TOWN OF VERNON
ZONING CODE

Adopted September 14, 2016
Resolution 2016-12
Ordinance 2016-13

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ARTICLE I: IN GENERAL

Section-1: Authority and Intent.

(A) This Code is adopted under the authority granted by Chapters 59, 60, 61, 62, 87, 145, 236 and 281 of the Wisconsin State Statutes and amendments thereto. Except as otherwise provided in this Code, the current and future provisions of the State Statutes adopted herein are adopted and made a part of this Code by references as if fully set forth herein. A violation of any such provisions shall constitute a violation of this Code. Any further amendments, revisions, modifications, or additions of the current or future statutes incorporated herein are intended to be made part of this Code in order to secure unified statewide regulation.

(B) For the purpose of promoting health, safety, morals or the general welfare of the community, this Code is enacted:

(1) To regulate the height, location and size of buildings;

(2) To classify and regulate the use of buildings and lands according to their specific characteristics;

(3) To regulate the density of population and the use of lot area;

(4) To regulate and determine the areas of open space surrounding buildings;

(5) To divide the Town into districts of such number, shape and area to carry out the regulations of this Code;

(6) To provide for the administration and enforcement of this Code; and

(7) To prescribe penalties for the violation of the provisions of this Code.

(C) In the circumstance where lands are partially within the jurisdiction of the Waukesha County Shoreland & Floodland Protection Ordinance and partially within the jurisdiction of the Town of Vernon Zoning Code, the Town of Vernon shall regulate as follows:

(1) Structures. For any structure that is located partially or fully within the Town of Vernon’s jurisdiction, the Town of Vernon shall regulate the portion of the structure that is within the Town of Vernon’s jurisdiction, which must comply with all structure location regulations of this code, with the measurements to be made based upon the full dimensions of the lot. The height of structures shall be measured from within the Town of Vernon’s jurisdiction. Minimum square footage shall be measured based upon the entire square footage of the structure that is partially or fully within the Town of Vernon’s jurisdiction. Maximum square footage shall be measured based upon the entire square footage of the structure, and as applied to total square footage on the lot, shall include the square footage of all other structures on the lot.

(2) Open Space and Floor Area Ratio. Any structure or impervious surface constructed on any portion of a lot that is within the jurisdiction of the Town of Vernon must comply with the open space and floor area ratio regulations of this code, with the calculation to be made based upon the full dimensions of the lot including consideration of any structures or impervious surfaces on any part of the lot.

(3) Uses. Any use that is conducted partially or fully within the Town of Vernon’s jurisdiction must comply with the use regulations of this Code.

(4) Lots. Any lot that is located partially or fully within the Town of Vernon’s jurisdiction must comply with the lot area regulations of this code, with the calculations to be made.
based upon the full dimensions of the lot.

(5) Other. In order to ensure that the intent of this code can be preserved within the Town of Vernon’s jurisdiction, in situations that are not specified above, the regulations of this code shall apply as follows. Where this code regulates issues based upon the entire dimensions of the lot, and the owner seeks to make a change on a portion of the lot that is in the Town of Vernon’s jurisdiction, the Town shall regulate the matter arising within the Town of Vernon’s jurisdiction based upon the entire dimensions of the lot and the structures and uses thereon. Where this code regulates issues that are not based on the entire dimensions of the lot, the Town shall regulate solely the activities conducted within the Town of Vernon’s jurisdiction. Activities conducted solely outside of the Town of Vernon’s jurisdiction are not regulated by this code.

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with the provisions of the Waukesha County Shoreland & Floodland Protection Ordinance.

(D) The provisions of this Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code or amendments hereto, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall be from the date of the first adoption of such provisions. By the initial adoption of this code, the Town of Vernon is assuming zoning authority that has previously been exercised by Waukesha County, and therefore this intention to continue ordinances in force immediately prior to the enactment of this Code extends to the provision of the Waukesha County Zoning Code, to the extent the provisions of this Code are substantively the same.

Section-2: Purpose.

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

Section-3: General information.

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

Section-4: Definitions.

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

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

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

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

**Adult family home:** A place licensed by the state under s. 50.033(1m), Wis. Stats.

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

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

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

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

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

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

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

**Apartment house.** See **Dwelling**, multiple.

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

1. In the case of corporation, an officer or member of the corporation who has overall responsibility for the operation of the site for which the permit is sought
2. In the case of a limited liability company, a member or manager.
3. In the case of a partnership, a general partner
4. In the case of sole proprietorship, the proprietor.
5. For a unit of government, by an elected official or other duly authorized representative.
6. In the case of an individual, by the individual, the individual’s attorney, or one allowed to act as power of attorney.

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

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

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

**Basement:** That portion of a building that is partly or completely below the average level of the adjoining ground. If the basement is occupied for living purposes or has six (6) feet of exposure on at least one side, it is defined as a story per this Code.

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

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

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

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

**Building, accessory:** A building or portion of a building subordinate to the principal building and used for a purpose customarily incident to the permitted use of the principal building.

**Building, height of:** The vertical distance from the average finished grade at the building line to the highest point of any roof line.

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

**Code:** Means the Town of Vernon Zoning Code.

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

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

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

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

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

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

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

**District:** A section of the Town for which the regulations governing the height, area and the use of building and premises are the same.

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

**Dwelling, one-family:** A detached building designed for and occupied exclusively by one family.

**Dwelling, two-family:** A detached or semi-detached building designed for and occupied exclusively by two families.

**Emergency shelter:** A place where primarily indigent, needy, homeless, or transient individuals are temporarily housed and provided with ancillary services.

**Entrance gate or entrance monument:** A structure, usually built with a decorative feature or landscape feature located at the entrance to a property such as walls which are often constructed in conjunction with lights, fencing, gates, pillars with lights, property identification signage, or raised planting boxes.

**Environmental corridors (primary, secondary, and isolated natural resource areas):** Are concentrations of key significant natural resource elements including surface water such as lakes, streams, and rivers and their associated undeveloped floodlands and shorelands; woodlands, wetlands, and wildlife habitat; prairie remnants; areas of groundwater discharge and recharge; unfarmed wet, poorly drained and organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features. In general, primary environmental corridors are concentrations of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width. Secondary environmental corridors are concentrations of significant natural resources at least 100 acres in area and at least one mile in length (possibly smaller and shorter if considered a primary link). Isolated natural resource areas are concentrations of significant natural resources at least 5 acres in area and at least 200 feet in width. Generalized environmental corridor boundaries are mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), typically at 5-year intervals, and precise boundaries are field delineated by or reviewed and approved by the SEWRPC Staff. A description of the processes for further defining and delineating primary and secondary environmental corridors and isolated natural resource areas is set forth in the Southeastern Wisconsin Regional Planning Commission’s Technical Record, Volume 4, No. 2 and is incorporated herein by reference.

**Environmental significant areas:** Are lands which are zoned as CO Conservancy Overlay District, ECO Environmental Overlay District, HGO High Ground Water Overlay District, or designated as primary environmental corridor, secondary environmental corridor or isolated natural areas on the Waukesha County Development Plan.

**Family:** One or more persons who live together in one dwelling unit (DU) as a single housekeeping entity.
**Farm or Agricultural Operation:** One or more parcels of land owned and managed by a single entity and zoned for agricultural or farm use upon which natural fibers, animals, or food for human or animal consumption is produced.

**Farm, fur:** A tract of land devoted in whole or part to the raising of fur bearing animals for commercial purposes.

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

**Farm, pig:** A tract of land devoted principally to the raising and feeding of pigs and hogs.

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

**Feed lot:** A lot or facility used or proposed to be used for the confined feeding and/or holding of animals where the number and kind of animals exceed 75 units per acre of confined area. One animal unit shall be equivalent to 1,000 pounds of live animal weight, and the acreage used to compute the density shall include all fenced areas, pens, yards or similar uncovered structures and all covered enclosures where the animals are enclosed for 30 or more continuous 24-hour days per year. Dairy farm operations utilizing seasonal winter confinement of livestock are excluded from this definition unless the Town Board determines that the operations of a particular dairy farm meet the provisions of this Section and the intent of this Code will be furthered by regulation of such operations under this definition. The intent of this definition is to clearly distinguish the feed lot type of farming situation which concentrates large numbers of livestock on small acreage from the more general type of farm operation in which cultivation and livestock grazing or feeding is conducted on a smaller scale. It is not the intent of this definition to prohibit these kinds of operations, but to recognize the potential as a pollution source and to effectively control it.

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

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

**Floodplain:** Those lands, including the floodway subject to inundation by the 100-year reoccurrence flood, or, where such data is not available, the maximum flood of record.

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

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

**Floodway:** Those floodplain areas including the channel required to carry and discharge the 100-year reoccurrence interval flood.

**Floor area:** The maximum horizontal projected area within the perimeter of the outside surface of walls or supports of the building or structure, and as further described in this Code.

**Floor area ratio (FAR):** The calculation of the total floor area of the principal building allowed on a given lot, expressed as a percentage ratio to the total area of the lot (i.e. a floor area ratio of 100 percent allows a floor area equal to the total area of the lot, a floor area ratio of 50 percent allows a floor area of one-half the total area of the lot, etc). The percentage of FAR for a principal building is identified in each District.
**Foster and treatment home**: A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.

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

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

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

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

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

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

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

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

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

**Group day care center**: A place licensed as a day care by the state where care is provided for 9 or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

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

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

**Home occupation**: A gainful occupation conducted by a member or members of a family within their place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation. Also see, limited family business.

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

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

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

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

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

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

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

**Inhabit:** Means to be present in or occupy any building or structure which is designed or intended to be occupied or used for human habitation.

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

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

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

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

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

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

**Land-altering activity:** Any man-made change of the land surface, including removing vegetative cover which changes the land surface, cutting of trees which changes the land surface, excavating, soil removal, filling, grading, dredging and channel improvements in excess of those limits set forth in this Code, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and harvesting of trees, and tree nurseries.
**Landscaping, lawn and garden business:** Means any property on which or from which landscaping equipment (other than one riding mower and/or one push lawn) consisting of trucks, trailers, materials and equipment to be stored and maintained on the site for the purpose of taking to the clients properties to perform landscaping construction and landscaping maintenance services, such as lawn installation, plant installation, hardscaping, water feature installation, landscape lighting installation, snow plowing and removal and other traditional landscape construction services, the growing of trees, shrubs, bulbs, annuals, perennials and other plants imported to the site which are to be installed by the business on the clients’ properties, storage of bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, landscape lighting, natural stone and brick, and other items to be imported to the site and then installed on the clients’ properties; wholesale or retail nursery sales of trees, shrubs, bulbs, annuals, perennials and other plant material grown and/or imported and sold to wholesale customers, (i.e., other landscapers) or of hardwood, bulk bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, and landscaping natural materials, shall be imported and sold to wholesale customers.

**Lighting, high intensity:** Lighting that is greater than 0.5 footcandles, measured at a property line.

**Lighting, low intensity:** Lighting that is 0.5 footcandles or less, measured at a property line.

**Limited family business:** A service-oriented business or home occupation conducted by a member or members of a family within their place of residence, where the space used is in an attached garage or detached accessory building and no article is sold or offered for sale except such as is produced by such service oriented business or home occupation. Also see home occupation.

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

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

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

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

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

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

**Lot lines:** The lines bounding a lot.

**Lot line, side:** A lot line extending from a street line towards the interior of the lot and separating adjoining lots.

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

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

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

**Motel:** A building or series of buildings in which lodging is offered only for compensation, has more than five sleeping rooms or units, and is distinguished from a hotel primarily by reason of providing direct, independent access and adjoining parking for each rental unit.

**Motor vehicle:** Motor vehicle means any automobile, truck, tractor, bus, vehicle or other conveyance that is self-propelled by an internal combustion engine or motor, and for the purposes of this Zoning Code shall include but not be limited to boats, recreational vehicles, all-terrain vehicles, motorized farm equipment and mobile machinery, motorcycles and snowmobiles.

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

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

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

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

**Nursing home:** A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual; (2) a hospice as defined in state law; or (3) a residential care complex.

**Occupy:** Means to commence use of any building or structure which is designed or intended to be occupied, used, or inhabited.

**Offset:** The horizontal distance measured from the side or rear lot line, not along a street, to any roofed or enclosed portion of a building not including an overhang, as defined herein, of 24 inches or less.

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

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

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

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

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

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

1. **Public**: Facilities owned and operated by a governmental agency for limited or general public use.
2. **Private commercial**: Facilities owned and operated by an individual, group or corporation for profit as a business whether or not open to the general public use.
3. **Private non-commercial group**: Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.

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

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

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

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

**Person**: Means an individual, association, partnership, limited liability company, or corporation.

**Personal storage facility**: A building or a portion thereof, or a group of buildings, divided into separate, self-contained, self-service storage units that are rented or leased by the owner and used to meet the storage needs of a household or for the storage of personal property of the general public. The units are not for commercial storage purposes. The term includes a tract of land used to store vehicles, such as a car, truck, recreational vehicle, or other conveyance that is self-propelled by an internal combustion engine.

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

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

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

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

**Polystructure:** Means an enclosure having a frame of steel or other materials which is covered with plastic, polyurethane, vinyl, canvas or other flexible sheeting material.

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

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

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

**Poultry:** Poultry means domesticated fowl kept for eggs or meat or as pets.

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

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

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

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

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

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

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

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

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

**Regulated household pets:** All dogs, cats, and birds are regulated household pets.

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

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

**Restaurant:** Any building, room or place where meals are prepared or served or sold to transients or the general public, and all places used in connection with it and includes any public or private school lunchroom for which food service is provided by contract. “Meals” does not include soft drinks, ice cream, milk, milk drinks, ices and confections. “Restaurant” does not include:

1. Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter.
2. Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.
3. Any public or private school lunchroom for which food service is directly provided by the school or a private individual selling foods from a movable or temporary stand at public farm sales.
4. Any bed and breakfast establishment that serves breakfasts only to its lodgers.
5. The serving of food or beverage through a licensed vending machine.
Any college campus, as defined in s. 36.05 (6m), Wis. Stats., institution as defined in s. 36.51 (1)(b), Wis. Stats., or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36, Wis. Stats.

A concession stand at a locally sponsored sporting event, such as a little league game.

A potluck event.

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

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

**Right-of-way:** A strip of land dedicated or acquired for public or private use.

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

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

**Roofline:** The intersection of two (2) roof surfaces forming the highest horizontal line of the roof. Also known as the ridgeline.

**Rural accessory building:** An existing building, which is: (1) set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design as determined by the Town Board; and (2) is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice, as determined by the Town Board.

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

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

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

**Setback:** The horizontal distance between the "base setback line" and the nearest roofed or enclosed portion of a building, excluding the 24-inch roof overhang defined herein.

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

**Service oriented business:** A business operated by a single person or family where personal services are performed or assistance is given, as opposed to products, and involves predominantly professional operations as outlined in this Code regarding a limited family business.
**Screening:** A feature such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites

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

1. **Awning, canopy, or marquee:** A projecting identification sign painted on or affixed flat to the surface of an awning or canopy and which does not extend vertically or horizontally from the awning or canopy.

2. **Banner:** An elongated sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric or any kind usually used for temporary display for the special announcement of a coming event or occasion.

3. **Billboard:** Any sign, permanently attached to the ground, greater than 50 square feet in area per one side or greater than 20 feet in height; and used to advertise a place of business or product.

4. **Bulletin board:** Any sign used by governmental and institutional agencies to publicly display notices of meetings, services, regulations and announcements. Such signs are not necessarily designed to be read from a distance or by the traveling public.

5. **Electronic message center:** Means a sign that conveys text and/or graphic information that is capable of being changed or manipulated electronically.

6. **Flags and pennants:** Devices generally made of flexible materials such as cloth, paper, plastic, and displayed on strings or wires. Such devices may or may not include words, letters, or numbers.

7. **Flashing:** is a sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation, and word/text changes. Illumination signs, which indicate the date, time and temperature, will not be considered as part of a flashing sign.

8. **Ground, monument, or sandwich:** A free-standing sign affixed to or placed on the ground and independent of any buildings or other permanent structure.

9. **Off-premise direction/sales:** Signs which are intended to direct patrons and advertise places of business not located on the same parcel or land ownership as the off-premise sign.

10. **Pole:** A free-standing sign supported by one or more poles.

11. **Portable:** Any sign that is mounted on wheels or can be readily moved from place to place on the premises. Such signs are generally not permanently attached to the ground or to a permanent structure on the premises.

12. **Product:** A sign which offers for sale perishable products produced on the premises.

13. **Projecting:** Any sign that is not attached to the ground and projects more than twelve (12) inches from the face of a building or other permanent structure.

14. **Real estate:** Any sign primarily used for advertising the sale, lease or transfer of real estate.

15. **Roof:** Any sign erected on or over the roof of a building.

16. **Temporary:** Any sign not permanently attached to the ground, wall or building, designed to advertise a commodity or event for a specific amount of time.
(17) **Wall:** A sign which is attached to a wall of a building or structure and projects not more than twelve (12) inches from such a wall.

(18) **Window:** A sign painted on or affixed to a window. Materials affixed to a window shall be affixed to the inside surface of the window.

**Sign area:** That part of a total sign structure which encompasses the sign message exclusive of a structure upon which the sign area is affixed or which supports the sign area. However, for the purpose of computing square footage of a sign area, any exposed structure which supports a sign may not comprise more than one-third of the visible or exposed surface of one side of a total sign structure. Where a sign has more than a single face, each sign face shall comply with the total sign area of Section 13(D).

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

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

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

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

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

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

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

**Special event parking:** place where parking for motor vehicles is allowed when specifically related to a special event of regional significance as designated by the Town Plan Commission.

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

**Specified anatomical areas means:**

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

**Specified sexual activities:** Simulated or actual:

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

**Stables:**

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

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements that are exposed at least six (6) feet on at least one side.

**Street.** See Road.

1. **Street, arterial:** Arterial Street means a road providing for efficient, safe and direct connection to or separation of developed areas for circulation to destinations outside the developed area and deemed as such on the Official Map of the Town of Vernon and the Established Street and Highway Width Map of Waukesha County.
2. **Street, collector:** Collector Street means a road providing for circulation to serve local traffic moving between minor streets and arterial streets as designated on the Official Map of the Town of Vernon.
3. **Street, minor:** Minor Street means any other road not deemed as a collector or arterial street on the Official Map of the Town of Vernon.

**Street frontage:** means a street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

**Street line:** means a dividing line between a lot, tract, or parcel of land and a contiguous street.

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

**Structure:** means any manmade object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed either upon the ground or upon another structure. For the purpose of this Code the term "structure" includes swimming pools, hot tubs, patios, decks, gazebos, radio towers and television towers, but does not include landscaping or earth work including graded areas, filled areas, ditches, berms or earthen terraces. The term "structures" does not include flag poles, mail boxes, fences, basketball hoops, satellite dishes of 18 inches or less in diameter or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, lawn ornaments, temporary fences, bird feeders, birdhouses or birdbaths.
**Structure, legal nonconforming:** means a building, structure, or portion thereof, lawfully existing at the time of the passage of the Code from which this Section is derived, but which does not conform in one or more respects to the regulations of this Code.

**Sustained yield forestry:** means the management of forested lands to provide annual or periodic crops of forest products.

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

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

**Town:** Means the Town of Vernon, Waukesha County, Wisconsin.

**Town attorney:** A person who has been designated or appointed by the Town Board to handle legal obligations or matters of the Town of Vernon.

**Town building inspector:** A person who has been designated, or appointed by the Town Board, to fulfill the obligations of construction inspections within the Town of Vernon.

**Town board:** Means the Town of Vernon Board of Supervisors and Chairperson under the jurisdiction of this Code.

**Town board of appeals:** An officially constituted body established pursuant to Section 62.23(7) of the Wisconsin Statutes whose principal duties are to hear appeals and, where appropriate, grant variances from the literal requirements of this Code.

**Town clerk:** Means the Town of Vernon Clerk under the jurisdiction of this Code.

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

**Town park commission:** A body established pursuant to Wis. Stats. § 60.66 or any other agency created by the Town Board and authorized by statute to plan land use.

**Town plan commission:** Means the Town of Vernon Plan Commission established under village powers pursuant to Wis. Stats. § 62.23.

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

**Town zoning administrator:** An officer such as the Town Building Inspector or Town Planner who is designated by the Town and does not include any Committee, Commission, or Board or its individual members.

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

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

**Tower:** A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, and monopole towers. The term
includes personal communication service towers, radio and television transmission towers, microwave
towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

**Traffic artery.** See **Highway.**

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

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

**Use, legal nonconforming:** Means the use of a building or land lawfully carried on at the time of the
passage of the Code from which this Section is derived or amendments thereto, but which does not
conform to the use regulations of this Code.

**Use, principal:** Means the main or primary use of property or buildings as specified and permitted by the
regulations of the District in which it is located.

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

**Variance:** An authorization granted by the Vernon Board of Appeals, pursuant to State law and the
terms of this Code, to depart from the literal requirements of this Code.

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

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

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

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

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

**Section 5: Compliance.**

Except as may be otherwise specifically provided, the use, size, height and location of buildings now
existing or hereafter erected, converted, enlarged, or structurally altered, the provisions of open spaces,
and the use of land, shall be in compliance with the applicable provisions of this Code, all other
applicable Town Ordinances, and applicable County regulations including, but not limited to, the
Waukesha County Shoreland & Floodland Protection Ordinance.

**Section 6: Zoning use permit.**

**(A) Required.** No vacant land shall be occupied or used except for agricultural purposes, and no
building shall be hereafter erected, structurally altered, relocated, used, or occupied until a
zoning use permit has been issued certifying that any such building, use, or occupancy complies
with the provisions of this Code and applicable Town Ordinances. This permit shall be obtained
before any change is made in the type of use or before any nonconforming use is resumed,
changed, extended or granted conditional use status pursuant to this Code and all other
applicable Town Ordinances.

(B) **Application.** All zoning use permits, excluding zoning use permits applied for under Section 6(F), shall be applied for from the Town Building Inspector. Application for a zoning use permit shall be made prior to or at the same time as the application for a building permit. All zoning use permit applications shall be prepared in triplicate, signed by the applicant and shall include for the purpose of proper enforcement of this Code and all other applicable Town Ordinances the following data:

1. A statement by the applicant as to the intended use of the premises and of any existing or proposed buildings thereon.
2. An accurate map of the property drawn to a reasonable scale and properly dimensioned showing:
   a. The boundaries of the property involved.
   b. The location of the centerline of any abutting streets.
   c. The location on the lot of any existing buildings, proposed additions or new buildings, including the measured distances between buildings, lot lines and street lines measured to the nearest portion of such buildings.
   d. The proposed floor elevation of any proposed buildings in relation to the existing and/or established grade of any abutting streets.
   e. The ordinary highwater mark of any stream or lake, conservancy or wetland and/or floodplain which the property abuts.
   f. The proposed locations of the septic systems, including tank, drain field, and/or mound, and private wells or the location any soil borings on the property and within fifty (50) feet of the property lines.
3. Where the use involves human occupancy, a plan of the proposed sewage disposal system approved by Waukesha County through issuance of a County sanitary disposal permit when a private system is proposed.
4. Fees shall be fully paid by the applicant at the time of filing of each application for a permit in accordance with the fee schedule established by the Town Board from time-to-time, and such payment shall be made to the Town Building Inspector.

(C) **Issuance.** Zoning use permits shall be issued by the Town Building Inspector after adequate investigation as to conformance with the provisions of this Code, applicable Town Ordinances, approval by the Town Plan Commission and Town Board (if applicable), and prior to the issuance of the building permit.

(D) **Displaying/posting.** Provided the application is in order, the applicable application fee has been paid, and any building, occupancy, or use as proposed would be in compliance with the provisions of this Code and all other applicable Town Ordinances, a certification that such zoning permit has been issued shall be displayed/posted in a prominent place on the premises during the period of any construction involved in readying the land or buildings for occupancy.

(E) **Expiration.** If, within twelve (12) months of the date of issuance of a zoning use permit, the proposed construction project has not commenced in any manner including site preparation, such zoning use permit shall expire. If within twenty-four (24) months of the date of issuance of a building permit, the proposed project has not commenced in any manner including site preparation, such building permit shall expire. Once the proposed construction project has commenced, the construction project shall be completed within a twenty-four (24) month
period and issuance of an occupancy permit. Upon showing of valid cause and in the best interest of the Town, the Town Board, upon recommendation of the Town Plan Commission, may grant one (1) extension of such zoning use permit or building permit for a period not to exceed twelve (12) months.

(F) Zoning use permit – site plan and plan of operation.

(1) **Required.** Certain permitted uses, as well as all conditional uses require the submission of a detailed Site Plan and a Plan of Operation which provides a detailed description of the proposed use and serve as a basis for consideration prior to approval of the Town Board, upon recommendation of the Town Plan Commission. The purpose of said Site Plan and Plan of Operation review is to document the zoning use permit file, determine adequacy of the data submitted to describe the permitted and accessory uses and buildings proposed and document the plan and method of operation to enable a determination on compatibility with the requirements of this Code and consideration of approval.

(2) **Application.** All zoning use permits submitted under this Section 6(F) shall be applied for from the Town Clerk, or designee. Application for a zoning use permit under this Section shall be made prior to the application for a building permit. All applications for zoning use permits submitted under this Section 6(F) shall be prepared and submitted with the applicable fee established by the Town Board from time-to-time and in accordance with the Application for Town Plan Commission Agenda and shall include the following information to determine compliance with the regulations of this Code and all other applicable Town Ordinances.

(a) A Plan of Operation shall include, but not be limited to, name and address of the business, owner and/or operator, tax key and legal description of the premises, lot size (depth, width, acres, zoning, land use), use and operation of the site, building(s) and structure(s), exterior uses, customer dockage, maximum number of employees, hours of operation, and any other items the Town Attorney, Town Engineer, Town Planner, Town Building Inspector, or Town Plan Commission determine are necessary for the review by the Town Plan Commission.

(b) A Site Plan (plat of survey or CSM in a standard engineering mapping scale not to exceed 1”=100’) shall include, but not be limited to, a drawing of the entire premises showing the location of all building(s) and structure(s), dimensions and levels of all of the building(s) and structure(s), existing and proposed grades, off-street parking, lighting, sign location, size and type (i.e. monument), flow of traffic, vegetative cover, grading plan, landscaping plan, storm and surface water drainage facilities, construction site erosion control practices, sanitary facilities and septic system, any outside storage or display area(s), refuse container(s) and any other items the Town Attorney, Town Engineer, Town Planner, Town Building Inspector, or Town Plan Commission determine are necessary for the review by the Town Plan Commission. The Town Plan Commission may require statements of applicable anticipated completion dates as part of the site plan.

(c) A stormwater management and erosion control plan consistent with the requirements of the Waukesha County Construction Site Erosion Control and Stormwater Management Ordinance.

(d) An individual grading plan, where required, shall be submitted in the same scale
as the Site Plan, including existing and proposed contours at a maximum of two (2) foot vertical intervals for slopes less than twelve (12) percent and at no more than five (5) foot intervals for slopes twelve (12) percent or greater, existing and proposed features (i.e. berms, swales, ponds, ditches, storm sewers, inlets, etc.), vegetative plan, timetable for completion, the name of the responsible party and a letter of credit, if deemed necessary. The Town Plan Commission, Town Planner, or Town Engineer have the discretion to request an individual grading plan in a scale different than the Site Plan in order to show with sufficient detail the contours and features of the property.

(e) Building plans and plans approved by the State, if required, at a standard architectural scale, including exterior elevation drawings of all sides of all buildings proposed.

(f) A detailed colored rendering of all signs visible from the exterior, along with the location, dimensions, overall height and illumination of the signs.

(g) Lighting or photometric plan, including cut sheets of each type of exterior light fixture proposed or existing.

(h) A detailed landscaping plan showing the location, sizes and types of proposed vegetation, including seeding mixtures and the amount of topsoil and mulch, the timetable for completion, and any surfacing plan for parking areas.
ARTICLE II: REGULATIONS for SITES, USES, BUILDINGS, and ACCESSORY STRUCTURES

Section-7: Site regulations.

Every building hereafter erected, structurally altered, or relocated shall be located on a lot and in no case, shall there be more than one principal building on a lot, except in agricultural, business, manufacturing, and public and institutional districts; and multifamily units and condominiums; and planned unit developments. The principal building, as defined in Section 4, shall be built first in all Districts. In any District where a building other than a residence is considered principal, such construction shall be subject to the prior approval of the Town Board. The Town Board may allow the issuance of a new residential home building permit and the occupancy of an existing residential structure on a parcel for one continuous two (2) year period, subject to specific Town Board approval and the following conditions:

1. Subject to the occupancy of the existing one-family residential structure being made by the same person who will occupy the new one-family residential structure for which the new residential home building permit is issued.

2. Subject to the applicant submitting to the Town Board written proof that the waste disposal system for the property upon which the current residence exists conforms to the applicable sanitary ordinances of the Waukesha County Environmental Health Division.

3. Subject to the applicant submitting to the Town Board and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash in the amount of 115 percent of the removal and restoration costs relative to the existing one-family residence as determined by the Town Engineer; and also submitting to and receiving approval from the Town Attorney and the Town Engineer, an agreement which would allow the Town to access the property and remove the existing structure at the applicant's expense if the new applicant fails to do so within sixty (60) days of issuance of an occupancy permit for the new residence; upon either of the following occurrences:

   a. Prior to the issuance of a new residential home building permit for any lot on which an existing residential home is occupied; or

   b. Prior to occupancy of any existing residential home on any lot for which a new residential home building permit has been issued.

4. Subject to such additional conditions as the Town Board may require in the interest of the health, safety and welfare of the Town.

Section-8: Use regulations.

(A) **Uses restricted.** In any District, no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except in conformance with the regulations hereinafter established for the District in which the property is located, or as otherwise provided in this Code. Where a change in ownership, use, or a new use of a building or premises is proposed in a business, manufacturing, or public and institutional district or at the site of a legal non-conforming use, a Site Plan and Plan of Operation shall be prepared for review and approval pursuant to Section 6(F) of this Code.

(B) **Unclassified uses.** Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided for. In case of question as to the classification of a use, the Town Board, upon recommendation of the Town Plan Commission,
shall determine if the unclassified use shall be permitted.

(C) **Accessory uses.** In any District, accessory buildings, structures, and uses customarily incident to the permitted uses in that District shall be permitted subject to such requirements as may be designated for that District in which they are located, or as further regulated in this Code.

(D) **Home occupations.** Home occupations and professional offices, as defined in this Code, when incidental to the residential use and when situated in the same dwelling, subject to the following conditions:

1. Home occupation and professional home shall be allowed to have wall or window signs not exceeding six (6) square feet in sign area, mounted flush against the dwelling and only internally illuminated.

2. Such home occupation or professional office shall not occupy more than twenty (20) percent of the floor area of the dwelling. Home occupations located in basements shall provide two (2) exits that comply with Section 21.03(5) of the Wisconsin Administrative Code as amended from time-to-time.

3. Such home occupation shall not employ more than one (1) person not a resident on such lot.

4. Adequate off-street parking facilities are provided adjacent to the building housing such occupation or office.

5. Such permitted uses shall not include the conduct of any retail or wholesale business on the premises, or the removal of sand, gravel or stone for commercial purposes.

6. Such use shall not include the use of any machinery, tools or appliances which can reasonably be construed as creating a nuisance to surrounding property owners.

7. Such use, when conducted in an attached garage or accessory building requires a Conditional Use to be granted in accordance with Section 22(B)(17) of this Code.

(E) **Utility cabinets** shall have the meanings ascribed to them in Section 4 of this Code, except where the context clearly indicates a different meaning:

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

   (a) A small utility cabinet shall not exceed forty (40) inches in height.

   (b) A small utility cabinet shall either:

      (i) Be placed within a Town road right-of-way in compliance with the Town right-of-way regulations, including any amendments that may be made thereto in the future; or

      (ii) Be placed within a public road right-of-way under the jurisdiction of the County or the State, in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction; or

      (iii) Be placed within a private road right-of-way with the proper easements; or
(iv) Be placed on private property with proper lease or easements.

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

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

(b) A large utility cabinet shall either:

(i) Be placed within a Town road right-of-way in compliance with Town right-of-way regulations, including any amendments that may be made thereto in the future; or

(ii) Be placed within a public road right-of-way under the jurisdiction of the County or the State in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction; or

(iii) Be placed within a private road right-of-way with the proper easements.

(iv) Be placed on private property with proper lease or easements.

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

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

(F) **Additional requirements.** For any use or structure in any District, which becomes hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions by such measures as may be mutually directed by the Town Plan Commission and Town Board consistent with reasonable technology and economic practicality and in conformance with reasonable standards as may be determined by the Town Plan Commission and the Town Board as may be contained in this Code and all other applicable Town Ordinances. Any building determined to be unfit for human habitation or which may endanger health, safety and welfare of the public as may be determined by the Town Board after recommendation by the Town Plan Commission shall be removed pursuant to the procedures outlined by the Wisconsin Statutes.

Section-9: Building regulations.

(A) **Setbacks.**

(1) Base setback lines, from which all required setbacks shall be measured, are established for all streets and highways in the Town as follows:

(a) On all streets or highways for which the ultimate right-of-way width has been established by the Official Map of the Town of Vernon, the base setback line shall be located at a distance from the centerline equal to one-half of such established width as designated on the Official Map of the Town of Vernon.
(b) On an established cul-de-sac the base setback line shall be measured from the center point of the cul-de-sac.

(c) Base setback lines shall be parallel to and measured at right angles to the centerline of the street or highway.

(d) There shall be a required setback equal to the offset requirements of the District in which the property is located, from a private right-of-way providing ingress and egress to the subject land or other lands unless such private right-of-way is considered a mill tax road, in which case the normal road setback requirements contained in this Code shall apply.

(2) Vision setback lines for lots not requiring a division of land shall follow the standards below. If a lot requires a division of land, the vision setback lines shall follow the standards identified in the Town's Land Division and Development Control Ordinance.

(a) Across each sector between the intersection of a street or highway with a railroad, a vision setback line shall be established by a straight line connecting points on the base setback line and the railroad right-of-way line, which points are located 120 feet from the intersection of these two lines.

(b) Across each sector between intersecting streets or highways, one or more of which has an established width of 100 feet or more, a vision setback line shall be established by a straight line connecting two points on the intersecting base setback lines, which are located 60 feet from the intersection of these two lines.

(c) Across each sector between any other intersecting streets a vision setback line shall be established by a straight line connecting two points on the intersecting base setback lines which are located 30 feet from the intersection of these two lines.

(d) In the vision setback area no structure or plant material of any kind shall be permitted which exceeds a height of three (3) feet above the elevation of the center of the intersection, except for necessary highway and traffic signs, and public utility lines.

(3) No principal building or its accessory buildings shall be erected, altered, horizontally added to, relocated or placed so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24” or less, is closer to the base setback line than the setback distance hereinafter specified by the regulations for the District in which such building is located with the following exceptions applicable only where the base setback requirements of the properties involved are identical:

(a) If there is a building which is non-conforming with respect to road setback, with a similar use as the proposed building, located on an adjacent parcel on one side of the proposed building and within two hundred (200) feet of the proposed building, the average road setback of that building of similar usage and the required minimum road setback shall apply.

(b) If there are two (2) buildings which are non-conforming with respect to road setback, with similar uses as the proposed building, located on adjacent parcels on each side of said building and within two hundred (200) feet of the proposed building, the average of the road setbacks of those buildings of similar usage shall apply.

(c) On corner lots of record, as of the date of adoption of this Code, the effect of
the base setback regulations shall not reduce the buildable width of such corner lot to less than thirty (30) feet.

(4) No other structures of any kind, except as necessary highway and traffic signs, open stairs extending six (6) feet or less from the enclosed portion of the structure, open stairs in combination with stoops and/or porches which are unenclosed and provide no more than twenty (20) square feet in area and extend no more than six (6) feet from the enclosed portion of the structure, public utility lines, rural mailboxes, and those signs permitted in a residential or agricultural district shall be hereafter erected, altered or placed within such base setback area. Monuments and entrance gates, subject to review by the Town Zoning Administrator and if applicable, the Vernon Fire Department, are structures which require a zoning use permit and shall be located at least ten (10) feet from the base setback line and shall not restrict safe access and visibility of the intersecting drive and the road.

(5) In all cases where any of the highways for which base setback lines are established by Section 9 are located on municipal boundaries, such establishment shall apply only within the unincorporated area.

(6) Retaining walls do not need to meet the setback requirements of the individual District, subject to the provisions under Sections 17(C) & (E).

(B) **Offsets.**

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

(a) In the case of any lot of record which has a minimum average width of less than the required minimum average width of the District in which it is located, the side lot offset may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width, provided that no offset shall in any case be less than ten (10) feet.

(2) No principal building or its accessory buildings shall be erected or altered so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24” or less, is closer than seventy-five (75) feet to a wetland that is not regulated by the Waukesha County Shoreland & Floodland Protection Ordinance.

(3) Minimum offsets for buildings housing livestock, fur bearing animals, pigeons, swine, goats, potbelly pigs, and poultry shall be not less than fifty (50) feet from an adjacent property line. This does not include dog houses.

(4) One detached accessory building or structure on any parcel less than 1-1/2 acre which is two hundred (200) square feet or less in area may be located five (5) feet to the side lot line unless otherwise accepted under any other provision.

(5) Retaining walls do not need to meet the offset requirements of the Districts, and are subject to the provisions under Sections 17(C) & (E).

(6) Residential driveways do not need to meet the offset requirements of the District provided the driveway not be closer than five (5) feet to the lot line or encroach upon any drainage way.

(7) In the case of multiple family or commercial use structures, the offsets may be modified as follows: Two or more buildings on adjoining lots may be erected with common or
directly adjoining walls, provided the requirements of the applicable State Administrative Code relative to such construction are complied with, and provided that at both ends of such "row" type buildings the applicable offset requirements shall be complied with.

(C) **Overhangs.** Where an overhang exceeds two (2) feet as defined herein, the additional overhang is not allowed unless the building is relocated the additional distance from the base setback line or offset.

(D) **Maintenance and use of setback and offset areas.** Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for placement of compost bins, storage or display of equipment, products, vehicles or any other material.

(E) **Accessory building location.** No detached accessory building shall be erected, structurally altered, or placed on a lot so that any roofed or enclosed portion thereof, excluding a roof overhang measuring 24” or less, is closer than ten (10) feet to the principal building on such lot, or as otherwise permitted by the building code, relative to buildings and building regulations.

**Section-10: Height regulations.**

(A) **Maximum height restricted.** In any District, no building or structure shall be, after the effective date of the Code from which this Section 10 is derived, erected or structurally altered to a height in excess of that specified by the regulations for that District except as otherwise set forth in this Section.

(B) **Exemptions; No Town Plan Commission or Town Board approval required.** The following shall be exempted from the height regulations of all Districts, but are subject to all other applicable Town Ordinances:

   (1) Chimneys and flues.

   (2) Electrical transmission and distribution facilities.

   (3) Roof-mounted antennas not exceeding ten (10) feet in height from roof line.

(C) **Exemptions; Town Plan Commission and Town Board approval required.** The following may be exempt from the height regulations of all Districts, subject to the approval of the Town Board, upon recommendation by the Town Plan Commission of a Site Plan and Plan of Operation in accordance with Section 6(F), but are subject to all other regulations of the Town: Cooling towers, elevator bulkheads, wind turbines, fire towers, monuments, penthouses, stacks, observation towers, tanks, water towers, ornamental towers, spires, masts, free standing towers, roof-mounted antennas ten (10) feet or more in height from the highest point of the roofline, and aerial and necessary mechanical appurtenances.

(D) **Increase permitted.** All other buildings or structures not exempted by Sections 10(B) or (C) may be increased by not more than ten (10) feet, subject to all required offsets and setbacks are increased by one foot for each foot which such building or structure exceeds the height limit of the District in which it is located; subject to compliance with all other applicable Town Ordinances.

**Section-11: Area regulations.**

(A) **Floor area.**

   (1) Any building intended in whole or part for residential purposes shall provide a minimum floor area as specified by the regulations for the District in which such building is located. Such minimums are stated in terms of the minimum total floor area required
for a building and that portion of the total which must be provided on the first floor level. Such minimum total shall be increased by 200 square feet for any building not having a basement of at least 300 square feet in area.

(2) The maximum total floor area of the buildings on a lot shall not exceed that permitted under the floor area ratio as specified by the regulations for the District in which such buildings are located unless allowed per other Sections of this Code. The finished basement or exposed basement area used for living space shall not be computed in the maximum floor area ratio requirements but the floor area of an exposed basement may be used in computing the minimum floor area requirement. Garage space in an exposed basement is not required to be computed in the maximum floor area ratio.

(3) Floor area shall be measured at each level from the outside edge of a wall to the outside edge of wall and for purposes of computing total minimum floor area shall not include garages, outbuildings, open porches, or basements. Breezeways, exposed basements, split levels and the secondary floors of multistoried residences may be included in computing the total minimum floor area according to the following schedule:

(a) Breezeways shall be considered in the total minimum floor area if the breezeway is:

(i) Enclosed from floor to rafters on all sides.
(ii) Heated by a heating system.
(iii) Minimum of eight (8) feet in width.
(iv) Maximum of twenty (20) feet in length.

(b) That portion of the basement of an exposed basement residence or split level which has been designed as an integral part of the living area of the home may be included in computing total minimum floor area when at least one side is exposed and access has been provided to the outside at grade level by means of at least one door. Such computations shall maintain a minimum basement floor area of 300 square feet.

(c) That portion of the secondary floors of multistoried buildings, which have a minimum average distance between the ceiling face and the top of the lower floor ceiling joist of seven (7) feet, may be included in computing the total minimum floor living area, provided there are permanent stairways leading from each floor to the next floor.

(4) In split level units, the floor area shall be computed as follows:

(a) In a split level building the first floor area shall include all area which is not over another living area of the building.

(b) If less than one-half of the lower level(s) is above ground, such level shall be considered a basement and cannot be included in total floor area of the building unless such basement meets the definition of an exposed basement.

(c) If more than one-half of the lower level(s) is above ground, such areas can be included in determining floor area. If there is no basement below this level(s), two hundred (200) square feet of floor area shall be required in addition to the floor area requirement of the District. This required floor area shall be finished as an integral part of the dwelling unit upon which the building permit is issued.
(1) No lot shall be created, and no building shall be erected on a lot of less area or of minimum average width less than specified by the regulations of the District in which such building is located, unless approved as part of a Planned Unit Development or is a preexisting legal lot of record.

(2) The lot shall be at least as wide as the specified minimum average width for a distance of at least one-half the lot depth.

(C) Existing substandard lot.

(1) Conveyance restricted. Where a lot has less land area or width than required for the District in which it is located and was of record as of February 26, 1959, such lot may be used for any purpose permitted in such District; provided, that the permitted use complies with the setback and offset averaging provisions of Section 9(A)(3)(b) and Section 9(B)(1)(a). If such lot adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed to another owner nor shall a building permit be issued for a building on such a lot except in conformity with the following:

(a) Petition for determination. The owner of such lot may at any time prior to the proposed conveyance of such lot or request for a building permit petition the Town Plan Commission and Town Board for determination as to the status of such lot.

(b) Referral to Town Plan Commission. Such petition shall be referred to the Town Plan Commission for a study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity with the zoning regulations of the Town.

(c) Time limit. The Town Plan Commission shall make its recommendation to the Town Board within sixty (60) days of the date the petition was received and the Town Board shall act within thirty (30) days of receipt of the Plan Commission recommendation to give the petitioner a determination.

(d) Criteria. The Town Plan Commission in making its recommendation and the Town Board in making its determination shall give consideration, among others, to the following factors:

(i) Compatibility. The size, quality and character of the existing lots and building development in the immediate area with a focus on maintaining compatibility and protecting existing values.

(ii) Sewage disposal. Where public sewer is not available, the lot size shall be sufficient to insure safe sewage disposal.

(iii) Practicability. A redivision is feasible from an economic, planning and engineering practicability.

(iv) Hardship. The degree of practical hardship which may be imposed upon the owner.

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

(i) Replatting of all or part of recorded plat through a Preliminary Plat and Final Plat; or

(ii) Combining of lots or parts of lots through a Certified Survey Map.
Determination of ownership. For the purposes of this Section, lots and property shall be considered in the same ownership when owned by:

(a) The same individual or corporation.

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

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

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

Open space.

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

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

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

Section-12: Off-street parking.

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

(A) Parking Requirements.

(1) All business, manufacturing, and public and institutional parking area plans shall obtain Site Plan and Plan of Operation approval of the Town Plan Commission and Town Board in accordance with Section 6(F).

(2) Adequate Access. A driveway access to a public street, road or highway, shall be provided for each lot and every driveway access shall be at least 12 feet wide for one and two family dwellings and a minimum of 24 feet wide for all other land, buildings and structures.

(3) Location. Parking shall be located on the same lot as the principal use.

(4) Dimensional Requirement. Parking spaces, driveways and aisles for access to parking spaces shall have the following minimum dimensions.

<table>
<thead>
<tr>
<th>Stall width:</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall depth:</td>
<td>20 feet</td>
</tr>
<tr>
<td>Parking aisle width:</td>
<td></td>
</tr>
<tr>
<td>Two-Way Traffic (90 degrees)</td>
<td>24 feet</td>
</tr>
<tr>
<td>One-Way Traffic (60 degrees)</td>
<td>18 feet</td>
</tr>
<tr>
<td>Driveway (no parking stalls)</td>
<td>Two-Way Traffic</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>One-Way Traffic</td>
</tr>
</tbody>
</table>

(5) **Parking spaces for use by the physically disabled persons.** Parking spaces for use by physically disabled persons shall be in accordance with all State and Federal requirements.

(6) **Surfacing.** All off-street parking areas and driveways shall be surfaced with a bituminous or concrete pavement. Such parking areas shall be kept free of dust, loose stones, and gravel. Such parking areas shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles and must be completed within six (6) months of occupancy of the building or site.

(7) **Lighting.** Lights provided in any parking area shall not be greater than 0.5 footcandles, measured at a property line.

(8) **Changes in use.** When parking needs of a building, structure or premises is increased due to additional employees, gross floor area, seating capacity or due to a change of occupancy, additional parking spaces shall be constructed in the amount necessary to conform to this Section 12.

(B) **Required number of stalls.**

(1) Unless waived or modified by the Town Plan Commission and Town Board, through a Site Plan and Plan of Operation in accordance with Section 6(F), parking spaces shall be provided on the same lot in sufficient number to accommodate the motor vehicles of all occupants, employees, suppliers, customers, and persons normally visiting the premises at any one time or as specified in the table below.

(2) The Town Plan Commission and Town Board shall determine the required number of parking spaces for all uses not identified in the User Guide for Parking Requirements based on the requirements of Section 12(A) and minimum parking requirements for similar uses identified in the User Guide for Parking Requirements.

(3) Where two or more different principal or accessory uses are located on the same premises the parking requirements for the different uses shall be computed separately and cumulatively.

(4) When computation of required parking spaces results in a fraction of a car space the required number of the spaces shall be increased to next whole number of spaces.

(5) No area shall be credited as a parking space that is in any part credited or used as a loading space or travel way.
### USER GUIDE FOR PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>MINIMUM PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling alleys.</td>
<td>4 spaces for each alley, plus any required for other uses such as restaurant or bar.</td>
</tr>
<tr>
<td>Churches, theaters, and auditoriums.</td>
<td>1 space per 3 seats.</td>
</tr>
<tr>
<td>Community centers and other places of public assembly, colleges, secondary schools, elementary schools, vocational and night schools.</td>
<td>1 space for each employee plus 1 space for each 5 students 16 yrs. of age or older.</td>
</tr>
<tr>
<td>Daycare facilities.</td>
<td>1 space per 10 children and 1 space per employee.</td>
</tr>
<tr>
<td>Financial institutions, business, government and professional office.</td>
<td>1 space per 200 ft. of gross floor area.</td>
</tr>
<tr>
<td>Funeral homes and crematoriums.</td>
<td>25 spaces for each viewing room.</td>
</tr>
<tr>
<td>Fuel stations.</td>
<td>1 space per 300 sq. ft. of gross floor area plus any spaces required for other uses such as repair garages or restaurants.</td>
</tr>
<tr>
<td>Golf courses.</td>
<td>4 spaces per golf hole plus any additional spaces required for other uses which is part of the facility such as restaurants, bars, or banquet facilities.</td>
</tr>
<tr>
<td>Health clubs.</td>
<td>1 space per 150 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Hospitals, sanitariums, institutions, and nursing homes.</td>
<td>1 space for each 3 beds plus 1 space for each day shift employee.</td>
</tr>
<tr>
<td>Lodges, clubs, and banquet facilities.</td>
<td>1 space for every 3 persons allowed within the maximum occupancy limit.</td>
</tr>
<tr>
<td>Manufacturing and warehousing</td>
<td>1 space per each employee or 1 space per 200 sq. ft. of gross area.</td>
</tr>
<tr>
<td>Medical or dental clinics.</td>
<td>6 spaces for each doctor or professional service provider.</td>
</tr>
<tr>
<td>Motels, hotels, rooming houses, boarding houses, fraternities, sorority houses, dormitories, and rectories.</td>
<td>1 space for each guest room, and 1 space for every 3 employees, plus any required spaces for other uses such as restaurant, bars or banquet facility.</td>
</tr>
<tr>
<td>Multifamily units and condominiums</td>
<td>2 spaces per unit, at least one of which shall be interior to the building or garage.</td>
</tr>
<tr>
<td>Repair shops and retail and service stores.</td>
<td>1 space per 150 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Restaurants, bars and taverns.</td>
<td>1 space per 50 sq. ft. of gross floor area of entertainment.</td>
</tr>
<tr>
<td>Retirement homes, orphanages, convents and monasteries.</td>
<td>1 space per 1,000 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Shopping centers.</td>
<td>1 space per 175 sq. ft. of gross floor area.</td>
</tr>
</tbody>
</table>

(C) **Residential parking.** Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans, motor homes, recreational vehicles, or pick-up trucks used for private and recreational use, or one similar vehicle used in a business for transportation to and from a place of employment, may be parked on a residential property as long as such use does not become a nuisance to the neighborhood. No vehicle shall be parking closer than five (5) feet to any side or rear property line.

(D) **Flexibility in application.** The Town recognizes that, due to the particulars of any given development, the inflexible application of the parking standards set forth in this Section 12 may result in a development either with inadequate parking space or parking space far in excess of its needs. For example, the parking standards set forth in this Section 12 does not consider the
reduction of required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day. Therefore, the Town Board, upon recommendation of the Town Plan Commission, may waive enforcement or modification of the dimensional requirements and minimum parking requirements subject to the Town Board and Town Plan Commission making a determination which shall include consideration, but not necessarily an affirmative finding of the following factors:

(1) Whether the request for the waiver or modification, if granted, would be consistent with the general intent of this Section.
(2) Whether the request for the waiver or modification, if granted, would adversely affect property owners in the surrounding area.
(3) Whether the request for the waiver or modification, if granted, would benefit the petitioner’s project in a way that is not inconsistent with the Town’s interests.
(4) Whether the petitioner is in full compliance with applicable ordinances and agreements with the Town.
(5) Whether, instead of granting the request for the waiver or modification, the Section itself should be changed to accommodate the kind of situation presented by the petitioner.

Section-13: Signs.

(A) **Purpose.** The Town of Vernon regulates the type, number, location, size and lighting of signs to ensure a balance of the visual environment of the Town. While the Town recognizes that the purpose of signs is to identify businesses and/or promote products and services to generate business, the Town of Vernon also knows that traffic safety, economic welfare, and aesthetic harmony must be considered. All applications for sign permits are, therefore, reviewed for compliance with Section 13, the applicable District, and any other applicable Town Ordinances.

(B) **Use restricted.** Signs are prohibited in all Districts in the Town except:

(1) One or more signs are permitted to the extent specifically authorized by the applicable District regulations or Section 13(D).

(C) **Definitions.** The types of signs, words, terms, and phrases when used in Section 13 will have the meanings ascribed to them in Section 4 of this Code, except where the context clearly indicates a different meaning.

(D) **Permitted signs by zoning district.**

(1) Residential Districts (R-1, R-1a, R-2, R-3, and RRD-5). The total sign area allowed on a lot that is zoned R-1, R-1a, R-2, R-3, or RRD-5, shall be sixteen (16) sq. ft.


(3) Business Districts (B-1, B-2, B-3, B-4 and BP). The total sign area allowed on a lot that is zoned B-1, B-2, B-3, B-4 and BP shall be thirty-two (32) sq. ft. The total sign area allowed per building or building storefront/tenant that is zoned B-1, B-2, B-3, B-4 and BP shall be sixteen (16) sq. ft., per building façade that has public right-of-way exposure.

(4) Industrial Districts (I-1). The total sign area allowed on a lot that is zoned I-1 shall be thirty-two (32) sq. ft. The total sign area allowed per building that is zoned I-1 shall be thirty-two (32) sq. ft., per building façade that has public right-of-way exposure.

(5) Public and Institutional District (P-1). The total sign area allowed on a lot that is zoned P-
shall be thirty-two (32) sq. ft. The total sign area allowed per building that is zoned P-1
shall be sixteen (16) sq. ft., per building façade that has public right-of-way exposure.

(E) **Prohibited signs.**

(1) Signs shall not resemble, imitate or approximate the shape, size, form or color of
railroad or traffic signs, signals or devices.

(2) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs,
signals or devices.

(3) Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or
egress from any door, window, or fire escape, and no sign shall be attached to a
standpipe or fire escape.

(4) Signs shall be placed so as not to obstruct or interfere with vision triangles and traffic
visibility and shall not be lighted in a way which causes glare or impairs driver visibility
upon public ways.

(5) Banners, pennants, streamers, balloons, inflatable signs, and other gas-filled figures are
not permitted, except as a temporary sign, as may be permitted per this Code.

(6) Billboard signs are prohibited in all Districts.

(7) All signage promoting products and/or services integral to the use of a business or
service, located off the premise of said business, is prohibited, unless otherwise
specified by this Code.

(8) No sign shall be permitted which is animated by means of flashing, scintillating, blinking,
or traveling lights or any other device or means not providing constant illumination,
unless otherwise specified by this Code. Public service information signs and other
electronic message center signs are included in this provision.

(9) The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible
from a roadway, located on the walls of buildings, barns, sheds, trees, poles, posts,
fences, or other structures are prohibited unless otherwise permitted by this Code.

(10) No portable signs shall be permitted, including but not limited to signs on trailer frames,
except where permitted as temporary signs set forth in this Code.

(11) Any sign on top of a roof is prohibited.

(12) No sign shall be placed on any communication, radio, or cell tower.

(13) No signs placed on parked vehicles, boats, trucks or utility trailers which are visible from
the public right-of-way for which the apparent purpose is to advertise a product or to
direct the public to a business or activity are prohibited. This paragraph is not intended
to apply to standard advertising or identification practices where signs or advertising is
painted on or permanently attached to business or commercial vehicles which are used
in the daily operation of the business and parking in designated parking spaces designed
for their particular vehicle type.

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

(F) **Non-conforming signs.**

(1) Signs which were lawful prior to the time this Code was passed or amended, but which
would be prohibited, regulated, or restricted under the terms of this Code shall be
deemed legal nonconforming signs. Such signs shall be permitted to continue until such
time as a major change is made to the sign. Major changes include changing the name
or size, adding lights, refurbishing and/or relocation.

(2) All nonconforming signs shall be kept in good repair and in safe, neat, clean, and attractive condition. In the event signs are not kept in good condition or are demolished by any force whatsoever to the extent of fifty (50) percent or more of its replacement cost at the time of the damage, any replacement sign shall then conform to this Code, except in circumstances where rebuilding is allowed by State Statute. Nothing herein shall prevent maintenance, repainting, or normal repair of legally established non-conforming signs.

(3) A non-conforming sign must be removed if the structure, building, or use to which it is accessory is destroyed, or demolished to an extent exceeding fifty (50) percent of the appraised value of the principle structure, building, or use, except in circumstances where rebuilding is otherwise allowed per State statute.

(4) Supporting structures for non-conforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable District requirements.

(G) Decorative art or wall art. All decorative art or wall art, conducted in a professional manner, shall require review and approval by the Town Plan Commission and Town Board through a Site Plan and Plan of Operation in accordance with Section 6(F).

(H) Electronic message center sign. Electronic message center (EMC) signs may be allowed in any Business District upon review and approval by the Town Plan Commission and Town Board through a Site Plan and Plan of Operation in accordance with Section 6(F) and subject to the following criteria:

(1) The EMC sign advertisements shall not be animated, flashing, scrolling, or revolving, etc.

(2) The EMC sign shall be limited to a maximum of four lines of text per message with text characters measuring 5” or greater in height.

(3) The EMC sign shall only advertise three (3) messages/advertisements per day. Each message/advertisement shall be displayed for a minimum of ten seconds. The display of time and temperature is excluded from the total number of messages/advertisements allowed per day.

(4) Messages/advertisements on the EMC sign shall be limited to only the marketing, identification, and operation of the subject use.

(I) Temporary signs. All temporary signs, in any District, shall conform to the standards of Section 13, and shall not be displayed for a period to exceed twenty-one (21) days, and shall obtain approval by the Town Plan Commission and Town Board prior to display.

(J) Setbacks and offsets. In any District, no sign shall be permitted closer than ten (10) feet to the base setback line or offset line.

(K) Hazards or nuisances prohibited.

(1) Signs shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties; and shall not be flashing, revolving, blinking, strobe, or animated, except as permitted for an electronic message center sign.

(2) Signs shall not be constructed, operated, or maintained so as to constitute a nuisance to adjoining properties, or materially affect or detract from the value of the adjoining
properties.

(L) **Heights.** No free standing sign shall exceed twenty (20) feet in height from the ground.

(M) **Illumination.** The level of illumination as measured at one (1) foot perpendicular to any face of an illuminated sign shall not exceed 100 foot candles during the day and (forty-five) 45 foot candles during the night.

(N) **Conflict of laws.**

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

(O) **Signage special exceptions.** The Town Board may grant special exceptions to the sign regulations of this Section 13, as follows:

(1) **Approval required.** Where a property or the uses on the property are of such a special nature, or such a unique situation, or its effect is so dependent upon actual contemporary circumstances as to make impractical the absolute predetermination of permissibility or listing of specific signage standards which would be automatically applied in each case, an application for a special exception regarding matters identified in subsection (2) below may be made to the Town Board. In such case, the Town Board, after having first received a recommendation from the Town Plan Commission, may grant a special exception to one or more of the requirements identified in subsection (2) below, if after a public hearing, the Town Board determines that there is or will be compliance with the standards or conditions set forth in this section. In order to approve a special exception, the Town Board does not necessarily require the demonstration of an unnecessary hardship or practical difficulty.

(2) **Limited jurisdiction.** The Town Board shall have no authority to grant a special exception to any of the requirements of this zoning ordinance except as described herein. The Town Board’s authority is to grant special exceptions is limited to the following issues:

(a) In all districts, the Town Board may increase the total square footage of signs permitted on the lot by not more than 25%.

(b) In all districts, the Town Board may reduce the otherwise applicable base setback line or offset line requirement for signs by not more than 50%.

(c) In all districts, the Town Board may make such other modifications of the requirements of this Section 13 as it determines to be necessary and appropriate to the circumstances.

(3) **Procedures.** The following procedure shall apply for special exceptions to the requirements of this Section 13:

(a) Petition. The applicant shall file a petition with the Town Clerk.

(b) Data required. In addition to all information required on the petition form, if any, the petitioner shall supply the following:

(i) A plot map drawn to scale of not less than 100 feet to the inch showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land, and the principal use of all properties within 300 feet of such land.
(ii) The names and addresses of the owners of all properties within 300 feet of any part of the land included in the proposed change.

(iii) A detailed description of the intended use, and the reason for the request.

(iv) Any further information as required by the Town Staff, Town Plan Commission, or Town Board to facilitate the making of an evaluation of such request.

(c) Plan Commission recommendation. The matter shall be submitted to the Town Plan Commission for report and recommendation to the Town Board.

(d) Hearing. The Town Board shall hold a public hearing upon receipt of such petition. Notice of the time and place of such hearing shall be a Class 1 notice per Wisconsin Statutes.

(e) Fee. Any petition shall be accompanied by a fee as set from time to time by the Town Board to defray the cost of publication, notification, and holding a public hearing, administrative expenses, and expenses of Town Board members. The petitioner shall also pay to the Town all costs incurred for legal, planning, engineering, and administrative work necessary to administer the application and oversee the matter.

(4) **Basis of approval.** An application for a special exception may be approved, denied, or approved with conditions. If approved, the Town Board must determine that the approval, except as elsewhere herein expressly provided, shall not:

(a) Be inconsistent with or contradictory to the purpose, spirit, or intent of the zoning ordinance.

(b) Violate the spirit or intent of this Section 13.

(c) Be contrary to the public health, safety, or welfare, but rather shall promote the public health, safety, and welfare.

(d) Be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, traffic congestion, odor, or other similar factors.

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

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

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

**Section-14: Accessory structures.**

(A) **Accessory buildings.** All accessory buildings, including prefabricated accessory buildings shall comply with the provisions of Chapter 125-10 of the Code of the Town of Vernon. Any further amendments, revisions, modifications, or additions to Chapter 125-10 of the Code of the Town
of Vernon incorporated herein are intended to be made part of this Code.

(B) **Swimming pools.** Above and below ground swimming pools, as defined herein, are permitted in any District except the CO, ECO and HGO Districts as accessory to a residential use, upon the issuance of a zoning use permit, subject to the following:

1. The application for a zoning use permit shall include a plat of survey drawn to scale showing the location of the swimming pool, the location of any fence, deck, patio and any accessory heating, pumping and filtering units that may be placed outside the swimming pool. The survey shall also show the lot lines of the lot, the location of the residence on the lot, the location of the well and septic system, the location of any other structure(s) on the lot, the location of any electrical transmission lines on the lot and the location of residences and structures on neighboring lots.

2. No water drained from swimming pools shall be discharged onto adjacent properties, without written consent of the adjacent property owner, onto the paved surface of any Town road, or into a municipal sewerage system, or directly into a navigable body of water.

3. Heating units, pumps, and filter equipment shall be adequately installed in such a manner as not to create a nuisance.

4. No swimming pool shall be located closer than (ten) 10 feet to a principal building or an elevated deck attached to the principal building, unless approved by the Town Building Inspector, and shall be in compliance with the setback and offset requirements for a building in the applicable District in which it is located and no closer than (ten) 10 feet to a lot line, whichever requirement is greater and not be located on the street side of a residence.

5. No deck surrounding a swimming pool shall be located closer than the required offset to a lot line.

6. The swimming pool must be intended to be used solely by the occupants of the principal use of the property on which the swimming pool is intended to be located and their guests. Operation of a business, including but not limited to swimming lessons, may be permitted as a Home Occupation or Limited Family Business per the regulations of this Code.

7. All applicable Town of Vernon, County of Waukesha and State of Wisconsin codes, ordinances, regulations and rules shall be complied with, including but not limited to, any setback and offset requirements and sanitary and environmental regulations.

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

(D) **Alternative energy systems.**

1. **Use permitted.** Alternative energy systems are permitted in any District other than CO, when used solely by the owner or occupant of the principal use

2. **Types of special uses.**
(a) **Solar energy conversion system.** Solar energy conversion system commonly referred to as "active" or "passive" solar collection and heating systems and including systems defined by Wis. Stats. § 13.48.

(b) **Wind energy conversion systems.** Wind energy conversion systems commonly referred to as "windmills" which are used to produce electrical power and as regulated by chapter PSC 128 and amendments thereto.

(3) **Local procedure.** All alternative energy systems shall follow the local procedure regulated by Wis. Stats. §66.0401.

(E) **Portable-on-demand storage units.**

(1) A portable-on-demand storage unit may be utilized within the Town when in compliance with the standards of Section 14(E)(2)-(5). Any use of such units within the Town not in compliance with Section 14(E)(2)-(5) shall be unlawful.

(2) Length of time units may be on property.

(a) A portable on-demand storage unit may be located on property within the Town for a period not exceeding two (2) weeks in duration from time of delivery to time of removal. No more than two (2) portable on-demand storage units may be located on a specific piece of property within the Town at one time; such units shall be individually limited to the duration time period established herein. Such units may not be located on a specific property more than one (1) time in any given thirty-calendar-day period. Such unit may not exceed eight (8) feet six (6) inches in height, (ten) 10 feet in width or (twenty) 20 feet in length. It shall be the obligation of the owner or user of such unit to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the portable-on-demand storage unit. In the event of high winds or other weather conditions in which such unit may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such unit.

(b) In the event of fire, tornado, flood or natural disaster causing substantial damage to a principle structure, the property owner may request from the Town Building Inspector permission to extend the time that a portable on-demand storage unit may be located on the property. Application for such extended duration shall be made in writing and filed with the Town Building Inspector and shall give sufficient information to determine whether such extended duration should be granted. The Town Building Inspector shall determine whether or not to grant such extended duration and the length of such extension.

(c) Any portable on-demand storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such unit for safety reasons, may be removed by the Town immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the portable-on-demand storage unit was located and may be filed as a lien against such property by the Town Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.
(3) Placement of portable on-demand storage units shall only be placed the property owner’s driveway or a parking area, or if access exists at the side or rear of the site, the side or rear yard. Such storage unit shall be located no closer than ten (10) feet to the property line unless placed on an existing impervious driveway. The required parking space(s) shall at all times be maintained if portable-on-demand storage units are placed in parking areas.

(4) The owner, as well as the supplier, shall be responsible for ensuring that the portable-on-demand storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

(5) No portable-on-demand storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential or commercial property where the portable-on-demand storage unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the owner of the property the Town may inspect the contents of any portable-on-demand storage units at any reasonable time to ensure that it is not being used to store said materials.

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

(1) Maximum size of service area. The size of the outdoor service area shall not be more than (thirty) 30 percent of the floor area of the restaurant or tavern as permitted in the Business Districts of this Code and as authorized by a Site Plan and Plan of Operation in accordance with Section 6(F).

(2) Location of service area. The outdoor service area shall be located on the same parcel of land as the restaurant or tavern. The outdoor service area shall not be located in a public right-of-way, a required landscape area, a buffer yard, or within the road setback, offset or shore setback areas.

(3) Special restrictions when adjacent to a residentially-zoned parcel. If the outdoor service area is within (one hundred) 100 feet of a property in a residential zoning district, the following restrictions shall apply:

(a) Alcoholic beverages. Alcoholic beverages shall only be served with a meal.
(b) Hours of use. No person shall occupy the outdoor service area after 9:30 p.m.

(4) Consistency with state liquor license. No alcoholic beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the Town, explicitly includes the outdoor service area as part of the licensed premises.

(5) The entrance to service area if alcoholic beverages are served. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier such as a fence or railing system shall be erected to prevent entry to the outdoor service area by any other means.

(6) Restroom requirements. The restroom facilities in the restaurant or tavern shall be in compliance with all federal, state, county, and local laws and regulations. Temporary toilet facilities for special events require approval by the Town Plan Commission and Town Board through a Site Plan and Plan of Operation in accordance with Section 6(F). A sanitary permit may be required by Waukesha County.
Section-15: Junk or undesirable buildings or structures.

(A) Junk. As defined by this Code, junk shall at all times be stored in an enclosed building thereby securing it from the view of the public and adjacent property owners.

(1) Section 15 is not intended to regulate or place limitations on any properly zoned junk yard, salvage dealer, or other junk, waste disposal or storage activity for which a valid license from the State of Wisconsin or other necessary municipal issuing authority is required and proper permits have been issued and all such licenses and permits are in full force and effect and the operation is in full compliance therewith.

(2) Section 15 is not intended to regulate or place limitations on the storage of idle, but operable farm equipment on farms greater than (thirty-five) 35 contiguous acres or the storage of inoperative or abandoned farm equipment on farms greater than (thirty-five) 35 contiguous acres if such inoperative or abandoned farm equipment is screened from view of the public and adjacent property owners by a natural or man-made visual barrier.

(3) Section 15 is not intended to regulate or place limitations on the storage of idle but operative snow removal vehicles or equipment or lawn mowing equipment.

(4) Section 15 is not intended to regulate or place limitations on the orderly storage of firewood for fuel or personal use.

(5) Section 15 is not intended to regulate the temporary storage of construction materials which are for use on the site for the project authorized by an active zoning permit and which are stacked, stored and secured on the site in an orderly method.

(B) Junked vehicles. A motor vehicle, as defined herein, which is no longer licensed, which has been abandoned, disassembled, is incapable of self-propulsion on a public right-of-way, disabled, junked, or wrecked shall not be stored anywhere on any premises, except in an authorized salvage yard, or is completely enclosed in a structure.

(C) No undesirable structures. No building or structure shall be erected, structurally altered, or relocated in a manner which shall be of such character as to adversely affect the nearby properties or general desirability of the neighborhood.

(1) If a question arises about a building or structure, the issue shall be submitted by the Town Building Inspector to the Town Plan Commission for its review.

(2) A determination by the Town Board, upon recommendation of the Town Plan Commission shall be made and stated in writing, including the reason for denying a permit or conditions of approval for a permit, and may be based upon considerations that the design or appearance is of such an unorthodox or abnormal character as to have an adverse effect on the nearby properties or general desirability of the neighborhood.

Section-16: Legal non-conforming uses, structures, and lots.

(A) Continuance of use.

(1) Any lawfully established construction of a building or structure at the time of the enactment of this Code or any amendment applicable thereto that does not conform to the dimensional regulations for the District in which it is located shall be deemed a legal nonconforming structure and may be continued, except as otherwise provided herein.

(2) Any lawfully established use of a building, structure or land at the time of the enactment of this Code or any amendment applicable thereto that does not conform to the use
regulations for the District in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

(3) Any lawfully established lot or parcel of land at the time of enactment of this Code or any amendment thereto which does not meet the requirements for the District in which it is located shall be deemed to be a legal nonconforming lot and may be used in accordance with this Code and as provided herein.

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

(1) Existing non-conforming structures. A lawful structure which existed at the time of the adoption or amendment of this Code may be continued as a legal non-conforming structure, although the structure size or location does not conform to all the requirements of this Code, however:

(a) A legal non-conforming structure containing conforming uses may be repaired, maintained, renovated, remodeled, or totally rebuilt if, and only if, such work is identical in respect to the size, height, location, footprint, and use of the original structure.

(b) A legal non-conforming structure containing conforming uses, subject to approval of a special exception by the Town Board, upon receipt of a recommendation from the Town Plan Commission, may be reduced in size, may have its shape modified, may have its height lowered, and may have its style modified, as long as the proposed structure is identical in all respects to the location, footprint and use of the original structure.

(c) A legal non-conforming structure containing conforming uses, subject to approval of a special exception by the Town Board, upon receipt of a recommendation from the Town Plan Commission, may be increased in size, may be increased in shape, may be increased in height, and the location and footprint may be modified, provided setbacks and offsets are complied with.

(d) Regardless of the foregoing provisions in this Section 16, the footprint of a legal non-conforming primary residence with conforming uses, subject to approval of a special exception by the Town Board, upon receipt of a recommendation from the Town Plan Commission, may be expanded into areas of the lot where the expansion fully complies with all offset and setback requirements of the District in which it is located, provided that the expansion is otherwise in compliance with all other applicable laws, including but not limited to NR 115 and the Waukesha County Shoreland & Floodland Protection Ordinance. In passing upon such matter, the Town Plan Commission and Town Board shall consider all the following factors: the size of the lot; the size and location of the existing legal non-conforming structure; the size and location of any other structure on the lot; the size and location of the proposed expansion; the impact, if any, that the expansion may have upon neighboring properties; whether the proposed expansion would violate the intent of this Code and such other matters as the Town Plan Commission and Town Board finds to be relevant in the interest of the public health, safety, welfare, and be compatible with other properties in the area of the Town.

(2) Nonconforming use of structures and lands. A lawful use which existed at the time of the adoption or amendment of this Code may be continued as a legal non-conforming use, although the use of the structure and land does not conform with the provisions of
this Code, however:

(a) No such use may be expanded or enlarged.

(b) Upon petition to and approval of the Town Board, upon receipt of a recommendation from the Town Plan Commission, such use may be changed to another use provided the Town Board determines that the new use would not result in a greater degree of non-conformity than the current use.

(c) When any such use is discontinued for twelve (12) consecutive months, any future use of the land or structure shall conform to the use regulations of the applicable District.

(d) When a structure which houses such non-conforming use is damaged beyond fifty (50) percent of its present equalized assessed value, it shall be restored for any use in conformity with the applicable District regulations.

(e) Total structural repairs or alterations to a structure housing a non-conforming use shall not exceed, on an accumulative percentage basis, fifty (50) percent of the present equalized assessed value of the structure.

(3) Nonconforming lots.

(a) General. The size and shape of such lots shall not be altered in any way which would increase the degree of such non-conformity to the applicable District regulations.

(b) Building on legal non-conforming lots accessed by a private street or way. Subject to the approval of a special exception by the Town Board, upon receipt of a recommendation from the Town Plan Commission, the construction of one (1) principal residence on a legal non-conforming lot may be permitted on a tract of land that does not front or abut a public street or cul-de-sac subject to the following conditions:

(i) The tract of land is a minimum of three (3) acres;

(ii) The tract of land has a minimum lot width of 200 feet;

(iii) The tract of land has access by a permanent easement of at least thirty-three (33) feet in width to a public street.

(iv) The proposed driveway shall be constructed to Town standards, as identified by the Town Engineer and Vernon Fire Department Chief, or their designees.

(v) In addition to the above, if more than one (1) legal non-conforming lot is accessed by a permanent easement, the easement must be a minimum of sixty-six (66) feet in width to a public street.

(C) Conditional use status. Subject to the regulations of Section 22(A)(1) – (7), conditional use status shall be granted to existing legal non-conforming uses, structures or lots upon petition of the owner and where such use, structure or lot is determined by the Town Board, upon receipt of a recommendation from the Town Plan Commission to be: not adverse to the public health, safety, or welfare; not in conflict with the spirit or intent of the Code; and not otherwise detrimental to the community and particularly the surrounding neighborhood. Such conditional use status shall be granted only with the recommendation of the Town Plan Commission and approval of the Town Board following a joint public hearing in the manner provided in Section 22.
(D) **State law.** Any applicable restriction in this Code which prohibits restoration of a damaged or destroyed non-conforming structure shall not apply to the extent that Section 62.23(7)(hc) applies to such restoration, including such amendments and renumbering of such statute as may be made from time to time.
ARTICLE III: REGULATIONS for DEVELOPMENT ACTIVITY

Section-17: Land altering activities.

(A) **Purpose.** This Section is adopted in order to protect property owners from possible damage due to change in the existing grade or runoff from adjoining lands and to aid in preserving and protecting the natural resources, natural beauty, and the character of the landscape.

(B) **Compliance.** All land altering or land development activity shall comply with this Section 17, Section 6 regarding zoning use permits, and other zoning requirements in this Code, and any applicable permit requirements under applicable Waukesha County Ordinances.

(C) **Applicable laws.** No land development or land altering activity shall occur that would violate requirements of applicable federal, State of Wisconsin, Waukesha County or local municipal codes, statutes, ordinances, regulations, rules and lawful orders.

(D) **General requirements.** Any land altering or land development activity regulated under this Code shall comply with the following minimum requirements and the technical standards:

1. **Site drainage.** Minimize adverse impacts from site drainage, including other property, the general public or natural resources, in accordance with Section 15 of this Code.

2. **Construction site erosion control.** Control soil erosion and off-site sedimentation during construction activities until final grading is complete and vegetation is established.

3. **Site stabilization.** All disturbed areas shall be stabilized within seven (7) days of final grading. Any disturbed area that remains inactive for greater than seven (7) days shall be stabilized with temporary soil stabilization measures.

4. **Environmental corridors.** Environmental corridors shall not be disturbed unless a building envelope is designated and unless otherwise permitted by this Code or other official actions by the Town of Vernon and Waukesha County. Disturbance of slopes twelve (12) percent or greater within an environmental corridor shall be prohibited unless no practicable alternative exists.

5. **Slopes.** Proposed activity shall fit the natural terrain of the site, minimizing grade changes, steep slopes, and impact on the surrounding landscape to the extent practicable. Slopes steeper than two (2) horizontal to one (1) vertical must be approved in accordance with Section 17(E) below and may require additional soil reinforcement or other slope stabilization measures than required under applicable technical standards.

6. **Pond design.** All ponds shall comply with applicable technical design standards published by the WDNR, the USDA-Natural Resources Conservation Service, and Waukesha County, including but not limited to soil investigations, safety shelf, berm design, compaction specifications, inlet/outlet design and erosion control.

7. **Earthen berm design.** Any earthen berm constructed for non-stormwater management purposes shall have variable top elevations, and include a diversity of landscape plantings to improve aesthetics, if practicable.

8. **Retaining walls.** All retaining walls shall be installed according to manufacturer's recommendations and shall include provisions for adequate soil drainage behind the wall, such as stone aggregate, weep holes and tile drains. Any plan designs for a retaining wall proposed to be greater than four (4) feet in height from the finished grade must be designed and stamped by an architect, landscape architect, or professional engineer licensed by the State of Wisconsin and shall be subject to approval by the Town Zoning Administrator and approved prior to construction.
(9) Individual grading plan.

(a) An individual grading plan shall be required for all land altering (or land development) activity prior to the issuance of a building permit. The same shall be submitted to, and subject to the approval of, the Town Building Inspector and/or Town Engineer. In some instances, such as land altering (or land development) activity that require a stormwater management and erosion control permit, the same may be subject to the approval of Waukesha County. An individual grading plan shall contain components that depict site drainage patterns, stormwater management and erosion control measures; elevations for roads and lots; building floor elevations that are subject to grade restrictions; drainage and utility easements, setbacks, location of natural areas, including environmental corridors, wetlands, and floodplains, and other information deemed appropriate by the approving authorities.

(b) Upon completion of the project, but prior to occupancy, a grade re-certification of the individual grading plan (also known as an As-Built Survey) to verify the compliance with the original grading plan shall be submitted to, and subject to the approval of, the Town Building Inspector and/or Town Engineer prior to the issuance of an occupancy permit. Upon showing of valid cause by the applicant, the Town Building Inspector may authorize the issuance of an occupancy permit, but not the release of any project bonds with a condition that the grade re-certification as required above shall be completed within four (4) months by the applicant. Failure of the applicant to provide the same within four (4) months shall result in the automatic forfeiture of all project bonds through the Town of Vernon. The Town Building Inspector shall contract for the grade re-certification as required above and any costs for the same shall be charged as a special charge against the subject property.

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

(1) Those that may have significant adverse impacts on the owner, adjoining properties, the general public or natural resources, as determined by the Town Zoning Administrator.

(2) Construction or replacement of any retaining wall greater than six (6) feet in height at any point above finished grade.

(3) Construction or replacement of any retaining wall greater than four (4) feet in height at any point above finished grade within fifty (50) feet of a floodplain or wetland boundary at any point. Averaging of the fifty (50) foot setback in this provision is prohibited.

(F) Applicability for zoning use approvals. Any proposed land altering or land development activity that meets one of the following criteria shall require Town of Vernon and Waukesha County (if applicable) approval in accordance with the procedures and requirements in Sections 17(F)-(H) below. This zoning use approval is in addition to a County stormwater permit and other requirements that may apply.

(1) Retaining wall. Construction of a retaining wall greater than four (4) feet in height at any point above finished grade; or a series of retaining walls greater than six (6) feet in total height at any point above finished grade with less than four (4) feet between each, wall; or any retaining wall greater than four (4) feet which is proposed to be located five (5) feet or less from a property boundary. If the Town Zoning Administrator determines that a proposed retaining wall is replacing an existing retaining wall less than four (4) feet in height and of otherwise equal dimensions, location and setback, the activity shall be exempt from this Section.
(2) **Grade changes.**

(a) Increasing or decreasing existing ground surface elevation greater than four (4) feet at any point where the top or bottom of the proposed slope is within ten (10) feet of any existing property boundary or within fifty (50) feet of an environmental corridor; or

(b) Increasing or decreasing existing ground surface elevation steeper than two (2) horizontal to one (1) vertical or a total elevation change of six (6) feet or greater at any point; or

(c) Bringing in fill material to a site, removing excavated material from a site, or disturbing material on a site in quantities greater than one thousand (1,000) cubic yards, as determined by the Town Zoning Administrator, unless otherwise approved through an individual grading plan.

(3) **Ponds.** Construction of any pond with a proposed water surface area of twenty thousand (20,000) square feet or greater or water surface within fifty (50) feet of a property line, environmental corridor, wetland or floodplain, at any point shall require a zoning use permit.

(4) **Exempt from this section.** The following shall be exempt from this Section, but shall require a County stormwater permit:

(a) Any wetland enhancement, restoration or development project approved by the WDNR and the top or bottom of a proposed slope is fifteen (15) feet or greater from the nearest existing property boundary at any point; and

(b) Any stormwater management practice permitted under the Waukesha County’s Stormwater Ordinance if the top or bottom of the proposed slope is located fifteen (15) feet or greater from the nearest existing property boundary or environmental corridor at any point. However, if a proposed berm for a stormwater management practice is greater than four (4) feet in height at any point, the applicant may be required to complete additional engineering review or meet more restrictive berm design requirements, depending on the Waukesha County’s determination of risk for downstream damages.

(G) **Application.** All applications and associated fees submitted for approval under Section 17(E) above shall include an individual grading plan prepared and stamped by an architect, landscape architect, or professional engineer licensed by the State of Wisconsin. The individual grading plan shall be of adequate scale, accuracy and clarity, as determined by the Town Zoning Administrator (survey preferred), and shall include all applicable items listed below:

(1) Plan view and cross-sections of existing and proposed grades on the subject property, including top and bottom elevations of proposed retaining walls;

(2) Existing grade of any adjacent property that is, at any point, closer than twenty (20) feet to any portion of the proposed land altering activity, showing how the proposed grades will tie into the existing adjacent property grades;

(3) Proposed cut and fill slopes, total depths and slope ratios (horizontal and vertical);

(4) Proposed volume of excavation and fill material involved in cubic yards, including the source and content of any proposed fill;
(5) Proposed boundaries of the land disturbance, planned pond water surface area, and the square footage of each area;
(6) Location of natural areas, such as environmental corridors, floodplains, or wetlands;
(7) Proposed soil stockpile locations, length of time they will exist and methods of stabilization or sediment control;
(8) Proposed temporary erosion and sediment control practices, such as silt fence, mulch, soil treatment and temporary seeding;
(9) Proposed permanent vegetation plan, including topsoil application depth, seed mixes, amounts, application methods, timing, and stabilization methods such as mulch, soil treatment, and matting; and
(10) Any other site drainage, stormwater management, erosion control or other items that may be required under a stormwater permit or by the Town Zoning Administrator to complete the review process under Sections 17(G) and (H) below, or to otherwise ensure compliance with this Code.

(H) Procedures for approval.
(1) Upon submission of a complete application to the Town of Vernon Town Clerk, the Town of Vernon will consider the request as described herein.
(2) The Town of Vernon shall provide written notice of the Town Plan Commission meeting to owners of land within three hundred (300) feet of the subject property, by regular mail that is mailed at least ten (10) days prior to the Town Plan Commission meeting. The Town Plan Commission shall transmit their decision in writing to Waukesha County.
(3) All property owners notified shall have the opportunity to comment on the proposed request during the scheduled Town of Vernon Plan Commission meetings.

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

(13) The total area of land disturbance; and

(14) Proposed pond size, use, location, design, landscaping, and water source.

Section-18: Street grade.

(A) Every building erected, structurally altered, or relocated shall be at a grade approved by the Town Building Inspector and/or Town Engineer as being in satisfactory relationship with the established street grades, or with the existing street grade where one is established, with particular consideration including but not limited to, proper drainage, safe vehicular access, highest groundwater table, and adjacent property elevations.

(B) Vertical locations. No building intended for human habitation shall be located so that the bottom of the lowest floor, including any basement floor, is less than one (1) foot above the highest ground water table, unless in compliance with Section 19(A)(1).

Section-19: Drainage regulations.

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

(1) The zoning use permit and building permit issued for the erection, structural alteration or relocation of a principal building shall state specific design, engineering and construction requirements, as a condition of the permit, notwithstanding applicable construction codes, which must be incorporated within the improvement to be done on and in soil which has such conditions necessitating additional protection of the building, basement, foundation, occupants and personal property. Such provisions shall comply with Waukesha County Land Resources Division’s basement protection standards.

(2) Subdivision plats and certified survey maps shall state, on their face, whether protection measures, pursuant to the above, are likely to be required as a condition of a zoning use and building permit. The Town Plan Commission or Town Board may cause such notice
to be affixed to the face of the document.

(3) In the event a dispute arises as to the necessity for or the adequacy of the protection measures set forth above, the matter shall be reviewed by the Vernon Board of Appeals, upon recommendation of the Town Engineer pursuant to the appeal provisions of this Code.

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

**Section-20: Sanitation and water supply.**

(A) **Safe sewage disposal possible.** No principal building shall be erected, structurally altered or relocated unless it conforms to all Town Ordinances and other governmental laws or regulations then applicable to sewage disposal systems, and that satisfactory evidence has been submitted to show that suitable provisions for disposal of sewage is possible. A County sanitary system permit shall be required for all new private systems. Certification from Waukesha County verifying the soil's suitability to meet standards shall be furnished when a specific system is being proposed.

(B) **Water supply required.** No occupancy permit shall be issued for any building unless provisions are made for a safe and adequate supply of water in or within three hundred (300) feet of said building or connection is to be made to an approved municipal or community water system.

**Section-21: Sedimentation control.**

Any plans for site alterations which disturb the natural cover vegetation must include provision for adequate protection to adjacent properties from sedimentation. Disturbed areas must be seeded or vegetated within one (1) year of commencement of construction.
ARTICLE IV: CONDITIONAL USES

Section-22: Conditional uses.

(A) Approval required. Certain uses, which are of such a special nature, or are so dependent on the actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this Code of the specific standards, regulations, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses, subject to review and approval of a Site Plan and Plan of Operation under Section 6(F) by the Town Plan Commission, in addition to the requirements specified in Section 22.

(1) Application.

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

(i) A Site Plan and Plan of Operation in accordance with Section 6(F).

(ii) Additional information as may be required by the Town Planner, Town Engineer, Town Attorney, or the Town Plan Commission.

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

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

(2) Public hearing. Upon receipt of the application, the foregoing data and fees, the Town Clerk and/or Town Planner shall establish a date for a public hearing by the Town Plan Commission, and shall publish notice of said hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the area of the proposed conditional use. The Town Clerk, or designee, shall give notice of the public hearing by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such conditional use at least seven (7) days before such public hearing. If the applicant is a governmental entity or group of property owners and the area affected by the proposed conditional use is so large such that the Town Plan Commission finds the first class mail notice to the owners within three hundred (300) feet to be unnecessarily burdensome, the Town Plan Commission may waive the first class mail notice requirement.
A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to any other governmental agencies having jurisdiction by first class mail not less than then seven (7) days prior to the date of the public hearing. Testimony of all interested parties will be received at the public hearing and the Town Plan Commission shall take action within a reasonable time to either recommend approval or denial of the application along with any recommended conditions of approval or reasons for recommending denial.

(3) **Final review and approval.** The Town Plan Commission shall review the proposal as submitted along with requirements as may be established or recommended by other governing bodies having jurisdiction. The Town Plan Commission shall approve or deny the application. If the Town Plan Commission approves the conditional use, any conditions as may be deemed necessary by the Town Plan Commission shall be made an integral part of the conditional use permit. The applicant shall comply with these conditions, and any failure to comply with the conditions set forth in the conditional use permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this Code and will be subject to prosecution and penalties under the terms of this Code.

(4) **Basis of approval.** The determination of whether to approve or deny or conditionally approve such conditional use shall be made by the Town Plan Commission, and shall be based on the consideration of whether or not the proposed use will:

(a) Violate the spirit or intent of the Town of Vernon Comprehensive Plan or this Code.

(b) Be contrary to the public health, safety or general welfare.

(c) Be hazardous, harmful, noxious, offensive or a nuisance by reason of appearance, noise, dust, smoke, odor or other similar factors.

Except as may be specifically otherwise provided for by this Code, any such use shall conform to any building location, height, and area regulations of the District in which it is located. The Town Plan Commission may also require compliance with such other conditions as may be deemed necessary by the specific situation.

(5) **Determination.** The action of the Town Plan Commission shall include reasons for approval or denial. Any approval shall include: an accurate description of the use permitted, the property on which permitted, and any conditions made applicable thereto. If a conditional use permit is approved, it shall be issued upon compliance with all conditions of approval and the recording of the conditional use agreement in the Waukesha County Register of Deeds Office. The conditional use agreement must be signed by the owner and applicant, and the Town Chair and Town Clerk. The grant of such status shall be applicable solely to the structures, use and property so described.

(6) **Application for change or extension of conditional use permits.** Any change, addition, modification, alteration and/or amendment of any aspect of a conditional use granted by the Town Plan Commission, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized by the conditional use permit conditions, shall require a new conditional use permit and all procedures in place at the time must be followed. Unless the conditional use permit conditions expressly state otherwise, plans that are specifically required by the conditional use order may be amended upon the prior approval of the Town Plan Commission if the Town Plan Commission finds the plan...
amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Town Plan Commission finds in its sole discretion to be substantial shall require an amendment to the conditional use permit, and all procedures in place must be followed.

(7) **Review of conditional use status.** All conditional use permits shall be reviewed every (2) two years by the Town Zoning Administrator in order to determine conformance with the provisions of the permit and its compatibility with the adjacent land uses. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures outlined in this Code.

(8) **Transfer of conditional use status.** Conditional use status may not be transferred without necessity of a public hearing and formal approval of the Town Plan Commission.

(9) **Termination of conditional use status.** Conditional use status may be terminated as follows:

(a) The conditional use permit may be terminated on request when the applicant or holder of the conditional use and the property owner make a request in writing to the Town Plan Commission that the conditional use be terminated and the Town Plan Commission agrees to terminate said conditional use permit and notice of said termination of the conditional use permit is recorded in the Waukesha County Register of Deeds Office; or

(b) The conditional use permit may be terminated after public hearing and a Class 2 Notice is published, and notice is provided to the applicant or holder of the conditional use permit and the owner of the subject property, upon the Town Board determining any of the following:

(i) The conditional use has not continued in conformity with the conditions of the permit.

(ii) A change in the character of the surrounding area or if the conditional use itself causes it to be no longer compatible with surrounding uses.

(iii) The conditional use has been discontinued for a period of twelve (12) consecutive or eighteen (18) cumulative months during a three (3) year period. A business of seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, ski hills, quarries, marinas, etc.).

(c) Upon determination or finding by the Town Plan Commission that the use must be terminated the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulation of the applicable District in which the property is located within sixty (60) days from such determination, unless such time is extended by mutual agreement of the Town Plan Commission and the owner. Upon determination or finding by the Town Plan Commission that changes in use or conditions of use are found to be more appropriate by the Town Plan Commission, any changes or required improvements or changes to use or operation as set forth by the Town Plan Commission, shall be made within sixty (60) days unless such time is specifically extended by mutual agreement of the Town Plan Commission and owner.

(B) **Conditional uses permitted.** Subject to the foregoing, in addition to such uses enumerated in the District regulations, the following may be permitted conditional uses in the Districts
specified, provided that a public hearing per Section 46, shall be held by the Town Plan
Commission before approval for any such conditional use is granted.

(1) **Adult-oriented establishments.** See Exhibits B-1 and B-2, in addition to the following:

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

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

(i) Any Residential District;
(ii) Any playground lot line or public park lot line;
(iii) Any place of religious worship or public or private school, or daycare
facility;
(iv) Any other structure housing an Adult-oriented establishment; and
(v) Any structure housing an establishment which holds an alcohol
beverage license.

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

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

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

(f) For any Adult-oriented establishment located above ground level in a multi-
story structure and clearly separate from other establishments within the
structure, the distance measurements shall be taken from the ground floor
public entrance/exit nearest the Adult-oriented establishment (excluding
emergency exits).

(g) A licensed Adult-oriented establishment is not disqualified from holding an
Adult-oriented establishment license by the subsequent location of any of the
establishments described in Section 22(B)(1)(b), above, within one thousand
(1000) feet of the licensed premises after the grant or renewal of its license.
This provision applies only to renewal of an existing license and does not apply
when an application for a license is submitted after a license for that location
has not been renewed or has been revoked.

(2) **Agricultural businesses including custom grain drying, creameries, food mills,
commercial greenhouses and condenseries.** See Exhibits B-1 and B-2, in addition to the
following:

(a) No such use shall be permitted on a lot less than five (5) acres in area.

(b) No building other than one used only for residence purposes shall be closer than
fifty (50) feet to the lot line of an adjoining lot in a District permitting residential use.

(3) **Animal hospitals, veterinarian clinics, and commercial kennels.** See Exhibits B-1 and B-2, in addition to the following:

(a) Animal hospitals and clinics not involved in the operation of a commercial kennel may be permitted on lots of no less than one (1) acre. A commercial kennel operation shall not be permitted on parcels of less than three (3) acres.

(b) No building other than one used only for residence purposes shall be closer than fifty (50) feet to the lot line of an adjoining lot in a Residential District. Where the buildings are to be used to board or house dogs in a commercial kennel, including outdoor kennel runs, such structures and fenced runs shall not be closer than one hundred (100) feet to an adjoining lot line.

(4) **Antique shops, gift shops, arts and craft studios and similar uses.** See Exhibits B-1 and B-2. The Town Plan Commission and Town Board shall make a finding that such use is compatible with surrounding and nearby residential land uses which may be affected by the proposed use.

(5) **Automobile service stations, gasoline sales, and convenience stores associated with gasoline sales:** See Exhibits B-1 and B-2, in addition to the following:

(a) No gasoline pump or other accessory equipment shall be closer than fifteen (15) feet to the base setback line and fifty (50) feet to the side and rear lot lines. Underground and above ground storage tanks shall conform to state standards.

(b) No lighting installation shall be permitted which creates a hazard to traffic or a nuisance to surrounding property and shall be shielded, baffled or shaded to effectuate and avoid hazard or nuisance.

(6) **Bed and breakfast:** See Exhibits B-1 and B-2, in addition to the following:

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

(b) Off-street parking shall be provided at the rate of one (1) parking space for each room rented. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened from view with natural plant material, and found to be compatible with the neighborhood.

(c) The number of rooms shall be limited to five (5) sleep-in rooms or less, excluding those used by the occupants of the facility, and no room may contain more than two (2) beds.

(d) One (1) on-premise sign may be allowed provided that such sign is not more than sixteen (16) square feet in size.

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

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

(g) The bed and breakfast facility must be accessory to and contained within the single family dwelling occupied by the owner (e.g., not a manager) of said
(h) The only meal to be provided to travelers/guests shall be breakfast and it shall only be served to guests taking lodging in the facility.

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

(7) **Cemeteries and mausoleums** See Exhibits B-1 and B-2.

(8) **Churches, synagogues, and other buildings for religious assembly.** See Exhibits B-1 and B-2, in addition to the following:

(a) A floor area ratio of no more than fifty (50) percent of the subject lot is allowed.

(b) The height limitation shall be thirty-five (35) feet. The height limitation may be increased to a maximum of sixty (60) feet if the Vernon Fire Chief (or designee) verifies that the Town’s emergency apparatus or Mutual Aid apparatus are available and adequate to service a taller building.

(9) **Commercial fish, bait, ponds or hatcheries.** See Exhibits B-1 and B-2, in addition to the following:

(a) No such use shall be permitted on a lot less than two (2) acres in area.

(b) No building other than one used only for residence purposes shall be closer than fifty (50) feet to the lot line of an adjoining lot in a District permitting residential use.

(10) **Commercial stables.** See Exhibits B-1 and B-2, in addition to the following:

(a) No such use shall be permitted on a lot less than three (3) acres in area.

(b) No buildings other than one used only for residential purposes shall be closer than one hundred (100) feet to the lot line of any adjoining lot in a District permitting residential use.

(c) The Town Plan Commission shall make a finding that such use is compatible with surrounding and nearby residential land uses which may be affected by the proposed use.

(d) No more than one horse or other head of livestock shall be permitted for each one (1) full acre of lot area unless the Town Plan Commission makes a specific finding that the subject parcel can maintain a greater number of livestock based on the proposed building plans, site plans, plan of operation and refuse disposal plan.

(11) **Commercial truck parking.** See Exhibits B-1 and B-2, in addition to the following:

(a) The parking and storage of commercial type vehicles (dump trucks, school
buses, construction vehicles, semi-trailers and tractors) may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel except as may front directly upon and have access to, an arterial or major collector street, as defined in the county established street and highway width map.

(b) No more than one such vehicle shall be allowed to be parked or stored on the occupant’s property and no more than two additional construction vehicles (backhoes, front end loaders, grading equipment, etc.) shall be allowed. Such vehicles shall be fully operative and in active use. Where considered appropriate, two trailers may be allowed but in no case may there be more than one semi-tractor or cab unit.

(c) No such vehicles shall be allowed to be parked or stored closer than fifty (50) feet to any adjacent lot line and not closer than one hundred (100) feet from the base setback line. In the case of a refrigerator truck, the refrigeration unit may not be operated in the open if such truck is parked closer than five hundred (500) feet to the nearest neighboring residential property line.

(d) In determining whether or not the proposed conditional use permit should be issued, a determination of compatibility with adjacent land uses shall be made by the Town Plan Commission and Town Board in issuing this conditional use permit. If it is determined that it would in be incompatible and represents an adverse effect or nuisance to adjacent land uses, the conditional use permit will not be issued.

(12) **Contractor’s yard:** See Exhibits B-1 and B-2, in addition to the following:

(a) The minimum lot area shall be at least five (5) acres.

(b) All buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a Residential District or at least fifty (50) feet from a lot line of an adjoining lot in any other District.

(c) No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in this Code.

(d) A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The Town Plan Commission or Town Board may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.

(e) In determining whether or not the proposed conditional use should be approved, the Town Plan Commission and Town Board shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.

(13) **Conversions.** This conditional use permit is required whenever items (i.e. machinery equipment, vehicles, boats, furniture and similar items) that are not owned by the lot owner or by a person lawfully residing on the lot are stored in existing barns or farm buildings, and for which the owner of said items pays rent for the storage of said items. See Exhibits B-1 and B-2, in addition to the following:
(a) No such use shall be permitted on parcels less than three (3) acres in size.

(b) The use, if it is allowed, will be allowed only in buildings as they exist on the premises on the effective date of this Code from which this Section is derived, except as otherwise described in this Code.

(c) The parcel must have access to an arterial or collector street as defined on the Official Map of the Town of Vernon.

(d) There shall be no outside storage allowed. Storage of machinery, vehicles, equipment, boats, furniture or other similar items outside overnight shall be considered a violation of the terms of any conditional use permit issued under these provisions and grounds for termination of such permit.

(f) Signs shall comply with the regulations of the applicable District.

(g) A detailed landscaping plan indicating the size, type, location and time table, for installation shall be submitted and approved by the Town Plan Commission prior to issuance of the conditional use permit, unless waived by the Town Plan Commission and Town Board.

(h) The buildings and grounds shall be maintained in a neat, attractive and orderly way.

(i) In determining whether or not the proposed conditional use permit shall be recommended, a “determination of compatibility” with adjacent land uses shall be made by the Town Plan Commission.

(j) When the proposed use includes the storage of equipment and vehicles normally associated with an ongoing business, the use shall be explicitly for storage. There shall be no office permitted on such premises, nor shall the building be occupied for any reason other than periodic pickup and return of equipment on a seasonal basis.

(14) Feed lot operation, fur farms, pig farms, and egg production facilities. This conditional use category is created in recognition of the potential which exists in these uses for uncontrolled runoff and animal waste, pollution of surface and groundwater and potential for such uses to be a nuisance. See Exhibits B-1 and B-2, in addition to the following:

(a) General requirements.

(i) No operation, farm or facility shall be permitted on less than thirty-five (35) acres of tillable land nor closer than one thousand (1,000) feet from any land presently zoned for a Residential District.

(ii) No accessory residence shall be permitted closer than one hundred (100) feet to an operation, farm or facility.

(iii) No part of the operation, farm or facility shall be closer than three hundred (300) feet from the centerline of any public road or closer than two hundred (200) feet from the lot lines of the site on which the operation, farm or facility is situated.

(b) Information to be submitted.

(i) A site plan showing drainage, structures, and the methods to be employed to control, contain or divert runoff of animal wastes.
(ii) A Plan of Operation detailing the method of operation and the equipment necessary to accomplish safe and sanitary disposal of animal wastes. Farmers are encouraged to seek advice from Waukesha County, Wisconsin Department of Natural Resources (WisDNR), or applicable agencies.

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

(iv) A statement detailing the method of animal collection, storage and disposal to be employed.

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

(15) **In-law units.** See Exhibits B-1 and B-2, in addition to the following:

(a) The applicant shall provide written proof to the Town Building Inspector that Waukesha County has certified that the septic system will accommodate the proposed use.

(b) The maximum living area in an in-law unit shall not exceed eight hundred (800) square feet for a one bedroom unit and one thousand (1000) square feet for a two (2) bedroom unit.

(c) There shall be adequate parking for the in-law unit.

(d) The architecture of the residence shall be compatible with the adjacent residential neighborhood and should appear to be a one-family residence. All other appropriate District requirements for the principle living unit shall apply. A common entrance to the residence and in-law unit shall be designed into the structure so that the structure does not appear to be a duplex.

(e) The Town Plan Commission may determine that it is appropriate to have an interior door between the living units.

(f) A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office prior to issuance of the building permit indicating that this living unit is for family members of the principal dwelling unit only. This Deed Restriction shall state the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit. The Deed Restriction shall require that the in-law unit be removed and the dwelling restored to a single housekeeping entity upon termination of the occupancy of the in-law unit by persons related by blood or marriage to the family occupying the principal unit.

(16) **Landscaping, lawn and garden businesses.** See Exhibits B-1 and B-2, in addition to the following:

(a) All buildings used in the conduct of the business shall be located at least one hundred-fifty (150) feet from the lot line of an adjoining lot in a Residential District or at least fifty (50) feet from a lot line of an adjoining lot in any other District.

(b) No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in this Code.
(c) A planting screen at least ten (10) feet in initial height and fifteen (15) feet wide shall be provided between any abutting property line and the proposed use. The Town Plan Commission or Town Board may increase or decrease the planting screen requirements based on location and compatibility of zoning and use with abutting properties.

(d) In determining whether or not the proposed conditional use should be approved, the Town Board, upon receipt of a recommendation from the Town Plan Commission, shall make a determination that the proposed conditional use is compatible with adjacent land uses and the surrounding area as it relates to noise, traffic, dust, hours of operation, etc. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses, conflict with future development of the area, or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.

(e) A Site Plan and Plan of Operation application in accordance with Section 6(F) shall include the type and quantity of equipment and vehicles owned or leased by the property owner, the location and type of storage of materials, location of all greenhouses, shade houses and storage bins, parking areas for customers and employees, signs, toilet facilities, fuel storage facilities, landscaping and lighting plans, dumpsters, and hours of operation.

(f) The landscaping and lawn and garden business is restricted to a service oriented business and is prohibited from manufacturing or assembling products. The sale of products on the premises which are not produced on the subject property is prohibited unless expressly permitted or permitted subject to specific conditions in the conditional use permit (i.e. mulch, fertilizer, decorative stone).

(g) The design and size of the structures used in the operation of the business shall be subject to conditions in the conditional use permit.

(h) All offices, vehicle storage, greenhouses, shade houses, storage bins, maintenance or service facilities, hazardous chemical or salt storage facilities shall comply with all applicable Federal, State, County, and Town regulations.

(17) **Limited family business.** The purpose and intent of this provision is to provide a listing of procedures and standards of operation for limited family businesses that may operate in an attached garage or detached accessory building under a conditional use permit. See Exhibits B-1 and B-2, in addition to the following:

(a) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning, while at the same time protecting the interest of the adjacent property owner and any future development of the area. Any expansion of the limited family business will be subject to an amendment to the conditional use permit and, if said amendment is denied, the conditional use permit would either terminate or the expansion could not take place.

(b) All employees, except one (1) full-time equivalent, shall be members of the family residing on the premises.

(c) The Town Board, upon receipt of a recommendation from the Town Plan Commission, shall determine the percentage of the property that may be devoted to the limited family business and the more restrictive determination
shall apply.

(d) The limited family business is restricted to a service oriented business or home occupation business and is prohibited from manufacturing or assembling products. The sale of products available for sale as accessories to the business may be permitted or limited by specific conditions in the conditional use permit (i.e. hair care products such as shampoo and conditioners normally associated with a business that cuts or styles hair).

(e) The conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises and whether the machinery and equipment must be stored inside a building.

(f) The structures used in the limited family business shall be considered to be accessory buildings and shall meet all District requirements for such buildings and applicable Town Ordinances.

(g) The conditional use permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property. A Deed Restriction to that effect shall be filed in the Waukesha County Register of Deeds Office prior to conditional use permit being issued.

(h) The limited family business shall not operate on a parcel having less than the minimum parcel size for the District in which it is located. For certain uses which are determined by the Town Board, upon receipt of a recommendation from the Town Plan Commission, to have a potential adverse effect on adjacent residential zoned properties, additional requirements regarding location and site standards (i.e. screening) may be required as conditions of the use.

(18) **Motels.** See Exhibits B-1 and B-2, in addition to the following:

(a) No such use shall be permitted on a lot less than three (3) acres in area.

(b) No building shall be closer than fifty (50) feet to the lot line of an adjoining lot in a District permitting residential use.

(19) **Multifamily units and condominiums.** See Exhibits B-1 and B-2, in addition to the following:

(a) The minimum lot area shall be determined by the number of units to be constructed on one parcel. The number of units shall be based on a density of one (1) unit for each fifteen thousand (15,000) square feet of land area, exclusive of wetlands, floodplains, or lands zoned conservancy. Where the use will be served by municipal sewer, the density requirements can be reduced to a minimum of nine thousand (9,000) per dwelling unit. The width of the lot shall be increased as the size of the lot increases in order to avoid excessively long, narrow lots and shall, however, be no less than one hundred eighty (180) feet in width. The amount of green space, exclusive of parking areas, sidewalks, driveways, roads and other paved areas or impervious surfaces shall be five thousand (5,000) square feet per unit.

(b) 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 Town of Vernon.

(c) The minimum floor area per unit shall be six hundred (600) square feet for one-
bedroom units, seven hundred (700) square feet for two-bedroom units, and eight hundred (800) square feet for three-bedroom units.

(d) Architectural review of the project shall be required by the Town Plan Commission and Town Board.

(e) There shall be at least two (2) off-street parking spaces per unit, one of which is interior.

(f) The offset, setback and landscape requirements are subject to modification by the Town Plan Commission and Town Board. However, the offset requirements shall not be reduced to less than twenty (20) feet from the lot line of an adjoining Residential District. The setback shall be a minimum of fifty (50) feet. The maximum height shall not exceed thirty (35) feet. Additional height may be permitted if the offset and setback requirements are increased by one (1) foot for each additional one (1) foot in height beyond thirty (35) feet, subject to the Vernon Fire Chief (or designee) verifying that the Town’s emergency apparatus or Mutual Aid apparatus are available and adequate to service a taller building.

(g) Only a duplex (two-family residential use) may be allowed in the AD-10 District and the RRD-5 District.

(h) Only a duplex (two-family residential use) may be allowed in an A-5 District and only if the duplex is proposed to be made by conversion of a farm dwelling that existed at the time of the adoption of the original Ordinance by Waukesha County in February 26, 1959.

(20) Other uses. Other uses or situations not specifically provided for in this conditional use list and which may be determined to be acceptable under the provisions of this Code. Such determination shall be made by the Town Plan Commission to meet the intent of the conditional use provisions as set forth in Section 22.

(21) Planned unit development.

(a) Intent and purpose. Due to increased urbanization and the associated greater demands for open space and the need to create a more desired and creative living environment than would result through the strict application of the standard zoning requirements, it is herein provided that there be flexibility in the regulations governing the development of land. This District is intended to encourage planned unit development in directions which will recognize both the changes in design and technology in the building industry and the new demands in the housing market. It is intended that these provisions create imaginative and interesting communities with substantial open area owned in common or dedicated to the public and for the enjoyment of the residents, and will encourage a more efficient and desirable use of the land and open space areas thereby resulting in more variety of the physical development of the Town. An overall development plan showing how the above objectives are to be achieved must be submitted to the Town Plan Commission for review and approval. No portions of any buildings or structures, to the greatest extent practical, shall be allowed in the CO, ECO, or HGO Districts. See Exhibits B-1 and B-2, in addition to the following:

(b) Regulations.

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

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

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

3. All other requirements of the planned development are met as set forth in this Code.

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

(c) Residential planned unit development.

(i) The following table may be utilized to compute the maximum dwelling unit density requirements of the P.U.D., except that areas which are Upland, Primary or Secondary Environmental Corridors are also subject to (2) below.

<table>
<thead>
<tr>
<th>Type</th>
<th>Density Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1a</td>
<td>120,000 sq. ft. (2.75 acres) per dwelling unit</td>
</tr>
<tr>
<td>A-2</td>
<td>120,000 sq. ft. (2.75 acres) per dwelling unit</td>
</tr>
<tr>
<td>A-3</td>
<td>80,000 sq. ft. (1.84 acres) per dwelling unit</td>
</tr>
<tr>
<td>A-5</td>
<td>200,000 sq. ft. (4.59 acres) per dwelling unit</td>
</tr>
<tr>
<td>ECO</td>
<td>5 acres per dwelling unit *</td>
</tr>
<tr>
<td>R-1a</td>
<td>39,000 sq. ft. (0.89 acres) per dwelling unit</td>
</tr>
<tr>
<td>R-1</td>
<td>39,000 sq. ft. (0.89 acres) per dwelling unit</td>
</tr>
<tr>
<td>R-2</td>
<td>25,000 sq. ft. (0.57 acres) per dwelling unit</td>
</tr>
<tr>
<td>R-3</td>
<td>15,000 sq. ft. (0.34 acres) per dwelling unit</td>
</tr>
</tbody>
</table>

* IF ALL OF THE UPLAND, PRIMARY AND SECONDARY ENVIRONMENTAL CORRIDOR ARE PRESERVED IN THEIR ENTIRETY WITHIN THE PUBLIC OPEN SPACE OR COMMON OPEN SPACE AND PRESERVED IN ITS NATURAL STATE, THE DENSITY OF ONE UNIT PER FIVE (5) ACRES MAY BE ADDED TO THE MAXIMUM NUMBER OF DWELLING UNITS DERIVED FROM UTILIZING THE TABLE ABOVE.

(ii) Lands currently zoned CO or HGO District may not be used in formulating the density of the project.
(iii) Public open space or common open space shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible and to provide protection of environmentally significant lands: they shall not consist of long, narrow bands or corridors, but shall be larger blocks or wide corridors of land, usually not less than one (1) acre in area. Corridors linking large blocks of public open space or common open space shall be not less than fifty (50) feet in width to provide adequate buffers from adjacent residential lots. The size, shape and location of said public open space or common open space shall be subject to review and approval of the Town Plan Commission in order to qualify the project for consideration as a P.U.D. Public open space or common open space shall be a minimum of forty (40) percent of the entire development, while no more than ten (10) percent of the entire acreage of the development included in the required forty (40) percent open space can be CO, ECO, or HGO zoned land. In any development, no more than five (5) percent of the public open space may be used for public buildings, such as schools, fire stations, municipal buildings, etc.

(iv) In public open space or common open space containing environmentally significant areas, a maximum of two (2) percent of the environmentally significant areas may be used for limited construction of recreational related structures and recreational/trails.

(v) Public open space or common open space shall contain at least 90% green space. Such public open space or common open space shall not be part of individual residential building lots and all but five (5) percent of the open space shall be free of structures and impervious surface.

(vi) Adequate guarantee shall be provided for permanent retention of the open space resulting from these regulations, either by private reservation for use of the residents within the development or others as may be specifically provided for, i.e.: farmers use of open space, dedication to a public entity or development of a private recreational facility open to the general public in perpetuity for a fee, subject to Town Plan Commission approval. There shall not be any clear cutting or clearing of vegetation other than dead, diseased or dying vegetation or removal of invasive species on any lands being so preserved in public open space or common open space which are considered Primary or Secondary Environmental Corridor or Isolated Natural Areas, as depicted on the Town Land Use Plan.

(vii) Perpetual care and maintenance of public open space or common open space shall be provided for by an agreement recorded with the Waukesha County Register of Deeds Office. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Town Plan Commission, and if applicable the Waukesha County Land Conservation Division.

(viii) Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Town Plan Commission and made part of the conditions of approval.
(d) **Commercial P.U.D.** The use of a Commercial P.U.D. may be authorized only where the underlying zoning is mapped in one or more of the Business Districts on the parcel or a portion thereof. If only a portion is zoned for business, the commercial P.U.D. may only be used for the same percentage of the site that would result from the normal application of the Business District requirements. The location of the proposed business uses can however, be flexed on the site so long as no more area is devoted to such use than is permitted in the underlying District. The attendant parking areas and service facilities for the commercial areas shall be included in the areas allocated to such non-residential uses.

(i) The proposed P.U.D. shall be served by adequate off-street parking, loading and service facilities.

(ii) The P.U.D. shall not create an adverse effect upon the general traffic pattern or adjoining property values.

(iii) Architecture, landscaping, lighting and general site development shall be compatible with the surrounding neighborhood.

(iv) The aforementioned requirements shall be certified by the Town as having been fully met.

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

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

(ii) The mixed uses shall conform to the general requirements applicable to each of them as here-in-before set forth.

(iii) The maximum allowable dwelling unit density shall be computed using only the residential area portion of the total P.U.D. area. If residential use and non-residential use occur in the same proposed building, that percentage of the commercial use of the building shall be deducted from said building lot and only the remaining area shall be used in the density computation for the remaining residential units.

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

(g) **Example - computing maximum dwelling unit density in a planned unit development.** A developer wishes to divide one hundred (100) acres of land into a planned unit development. Ten (10) of these acres are zoned CO District.
The rest is zoned R-1 District. The preliminary plan shows an additional ten (10) acres proposed for commercial uses but not zoned Business District.

The following computations demonstrate the method of determining how many residential units will be allowed in the project.

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross acreage</td>
<td>100 acres</td>
</tr>
<tr>
<td>Less ten (10) acres zoned CO</td>
<td>90 acres</td>
</tr>
<tr>
<td>Less ten (10) acres zoned B-2</td>
<td>80 acres</td>
</tr>
<tr>
<td>Total residential acreage in sq. ft</td>
<td>3,484,800 square feet (80 acres x 43,560)</td>
</tr>
<tr>
<td>Divide by square feet per dwelling unit requirement for R-1 Residential District (3,484,800 divided by 39,000)</td>
<td>89 units</td>
</tr>
</tbody>
</table>

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

(h) **Pre-application procedures.**

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

1. Property boundaries.
2. All streams, rivers, lakes, wetlands and other hydrological features.
3. Topographic contours with intervals of two feet or less.
4. Each primary and secondary environmental corridor labeled by type.
5. General vegetation characteristics.
6. General soils types by group.
7. The planned boundaries of protected open space.
8. Existing roads and streets.
9. Open space and trails traversing, or adjacent to the site, whether existing or planned.
10. All class I and II soils for agricultural uses.
11. Aerial photographs with a scale of 1" = 100'.
12. Any groundwater recharge areas designated by the Southeastern Wisconsin Regional Plan Commission or the State Department of Natural Resources; and

13. Any other information reasonably necessary for the Town Plan Commission to make a determination.

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

(iii) **Preliminary concept plan.** The applicant shall submit a concept plan of the planned unit development. The concept plan shall comply with the District requirements and the Town Land Division and Development Control Ordinance. The concept plan shall be reviewed for discussion by the Town Plan Commission.
Application procedures. Following the pre-application conference, an official submittal shall be made to the Town Clerk, drawn at a scale of 1” = 100’, showing the following:

(i) The size, arrangement, and location of all lots, blocks, and all proposed buildings or building groups located within the common area;

(ii) The pattern of public streets, existing and proposed utility easements, and other public improvements;

(iii) The location of recreational open space and areas reserved or dedicated for use by the residences;

(iv) The general landscape treatment with particular attention given to the treatment and creation of buffer zones between the proposed planned unit development and any adjacent development whether residential or otherwise;

(v) Existing topography and storm water drainage, and proposed storm water drainage systems, showing basic topographic changes and proposed grading elevations;

(vi) All physical features of the site, such as wetlands, primary and secondary environmental corridors, isolated natural areas, and historic features;

(vii) All types and locations of trees greater than eight-inch caliper in the buildable area. This requirement may be waived by the Town Plan Commission if it is determined during a site visit that no public or private improvements will occur on area on the site containing trees;

(viii) A completed Town Land Division and Development Control Ordinance checklist;

(ix) Statistical data on the total size of the project area, area of the open space, density computations, proposed number and types of residential units, an economic and market analysis, impact on municipal services, wetlands, groundwater and other environmentally sensitive areas and any other pertinent data required by the Town Plan Commission;

(x) Anticipated amounts of impervious surface including all proposed public and private improvements;

(xi) General outline of intended organizational structure related to property owner’s association, architectural review committee, deed restrictions, and provision of utility and other services;

(xii) A project staging plan which outlines a timetable for project development including, but not limited to, road cutting, utility hookups, building constructions, landscaping, and open space/recreational areas provision; and

(xiii) An environmental impact assessment of loss of plant species and animal habitat, farmland, wetlands, soil erosion, surface and groundwater hydrology, water quality, aquatic species and air resources may be required if deemed reasonably necessary by both the Town Plan Commission.
(j) **Fees.** A fee, as set by Town Board resolution from time to time, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town of Vernon to defray the costs of review. The costs incurred by the Town in obtaining legal, planning, engineering, and other technical and professional advice in connection with the review of the application and preparation of conditions for such uses shall be charged to the applicant and, if required by the Town, a fee covering such costs shall accompany the application.

(k) **Review process.**

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

(ii) **Basis for approval.** The Town Plan Commission shall give consideration to and be satisfied as to the following:

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

2. Such development conforms to the Town’s Comprehensive Plan;

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

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

5. The approval shall be based upon satisfaction of standards of this Code and shall include any conditions of approval applicable
thereto, regarding the building design, site layout, and operational plans, as well as all other commitments offered and required in regard to project value, character, or other factors pertinent to an insurance that the proposed development will be carried out as approved;

6 The plan will result in preservation of open land in a manner, which will enhance the total environmental setting and desirability of the development and of the neighborhood and that adequate guarantee is provided for permanent retention as common open space of the residential open land areas resulting from the application of these standards. These are by private reservation or by dedication to the public; and

7 Ownership and tax liability of the private open space preservation areas shall be established in a manner acceptable to the Town Attorney and made a part of the conditions of this specific plan approval.

(iii) Approval by town plan commission. The Town Commission, after conducting the public hearing per this Code, and due consideration, may deny, approve, or approve subject to additional conditions the conditional use permit.

(iv) Conditions for preparation of final plat. After issuance of a conditional use permit, and approval or conditional approval of the preliminary plat, the final plat shall be prepared in accordance with the conditions specified and the following shall be submitted:

1. Developers agreement. A contractual agreement between the Town and the Owners of the development setting forth all of the obligations and commitments required by the Town.

2. Rights-of-way, easements, exact net area. The subdivision plat or certified survey map shall show all rights-of-way, easements, and the exact net area.

3. Homeowners association bylaws. The Homeowners Association documents of incorporation and bylaws shall be submitted to and approved by the Town Attorney, Town Planner, Town Engineer, and the Town Plan Commission and placed on record with the Town Clerk and be recorded in the Waukesha County Register of Deeds Office. Such documents must conform to all state and local requirements for the protection of the property owners and the Town.

4. Utility and storm water facility easements. Wherever required by the Town, utility companies or Waukesha County and conforming to the form and specifications of the Town and County.

5. Construction routes. A map of the development showing the access points to be used by construction vehicles during the course of construction, and which shall become part of the contract between the Town and the Developer, with such
provisions for enforcement as provided in the contract.

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

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

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

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

   (i) An increase in the number of dwelling units from that shown in the approved project;

   (ii) A significant change in the size, value, or type of structure from that contained in the approved conditional use.

   (iii) The addition of any principal uses not included in the approved conditional use; and

   (iv) Any change in the basic concept of the site development, which would significantly alter the relationship of uses or open space.

(22) **Private clubs, such as gun clubs, hunting preserves, outdoor shooting range, recreational camps and centers, indoor/outdoor recreational and athletic facilities, driving ranges, and golf courses.** No portions of any buildings or structures, to the greatest extent practical, shall be allowed in the CO, ECO, or HGO Districts. See Exhibits B-1 and B-2, in addition to the following:

   (a) No such use shall be permitted on a lot less than three (3) acres in area.

   (b) No building, other than one used only for residence purposes, shall be closer than fifty (50) feet to the lot line of an adjoining lot in a District permitting residential use.

   (c) No such permitted use shall include the operation of a commercial facility such as a bar; arcade or restaurant, except as may be specifically authorized in the grant of permit.

   (d) No more than fifteen (15) percent of the environmental corridor district may be
disturbed or vegetation removed, as part of the development of the site for the proposed use. This includes the structures, parking, walkways, recreational uses, septic system location, etc.

(23) Quarrying. See Exhibits B-1 and B-2, in addition to the following:

(a) Procedure for application:

(i) Permit. No quarrying operation shall take place in any district until a conditional use permit has been received and approved by the Town Plan Commission, Town Board, Waukesha County, and other applicable jurisdictions. The conditional use permit shall be for an initial period as is deemed appropriate to the specific situation but not to exceed three (3) years provided application therefore shall be made at least sixty (60) and no more than one hundred twenty (120) days before expiration of the original permit. Application after such date shall be treated as an original application.

(ii) Application. Application for a conditional use permit shall be made on forms supplied by the Town of Vernon and shall be accompanied by a fee as established by the Town Board in a fee schedule and may, from time to time, be modified by resolution. Such fee shall be paid by cash, check or money order to the Town of Vernon.

1. A full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source and its disposition shall be made part of the description.

2. A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.

3. A topographic map of the area at a minimum contour interval of two (2) feet extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.

4. A restoration plan as required by Section 22(B)(23)(c)(v).

(b) Procedure for action on application:

(i) Referral to Town Plan Commission. The application and all data and information pertaining thereto shall be referred to the Town Plan Commission for public hearing and a receipt of recommendation to the Town Board within thirty (30) days after the public hearing.

(ii) Public hearing. Within sixty (60) days after an application has been filed, a public hearing shall be held at which all interested parties may be heard. In addition to the normal posting and publishing, notices also shall be sent by certified mail, at least ten (10) days prior to the date of hearing, to all land owners within a half-mile radius of the approximate
center of the proposed quarrying operation. Substantial compliance with the notice requirements of this Section shall be deemed sufficient.

(iii) Action by Town Board. The Town Board shall, within thirty (30) days after receipt of the recommendation of the Town Plan Commission, take action to approve or disapprove the application for the proposed quarrying operation and shall be guided by consideration of the public health, safety and welfare, and shall give particular consideration to the following factors in making their decision:

1. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety, and efficiency.
2. The effect of the proposed operation on drainage and water supply.
3. The possibility of soil erosion as a result of the proposed operation.
4. The degree and effect of dust and noise as a result of the proposed operation.
5. The practical possibility of restoration of the site.
6. The effect of the proposed operation on the natural beauty, character, tax base, land value, and land uses in the area.
7. The most suitable land use for the area with particular consideration for future residential value.

(iv) Additional conditions. Any conditions accessory to the granting of a permit shall be in writing and copies made a part of the permit and a part of the records of the Town of Vernon.

(v) Renewals. The procedure as identified above shall apply to applications for renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use with relation to changing conditions in the area. Where a renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of the Town of Vernon.

(c) Requirements.

(i) General requirements. No part of the quarrying operation shall be permitted closer than one thousand (1,000) feet, nor shall any accessory access road, parking area, or office building be permitted closer than five hundred (500) feet to a district zoned agricultural or residential at the time of the grant of permit except with the written consent of the owners of all agricultural or residential zoned properties within one thousand (1,000) feet.

(ii) Setback requirements. No part of the quarrying operation other than access roads shall be located closer than two hundred (200) feet, nor shall any accessory parking area, stock pile, or office building be located closer than one hundred (100) feet to the base setback line.

(iii) Offset requirements. No part of the quarrying operation shall be located
closer than two hundred (200) feet, nor shall any accessory access road, parking area, or office building be permitted closer than fifty (50) feet to any property line.

(iv) Operational requirements.

1. Fencing or other suitable barrier shall be erected and maintained around the site or around portions of the site where in the determination of the Town Board, upon receipt of a recommendation from the Town Plan Commission, such fencing or barrier is necessary for the protection of the public.

2. All machinery and equipment used in the quarrying operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or treatment as directed by the Town Director of Public Works.

3. The crushing, washing, refining, or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.

4. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery except as may be otherwise specifically authorized under the terms of the grant of permit.

5. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted except as may be otherwise specifically authorized under the terms of the grant of permit.

6. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water required will, in the opinion of the Town, seriously affect the water supply for other uses in the area.

7. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town Board, upon receipt of a recommendation from the Town Plan Commission to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the
surrounding country-side. Such planting shall be started as soon as practicable, but no later than one (1) year after quarrying operations have begun.

8. Quarrying operations shall not begin before the hour of 7:00 a.m. and shall not continue after the hour of 6:00 p.m. and no operation shall take place on Sundays or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the Town Board, upon receipt of a recommendation from the Town Plan Commission, and through the issuance of a special permit which shall be renewable at thirty (30) day intervals.

(v) Restorative requirements.

1. In order to insure that the area of quarrying operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Town a plan for such restoration in the form of the following:
   a. An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town.
   b. A physical restoration plan showing the contours of the restoration, plantings and other special features of restoration, the method by which such restoration is to be accomplished and documentation that the plan complies with Chapter 295, Wisconsin Statutes and Section NR 135, Wisconsin Administrative Code, or any ordinance adopted by Waukesha County and the Town of Vernon.
   c. A bond, written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the Town, in an amount sufficient in the opinion of the Town Attorney to secure the performance of the restoration agreement.
   d. Such agreement and financial guarantee shall be in a form approved by the Town Attorney.

2. In the event of the applicant's failure to fulfill this agreement, such bond, check, or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town to perform the restoration.

3. Restoration shall proceed as soon as practicable and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than two (2) years.

4. At any stage during the restoration the plan may be modified by
mutual agreement between the Town and the owner or operator.

5. Where there is any backfilling, the material used or the method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case the finished grade of the restored area except for rock faces, out-croppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.

6. Within one (1) year after the cessation of the operation, all temporary structures (excepting fences), equipment, stock piles, rubble heaps, or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.

7. In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of one and one-half (1 ½) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.

(vi) Exceptions.

1. The provisions of this Section shall not apply to the removal of sod.

2. When the operation is limited to the removal of topsoil, the Town Board, upon receipt of a recommendation from the Town Plan Commission may modify any or all of the provisions of this Section provided, however, that in no case shall such operation be permitted closer than ten (10) feet from any property line, or to a depth in excess of eighteen (18) inches or so as to adversely affect the drainage of the area.

3. The provisions of this Section shall not apply to an operation which is incident to legitimate use of the premises, provided, however, where such operation involves the commercial disposal of the material removed, the approval of the plan commission shall be required and such operation shall be

4. The Town Board, upon receipt of a recommendation from the Town Plan Commission may modify the provisions relative to permitted hours of operation; and where the character of terrain, surrounding development, or other special conditions would justify, such modification may permit a reduction in the required setback or offset; provided, however, that in no case shall the setback be less than one hundred (100) feet, or the offset be less than one hundred (100) feet for quarrying operations or twenty (20) feet for any accessory access road, parking area, or office building.

(24) **Restaurants, supper clubs, lake resorts, taverns and similar uses.** See Exhibits B-1 and
B-2, in addition to the following:

(a) The minimum lot area shall be at least three (3) acres and at least two hundred (200) feet in minimum average width.

(b) Adequate off-street parking shall be provided within two hundred (200) feet of the building in which such use is occurring, but offset twenty (20) feet from any lot line or adjacent property zoned residential. The amount of space shall be in accordance with the parking provisions of this Code.

(c) A planting screen or fence of at least six (6) feet in initial height shall be provided and maintained between any abutting Residential District and the proposed conditional use. Additional screening may be required by the Town Plan Commission and/or Town Board.

(d) The proposed building shall be offset at least fifty (50) feet from any adjoining Residential District and all outside food and beverage areas shall meet all the requirements of Section 14(F) of this Code.

(e) No more than fifteen (15) percent of the environmental corridor district may be disturbed or vegetation removed, as part of the development of the site for the proposed use. This includes the structures, parking, walkways, recreational uses, sanitary septic system location, etc.

(25) **Solid waste facilities.** See Exhibits B-1 and B-2, in addition to the following:

(a) All facilities shall comply with all local, county, state, and federal regulations.

(b) No facilities shall have a negative impact on adjoining properties as determined by the Town Board upon recommendation of the Town Plan Commission.

(c) All buildings, structures, and activity areas shall be located at least one hundred (100) feet from the perimeter of the site.

(d) All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

(26) **Special care facilities.** See Exhibits B-1 and B-2, in addition to the following:

(a) A minimum of thirty (30) percent of the site must be in green space.

(b) An outdoor activity area associated with a care facility shall not be located within twenty (20) feet of an adjoining property in a Residential District.

(c) When an off-street parking lot is located within twenty (20) feet of a property in a Residential District landscaping, fencing, a berm, or any combination shall be used to effectively screen the parking area from the residential property.

(d) The Town Plan Commission and Town Board have the authority to increase the setback and offset requirements based the proximity of the proposed use to surrounding uses.

(27) **Telecommunication facilities.** See Exhibits B-1 and B-2, in addition to the following:

(a) Intent and purpose. This Section is intended to regulate mobile service facilities to the full extent allowed by Wisconsin Statutes Section 66.0404 and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wisconsin Statutes Section 66.0404 or other applicable laws.
(b) Definitions. All terms used herein shall have the meaning described in Wisconsin Statutes Section 66.0404(1).

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

(i) Application process. The applicant shall submit a written application which shall include all of the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed tower.
3. The location of the mobile service facility.
4. A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
5. An explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant’s service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

(ii) Determination of completeness within ten (10) days of submittal. The Town Planner shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Planner shall notify the applicant in writing within ten (10) days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.

(iii) Conditional use review procedure. The wireless telecommunications mobile service facility shall be a conditional use, however it shall not be reviewed pursuant to the procedures of Section 22 (A), except as incorporated herein, and instead shall be reviewed pursuant to the following procedures:

1. Public Hearing. Within a reasonable time after an application and all required information has been filed, a public hearing shall be held by the Plan Commission pursuant to Section 22(A)(2).
2. Fee. Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of notification and holding of public hearing. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d). In addition, costs incurred by the Town in obtaining legal, planning, engineering and other technical and
professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Petitioner.

3. Requirements.

   a. Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. If an applicant provides the Town with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Town has and provides to the applicant substantial evidence that the engineering certification is flawed.

   b. All facilities shall meet all State and federal codes.

4. Determination. The Town Board, upon receipt of a recommendation from the Plan Commission shall make a decision on the application within a reasonable time after the public hearing, provided further that final action shall be taken within ninety (90) days of receipt of a complete application unless the time extended by the Petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Town records. If conditional use status is not granted, the reasons therefor will be included in such record.

5. Changes or additions. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to this Chapter.

6. Conditions. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, among other issues as deemed appropriate may be required by the Town Board, upon receipt of a recommendation from the Plan Commission upon its finding that these are necessary to fulfill the purpose of the Conditional Use Permit.

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

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

(i) Substantial modification.

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

(ii) Not substantial modifications.

1. Application Information. The applicant shall submit a written application that describes the applicant’s basis for concluding that the modification is not substantial, and all of the following information:
   a. The name and business address of, and the contact individual for, the applicant.
   b. The location of the affected support structure.
   c. The location of the proposed facility, including a site plan depicting leased areas and improvements.

2. Completeness determination within five (5) days. The Town Planner will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Town Planner must notify the applicant in writing within five (5) days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.

3. Fee. Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of notification and holding of public hearing. Such fee shall not exceed the limits established by Wisconsin Statutes Section 66.0404(4)(d). In addition, costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Petitioner.

4. Determination. The Town Board, upon receipt of a recommendation from the Plan Commission shall make a decision on the application within a reasonable time, provided further that final action shall be taken within forty (45) days of
receipt of a complete application unless the time extended by
the Petitioner. Said decision shall be stated in writing and a
 copy made a permanent part of the Town records. If approval
 is not granted, the reasons therefor will be included in such
 record.

5. Limitations upon authority. The Town review and action in the
 matter shall be subject to the limitations imposed by Wisconsin
 Statutes Section 66.0404(4), and such other laws as may apply
 which may include 47 USCA §1455. In the event the applicant
 believes the Town has exceeded its authority in this regard, the
 applicant shall notify the Town Board in writing and the Town
 Board reserves the right to reconsider the matter, to ensure
 that applicable laws are followed.
ARTICLE V: DISTRICTS

Section-23: General.

(A) Establishment of districts.
For the purpose of this Code the Town 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.
- 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-1a Residential District.
- R-2 Residential District.
- R-3 Residential District.
- P-I 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 Town 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 Town 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 Town Building Inspector and Town 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 Town Plan Commission and Town Board shall interpret the map according to the reasonable intent of this Code.

(a) Unless otherwise specifically indicated or dimensioned on the map, the District boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the center lines of streets, highways, railways or alleys.

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

(c) The boundaries of the Environmental Corridor District are intended to include all non-wetland/floodplain primary or secondary environmental corridors, such as significant woodlands, upland wildlife habitat areas, scenic overlooks and slopes exceeding 12 percent. 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).

Section-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 in-field 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 Town of Vernon.

(B) **Permitted uses.** See Exhibit A-1.

(C) **Conditional uses.** See Exhibit B-1.

(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 Town of Vernon, Waukesha County Land Conservation Division, and the Wisconsin Department of Natural Resources (WDNR).

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

Section-25: Environmental Corridor Overlay District (ECO).

(A) **Purpose and intent.** The ECO District, as mapped or intended to be mapped, includes non-wetland/floodplain primary or secondary environmental corridors and isolated natural resource areas as defined herein, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding twelve (12) percent, and upland wooded areas, while also affording an opportunity to use the site for the limited residential purposes. 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-1.

(C) **Permitted accessory uses.** See Exhibit A-2.

(D) **Conditional uses.** See Exhibit B-1.

(E) **Building location.**

(1) **Setback.** Fifty (50) feet minimum.

(2) **Offset.** Thirty-five (35) feet minimum.

(F) **Height regulations.**

(1) **Principal Building.**

(a) **Non-exposed foundation.**

(i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

(b) **Exposed foundation.**

(i) 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 thirty-two (32) feet;

(ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet; and

(2) **Accessory Building.**

(i) **Farm.** Sixty (60) feet maximum.

(ii) **Other.** Eighteen (18) feet maximum.

(G) **Area regulations.**

(1) **Floor Area.**

(a) **Minimum required.**

(i) **First floor.** Nine hundred (900) square feet.

(ii) **Total.** Fifteen hundred (1,500) square feet.

(2) **Floor Area Ratio.** Fifteen (15) percent.

(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 (2) 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 (5) 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 and written approval of the Town Board 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 (5) acre lot: Minimum average width, one hundred seventy-five (175) feet.
2. Five (5) acre lot or more: Minimum average width, three hundred (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 fifteen (15) percent of five (5) 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 Town Board, upon recommendation of the Town Plan Commission and recorded with the Waukesha County Register of Deeds Office.

**Section-26: High Groundwater Overlay District (HGO).**

(A) **Purpose and intent.** 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.

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.

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 Town Zoning Administrator.
(B) **Permitted principal uses.** See Exhibit A-1.

(C) **Permitted accessory uses.** See Exhibit A-2.

(D) **Conditional uses.** See Exhibit B-1.

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

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

(F) **Height regulations.**

1. Principle structure.
   
   (a) Non-exposed foundation.
   
   (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

   (b) Exposed foundation.

   (i) 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 thirty-two (32) feet.

   (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.


   (a) Farm buildings. Sixty (60) feet maximum.

   (b) Other accessory buildings. Eighteen (18) feet maximum.

(G) **Area regulations.**

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

   (a) Minimum required:

   (i) First floor, nine hundred (900) square feet

   (ii) Total one (1) family, one thousand (1,000) square feet

   (b) Maximum floor area ratio permitted: Fifteen (15) percent.

(H) **Lot size.**

1. Minimum parcel size: Five (5) 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.

**Section-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-3.

(C) Permitted accessory uses. See Exhibit A-4.

(D) Conditional uses. See Exhibit B-1.

(E) Building location.
   (1) Setback. Fifty (50) feet minimum
   (2) Offset.
      (a) Buildings used for commercial purposes which include the housing of livestock, one hundred (100) feet minimum unless the adjacent district is an A-B District, in which case twenty (20) feet minimum shall apply.
      (b) Buildings used for commercial purposes not involving livestock housing or animal waste storage, ten (10) feet minimum.

(F) Height regulations.
   (1) Principal and accessory building. Thirty-five (35) foot 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 Town Building Inspector and/or Town 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 sixty (60) feet).

(G) Area regulations.
   (1) Floor area: Minimum required for single family dwelling where permitted.
      (a) Minimum required:
         (i) First Floor. Nine hundred (900) square feet.
         (ii) Total. Fifteen hundred (1,500) square feet.
   (2) Maximum floor area ratio permitted: Fifty (50) percent.

(H) Lot size.
   (1) Minimum area: Five (5) acres.
   (2) Minimum average width. Three hundred (300) feet.

Section-28: Agricultural Density District-10 Acre (AD-10).

(A) Purpose and intent. The purpose of this ten-acre density District is to allow for agricultural and rural use of lands to continue while also allowing for cluster development on lands located in rural or semi-rural areas. Additional stated purposes of this District include:
   (1) Promote the preservation of the rural character of the Town 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 Town. 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 Town Plan Commission and Town 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 Town Plan Commission and Town 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 Town of Vernon and Waukesha County.

   (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 Town of Vernon and Waukesha County.

   (c) The preserved lands may be retained in public ownership if the Town 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 ten (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 lot 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 than 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 Town of Vernon and Waukesha County. 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 Town 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 Town of Vernon and Waukesha County.

(C) **Permitted principal uses.** See Exhibit A-3.

(D) **Permitted accessory uses.** See Exhibit A-4.

(E) **Conditional uses.** See Exhibit B-1.

(F) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(G) **Height regulations.**

(1) Principle structure.

   (a) Non-exposed foundation.

      (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

   (b) Exposed foundation.

      (i) 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 thirty-two (32) feet.

      (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) Accessory Buildings.

   (a) Farm buildings. Sixty (60) feet maximum.

   (b) Other accessory buildings. Eighteen (18) feet maximum.

(H) **Area regulations.**

(1) Floor area:

   (a) Single family residential. Minimum required first floor - Nine hundred (900) square feet. Total: Fifteen hundred (1,500) square feet.

   (b) Two family. Minimum required first floor - Seven hundred and fifty (750) square feet. Total per family: Fourteen hundred (1,400) square feet.

   (c) Maximum floor area ratio. Fifteen (15) percent.

(I) **Lot size.**

(1) Minimum required area. One (1) acre.

(2) Minimum average width. One hundred and fifty (150) feet.

(J) **Open space.** Thirty thousand (30,000) square feet per family.

(K) **Density division standards.** Development shall not exceed one (1) dwelling unit per ten (10) acres.
Section-29: Mini-Farm District (A-5).

(A) Purpose and Intent. This District is intended to provide for very low-density one-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 U.S.D.A. 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-3.

(C) Permitted accessory uses. See Exhibit A-4.

(D) Conditional uses. See Exhibit B-1.

(E) Building location.

1) Setback. Fifty (50) feet minimum.

2) Offset.

   (a) Thirty (30) feet minimum.

   (b) Not less than fifty (50) feet from an adjacent property line for any building housing livestock, poultry or other animals. This does not include doghouses.

(F) Height regulations.

1) Principal Building.

   (a) Non-exposed foundation.

      (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

   (b) Exposed foundation.

      (i) 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 thirty-two (32) feet.

      (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

2) Accessory Building.

   (a) Farm. Sixty (60) feet maximum.

   (b) Other. Eighteen (18) feet maximum.

(G) Area regulations.

1) Floor Area.

   (a) Minimum required.

      (i) First floor. Nine hundred (900) square feet.

      (ii) Total. Fifteen hundred (1,500) square feet.
(b) Maximum F.A.R. permitted. Fifteen (15) percent.

(H) **Lot Size.**

(1) Minimum area. Five (5) acres.

(2) Minimum average width. Three hundred (300) feet.

(I) **Open Space.** Four (4) acres.

**Section-30: Agricultural District (A-1a).**

(A) **Permitted principal uses.** See Exhibit A-3.

(B) **Permitted accessory uses.** See Exhibit A-4.

(C) **Conditional uses.** See Exhibit B-1.

(D) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(E) **Height regulations.**

(1) **Principal building.**

   (a) Non-exposed foundation.

   (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

   (b) Exposed foundation.

   (i) 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 thirty-two (32) feet.

   (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) **Accessory buildings.** Eighteen (18) feet maximum.

(F) **Area regulations.**

(1) **Floor area.**

   (a) Minimum required.

   (i) First floor. Nine hundred (900) square feet.

   (ii) Total. One (1) family. One thousand one hundred (1,100) square feet.

   (b) Maximum F.A.R. permitted. Fifteen (15) percent.

(G) **Lot size.**

(1) Minimum area. One (1) acre.

(2) Minimum average width. One hundred fifty (150) feet.

(H) **Open space.** Thirty thousand (30,000) square feet minimum per family.

**Section-31: Rural Home District (A-2).**
(A)  **Permitted principal uses.** See Exhibit A-3.
(B)  **Permitted accessory uses.** See Exhibit A-4.
(C)  **Conditional uses.** See Exhibit B-1.
(D)  **Building location.**
   (1)  Setback. Fifty (50) feet minimum.
   (2)  Offset. Thirty (30) feet minimum.
(E)  **Height regulations.**
   (1)  Principal building.
      (a)  Non-exposed foundation.
         (i)  The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.
      (b)  Exposed foundation.
         (i)  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 thirty-two (32) feet.
         (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.
   (2)  Accessory buildings. Eighteen (18) feet maximum.
(F)  **Area regulations.**
   (1)  Floor area.
      (a)  Minimum required.
         (i)  First floor. Nine hundred (900) square feet.
         (ii) Total. One thousand five hundred (1,500) square feet.
(G)  **Lot size.**
   (1)  Minimum area. Three (3) acres.
   (2)  Minimum average width. Two hundred (200) feet.
(H)  **Open space.** Two (2) acres minimum per family.

**Section-32: Suburban Estate District (A-3).**

(A)  **Permitted principal uses.** See Exhibit A-3.
(B)  **Permitted accessory uses.** See Exhibit A-4.
(C)  **Conditional uses.** See Exhibit B-1.
(D)  **Building location.**
   (1)  Setback. Fifty (50) feet minimum.
   (2)  Offset. Twenty-five (25) feet minimum.
(E) **Height regulations.**

(1) **Principal building.**
   (a) **Non-exposed foundation.**
      (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

   (b) **Exposed foundation.**
      (i) 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 thirty-two (32) feet.

      (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) **Accessory buildings.** Eighteen (18) feet maximum.

(F) **Area regulations.**

(1) **Floor area.**
   (a) **Minimum required.**
      (i) First floor. Nine hundred (900) square feet.

      (ii) Total. One thousand five hundred (1,500) square feet.

   (b) **Maximum F. A. R. permitted.** Fifteen (15) percent.

(G) **Lot size.**

(1) **Minimum area.** Two (2) acres.

(2) **Minimum average width.** One hundred seventy-five (175) feet.

(H) **Open space.** Seventy-five thousand (75,000) square feet minimum per family.

**Section-33: Rural Residential Density District-5 acre (RRD-5).**

(A) **Purpose and intent.** The purpose of this five (5) 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 Town 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 Town. 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”.

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(B) **Review of proposed development.** Where a development is to occur involving the establishment of “preserved lands”, approval by the Town Plan Commission and Town 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 Town Plan Commission and Town 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 Town of Vernon and Waukesha County.
   - (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 Town of Vernon and Waukesha County.
   - (c) The preserved lands may be retained in public ownership if the Town 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 (5) 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 lot 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 than 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 Town of Vernon and Waukesha County. 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 Town 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 Town of Vernon and Waukesha County.

(C) **Permitted principal uses.** See Exhibit A-5.
(D) **Permitted accessory uses.** See Exhibit A-5.

(E) **Conditional uses.** See Exhibit B-1.

(F) **Building location.**
   (1) Setback. Fifty (50) feet minimum.
   (2) Offset. Twenty (20) feet minimum.

(G) **Height regulations.**
   (1) Principal structure.
      (a) Non-exposed foundation.
         (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.
      (b) Exposed foundation.
         (i) 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 thirty-two (32) feet.
         (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.
   (2) Accessory buildings.
      (a) Farm Building. Sixty (60) feet maximum.
      (b) Other Accessory Building. Eighteen (18) feet maximum.

(H) **Area regulations.**
   (1) Floor area.
      (a) Minimum required first floor. Nine hundred (900) square feet. Total minimum one-family: Fifteen hundred (1,500) square feet.
      (b) Two-family minimum required first floor. Seven hundred and fifty (750) square feet. Total minimum per family: Fourteen hundred (1,400) square feet.
   (2) Maximum floor area ratio. Fifteen (15) percent.

(I) **Lot size.**
   (1) Minimum. One (1) acre, subject to the provisions in Section (I) below.
   (2) Minimum average width. One hundred and fifty (150) feet.

(J) **Open space.** Thirty thousand (30,000) square feet per family.

(K) **Density division standards.** Development shall not exceed one (1) dwelling unit per five (5) acres.

**Section-34: Residential District (R-1).**

(A) **Permitted principal uses.** See Exhibit A-5.

(B) **Permitted accessory uses.** See Exhibit A-5.

(C) **Conditional uses.** See Exhibit B-1.
(D) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(E) **Height regulations.**

(1) Principal building.

(a) Non-exposed foundation.

   (i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

   (i) 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 thirty-two (32) feet.

   (ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) Accessory buildings. Eighteen (18) feet maximum.

(F) **Area regulations.**

(1) Floor area.

   (a) Minimum required.

      (i) First floor. Nine hundred (900) square feet.

      (ii) Total. One thousand three hundred (1,300) square feet.

   (b) Maximum F. A. R. permitted. Fifteen (15) percent.

(G) **Lot size.**

(1) Minimum area. One (1) acre.

(2) Minimum average width. One hundred fifty (150) feet.

(H) **Open space.** Thirty thousand (30,000) square feet minimum per family.

**Section-35: Residential District (R-1a).**

(A) **Permitted principal uses.** See Exhibit A-5.

(B) **Permitted accessory uses.** See Exhibit A-5.

(C) **Conditional uses.** See Exhibit B-1.

(D) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(E) **Height regulations.**

(1) Principal building.

(a) Non-exposed foundation.
(i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

(i) 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 thirty-two (32) feet.

(ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) Accessory buildings. Eighteen (18) feet maximum.

(F) Area regulations.

(1) Floor area.

(a) Minimum required.

(a) First floor. Nine hundred (900) square feet.

(b) Total. One thousand five hundred (1,500) square feet.

(b) Maximum F. A. R. permitted. Fifteen (15) percent.

(G) Lot size.

(1) Minimum area. One (1) acre.

(2) Minimum average width. One hundred fifty (150) feet.

(H) Open space. Thirty thousand (30,000) square feet minimum per family.

Section-36: Residential District (R-2).

(A) Permitted principal uses. See Exhibit A-5.

(B) Permitted accessory uses. See Exhibit A-5.

(C) Conditional uses. See Exhibit B-1.

(D) Building location.

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(E) Height regulations.

(1) Principal building.

(a) Non-exposed foundation.

(i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

(i) 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 thirty-two (32) feet.
(ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) Accessory buildings. Eighteen (18) feet maximum.

(F) **Area regulations.**

(1) Floor area.

(a) Minimum required.

(i) First floor. Nine hundred (900) square feet.

(ii) Total. One thousand one hundred (1,100) square feet.

(b) Maximum F. A. R. permitted. Fifteen (15) percent.

(G) **Lot size.**

(1) Minimum area. Thirty thousand (30,000) square feet.

(2) Minimum average width. One hundred twenty (120) feet.

(H) **Open space.** Twenty-five thousand (25,000) square feet minimum per family.

**Section-37: Residential District (R-3).**

(A) **Permitted principal uses.** See Exhibit A-5.

(B) **Permitted accessory uses.** See Exhibit A-5.

(C) **Conditional uses.** See Exhibit B-1.

(D) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Twenty (20) feet minimum.

(E) **Height regulations.**

(1) Principal building.

(a) Non-exposed foundation.

(i) The maximum height of a residential structure shall not exceed thirty-five (35) feet measured from the average finished grade at the building line to the highest roof line.

(b) Exposed foundation.

(i) 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 thirty-two (32) feet.

(ii) The maximum building height measured from the lowest exposed point of the structure to the highest roof line, cannot exceed forty-six (46) feet.

(2) Accessory buildings. Eighteen (18) feet maximum.

(F) **Area regulations.**

(1) Floor area.
Section 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/or 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 Sections 22. Group homes as regulated by Statute, shall not be included as they are either allowed in other Districts, or regulated pursuant to Section 22 of this Code.

(B) **Permitted principal uses.** See Exhibit A-6.

(C) **Permitted accessory uses.** See Exhibit A-7.

(D) **Conditional uses.** See Exhibit B-2.

(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 (1) 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 Town Plan Commission for such temporary use and subject to any condition that may be imposed.

(F) **Building location.**
   (1) Setback. Fifty (50) feet minimum.
   (2) Offset. Fifty (50) feet minimum.

(G) **Height regulations.**
   (1) Principal and accessory building. Thirty-five (35) foot 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 Town Building Inspector and/or Town 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 sixty (60) feet).

(H) **Area regulations.** No minimum required. The use will dictate the size of the parcel. However, no more than sixty-five (65) percent of the subject parcel shall be of impervious surfaces,
including buildings, pavement, or other covering material which is impervious to surface water absorption.

Section-39: Restricted Business District (B-1).

(A) **Permitted principal uses.** See Exhibit A-6.

(B) **Permitted accessory uses.** See Exhibit A-7.

(C) **Conditional uses.** See Exhibit B-2.

(D) **Building location.**

   (1) Setback: Fifty (50) feet minimum.

   (2) Offset: Twenty (20) feet minimum.

(E) **Height regulations.**

   (1) Principal building. Thirty-five (35) feet maximum.

   (2) Accessory buildings. Eighteen (18) feet maximum.

(F) **Area regulations.**

   (1) Floor area.

      (a) Minimum required for residential purposes.

         (i) First floor: Nine hundred (900) square feet.

         (ii) Total. One (1) family. One thousand (1,000) square feet.

      (b) Maximum F. A. R. permitted. Twenty (20) percent.

(G) **Lot size.**

   (1) Minimum area. Twenty thousand (20,000) square feet.

   (2) Minimum average width. One hundred twenty (120) feet

(H) **Open space.** Fifteen thousand (15,000) square feet minimum per family.

Section-40: Local Business District (B-2).

(A) **Permitted principal uses.** See Exhibit A-6.

(B) **Permitted accessory uses.** See Exhibit A-7.

(C) **Conditional uses.** See Exhibit B-2.

(D) **Building location.**

   (1) Setback. Fifty (50) feet minimum.

   (2) Offset.

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

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

(E) **Height regulations.**

   (1) Principal building: Thirty-five (35) feet maximum.

   (2) Accessory buildings: Eighteen (18) feet maximum.
(F) **Area regulations.**

(1) **Floor area.**

(a) Minimum required for residence purposes.

(i) Buildings used solely for residence purposes.

(a) First floor. Nine hundred (900) square feet.

(b) Total. One (1) family. One thousand (1,000) square feet.

(ii) Buildings used for both residence and business purposes. Nine hundred (900) square feet per family.

(b) Maximum F. A. R. permitted. Fifty (50) percent.

(G) **Lot size.**

(1) Minimum area. Twenty thousand (20,000) square feet.

(2) Minimum average width. One hundred twenty (120) feet.

(H) **Open space.** Fifteen thousand (15,000) square feet minimum per family.

**Section-41: General Business District (B-3).**

(A) **Permitted principal uses.** See Exhibit A-6.

(B) **Permitted accessory uses.** See Exhibit A-7.

(C) **Conditional uses.** See Exhibit B-2.

(D) **Building location.**

(1) Setback. Fifty (50) feet minimum.

(2) Offset.

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

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

(E) **Height regulations.**

(1) Principal building. Thirty-five (35) feet maximum.

(2) Accessory buildings. Fifteen (15) feet maximum.

(F) **Area regulations.**

(1) Floor area.

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

(b) Maximum F. A. R. permitted. Fifty (50) percent.

(G) **Lot size:**

(1) Minimum area. Twenty thousand (20,000) square feet.

(2) Minimum average width. One hundred twenty (120) feet.

(H) **Open space.** Fifteen thousand (15,000) square feet minimum per family.
Section-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 (1) mile of a major highway interchange or at or near the intersection of two (2) 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-6.

(C) Permitted accessory uses. See Exhibit A-7.

(D) Conditional uses. See Exhibit B-2.

(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 thirty-five (35) feet in height.

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

(G) Lot area, frontage, and yard regulations.

(1) Lot size – unsewered.

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

(b) When an unsewered lot is created, the Town 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. Free-standing building sites shall have a minimum lot size of twenty thousand (20,000) square feet.

(3) Lot width (out lots). Free-standing building sites shall have a minimum average width of one hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).

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

(5) Side yard setback. Shall have a minimum offset of ten (10) feet; however, the Town 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 twenty-five (25) feet.

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

(H) Floor area ratio and impervious surface.

(1) Maximum of thirty (30) percent, unsewered.
(2) Maximum of fifty (50) percent, sewer.

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

Section-43: Mixed Use Business Park District (BP).

(A) Purpose and intent. 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 (1) mile of a freeway interchange or at an intersection of two state trunk highways.

The Town Plan Commission and Town Board shall review and consider for approval a Site Plan and Plan of Operation in accordance with Section 6(F) 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-6.

(C) Permitted accessory uses. See Exhibit A-7.

(D) Conditional uses. See Exhibit B-2.

(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 Section 43 and any additional conditions or requirements prescribed by the Town 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 fifty thousand (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 multi-tenant 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 thirty-five (35) feet in height.
(2) No accessory structure shall exceed eighteen (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 forty thousand (40,000) square feet.
   (b) When an unsewered lot is created, the Town 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 twenty thousand (20,000) square feet.
(3) Lot width. Building sites shall have a minimum average width of one hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).
(4) Front yard setback. All buildings shall be located not less than fifty (50) feet from any street or highway right-of-way.
(5) Side yard setback. Shall have a minimum offset of ten (10) feet; however, the Town 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 twenty-five (25) feet.
(7) Floor area. Initial construction proposed on each lot shall be a minimum of five thousand (5,000) square feet.

(H) **Floor area ratio and impervious surface.**
(1) Maximum of thirty percent thirty (30) percent.
(2) No more than sixty-five (65) percent of the subject parcel shall be of impervious surfaces, including buildings, pavement, or other covering material which is impervious to surface water absorption.

Section 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-6.

(C) Permitted accessory uses. See Exhibit A-7.

(D) Conditional uses. See Exhibit B-2.

(E) Building location.

(1) Setback. Fifty (50) feet minimum.

(2) Offset. Ten (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 (50) foot minimum offset and shall be screened from the more restrictive district by a planting screen at least six (6) feet high and fifteen (15) feet in width.

(F) Height regulations.

(1) Principal and accessory building. Sixty (60) feet maximum.

(G) Area regulations.

(1) Floor area:

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

(b) Maximum F. A. R. permitted. Seventy (70) percent.

(H) Lot size:

(1) Minimum area. One (1) acre.

(2) Minimum average width. One hundred fifty (150) feet.
ARTICLE VI: ADMINISTRATION and ENFORCEMENT

Section-45: Board of appeals-establishment.

There shall be a Vernon Board of Appeals consisting of five (5) members and two (2) alternates who shall be appointed by the Town Board, but not more than one (1) supervisor may be a member of the Vernon Board of Appeals. Vernon Board of Appeals members shall be appointed for terms of one, two, and three (3) years respectively, dating from the first day of the month next following the appointment. Successors shall be appointed in like manner at the expiration of each term, and their terms of office shall be three (3) years in all cases and until their successors are appointed or elected. The members of the Vernon Board of Appeals shall all reside within the Town. The Vernon Board of Appeals shall choose its own chair. The Town Board may compensate the members of the Vernon Board of Appeals. Vacancies shall be filled for the unexpired term of any Vernon Board of Appeals member or alternate whose term becomes vacant.

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

(B) Appeals.

(1) How filed. Appeals to the Vernon Board of Appeals may be taken by any person aggrieved or by any officers, department, board or bureau of the Town affected by any decision of the Town Zoning Administrator. Such appeal shall be taken within sixty-five (65) days as provided by the rules of the Vernon Board of Appeals, by filing with the Town Zoning Administrator from whom the appeal is taken and with the Vernon Board of Appeals a notice of appeal specifying the grounds thereof, together with the proper fee as established by the Town Board. The Town Zoning Administrator from whom the appeal is taken shall forthwith transmit to the Vernon Board of Appeals all papers constituting the record upon which the action appealed from was taken.

(2) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Town Zoning Administrator from whom the appeal is taken certifies to the Vernon Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Vernon Board of Appeals or by a court of record on application, on notice to the Town Zoning Administrator from whom the appeal is taken and on due cause shown.

(3) Hearing. Each appeal shall be heard within a reasonable time and not to exceed sixty-five (65) days from the time the appeal was filed with the Vernon Board of Appeals. Notice of hearing shall be given by publishing in a paper of general circulation in the vicinity of the appeal, at least once each week for two (2) consecutive weeks and not less than seven (7) days from the date of the hearing. In addition, written notice shall be given to the Town Zoning Administrator appealed from, and by certified mail to the applicant, the owners of each parcel of land within three hundred (300) feet of the land in question, and any other specifically interested parties. At the hearing, any party may
appear in person or by agent or by attorney.

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

(C) **Powers.**

(1) **Defined.** The Vernon Board of Appeals shall have the following powers as defined by statute: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Town Zoning Administrator in the enforcement of this Code. To authorize upon appeal, in specific cases, variances from the terms of this Code that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done.

(2) **Additional requirements.** In making its determination, the Vernon Board of Appeals shall consider whether the variance or use allowed by law would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this Code, as the Vernon Board of Appeals may deem necessary for the protection of adjacent properties and the public interest and welfare.

(3) **Performance standards.** In order to reach a fair and objective decision, the Vernon Board of Appeals may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.

(4) **Enforcement of decision.** In exercising the powers set out in this Code, the Vernon Board of Appeals may, in conformity with the provisions of this Code, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Town Zoning Administrator from whom the appeal is taken; and may issue or direct the issuance of a zoning use permit provided that no such action shall have the effect of permitting in any District a use prohibited in that District; or rezoning; or of permitting, without the approval of the Town Board, any building within the base setback area as established by Section 9(A) or of granting exceptions to any federal, state, county, or local rules or requirements.

(5) **Required vote.** If a quorum is present, the Vernon Board of Appeals may take action under this Section by a majority vote of members present. The grounds of every such determination shall be stated.

(6) **Further appeal.** Any person or persons jointly or severally aggrieved by any decision of the Vernon Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Town, may appeal from a decision of the Vernon Board of Appeals within thirty (30) days after the filing of the decision in the office of the Vernon Board of Appeals in the manner provided in Wis. Stats. § 62.23(7)(e)(10).

(7) **Expiration.** The owner or petitioner must exercise any variance that does not involve a permit within three (3) years of the date of the Vernon Board of Appeals granting the variance, or prior to the expiration of the permit if a permit is issued contemporaneously with or prior to the grant of the variance, or the approval shall
expire and become null and void, and no refund of any fees shall be made. The Vernon Board of Appeals, upon a written request, may grant an extension of approval without additional fee, prior to such expiration, for good cause as determined by the Vernon Board of Appeals.

Section-46: Changes and amendments-authority.

Subject to the provisions of Wis. Stats. §60,62,61.35 and 62.23(7), the Town Board may from time to time after first submitting the proposal to the Town Plan Commission for report, and after notice and public hearing as provided in this Code, amend, supplement or change the boundaries of Districts or the regulations as established in this Code or which may be subsequently established. Such proposal may be initiated by the Town Board on its own motion, by recommendation of the Town Plan Commission or by petition of one or more property owners.

(A) Procedure.

(1) Filing of petition. All petitions for any change in the text or map submitted by any person or agency other than the Town Board or the Town Plan Commission shall be prepared in triplicate on printed forms provided for that purpose by the Town Clerk. Such petition shall be filed with the Town Clerk and shall be accompanied by a fee as regulated in Section 46(B)(4) and payable to the Town to defray the costs of advertising, investigation, and possible changes in the text or map of this Code.

(2) Data required. In addition to all of the information required on the application form, the applicant shall supply the following:

   (a) A plot map in triplicate drawn to a scale of not less than 1” = 100’ showing the land in question, its location, the length and direction of each boundary thereof, the location and existing use of all buildings on such land and the principal use of all properties within three hundred (300) feet of such land.

   (b) The names and addresses of the owners of all properties within three hundred (300) feet of any part of the land included in the proposed change.

   (c) In the case of a request for a map amendment, the applicant shall submit documentation or a letter of compliance from the Town Planner and Waukesha County that the proposed request complies with the Town of Vernon Comprehensive Plan and Waukesha County Development Plan.

   (d) Any further information which may be required by the Town Plan Commission to facilitate the making of a comprehensive report to the Town Board, including a detailed description of the intended new use.

(3) Referral.

   (a) The Town Clerk shall transmit without delay one (1) copy of such petition to the Town Plan Commission and one (1) copy to Waukesha County.

   (b) The Town Plan Commission shall conduct the necessary investigation, schedule a public hearing, and report its recommendation to the Town Board within a reasonable time after the hearing.

(4) Hearing. Upon the recommendation of the Town Plan Commission and proper notice per Section 46(B), the Town Board shall hold a public hearing thereon.

(5) Decision. The Town Board shall make a decision within an appropriate timeframe after receipt of the Town Plan Commission recommendation.
Three-fourths vote in case of protest. In case of protest against such change duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of land included in such proposed amendments, supplement or change, or by the owners of twenty (20) percent or more of the area of the land immediately adjacent and extending one hundred (100) feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment, supplement or change shall require a three-fourths vote of the members of the Town Board.

Effective upon county approval.

(a) Three (3) signed copies of any change or amendment adopted by the Town Board shall be sent to the County Clerk and Waukesha County for approval of the County Board.

(b) Any such change or amendment shall become effective in the Town upon the approval of the County Board.

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

Posting and publishing.

(a) Except as may be otherwise specifically provided in this Code, notice of public hearing shall be given by publication for two (2) consecutive weeks in the official newspaper of the Town or in the newspaper of general circulation in the area of the proposed change, conditional use, and variance at least seven (7) days before such public hearing. The failure of such notice to reach any property owner, provided such failure is not intentional, shall not invalidate any amending ordinance, variance or granting of conditional use.

(b) When the hearing involves a proposed change in the Zoning District classification of any property, the granting of a conditional use, or are appealed to the Vernon Board of Appeals, the notices shall be posted by the Town Clerk and shall mail by First Class, letters of the public hearing to the owners of all lands within three hundred (300) feet of any part of the land included in such proposed change, conditional use or variance at least ten (10) days before such public hearing. The failure of such notice to reach a property owner, provided such failure is not intentional, shall not invalidate any amending ordinance, variance, or grant of conditional use.

(c) Notice of public hearing shall be sent to the Waukesha County Board Supervisor(s) representing the subject area, the Waukesha County Department of Parks and Land Use Planning and Zoning Division, the State Department of Natural Resources, and Federal Insurance Administrator (FEMA) if lying within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

Information. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held.

Filing. Where such hearing is required by the provisions of this Code as a result of the request for other than a zoning change, such requests shall be presented to the Town Clerk in writing and shall be accompanied by a map or description clearly identifying the property, along with a fee as set forth in Section 46(B)(4) payable to the Town to defray
the cost of notification and holding of the public hearing.

(4) **Fee schedule.** The fees referred to in other provisions of this Code shall be established by the Town Board in a fee schedule and may, from time to time, be modified by resolution. Processing fees are related to costs involved in handling conditional use petitions, appeals to the Vernon Board of Appeals, and zoning amendments and changes.

(5) **Special meeting.** If an applicant requests a special meeting (other than a regular Town Plan Commission or Town Board meeting) all costs incurred will be the responsibility of the applicant.

**Section-47: Town zoning administrator.**

(A) **Personnel designated.** The Town Building Inspector is designated as the Town Zoning Administrator for the provisions of this Code under the direction of the Town Board.

(B) **Duties.** In the enforcement of this Code, the Town Building Inspector shall perform the following duties:

(1) Issue the necessary zoning use permits, provided the provisions of this Code and applicable Town Ordinances, have been complied with.

(2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book provided by the Town for this purpose.

(3) Maintain accurate records and maps pertinent hereto and any amendments or changes thereto.

(C) **Authority.** In the enforcement of this Code the Town Building Inspector shall have the power and authority for the following:

(1) At a reasonable time, upon reasonable notice or as authorized through conditions of a site plan and plan of operation and/or conditional use approval, and for proper purpose, to enter upon any public or private premises to make inspections thereof.

(2) Upon reasonable cause or question as to proper compliance, to revoke any building, zoning use or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Code. Such revocation to be in effect until reinstated by the Town Building Inspector or the Vernon Board of Appeals.

(3) In the name of the Town and with the authorization of the Town Board, to commence any legal proceedings necessary to enforce the provisions of this Code or applicable Town Ordinances, including the collection of forfeitures provided for in this Code.

**Section-48: Violations.**

(A) **Penalties.** Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this Code, shall be subject to a forfeiture of not less than ten (10) dollars and not to exceed the sum of two thousand (2,000) thousand for each offense, together with the costs of the action, and in default of the payment thereof, shall be imprisoned in the county jail, for a period of not to exceed six (6) months, or until such forfeiture and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.

(B) **Enforcement by injunction.** Compliance with the provisions of this Code may also be enforced by injunctive order at the suit of the Town or one or more owners of real estate situated
within the area affected by the regulations of this Code. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive procedures.

(C) Declared nuisances. Any building erected, structurally altered, or placed on a lot, or become dilapidated, or out of repair, or any use carried on in violation of the provisions of this Code, is declared to be a nuisance per se, and the Town may apply to any court of competent jurisdiction to restrain or abate such nuisance.

Section-49: Validity.

(A) Repeal of conflicting ordinances. All other Ordinances or parts of Ordinances in conflict with the provisions of this Code are hereby repealed.

(B) Declaration of severability. The several Sections, provisions, and paragraphs of this Code are hereby declared to be severable. If any Section, provision, and paragraph of this Code shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Code, or of the Section of which the invalid portion or paragraph may be a part.

(C) Effective date. This Code shall be in full force and effect upon passage and publication by the Town Board and upon approval of the Waukesha County Board of Supervisors, said publication to consist of posting of three (3) copies thereof in three (3) public places in said Town.

(D) Adoption. This Code was adopted by the Town of Vernon Board of Supervisors on September 14, 2016 and the Waukesha County Board of Supervisors on November 22, 2016.
EXHIBITS
## EXHIBIT A-1: PERMITTED USE MATRIX

### CO, ECO, & HGO Districts

<table>
<thead>
<tr>
<th>PERMITTED PRINCIPAL USES</th>
<th>CO</th>
<th>ECO</th>
<th>HGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Agricultural or farm uses on parcels having a minimum of three (3) acres. There</td>
<td>X</td>
<td>X</td>
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<tr>
<td>shall be no more than one head of livestock or twenty (20) poultry for the first three</td>
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<tr>
<td>(3) acres of land. There may be one additional head of livestock or twenty (20)</td>
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<tr>
<td>additional poultry for each additional one (1) acre of land. Any person using property</td>
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<tr>
<td>for agricultural uses under this provision must comply with standard manure disposal</td>
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<td>practices. This provision includes private stables.</td>
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<tr>
<td>2) Dams and hydro-electric power stations.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) Grazing</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4) Harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits,</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
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<td>and tree seeds.</td>
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<tr>
<td>5) Hunting and fishing unless prohibited by other Town Ordinances or laws.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6) Non-residential buildings used solely in conjunction with the raising of waterfowl,</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>minnows, and other similar animals or fish.</td>
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<tr>
<td>7) One-family dwellings.</td>
<td>X</td>
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<td>X</td>
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<tr>
<td>8) Park and recreational structures or facilities.</td>
<td>X</td>
<td>X</td>
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<tr>
<td>9) Sod farming in conformance with the provisions of this Code.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>10) Sustained yield forestry. Where such sustained yield forestry practices will take</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>place on areas larger than five (5) acres in size, a forest management plan prepared in</td>
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<td>cooperation with a state forester shall be submitted to and approved by the Town of</td>
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<tr>
<td>Vernon and Waukesha County prior to its implementation. Where such sustained yield</td>
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<tr>
<td>forestry practices will take place on areas smaller than five (5) acres in size, the</td>
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<td>requirements of this Code shall be met.</td>
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<tr>
<td>11) Telephone and electric distribution substations and transmission lines.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>12) Wholesale nurseries, greenhouses and hatcheries subject to review and approval of</td>
<td>X</td>
<td></td>
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<tr>
<td>a Site Plan and Plan of Operation by the Town Plan Commission and Town Board per Section</td>
<td></td>
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<tr>
<td>6(F).</td>
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</tbody>
</table>
## EXHIBIT A-2: PERMITTED USE MATRIX

**CO, ECO, & HGO Districts**

<table>
<thead>
<tr>
<th>PERMITTED ACCESSORY USES</th>
<th>CO</th>
<th>ECO</th>
<th>HGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Accessory buildings or uses, when located on the same lot, and not involving the</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>conduct of a business; provided, however, that no accessory building or use shall</td>
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<tr>
<td>be erected or commenced unless the principal building on such lot has been erected or</td>
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<tr>
<td>is to be erected simultaneously with said accessory building or use.</td>
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<tr>
<td>2) Roadside stands subject to the following:</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>a) Off-street parking for a minimum of four (4) vehicles shall be permitted.</td>
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<tr>
<td>b) No such stands should be closer than thirty (30) feet to the base setback line</td>
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<tr>
<td>or closer than twenty (20) feet to any lot line.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>PERMITTED PRINCIPAL USES</td>
<td>A-B</td>
<td>AD-10</td>
<td>A-5</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----</td>
<td>-------</td>
<td>-----</td>
</tr>
<tr>
<td>1) Agricultural or farm uses on parcels having a minimum of three (3) acres. There shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land. Any person using property for agricultural uses under this provision must comply with standard manure disposal practices. This provision includes private stables.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2) Agricultural machinery sales and services.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Bulk milk collection, storage and distribution facilities.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Cheese factories.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Community living arrangements and community based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 (7) (I) of the Wisconsin Statutes and amendments thereto.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6) Custom grain drying.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Family daycare home or foster family home of eight (8) or fewer persons.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>8) Feed milling operations.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9) Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>10) One-family dwelling.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>11) Poultry and/or egg production.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12) Residential use may be permitted only in connection with or accessory to otherwise permitted uses.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13) Veterinarian services.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14) Warehousing, transfer and transport services of agricultural commodities.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15) Yard sales which shall be limited to 3 consecutive days, including the day leading up to the event, the day of the event, and the day after the event.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>PERMITTED ACCESSORY USES</td>
<td>A-B</td>
<td>AD-10</td>
<td>A-5</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----</td>
<td>-------</td>
<td>-----</td>
</tr>
<tr>
<td>1) Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be erected or commenced unless the principal building on such lot has been erected or is to be erected simultaneously with said accessory building or use.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2) Home occupation and professional offices, subject to the regulations of Section 8(E).</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4) Roadside stands subject to the following:</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>a) Off-street parking for a minimum of four (4) vehicles shall be permitted.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) No such stands should be closer than thirty (30) feet to the base setback line or closer than twenty (20) feet to any lot line.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## EXHIBIT A-5: PERMITTED USE MATRIX

**RRD-5, R-1, R-1a, R-2, & R-3 Districts**

### PERMITTED PRINCIPAL USES

<table>
<thead>
<tr>
<th>1) Agricultural or farm uses on parcels having a minimum of three (3) acres. There shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land. Any person using property for agricultural uses under this provision must comply with standard manure disposal practices. This provision includes private stables.</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Community living arrangements and community based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 (7) (l) of the Wisconsin Statutes and amendments thereto.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) Family daycare home or foster family home of eight (8) or fewer persons.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4) Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) One-family dwelling.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>6) Yard sales which shall be limited to 3 consecutive days, including the day leading up to the event, the day of the event, and the day after the event.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

### PERMITTED ACCESSORY USES

<table>
<thead>
<tr>
<th>1) Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be erected or commenced unless the principal building on such lot has been erected or is to be erected simultaneously with said accessory building or use.</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Home occupation and professional offices, subject to the regulations of Section 8(E).</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Roadside stands subject to the following:</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Off-street parking for a minimum of four (4) vehicles shall be permitted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) No such stands should be closer than thirty (30) feet to the base setback line or closer than twenty (20) feet to any lot line.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5) Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
## EXHIBIT A-6: PERMITTED USE MATRIX

### P-1, B-1, B-2, B-3, B-4, BP, & I-1 Districts

<table>
<thead>
<tr>
<th>PERMITTED PRINCIPAL USES</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>BP</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Animal hospitals, veteran clinics, commercial kennels</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Art, dance, music teaching studios or other similar uses</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Automobile drive-thru facilities such as financial services, fast food establishments,</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>provided the service rendered or product sold is provided to each customer while they</td>
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<td></td>
<td></td>
<td>X</td>
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<tr>
<td>remain in or near their cars and provided to one or a few vehicles at a time.</td>
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<td></td>
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</tr>
<tr>
<td>4) Banks, savings and loan associations and other financial institutions</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>5) Business and trades of a more general nature, as identified below, normally serving a</td>
<td></td>
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<tr>
<td>larger trade area, provided a Site Plan and Plan of Operation is submitted to and</td>
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</tr>
<tr>
<td>approved by the Town Plan Commission and Town Board in accordance with Section 6(F).</td>
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<tr>
<td>a) A building, or portion thereof, or a building designed with self-contained units,</td>
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<tr>
<td>which is leased by the owner for storage.</td>
<td>X</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>b) Business park and shopping center uses.</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>c) Dairies and bottling plants.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>d) Dry cleaning and dying establishments.</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>6) Community living arrangements and community based residential facilities which have a</td>
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<tr>
<td>capacity of eight (8) or fewer persons, subject to the limitations set forth in Section</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>62.23 (7) (I) of the Wisconsin Statutes and amendments thereto.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Department store (i.e. clothing, books, hardware, sporting goods, or other similar use)</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>8) Drop forges, foundries, refineries, tanneries, or any similar use, the normal operation</td>
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<tr>
<td>of which causes objectionable noise, odor, dust, or smoke.</td>
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<td>X</td>
</tr>
<tr>
<td>9) Family daycare home or foster family home of eight (8) or fewer persons.</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>10) Horticultural services, including the retail sale of nursery landscape material and</td>
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<tr>
<td>other agricultural crops and related commodities.</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>11) Hospitals and clinics or rehabilitation facilities or centers.</td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>12) Laboratory, research, and servicing operations.</td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>13) Mental health or substance abuse treatment, training, or counseling or rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>facilities.</td>
<td></td>
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</tr>
<tr>
<td>14) Military installations.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>15) Municipal buildings.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
## EXHIBIT A-6: PERMITTED USE MATRIX

### P-1, B-1, B-2, B-3, B-4, BP, & I-1 Districts

<table>
<thead>
<tr>
<th>PERMITTED PRINCIPAL USES</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>BP</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>16) Museums and libraries</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17) Nursing home.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>18) One-family dwelling in conjunction with, or accessory to, an otherwise permitted use.</td>
<td>X X X X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19) Other similar use subject to the approval of the Town Board, upon recommendation of the Town Plan Commission.</td>
<td>X X X X X X X</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>20) Penal reform institutions.</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>21) Police and fire stations.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22) Professional offices (i.e. architect, engineer, dentist, doctor, optical, or other similar uses)</td>
<td>X X X X X X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>23) Public service yards.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24) Publicly owned and operated parks, recreational uses, golf courses, and open space uses</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>25) Residential treatment, training or education facilities.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>26) Retail or customer service establishments of a restrictive nature, as identified below, provided a Site Plan and Plan of Operation is submitted to and approved by the Town Plan Commission and Town Board in accordance with Section 6(F).</td>
<td>X X X X X X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>a) Bakery, candy and confectionery stores.</td>
<td>X X X X X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Barber and beauty shops.</td>
<td>X X X X X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>c) Boarding, lodging, and tourist houses.</td>
<td>X X X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>d) Café, delicatessen, or restaurant.</td>
<td>X X X X X X</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>e) Florist, gift, or hobby store.</td>
<td>X X X X X</td>
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<td></td>
</tr>
<tr>
<td>f) Fruit, vegetable, and/or meat market</td>
<td>X X X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>g) Funeral home and crematorium.</td>
<td>X X X</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>h) Specialty stores (i.e. tobacco, video, photo, shoe repair, or other similar uses)</td>
<td>X X X X</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>27) Schools.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EXHIBIT A-7: PERMITTED USE MATRIX

**P-1, B-1, B-2, B-3, B-4, BP, & I-1 Districts**

<table>
<thead>
<tr>
<th>PERMITTED ACCESSORY USES</th>
<th>P-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>B-4</th>
<th>BP</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Classes associated with any other permitted use as long as the Site Plan and Plan of Operation approved by the Town Plan Commission and Town Board in accordance with</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>3) Residential quarters used for other than a permitted use under Section 38(B) shall be occupied only by individuals employed full-time on the premises and their families.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Residential quarters used for other than a permitted use under Section 38(B) shall be occupied only by individuals employed full-time on the premises and their families.

1. Accessory buildings or uses, when located on the same lot, and not involving the conduct of a business; provided, however, that no accessory building or use shall be
2. Classes associated with any other permitted use as long as the Site Plan and Plan of Operation approved by the Town Plan Commission and Town Board in accordance with
3. Residential quarters used for other than a permitted use under Section 38(B) shall be occupied only by individuals employed full-time on the premises and their families.
## EXHIBIT B-1: CONDITIONAL USE MATRIX


The following conditional uses are permitted in the applicable Districts subject to the requirements in Section 22.

<table>
<thead>
<tr>
<th>CONDITIONAL USES</th>
<th>CO</th>
<th>ECO</th>
<th>HGO</th>
<th>A-B</th>
<th>AD-10</th>
<th>A-5</th>
<th>A-1a</th>
<th>A-2</th>
<th>A-3</th>
<th>RRD-5</th>
<th>R-1</th>
<th>R-1a</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Adult-oriented establishments.</td>
<td></td>
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</tr>
<tr>
<td>2 Agricultural businesses including grain drying, creameries, food mills,</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>commercial greenhouses and condenseries.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>3 Animal hospitals, veterinarian clinics, and commercial kennels.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Antique shops, gift shops, arts and craft studios and similar uses.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>22 Private clubs, such as gun clubs, hunting preserves, outdoor shooting range,</td>
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<td>recreational camps and centers, indoor/outdoor recreational and athletic</td>
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<td>facilities, driving ranges, and golf courses.</td>
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<tr>
<td>27 Telecommunication facilities (per Statute 66.0404).</td>
<td>X</td>
<td>X</td>
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The following conditional uses are permitted in the applicable Districts subject to the requirements in Section 22.

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<td>Agricultural businesses including grain drying, creameries, food mills,</td>
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<td>Antique shops, gift shops, arts and craft studios and similar uses.</td>
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<td>Automobile service stations, gasoline sales, and convenience stores associated</td>
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<td>with gasoline sales.</td>
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<td>Churches, synagogues, and other buildings for religious assembly.</td>
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<tr>
<td>Commercial fish, bait, ponds or hatcheries.</td>
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<td>Feed lot operation, fur farms, pig farms, and egg production facilities.</td>
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<td>In-law units.</td>
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<td>Private clubs, such as gun clubs, hunting preserves, outdoor shooting range,</td>
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