet maximum.
- F. Area regulations.

- (1) Floor area.
 - (a) Minimum required for residential purposes.
 - [1] First floor: 900 square feet.
 - [2] Total, single-family: 1,000 square feet.
 - (b) Maximum total building footprint: 20%.

G. Lot size.

- (1) Minimum area: 20,000 square feet.
- (2) Minimum average width: 120 feet.

H. Open space: 15,000 square feet minimum per family.

§ 300-40 **Local Business District (B-2).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

- (1) Setback: 50 feet minimum.
- (2) Offset.
 - (a) Buildings used solely for commercial purposes: 10 feet minimum.
 - (b) Buildings used in whole or part for residence purposes: 20 feet minimum.

E. Height regulations.

- (1) Principal building: 35 feet maximum.
- (2) Accessory buildings: 18 feet maximum.

F. Area regulations.

- (1) Floor area.
 - (a) Minimum required for residence purposes.

[1] Buildings used solely for residence purposes.

[a] First floor: 900 square feet.

[b] Total, single-family: 1,000 square feet.

[2] Buildings used for both residence and business purposes: 900 square feet per family.

(b) Maximum total building footprint: 50%.

G. Lot size.

(1) Minimum area: 20,000 square feet.

(2) Minimum average width: 120 feet.

H. Open space: 15,000 square feet minimum per family.

§ 300-41 **General Business District (B-3).**

A. Permitted principal uses. See Exhibit A.

B. Permitted accessory uses. See Exhibit A.

C. Conditional uses. See Exhibit A.

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset.

(a) Buildings used solely for commercial purposes: 10 feet minimum.

(b) Buildings used in whole or part for residence purposes: 20 feet minimum.

E. Height regulations.

(1) Principal building: 35 feet maximum.

(2) Accessory buildings: 15 feet maximum.

F. Area regulations.

(1) Floor area.

(a) Minimum required for residence purposes: 900 square feet per family.

(b) Maximum total building footprint: 50%.

G. Lot size:

(1) Minimum area: 20,000 square feet.

(2) Minimum average width: 120 feet.

H. Open space: 15,000 square feet minimum per family.

§ 300-42 Community Business District (B-4).

A. Purpose and intent. This district is intended to provide for individual or large groups of retail and customer service retail in a "shopping center setting." This district must be located within one mile of a major highway interchange or at or near the intersection of two major highways. The district is designed for convenience or one-stop shopping and is intended to serve the entire community.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

E. Prohibited uses.

(1) Any new residential dwellings.

(2) Car, truck and trailer sales lots, new and used.

(3) Outside bulk sales, bulk storage or bulk display of materials or products.

(4) Drive-in theaters.

F. Height regulations.

(1) No principal structure shall exceed 35 feet in height.

(2) No accessory structure shall exceed 18 feet in height.

G. Lot area, frontage, and yard regulations.

(1) Lot size, unsewered.

(a) Total site may not be less than 10 acres with outlots being created by a PUD.

(b) When an unsewered lot is created, the Village Plan Commission may require the principal structure on the lot to be arranged and dimensioned so as to allow further division of the parcel at such time as sewer becomes available.

(2) Lot size, sewered. Freestanding building sites shall have a minimum lot size of 20,000 square feet.

(3) Lot width (out lots). Freestanding building sites shall have a minimum average width of 120 feet

(sewered) and 240 feet (unsewered).

- (4) Front yard setback. All buildings shall be located not less than 50 feet from any street or highway right-of-way.
- (5) Side yard setback. Shall have a minimum offset of 10 feet; however, the Village Plan Commission may require a greater offset to accommodate future expansion of the building or future paved driveway access to the rear of the building.
- (6) Rear yard setback. Shall have a minimum offset of 25 feet.
- (7) Floor area. Initial construction proposed on each lot shall be a minimum of 5,000 square feet.

H. Total building footprint and impervious surface.

- (1) Maximum of 30%, unsewered.
- (2) Maximum of 50%, sewered.
- (3) No more than 65% of the subject parcel shall be of impervious surfaces, including buildings, pavement, or other covering material which is impervious to surface water absorption.

§ 300-43 **Mixed Use Business Park District (BP).**

A. Purpose and intent.

- (1) This district is to be used as an implementation tool to designate specific types of limited office, professional services, retail, and business uses free of outside storage or display, serving the adjacent business uses in larger communities. These uses may occur on individual sites or as part of a planned larger development. This district can only be located within one mile of a freeway interchange or at an intersection of two state trunk highways.
- (2) The Village Plan Commission and Village Board shall review and consider for approval a site plan and plan of operation in accordance with § **300-6F** for each building or use proposal. The review shall be required to achieve a satisfactory relationship between the permitted use, its operating characteristics, the arterial highway system and adjacent uses such as retail, residential, customer service, and business park.

B. Permitted principal uses. See Exhibit A.

C. Permitted accessory uses. See Exhibit A.

D. Conditional uses. See Exhibit A.

E. Prohibited uses.

- (1) Offensive uses. No uses shall be permitted or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of § **300-43** and any additional

conditions or requirements prescribed by the Village Plan Commission, are or may become hazardous, noxious or offensive due to emission or odor, dust, smoke, cinders, gas, fumes noise, vibrations, beat frequency, refuse matter, water-carried waste or fugitive lighting.

- (2) Specific prohibited uses. The following uses are specifically prohibited:
- (a) Animal reduction facilities.
 - (b) Bulk sales, storage or display of lumber.
 - (c) Bulk storage of salt, fertilizer, or similar materials; explosives, gasoline or other petroleum products in excess of 50,000 gallons, and grease.
 - (d) Car-wash facilities.
 - (e) Drive-in theaters.
 - (f) Forges.
 - (g) Foundries.
 - (h) Garbage or medical incinerators.
 - (i) Junkyards or wrecking yards.
 - (j) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, proxylin, radium and radioactive materials.
 - (k) Mini-warehouses or multitenant storage.
 - (l) New and used car lots.
 - (m) Outside product or equipment testing.
 - (n) Petroleum storage yards, not including petroleum storage accessory to a permitted conditional use.
 - (o) Recreational vehicle, all-terrain vehicle or outdoor recreational vehicle sales and service.
 - (p) Refining of petroleum or its products.
 - (q) Rubbish storage or transfer station.
 - (r) Slaughterhouses.
 - (s) Stockyards.

(t) Storage of radioactive materials.

(u) Tanneries.

(v) Truck or trailer sales.

(3) Dwellings. No new dwellings or residences of any kind.

F. Height regulations.

(1) No principal structure shall exceed 35 feet in height.

(2) No accessory structure shall exceed 18 feet in height.

G. Lot area, frontage, and yard regulations.

(1) Lot size, unsewered.

(a) Building site shall have a minimum lot size of 40,000 square feet.

(b) When an unsewered lot is created, the Village Plan Commission may require the principal structure on the lot to be arranged and dimensioned so as to allow further division of the parcel at such time as sewer becomes available.

(2) Lot size, sewered. Building sites shall have a minimum lot size of 20,000 square feet.

(3) Lot width. Building sites shall have a minimum average width of 120 feet (sewered) and 240 feet (unsewered).

(4) Front yard setback. All buildings shall be located not less than 50 feet from any street or highway right-of-way.

(5) Side yard setback. Shall have a minimum offset of 10 feet; however, the Village Plan Commission may require a greater offset to accommodate future expansion of the building or future paved driveway access to the rear of the building.

(6) Rear yard setback. Shall have a minimum offset of 25 feet.

(7) Floor area. Initial construction proposed on each lot shall be a minimum of 5,000 square feet.

H. Total building footprint and impervious surface.

(1) Maximum of 30%.

(2) No more than 65% of the subject parcel shall be of impervious surfaces, including buildings, pavement, or other covering material which is impervious to surface water absorption.

§ 300-44 **Limited Industrial District (I-1).**

- A. Purpose and intent. This district is intended to provide for uses generally classified to be light industrial in nature which are not detrimental to the surrounding areas by reason of appearance, noise, dust, smoke or odor.
- B. Permitted principal uses. See Exhibit A.
- C. Permitted accessory uses. See Exhibit A.
- D. Conditional uses. See Exhibit A.
- E. Building location.
 - (1) Setback: 50 feet minimum.
 - (2) Offset: 10 feet minimum. Exception: where a lot abuts on a district boundary line of a more restrictive district permitting residence use, the following restrictions shall apply:
 - (a) Buildings or uses permitted in the more restrictive district shall comply with the offset requirements of the more restrictive district.
 - (b) Buildings or uses not permitted in the more restrictive district shall provide a fifty-foot minimum offset and shall be screened from the more restrictive district by a planting screen at least six feet high and 15 feet in width.
- F. Height regulations.
 - (1) Principal and accessory building: 60 feet maximum.
- G. Area regulations.
 - (1) Floor area:
 - (a) Minimum required for residence purposes: 900 square feet per family.
 - (b) Maximum total building footprint: 70%.
- H. Lot size:
 - (1) Minimum area: one acre.
 - (2) Minimum average width: 150 feet.

Article VI
Administration and Enforcement

§ 300-45 Board of Appeals; establishment.

There shall be a Vernon Board of Appeals consisting of five members and two alternates who shall be appointed by the Village Board, but not more than one trustee may be a member of the Vernon Board of Appeals. Vernon Board of Appeals members shall be appointed for terms of one, two, and three years respectively, dating from the first day of the month next following the appointment. Successors shall be appointed in like manner at the expiration of each term, and their terms of office shall be three years in all cases and until their successors are appointed or elected. The members of the Vernon Board of Appeals shall all reside within the Village. The Vernon Board of Appeals shall choose its own chair. The Village Board may compensate the members of the Vernon Board of Appeals. Vacancies shall be filled for the unexpired term of any Vernon Board of Appeals member or alternate whose term becomes vacant.

A. Meetings. The Vernon Board of Appeals shall adopt rules for the conduct of the business, in accordance with the provisions of this code and § 62.23(7)(e), Wis. Stats. Meetings of the Vernon Board of Appeals shall be held at the call of the chair and at such other times as the Vernon Board of Appeals may determine. Such chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Vernon Board of Appeals shall be open to the public. The Vernon Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Vernon Board of Appeals and shall be a public record.

B. Appeals.

- (1) How filed. Appeals to the Vernon Board of Appeals may be taken by any person aggrieved or by any officers, department, board or bureau of the Village affected by any decision of the Village Zoning Administrator. Such appeal shall be taken within 65 days as provided by the rules of the Vernon Board of Appeals, by filing with the Village Zoning Administrator from whom the appeal is taken and with the Vernon Board of Appeals a notice of appeal specifying the grounds thereof, together with the proper fee as established by the Village Board. The Village Zoning Administrator from whom the appeal is taken shall forthwith transmit to the Vernon Board of Appeals all papers constituting the record upon which the action appealed from was taken.
- (2) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Village Zoning Administrator from whom the appeal is taken certifies to the Vernon Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Vernon Board of Appeals or by a court of record on application, on notice to the Village Zoning Administrator from whom the appeal is taken and on due cause shown.
- (3) Hearing. Each appeal shall be heard within a reasonable time and not to exceed 65 days from the time the appeal was filed with the Vernon Board of Appeals. Notice of hearing shall be given by publishing in a paper of general circulation in the vicinity of the appeal, at least once each week for

two consecutive weeks and not less than seven days from the date of the hearing. In addition, written notice shall be given to the Village Zoning Administrator appealed from, and by certified mail to the applicant, the owners of each parcel of land within 500 feet of the land in question, and any other specifically interested parties. The Village shall place a sign in front of the subject property stating the variance or appeal request, visible from public road, at least 15 days in advance of the hearing. At the hearing, any party may appear in person or by agent or by attorney.

- (4) Decisions. Decision on any appeals shall be made in writing within 35 days after completion of the hearing thereon.

C. Powers.

- (1) Defined. The Vernon Board of Appeals shall have the following powers as defined by statute: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Village Zoning Administrator in the enforcement of this code; and to authorize upon appeal, in specific cases, variances from the terms of this code that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this code will result in unnecessary hardship, and so that the spirit of this code shall be observed and substantial justice done.
- (2) Additional requirements. In making its determination, the Vernon Board of Appeals shall consider whether the variance or use allowed by law would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this code, as the Vernon Board of Appeals may deem necessary for the protection of adjacent properties and the public interest and welfare.
- (3) Unnecessary hardship burden of proof. A property owner bears the burden of proving “unnecessary hardship,” for an area variance as defined by the ordinance, by demonstrating 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 would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance as defined by this ordinance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- (4) Performance standards. In order to reach a fair and objective decision, the Vernon Board of Appeals may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.
- (5) Enforcement of decision. In exercising the powers set out in this code, the Vernon Board of Appeals may, in conformity with the provisions of this code, reverse or affirm, wholly or partly, or may

modify the order, requirements, decisions or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Village Zoning Administrator from whom the appeal is taken; and may issue or direct the issuance of a zoning use permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; or rezoning; or of permitting, without the approval of the Village Board, any building within the base setback area as established by § 300-9A or of granting exceptions to any federal, state, county, or local rules or requirements.

- (6) Required vote. If a quorum is present, the Vernon Board of Appeals may take action under this section by a majority vote of members present. The grounds of every such determination shall be stated.
- (7) Further appeal. Any person or persons jointly or severally aggrieved by any decision of the Vernon Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Village, may appeal from a decision of the Vernon Board of Appeals within 30 days after the filing of the decision in the office of the Vernon Board of Appeals in the manner provided in § 62.23(7)(e)(10), Wis. Stats.
- (8) Expiration. The owner or petitioner must exercise any variance that does not involve a permit within three years of the date of the Vernon Board of Appeals granting the variance, or prior to the expiration of the permit if a permit is issued contemporaneously with or prior to the grant of the variance, or the approval shall expire and become null and void, and no refund of any fees shall be made. The Vernon Board of Appeals, upon a written request, may grant an extension of approval without additional fee, prior to such expiration, for good cause as determined by the Vernon Board of Appeals.

§ 300-46 Changes and amendments; authority.

Subject to the provisions of §62, 61.35 and 62.23(7), Wis. Stats., the Village Board may, from time to time, after first submitting the proposal to the Village Plan Commission for recommendation, amend, supplement or change the boundaries of districts or the regulations as established in this code or which may be subsequently established. Such proposal may be initiated by the Village Board, the Village Plan Commission, Village Administrator, or by petition of one or more property owners.

A. Procedure.

- (1) Filing of petition. All petitions for any change in the text or map submitted by any person or agency other than the Village Board or the Village Plan Commission shall be prepared in triplicate on printed forms provided for that purpose by the Village Clerk. Such petition shall be filed with the Village Clerk and shall be accompanied by a fee as regulated in § 300-46B(4) and payable to the Village to defray the costs of advertising, investigation, and possible changes in the text or map of this code.
- (2) Data required. In addition to all of the information required on the application form, in the case of a request for a map amendment, the applicant shall supply the following:
 - (a) A plot map in triplicate drawn to a scale of not less than one-inch equals 100 feet showing the

land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land and the principal use of all properties within 300 feet of such land.

- (b) The names and addresses of the owners of all properties within 500 feet of any part of the land included in the proposed change.
- (c) Documentation or a letter of compliance from the Village Planner that the proposed request complies with the Village of Vernon Comprehensive Plan.
- (d) Any further information which may be required by the Village Plan Commission to facilitate the making of a comprehensive report to the Village Board, including a detailed description of the intended new use.

(3) Referral. The Village Clerk shall transmit without delay one copy of such petition to the Village Plan Commission and Village Board.

(4) Hearing. The Village shall conduct a joint public hearing with the Village Plan Commission and Village Board with proper notice per § **300-46B**.

(5) Decision.

(a) The Village Plan Commission shall make a recommendation on the petition to the Village Board within 75 days of close of the public hearing.

(b) Upon receipt of a recommendation from the Village Plan Commission, the Village Board shall make a decision on the petition but if the Village Plan Commission fails to provide a recommendation within 75 days of close of the public hearing, the Village Board may make a decision without a Village Plan Commission recommendation.

B. Public hearing, purpose. In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by this code.

(1) Posting and publishing.

(a) Except as may be otherwise specifically provided in this code, notice of public hearing shall be given by publication for two consecutive weeks in the official newspaper of the Village or in the newspaper of general circulation in the area of the proposed change at least seven days before such public hearing. The failure of such notice to reach any property owner, provided such failure is not intentional, shall not invalidate any amending ordinance, variance or granting of conditional use.

(b) When the hearing involves a proposed change in the zoning district classification of any property, or appeals to the Vernon Board of Appeals, the notices shall be posted by the Village Clerk and shall mail, by first class, letters of the public hearing to the owners of all lands within

500 feet of any part of the land included in such proposed change at least 15 days before such public hearing. The failure of such notice to reach a property owner, provided such failure is not intentional, shall not invalidate any amending ordinance or variance. The Village shall place a sign in front of the subject property stating rezoning request, visible from public road, at least 15 days in advance of the hearing.

- (c) Applicable procedures contained with the Village of Vernon Shoreland-Wetland Ordinance and Village of Vernon Floodplain Ordinance shall be followed when the property is subject to those ordinances.
- (2) Information. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held.
 - (3) Filing. Where such hearing is required by the provisions of this code as a result of the request for other than a zoning change, such requests shall be presented to the Village Clerk in writing and shall be accompanied by a map or description clearly identifying the property, along with a fee as set forth in § **300-46B(4)** payable to the Village to defray the cost of notification and holding of the public hearing.
 - (4) Fee schedule. The fees referred to in other provisions of this code shall be established by the Village Board in a fee schedule and may, from time to time, be modified by resolution. Processing fees are related to costs involved in handling conditional use petitions, appeals to the Vernon Board of Appeals, and zoning amendments and changes.
 - (5) Special meeting. If an applicant requests a special meeting (other than a regular Village Plan Commission or Village Board meeting) all costs incurred will be the responsibility of the applicant.

§ 300-47 Village Zoning Administrator.

- A. Personnel designated. The Village Planner is designated as the Village Zoning Administrator for the provisions of this code under the direction of the Village Board.
- B. Duties. In the enforcement of this code, the Village Building Inspector shall perform the following duties:
 - (1) Issue the necessary zoning use permits, provided the provisions of this code and applicable Village ordinances have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book provided by the Village for this purpose.
 - (3) Maintain accurate records and maps pertinent hereto and any amendments or changes thereto.
- C. Authority. In the enforcement of this code the Village Building Inspector shall have the power and authority for the following:
 - (1) At a reasonable time, upon reasonable notice or as authorized through conditions of a site plan and plan of operation and/or conditional use approval, and for proper purpose, to enter upon any public

or private premises to make inspections thereof.

- (2) Upon reasonable cause or question as to proper compliance, to revoke any building, zoning use or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this code. Such revocation to be in effect until reinstated by the Village Building Inspector or the Vernon Board of Appeals.
- (3) In the name of the Village and with the authorization of the Village Board, to commence any legal proceedings necessary to enforce the provisions of this code or applicable Village ordinances, including the collection of forfeitures provided for in this code.

§ 300-48 Violations and penalties.

- A. Penalties. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this code, shall be subject to a forfeiture of not less than \$10 and not to exceed the sum of \$2,000 for each offense, together with the costs of the action, and, in default of the payment thereof, shall be imprisoned in the county jail for a period of not to exceed six months, or until such forfeiture and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.
- B. Enforcement by injunction. Compliance with the provisions of this code may also be enforced by injunctive order at the suit of the Village or one or more owners of real estate situated within the area affected by the regulations of this code. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive procedures.
- C. Declared nuisances. Any building erected, structurally altered, or placed on a lot, or become dilapidated, or out of repair, or any use carried on in violation of the provisions of this code, is declared to be a nuisance per se, and the Village may apply to any court of competent jurisdiction to restrain or abate such nuisance.

§ 300-49 Validity.

- A. Repeal of conflicting ordinances. All other ordinances or parts of ordinances in conflict with the provisions of this code are hereby repealed.
- B. Declaration of severability. The several sections, provisions, and paragraphs of this code are hereby declared to be severable. If any section, provision, and paragraph of this code shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this code, or of the section of which the invalid portion or paragraph may be a part.
- C. Effective date. This code shall be in full force and effect upon passage and publication by the Village Board and upon approval of the Waukesha County Board of Supervisors, said publication to consist of posting of three copies thereof in three public places in said Village.
- D. Adoption. This code was adopted by the Town of Vernon Board of Supervisors on September 14, 2016 and the Waukesha County Board of Supervisors on November 22, 2016.

Attachments:

[Attachment 1 - Zoning Map](#)

[Attachment 2 - Exhibit A: Use Matrix](#)

EXHIBIT A
VILLAGE OF VERNON - USE MATRIX

	Conservancy Overlay District	Environmental Corridor Overlay District	High Ground Water Overlay District	Agricultural Business District	Agricultural Density District 10-Acre	Mini-Farm District	Agricultural District	Rural Home District	Suburban Estate District	Rural Residential Density District 5-Acre	Residential District	Residential District	Residential District	Public and Institutional District	Restricted Business District	Local Business District	General Business District	Community Business District	Mixed Use Business Park District	Limited Industrial District
P: PERMITTED PRINCIPLE USE																				
A: PERMITTED ACCESSORY USE																				
C: CONDITIONAL USE																				
CO																				
ECO																				
HGO																				
A-B																				
AD-10																				
A-5																				
A-1a																				
A-2																				
A-3																				
RRD-5																				
R-1																				
R-2																				
R-3																				
P-1																				
B-1																				
B-2																				
B-3																				
B-4																				
BP																				
I-1																				
AGRICULTURAL USES																				
Agricultural or farm uses on parcels having a minimum of three (3) acres. There shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land. Any person using property for agricultural uses under this provision must comply with standard manure disposal practices. This provision includes private stables.		P	P		P	P	P	P	P	P	P	P	P							
Agricultural machinery sales and services.				P																
Bulk milk collection, storage and distribution facilities.				P																
Cheese factories.				P																
Conversions. (See Sec. 300-22(B)(5))			C	C	C	C	C	C	C	C										
Feed lot operation, fur farms, pig farms, and egg production facilities. (See Sec. 300-22(B)(7))				C	C	C	C	C	C											
Feed milling operations.				P																
Grazing (Applicable to CO, ECO, HGO Districts only).	P	P	P																	
Harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds (Applicable to CO, ECO, HGO Districts only).	P	P	P																	
Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities.				P	P	P	P	P	P								P			P
Non-residential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar animals or fish (Applicable to CO, ECO, HGO Districts only).	P	P	P																	
Roadside stands subject to the following:																				
a) Off-street parking for a minimum of four (4) vehicles shall be permitted.				A	A	A	A	A	A	A										
b) No such stands should be closer than thirty (30) feet to the base setback line or closer than twenty (20) feet to any lot line.																				
Sod farming in conformance with the provisions of this Code.			P																	

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	CO	ECO	HGO	A-B	AD-10	A-5	A-1a	A-2	A-3	RRD-5	R-1	R-2	R-3	P-1	B-1	B-2	B-3	B-4	BP	I-1	
P: PERMITTED PRINCIPLE USE																					
A: PERMITTED ACCESSORY USE																					
C: CONDITIONAL USE																					
Sustained yield forestry. Where such sustained yield forestry practices will take place on areas larger than five (5) acres in size, a forest management plan prepared in cooperation with a state forester shall be submitted to and approved by the Village of Vernon and Waukesha County (if applicable) prior to its implementation. Where such sustained yield forestry practices will take place on areas smaller than five (5) acres in size, the requirements of this Code shall be met.	P	P	P																		
Veterinarian services.				P																	
Wholesale nurseries, greenhouses and hatcheries subject to review and approval of a Site Plan and Plan of Operation by the Village Plan Commission and Village Board per Section 6(F).			P																		
Warehousing, transfer and transport services of agricultural commodities.				P																	
RESIDENTIAL USES																					
One-family dwellings.		P	P		P	P	P	P	P	P	P	P	P								
Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be erected or commenced unless the principal building on such lot has been erected or is to be erected simultaneously with said accessory building or use.			A	A	A	A	A	A	A	A	A	A	A	A							
Bed and breakfast. (See Sec. 300-22(B)(2))					C	C	C	C	C	C	C	C	C								
Family daycare home or foster family home of eight (8) or fewer persons.					A	A	A	A	A	A	A	A	A		A	A	A				A
Home occupation and professional offices, subject to the regulations of Section 300-8(D).				A	A	A	A	A	A	A	A	A	A								
In-law units. (See Sec. 300-22(B)(8))					C	C	C	C	C	C	C	C	C								
One-family dwelling in conjunction with, or accessory to, an otherwise permitted use. Residential quarters used for other than a permitted use in the P-1 District shall be occupied only by individuals employed full-time on the premises and their families.				A										A	A	A	A				A
Planned unit development. (See Sec. 300-22(B)(10))	C	C	C			C	C	C	C		C	C	C								

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VILLAGE OF VERNON - USE MATRIX

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P: PERMITTED PRINCIPLE USE	CO	ECO	HGO	A-B	AD-10	A-5	A-1a	A-2	A-3	RRD-5	R-1	R-2	R-3	P-1	B-1	B-2	B-3	B-4	BP	I-1
Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.				A	A	A	A	A	A	A										
Yard sales, which shall be limited to a total of three (3) sales per year. Each sale shall be not have a duration of more than three (3) consecutive days, not including the day leading up to the event for set-up and the day after the event for take down.					A	A	A	A	A	A	A	A	A							
BUSINESS USES																				
Adult-oriented establishments. (See Sec. 300-22(B)(1))																				C
Animal hospitals, veterinarian clinics, commercial kennels.															P	P	P	P	P	P
Art, dance, music teaching studios or other similar uses.															P	P	P	P	P	P
Automobile drive-thru facilities such as financial services, fast food establishments, provided the service rendered or product sold is provided to each customer while they remain in or near their cars and provided to one or a few vehicles at a time.															P	P	P	P	P	P
Banks, savings and loan associations and other financial institutions.																P	P	P	P	P
Business and trades of a more general nature, as identified below, normally serving a larger trade area																				
a) Personal Storage Facilities.																	P			P
b) Business park and shopping center uses.																		P	P	
c) Dairies and bottling plants.																	P			P
d) Dry cleaning and dyeing establishments.																	P	P		P
e) Grocery store.																	P	P		P
f) Laundries.																	P			P
g) Lockers and cold storage plants.																	P			P

EXHIBIT A
VILLAGE OF VERNON - USE MATRIX

	Conservancy Overlay District	Environmental Corridor Overlay District	High Ground Water Overlay District	Agricultural Business District	Agricultural Density District 10-Acre	Mini-Farm District	Agricultural District	Rural Home District	Suburban Estate District	Rural Residential Density District 5-Acre	Residential District	Residential District	Residential District	Public and Institutional District	Restricted Business District	Local Business District	General Business District	Community Business District	Mixed Use Business Park District	Limited Industrial District		
	CO	ECO	HGO	A-B	AD-10	A-5	A-1a	A-2	A-3	RRD-5	R-1	R-2	R-3	P-1	B-1	B-2	B-3	B-4	BP	I-1		
h) New and used automobile sales rooms and lots, sale of snowmobiles, all terrain vehicles (ATVs), personal watercraft, boats and marina equipment and sporting goods, lawn and garden equipment along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, but not including the storage and/or sale of junked or wrecked equipment or parts.																					P	
i) Printing and publishing houses.																						P
j) Theaters, dance halls, arcades, video game parlors and other amusement places.																						P
k) Wholesalers and distributors.																						P
Classes associated with any other permitted use as long as the Site Plan and Plan of Operation approved by the Village Plan Commission and Village Board in accordance with Section 6(F) address the hours of operation, number of events and maximum participants, parking, signage and the facility in which said classes are conducted meets all applicable building sanitation, health and fire codes for the type of classes conducted and the number of participants.														A	A	A	A	A	A	A	A	A
Commercial vehicle parking. (Applicable outside of business districts)(See Sec. 300-22(B)(3))					C	C	C	C	C	C	C	C	C									
Contractor's facilities for electricians, plumbers, HVAC contractors, roofers, carpenters, millwork production and installers, and similar trades and services including sales offices and showrooms, and storage for associated equipment, vehicles, and supplies.															P	P	P					P
Contractor's yard. (See Sec. 300-22(B)(4))				C	C	C	C	C	C						C	C	C					C
Department store (i.e. clothing, books, hardware, sporting goods, or other similar use).																		P	P			P
Event Barn. (see Sec. 300-22(B)(6))				C	C	C	C	C	C													
Laboratory, research, and servicing operations.																						P
Landscaping, greenhouse, lawn and garden businesses. (See Sec. 300-22(B)(9))				C	C	C	C	C	C						C	C	C	C	C	C	C	C
Planned unit development. (See Sec. 300-22(B)(10))														C	C	C	C	C	C	C	C	C
Professional offices (i.e. architect, engineer, dentist, doctor, optical, or other similar uses).															P	P	P	P	P	P	P	P

EXHIBIT A
VILLAGE OF VERNON - USE MATRIX

P: PERMITTED PRINCIPLE USE A: PERMITTED ACCESSORY USE C: CONDITIONAL USE	Conservancy Overlay District	Environmental Corridor Overlay District	High Ground Water Overlay District	Agricultural Business District	Agricultural Density District 10-Acre	Mini-Farm District	Agricultural District	Rural Home District	Suburban Estate District	Rural Residential Density District 5-Acre	Residential District	Residential District	Residential District	Public and Institutional District	Restricted Business District	Local Business District	General Business District	Community Business District	Mixed Use Business Park District	Limited Industrial District	
	CO	ECO	HGO	A-B	AD-10	A-5	A-1a	A-2	A-3	RRD-5	R-1	R-2	R-3	P-1	B-1	B-2	B-3	B-4	BP	I-1	
Retail or customer service establishments of a restrictive nature, as identified below																					
a) Bakery, candy and confectionery stores.																	P	P	P	P	P
b) Barber and beauty shops.																	P	P	P	P	P
c) Boarding, lodging, and tourist houses.															P	P	P			P	
d) Café, delicatessen, or restaurant.															P	P	P	P	P	P	
e) Florist, gift, or hobby store.															P	P	P	P		P	
f) Fruit, vegetable, and/or meat market																P	P	P		P	
g) Funeral home and crematorium.															P	P	P			P	
h) Specialty stores (i.e. tobacco, video, photo, shoe repair, or other similar uses).																P	P	P		P	
Trades or light industrial operations of limited intensity, including manufacturing, assembly, fabrication, and processing operations, warehousing, wholesaling, and distribution operations, except as otherwise prohibited.																				P	P
Trades or industries of a restrictive character which are not detrimental to the District or to adjoining residential areas by reason of appearance, noise, dust, smoke or odor not including Drop forges, foundries, refineries, tanneries, or any similar use, the normal operation of which causes objectionable noise, odor, dust, or smoke.																					P
PUBLIC, UTILITY, INSTITUTIONAL, EXTRACTIVE, AND RECREATIONAL USES																					
Community living arrangements and community based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 (7) (I) of the Wisconsin Statutes and amendments thereto.					P	P	P	P	P	P	P	P	P		P	P	P			P	
Dams and hydro-electric power stations.	P	P	P																		
Hospitals and clinics or rehabilitation facilities or centers.														P							
Hunting and fishing unless prohibited by other Village Ordinances or laws.	P	P	P																		
Mental health or substance abuse treatment, training, or counseling or rehabilitation facilities.														P							

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VILLAGE OF VERNON - USE MATRIX

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Military installations.														P							
Municipal buildings.														P							
Museums and libraries														P							
Nursing home.														P							
Park and recreational structures or facilities.		P	P											P							
Penal reform institutions.														P							
Police and fire stations.														P							
Public service yards.														P							
Publicly owned and operated parks, recreational uses, golf courses, and open space uses.														P							
Residential treatment, training or education facilities.														P							
Schools.														P							
Wireless telecommunications mobile facilities (See Sec. 300-22(B)(11).	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Essential utilities.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
OTHER USES																					
Similar uses subject to the approval of the -Village Plan Commission.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P