

ENROLLED ORDINANCE 174-006

AMEND THE TEXT AND DISTRICT ZONING MAP OF THE  
TOWN OF VERNON ZONING CODE (RZ21)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Vernon Town Board on January 9, 2019; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text and map of the Town of Vernon Zoning Code, adopted by the Town of Vernon on December 23, 2016, is hereby amended, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ21, is hereby approved.

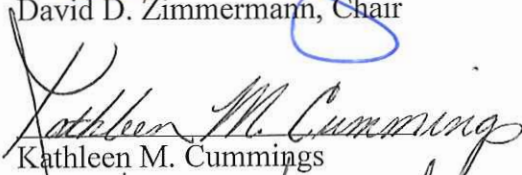
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Vernon.


BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

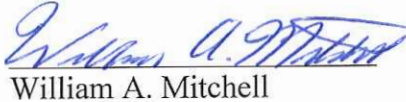
AMEND THE TEXT AND DISTRICT ZONING MAP OF THE  
TOWN OF VERNON ZONING CODE (RZ21)

Presented by:  
Land Use, Parks, and Environment Committee


  
David D. Zimmermann, Chair


  
Kathleen M. Cummings

  
Keith Hammitt

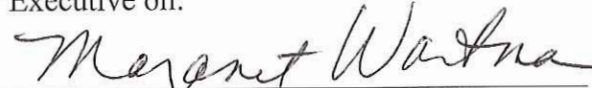
  
William A. Mitchell

  
Thomas J. Schellinger

  
Steve Whittow

  
Chuck Wood

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: April 26 2019,   
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: \_\_\_\_\_

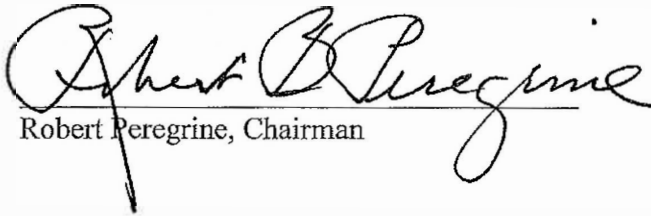
Date: 4/29/19,   
Paul Farrow, County Executive

**COMMISSION ACTION**

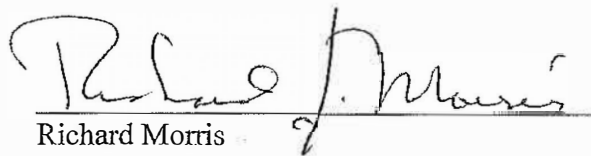
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Vernon Zoning Code and Map hereby recommends **approval** of **RZ21 (Town of Vernon Board)** in accordance with the attached "Staff Report and Recommendation".

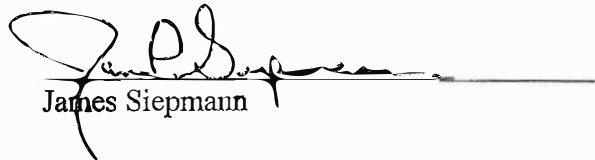
**PARK AND PLANNING COMMISSION**

**March 21, 2019**

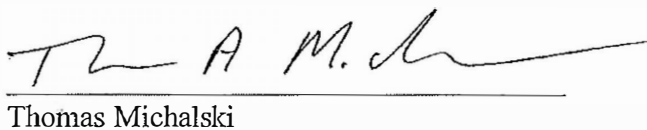
  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

Absent  
William Maslowski

  
Thomas Michalski

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AND ZONING MAP AMENDMENT**

**DATE:** March 21, 2019

**FILE NO.:** RZ21

**PETITIONER:** Town of Vernon Board  
W249 S8910 Center Drive  
Big Bend, WI 53103

**NATURE OF REQUEST:**  
Text and map amendments to the Town of Vernon Zoning Code.

**PUBLIC HEARING DATE:**  
Wednesday, January 9, 2019.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION:**  
At their January 9, 2019, meeting, the Town of Vernon Plan Commission recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their January 9, 2019, meeting, the Town of Vernon Board approved the proposed amendments.

**OTHER CONSIDERATIONS:**  
The Town of Vernon is proposing to amend the Town Zoning Code with regards to several topics:

- Replace floor area ratio requirements with building footprint.
- Adds Town Board to the review process for Site Plan and Conditional Use reviews.
- Eliminates the R-1a District and places properties previously zoned R-1a into the R-1 District.
- Rezones properties along Enterprise Dr. from Conditional B-3 to B-3 (without conditions).
- Adds new statutory language regarding substantial evidence requirements for Conditional Uses.
- Allows wetland setback relief for retaining walls, walkways and decks and patios.
- Other miscellaneous changes relative to electronic signage, the land use matrix, etc.

The proposed text amendments are generally fairly minor in nature. A full copy of the amendments can be viewed at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning). Click on "Zoning Ordinances"/Draft Town Ordinances. The amendments are an attempt to modernize or improve provisions relative to the above topics. The Town has now been administering its own ordinance for more than two years and a number of the changes are a response to experience in administering the new ordinance. The elimination of the R-1a District eliminates a district that had become identical to the R-1 District over time as amendments were made. This simplifies the ordinance and results in no practical change for the owners of properties that are changing from R-1 to R-1a. The mapping of properties along Enterprise Dr. to the B-3 District will greatly simplify the zoning terms for the light industrial properties in this area.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed text amendments are minor in nature. A number of the changes provide additional flexibility to land owners, while other changes are meant to improve the efficiency of administering the ordinance. The map changes simplify the town's zoning map.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance 2019-01

Text amendment at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) (click on "Zoning Ordinances"/Draft Town Ordinances).

Zoning map amendment at [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning) (click on "Mapping Resources/Town Draft Zoning Maps.")

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## ORDINANCE 2019-01

AN ORDINANCE TO REZONE THE PROPERTIES THAT FRONT ON ENTERPRISE DRIVE FROM CONDITIONAL B-3 (GENERAL BUSINESS DISTRICT) TO B-3 (GENERAL BUSINESS DISTRICT ZONING (WITHOUT CONDITIONS)), TO ELIMINATE THE R-1a RESIDENTIAL DISTRICT ZONING AND REZONE AFFECTED PROPERTIES TO R-1 ZONING WITHIN THE TOWN OF VERNON, AND TO AMEND VARIOUS SECTIONS WITHIN THE TOWN OF VERNON ZONING CODE INCLUDING THE ZONING USE MATRIX PURSUANT TO THE ZONING ORDINANCE FOR THE TOWN OF VERNON.

WHEREAS, prior to the adoption of the Town of Vernon Zoning Code, Waukesha County adopted to rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning (without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix; and

WHEREAS, following commencement of the Zoning Amendment Procedure per Section 300-46 of the Town of Vernon Town Code, the Town Clerk duly referred the matter to the Town Plan Commission per Section 300-46 A(3) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on January 9, 2019 as required by Section 300-46 A.(4) of the Town 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 Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town 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 therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town 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 Town of Vernon will not be contrary to the public health, safety or general welfare of the Town 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, by this Zoning Amendment the Town Board intends to rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning

(without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix.

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

SECTION 1. ZONING CHANGE

To rezone the properties that front on Enterprise Drive from Conditional B-3 (General Business District) to B-3 (General Business District Zoning (without conditions)), to eliminate the R-1a Residential District Zoning and rezone affected properties to R-1 Zoning within the Town of Vernon, and to amend various sections within the Town of Vernon Zoning Code including the Zoning Use Matrix, and the Waukesha County Board must approve the rezoning

SECTION 2. CERTIFICATION

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

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 conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 4. 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.

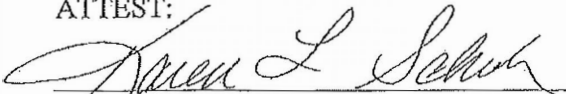
Approved this 7<sup>th</sup> day of February 2019

BY THE TOWN OF BOARD OF SUPERVISORS



Thomas G. Bird, Town Chairman

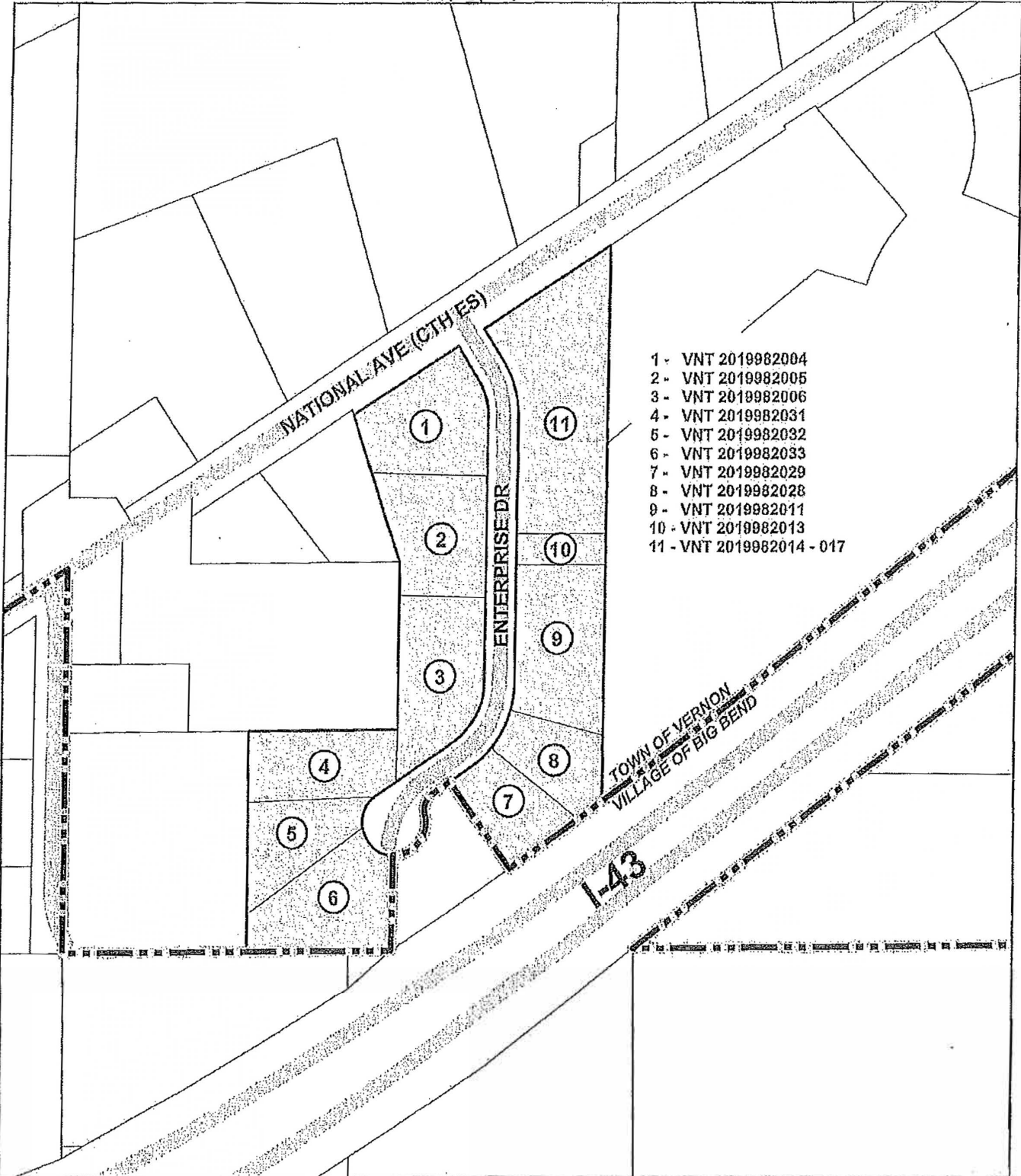
ATTEST:



Karen L. Schuh, Town Clerk

Published and posted this 8<sup>th</sup> day of February 2019

Exhibit 1



- 1 - VNT 2019982004
- 2 - VNT 2019982005
- 3 - VNT 2019982006
- 4 - VNT 2019982031
- 5 - VNT 2019982032
- 6 - VNT 2019982033
- 7 - VNT 2019982029
- 8 - VNT 2019982028
- 9 - VNT 2019982011
- 10 - VNT 2019982013
- 11 - VNT 2019982014 - 017

Town of Vernon  
Waukesha County, WI

Exhibit 1

2019/01/15 10:00 AM

January 2019



Municipal Boundary



Parcels



Parcels to be Rezoned







## Voting Results for Ordinance 174-O-005

Amend The Text And District Zoning Map Of The Town Of Vernon Zoning Code (RZ21)

Passed By Majority Vote

**AYE: 22**

**NAY: 0**

**ABSENT: 3**

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris		AYE
D4 - Batzko		AYE
D5 - Dondlinger		AYE
D6 - Walz		AYE
D7 - Grant		AYE
D8 - Michalski		AYE
D9 - Heinrich		AYE
D10 - Swan		AYE
D11 - Howard		ABSENT
D12 - Wolff		ABSENT
D13 - Decker		AYE

D14 - Wood		AYE
D15 - Mitchell		AYE
D16 - Crowley		AYE
D17 - Paulson		AYE
D18 - Nelson		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		ABSENT
D25 - Johnson	Second	AYE