

STATE OF WISCONSIN    VILLAGE OF VERNON    WAUKESHA COUNTY  
ORDINANCE 2023-07

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTIES IN SECTION 1, T5N, R19E, IN THE VILLAGE OF VERNON AND TO AMEND THE ZONING MAP OF THE VILLAGE OF VERNON PURSUANT TO SEC. 300-46 OF THE ZONING ORDINANCE FOR THE VILLAGE OF VERNON

WHEREAS, Mongo Farms LLC, (herein referred to as “property owner”) owns the properties located on the north side of County Hwy L (Forest Home Avenue) directly southwest of S103 W24870 County Hwy L in the LOT 1 CSM #12439 VOL 129/1 REC AS DOC #4717626 PT NE1/4 & SE1/4 of NE1/4 SEC 33 T5N R19E, designated as Tax Key VNT-2145-999-001; and LOT 1 CSM #12438 VOL 128/340 REC AS DOC #4717625 PT NW1/4 OF NW1/4 SEC 34 T5N R19E, designated as Tax Key VNT 2150-997-001, (herein referred to as “subject properties”); and

WHEREAS, the property owner has submitted a petition with triplicate forms, the required fee, and all required data pursuant to Sections 300-46 A. (1) and (2) of the Village of Vernon Zoning Code to the Village to rezone the area of the subject properties currently designated as PI- Public Institutional to RRD-5 Rural Residential District-5 acre density ; and

WHEREAS, the rezoning petition has been submitted to the Village of Vernon Plan Commission for report and recommendation and a copy provided to the Village Board, per Section 300-46 A.(3) of the Village of Vernon Zoning Code; and

WHEREAS, the Village of Vernon Village Board and the Village of Vernon Plan Commission conducted a joint public hearing on August 9, 2023, as required by Section 300-46 A. (4) of the Village of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B. (1) of the Village of Vernon Zoning Code; and

WHEREAS, on August 9, 2023, the Village of Vernon Plan Commission recommended to the Village of Vernon Village Board that said rezoning be made under certain conditions; and

WHEREAS, on August 9, 2023, Village of Vernon Village Board agreed with the Village of Vernon Plan Commission that said rezoning be made under certain conditions; and

WHEREAS, The Village Board finds that the proposed zoning is consistent with the Village’s comprehensive plan; 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 land and it does not reduce the permitted uses of land and because the property owner requested this change, therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village of Vernon Village Board, after careful review and upon consideration of the recommendation of the Village of Vernon Plan Commission, 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 granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact

on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent of the zoning ordinance for the Village of Vernon; will not be contrary to the public health, safety or general welfare of the Village of Vernon; will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors, and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood: and

WHEREAS, The Village Board has included all five conditions of its approval of the rezoning request as defined and approved on August 9, 2023.

NOW, THEREFORE, the Village of Vernon Village Board, Waukesha County, Wisconsin, ordains as follows:

#### SECTION 1. ZONING MAP CHANGE

The subject properties are conditionally rezoned from PI- Public Institutional to RRD-5 Rural Residential District-5 acre density and the zoning map is hereby conditionally amended to incorporate such change, if the conditions in Section 2 of this Ordinance are complied with.

#### SECTION 2. CONDITIONS OF REZONING

The rezoning of the subject properties as specified herein and the amendment of the zoning map of the Village of Vernon are conditioned on the following:

1. The rezoning shall not be in full force and effect until such time the Petitioner obtains approval from the Village of Vernon, and records with the Waukesha County Register of Deeds, the proposed three (3) lot & one (1) outlot Certified Survey Map.
2. The existing lots shall be rezoned as follows:
  - a. The portions of Lot 1 CSM 12438 (6.18-acres) zoned in the P-1 Public & Institutional District shall be rezoned to the RRD-5 Rural Residential Density 5-Acre District. The ECO Environmental Corridor Overlay District shall remain.
  - b. The portions of Lot 1 CSM 12439 (40.33 acres) zoned in the P-1 Public & Institutional District & AD-10 Agricultural Density 10-Acre District shall be rezoned to the RRD-5 Rural Residential Density 5-Acre District. The ECO Environmental Corridor, CO Conservancy, HGO High Groundwater & Shoreland Zoning Overlay Districts shall remain.
3. The petitioner shall obtain approval of the limits of disturbance for each lot of the proposed Certified Survey Map (CSM) as part of the Village of Vernon CSM review. The limits of disturbance for each lot shall be limited to 32,670 square feet or less and shown on the CSM.
4. The petitioner shall obtain approval of the limit of disturbance for the 6.18-acre lot to be approved by the Village Board, upon receipt of recommendation by the Plan Commission, to be recorded by deed restriction.
5. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Vernon for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Vernon by the Property Owner and/or Agent, property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Vernon must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Vernon, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of Vernon, including possible cause for termination of the conditional approval.
6. Subject to Acceptance. Subject to the property owner acknowledging in writing that they have

received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the property owner will therefore need to re-commence the application process.

7. Three Years to Satisfy Conditions. Subject to the property owner satisfying all of the aforementioned conditions within three years of the Village Board adopting this conditional rezoning ordinance, unless extended by the Village Board.

### SECTION 3. CERTIFICATION

Upon certification by the Village Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Village Planner shall change the zoning classification of the subject properties on the Village of Vernon zoning map as indicated herein.

### SECTION 4. SEVERABILITY

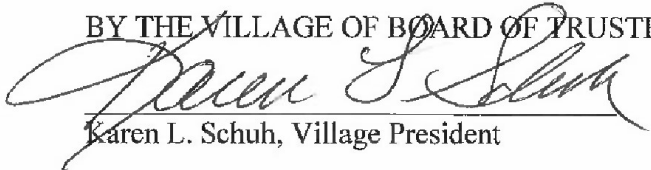
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision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

### SECTION 5. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null, and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 9th day of August 2023

BY THE VILLAGE OF BOARD OF TRUSTEES



Karen L. Schuh, Village President

ATTEST:



Bradley Calder, Village Administrator/Clerk

Published and posted this 1 day of December 2023