

## Chapter 300. Zoning

### 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                      |
| R-4   | Multifamily 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 nonwetland/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.<sup>[1]</sup>  
*[1] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[2]</sup>  
*[2] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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 nonconservancy district.

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

- A. Purpose and intent. The ECO District, as mapped or intended to be mapped, includes nonwetland/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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

E. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 35 feet minimum.

F. Height regulations.

(1) Principal building.

(a) Nonexposed 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 roofline.

(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 roofline 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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

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) Nonexposed 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 roofline.

(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 roofline 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.

## § 300-26.1. Shoreland Zoning Overlay District.

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

- (1) Statutory authorization. This section is adopted pursuant to the authorization in §§ 61.35 and 61.353, Wis. Stats.
- (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 section 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 code.

- (2) Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., 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 code, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (b) This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.
- (4) Interpretation. In their interpretation and application, the provisions of this section 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 section be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this section 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 § 59.692, Wis. Stats.; 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 § 59.692, Wis. Stats., if the date of incorporation was after April 30, 1994.
- (7) District boundaries. The Shoreland District areas regulated by this code 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 watermark 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 watermark 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 watermark 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 watermark.
  - (d) Pursuant to § 61.353(7) or 62.233, Wis. Stats., 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.
- (8) 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 section are more restrictive than other regulations in the Code of Ordinances, the provisions of this section 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 watermark, 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 watermark.
  - [2] The total floor area of all structures in the shore setback area of the property shall not exceed 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 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.<sup>[1]</sup>
  - [1] *Editor's Note: See Chapter 305, Floodplain Zoning.*
- (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 watermark 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 watermark and the required setback of 75 feet from the ordinary high watermark provided all of the following are met:
    - [a] Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
    - [b] Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest principal structures.
    - [c] Both of the existing principal structures are located less than 75 feet from the ordinary high watermark.
    - [d] The average setback shall not be reduced to less than 35 feet from the ordinary high watermark 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 watermark and extending 35 feet inland from all points along the ordinary high watermark 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 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.<sup>[1]</sup>  
*[1] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
*[2] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Conditional uses. See Exhibit A.<sup>[3]</sup>  
*[3] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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).

[Amended 11-11-2024 by Ord. No. 2024-19]

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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

E. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

F. Building location.

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

G. Height regulations.

(1) Principal structure.

(a) Nonexposed 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 roofline.

(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 roofline 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) 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 principal building.
- K. Density division standards. Development shall not exceed one dwelling unit per 10 acres, excluding accessory dwelling units (ADUs).

## § 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.<sup>[1]</sup>  
<sup>[1]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
<sup>[2]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Conditional uses. See Exhibit A.<sup>[3]</sup>  
<sup>[3]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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) Nonexposed 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 roofline.
    - (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 roofline 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).

[Amended 11-11-2024 by Ord. No. 2024-19]

A. Permitted principal uses. See Exhibit A.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 20 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Nonexposed 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 roofline.

(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 roofline 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 principal building.

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

[Amended 11-11-2024 by Ord. No. 2024-19]

A. Permitted principal uses. See Exhibit A.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 30 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Nonexposed 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 roofline.

(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 roofline 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 principal building.

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

[Amended 11-11-2024 by Ord. No. 2024-19]

A. Permitted principal uses. See Exhibit A.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Building location.

(1) Setback: 50 feet minimum.

(2) Offset: 25 feet minimum.

E. Height regulations.

(1) Principal building.

(a) Nonexposed 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 roofline.

(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 roofline 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 principal building.

## § 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.<sup>[1]</sup>  
<sup>[1]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
<sup>[2]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- E. Conditional uses. See Exhibit A.<sup>[3]</sup>  
<sup>[3]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- F. Building location.
- (1) Setback: 50 feet minimum.
- (2) Offset: 20 feet minimum.
- G. Height regulations.
- (1) Principal structure.
- (a) Nonexposed 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 roofline.
- (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 roofline 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) Single-family residential, minimum required first floor: 900 square feet. Total: 1,500 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 principal building.
- 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.<sup>[1]</sup>  
[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[3]</sup>  
[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Building location.
- (1) Setback: 50 feet minimum.
  - (2) Offset: 20 feet minimum.
- E. Height regulations.
- (1) Principal building.
    - (a) Nonexposed 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 roofline.
    - (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 roofline 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 principal building.

## § 300-35. (Reserved)

## § 300-36. Residential District (R-2).

[Amended 11-11-2024 by Ord. No. 2024-19]

- A. Permitted principal uses. See Exhibit A.<sup>[1]</sup>  
[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

- B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[3]</sup>  
[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Building location.
  - (1) Setback: 50 feet minimum.
  - (2) Offset: 20 feet minimum.
- E. Height regulations.
  - (1) Principal building.
    - (a) Nonexposed 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 roofline.
    - (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 roofline 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 principal building.

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

[Amended 11-11-2024 by Ord. No. 2024-19]

- A. Permitted principal uses. See Exhibit A.<sup>[1]</sup>  
[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[3]</sup>  
[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

- D. Building location.
  - (1) Setback: 50 feet minimum.
  - (2) Offset: 20 feet minimum.
- E. Height regulations.
  - (1) Principal building.
    - (a) Nonexposed 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 roofline.
    - (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 roofline 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:
  - (1) 15,000 square feet minimum per principal building.
  - (2) Lots served by municipal water and sanitary sewer: 5,000 square feet per principal building.

## § 300-37.1. Multifamily Residential District (R-4).

[Added 1-10-2024 by Ord. No. 2024-02]

- A. Purpose and intent. This district is intended to allow for limited multifamily residential where compatible with the intensity of surrounding existing and planned development and where appropriate existing or proposed buffers can be achieved where required as determined by the Village Plan Commission and Village Board.
- B. Permitted principal uses. See Exhibit A.<sup>[1]</sup>
  - [1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>
  - [2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Conditional uses. See Exhibit A.<sup>[3]</sup>

E. Building location.

- (1) Setback: 50 feet minimum.
- (2) Offset: 20 feet minimum.
- (3) Building separation (where more than one building per lot or condominium unit): 20 feet minimum.

F. Height regulations.

(1) Principal building.

(a) Nonexposed 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 roofline.

(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 roofline cannot exceed 46 feet.

(2) Accessory buildings: 18 feet maximum.

G. Area regulations.

(1) Floor area.

(a) Minimum required.

- [1] One-bedroom unit: 650 square feet.
- [2] Two-bedroom unit: 850 square feet.
- [3] Three-bedroom unit: 1,050 square feet.

(b) Maximum total building footprint: 17.5%.

H. Lot size.

- (1) Minimum area: 15,000 square feet per dwelling unit exclusive of land within the CO Conservancy and ECO Environmental Corridor Overlay Districts.
- (2) Minimum average width: 180 feet.

I. Density. Maximum residential density shall be determined by the Village Comprehensive Plan Land Use Plan Map. Environmentally Sensitive Areas including floodplain, wetland, environmental corridor and isolated natural resource area shall be excluded from the maximum density calculation.

J. Open space: 5,000 square feet minimum of per family.

K. Development standards. All multifamily development shall be reviewed per the process and conform to the development standards in § 300-21.1 of the Village of Vernon Code of Ordinances.

L. Road access. All properties shall abut directly upon and take access from an arterial or collector street as defined in § 200-9 of the Village of Vernon Code of Ordinances.

M. Parking. There shall be at least two off-street parking spaces per residential unit, one of which shall be interior.

N. Sanitary sewage system. The manner in which the units are to be serviced with sewage disposal is subject to the approval of the State Department of Commerce and/or the Waukesha County Environmental Health Division, prior to approval by the Village of Vernon.

## § 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.<sup>[1]</sup>  
*[1] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
*[2] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- D. Conditional uses. See Exhibit A.<sup>[3]</sup>  
*[3] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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.<sup>[1]</sup>  
*[1] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>  
*[2] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[3]</sup>  
*[3] Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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.<sup>[1]</sup>
  - [1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>
  - [2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- C. Conditional uses. See Exhibit A.<sup>[3]</sup>
  - [3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*
- 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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

B. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

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, sewer. 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%, sewer.
- (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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Conditional uses. See Exhibit A.<sup>[3]</sup>

[3] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

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.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

C. Permitted accessory uses. See Exhibit A.<sup>[2]</sup>

[2] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

D. Conditional uses. See Exhibit A.<sup>[3]</sup>

<sup>[3]</sup> *Editor's Note: Exhibit A is included as an attachment to this chapter.*

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.

**ORDINANCE NO. 2016-13****AN ORDINANCE TO ADOPT A ZONING CODE  
AND MAP FOR THE TOWN OF VERNON**

WHEREAS, at the April 2, 1957 Annual Town Meeting, the Town Board for the Town of Vernon was authorized and directed by the electors to exercise all powers relating to villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes excepting such power, the exercise of which would conflict with the Statutes relating to Towns and Town Boards; and

WHEREAS, Sections 60.62(1) and (2) of the Wisconsin Statutes provides that a town board has been granted authority to exercise village powers may adopt zoning ordinances under Section 61.35 of the Wisconsin Statutes provided, however, that if the county in which the town is located has enacted a zoning ordinance under Section 59.69 of the Wisconsin Statutes, the exercise of such authority is subject to approval by the town meeting or by a referendum vote of the electors of the town held at the time of any regular or special election; and

WHEREAS, the Town of Vernon is wholly located within the County of Waukesha, which has adopted a zoning ordinance under Section 59.69 of the Wisconsin Statutes; and

WHEREAS, Section 60.10(2)(h) of the Wisconsin Statutes grants authority for a town meeting to adopt a resolution in a town located in a county which has enacted a zoning ordinance under Section 59.69 of the Wisconsin Statutes, to authorize the Town Board under Section 60.62(2) of the Wisconsin Statutes to enact town zoning ordinances under Section 61.35 of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 60.12(1)(c) of the Wisconsin Statutes, at a regular meeting of the Town Board held on March 24, 2016 the Town Board for the Town of Vernon voted to call for a Special Town Meeting, beginning at 7:00 p.m. on April 21, 2016 at the Town of Vernon Town Hall to request authority by the Electors of the Town of Vernon to exercise village zoning authority under Wis. Stat. § 60.10(2)(h); and

WHEREAS, notice of the Special Town Meeting on April 21, 2016 at the Town of Vernon Town Hall to consider authorizing the Town Board to adopt zoning ordinances pursuant to Section 60.10(2)(h) was duly published as a Class 2 notice by the Town Clerk not less than 20 days nor more than 15 days before the April 21, 2016, Special Town Meeting in fully compliance with the requirements of Sections 60.12(3) and (4); and

WHEREAS, notice of the Special Town Meeting on April 21, 2016, at the Town of Vernon

Town Hall to consider authorizing the Town Board to adopt zoning ordinances pursuant to Section 60.10(2)(H) was duly noticed by the Town Clerk pursuant to the open meetings law; and

WHEREAS, at the April 21, 2016, Special Town Meeting, the electors for the Town of Vernon, by resolution which is general and continuing, granted approval under Section 60.10(2)(h) of the Wisconsin Statutes for the Town Board of the Town of Vernon to exercise certain zoning authority and the authority to adopt zoning ordinances for the Town of Vernon under Section 61.35 of the Wisconsin Statutes and directed the Town Attorney to prepare a formal written resolution;

WHEREAS, following the formation of tentative recommendations a public hearing was held by the Town Board upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)(a); and

WHEREAS, the Town Board has received a recommendation from the Town Plan Commission in favor of adopting the ordinance to create a Zoning Code and Map for the Town of Vernon; and

WHEREAS, the Zoning Ordinance that is hereby adopted has been available for public inspection for not less than two weeks before its enactment, and shall be published as a code pursuant to Wisconsin Statutes Section 66.0103; and

WHEREAS, The Town Board of the Town of Vernon having carefully reviewed the recommendation of the Town Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied, having determined that the Zoning Ordinance and Map are consistent with the recommendations found in the Town of Vernon Comprehensive Plan, having given the matter due consideration, and having based its determination on the effect of the adoption of such Zoning Ordinance and Map on the health, safety and welfare of the community, and having given due consideration to such municipal issues as noise, dust, smoke and odor, and others, hereby determines that the Zoning Code and Map adoption will be a benefit to, and will not be contrary to, the public health, safety and general welfare of the Town of Vernon.

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

SECTION 1: The Town of Vernon Zoning Code attached hereto and incorporated herein as Exhibit A, is adopted as the Zoning Code for the Town of Vernon, Waukesha County, Wisconsin.

SECTION 2: The Town of Vernon Zoning Map attached hereto and incorporated herein as Exhibit B, is adopted as the Zoning Map for the Town of Vernon, Waukesha County, Wisconsin.

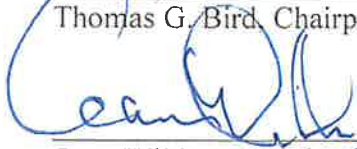
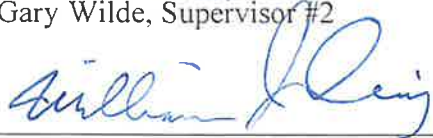
SECTION 3: SEVERABILITY

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

SECTION 4: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as a Code of Ordinances pursuant to Wisconsin Statutes Section 66.0103, immediately upon the approval of the Waukesha County Board of Supervisors pursuant to Wisconsin Statutes Section 60.62(3).

Dated this 14th day of ~~September~~, 2016, in the Town of Vernon

  
Thomas G. Bird, Chairperson  
  
Gary Wilde, Supervisor #2  
  
William Craig, Supervisor #4

  
Jeff Millies, Supervisor #1  
  
Ed Moline, Supervisor #3

ATTEST:  
  
Karen L. Schuh  
Town of Vernon Clerk  
Waukesha County

Published and Posted on September 16, 2016