Chapter XI-Implementation

EXISTING LAND USE REGULATIONS

Introduction
All land development and building activities in the Town of Vernon are regulated by Zoning Ordinances, Subdivision Control Ordinances, Building Codes, and Health Regulations. Land uses are further regulated by the "Waukesha County Zoning Code" and the "Waukesha County Shoreland and Floodland Protection Ordinance".

Land division activities are regulated by the "Waukesha County Shoreland and Floodland Subdivision Control Ordinance" and the "Town of Vernon Land Division Control Ordinance".

Land disturbing activities are regulated by the "Waukesha County Construction Site Erosion Control and Stormwater Management Ordinance".

Health regulations in regards to onsite sewage disposal systems, restaurant and food service facilities, and animal welfare issues are regulated by "Waukesha County Code".

The Future of Town Zoning
In 2003-2004 the Town Board formed a study committee to evaluate and make recommendations to adopt the Waukesha County Zoning Code as the Town of Vernon Zoning Code. If approved by action of the Town Board and County Board, the Town of Vernon will administer its own Zoning Code for all areas not under jurisdiction of the County’s Shoreland and Floodland Protection Ordinance. The Town subsequently adopted a zoning code and is anticipating filing a petition with the County Board in order to opt out of County Zoning.

Zoning Ordinance
The Waukesha County Zoning Code became effective on February 26, 1959. Until such time as the Town adopts its own local zoning ordinance, this Code has jurisdiction in all of the Town of Vernon which lies outside the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance. In 2004, 2005, and 2006 the County made a number of significant changes to the Zoning Code. The County is contemplating a number of significant amendments to the Zoning Code in 2007, all of which are pending at the time this Smart Growth Plan was being prepared.

The Waukesha County Shoreland and Floodland Protection Ordinance became effective on July 16, 1970, and has jurisdiction in the Town over all areas within 1,000 feet of any lake or pond, 300 feet of any stream or river. This Code also applies to the landward side of the floodplain, if greater than 300 feet from a stream or river. In 2004, 2005, and 2006 the County made a number of significant changes to the Shoreland and Floodland Protection Ordinance. The County is considering a number of significant Shoreland and Floodland Protection Ordinance amendments in 2007, all of which are pending at the time this Smart Growth Plan was being prepared. The Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance under
Wisconsin law, are administered jointly by the Waukesha County Park and Planning Department and the Town of Vernon.

The Zoning Ordinance includes twenty-seven different zoning districts including conservancy/wetland, agricultural, residential, commercial, industrial, public and institutional, and quarry uses. The individual district requirements are minimum standards adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the Town of Vernon residents. Among other purposes, such provisions are intended to provide for adequate light, air, sanitation, drainage, convenience of access, conservation of wetlands, safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to preserve and promote the general attractiveness and character of the community environments; to guide the proper distribution and location of population in the various land uses; and otherwise provide for the healthy and prosperous growth of the community.

Agricultural Districts - The Zoning Ordinance has nine agricultural zoning districts. Generally, they are as follows:

- A-1 Agricultural District, permitting residential development on 3-acre parcels with a minimum average width of 200 feet.
- A-1a Agricultural District, permitting residential development on 1 acre parcels with a width of 150 feet.
- AD-10 Agriculture District, intended to preserve the prime agricultural lands in tracts of 20 contiguous acres or more by transferring development rights at five acre densities to other lands more suited for development.
- A-5 Mini Farm District, permitting 5 acre parcels and low density residential use in transitional areas.
- A-B Agricultural Business District is a 5-acre district which promotes agricultural business endeavors which support the agricultural community.
- A-O Existing Agricultural Overlay District promotes continued farm operations where there is a potential for conflict with encroaching residential development.

Generally, agricultural lands in the Town which are not already zoned for development fall within the AE, AD-10, or A-5 Districts.

At the time of inception of the Agricultural Land Preservation Zoning District in both the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance, officials from the Town of Vernon chose not to participate in the program.

Residential Districts - There are seven residential zoning categories in the Code, with minimum lot sizes ranging from 3-acres to 20,000 square feet in area. Generally, areas which are already developed
are zoned in the R-1, or R-1a Residential District which requires 1 acre minimum lot sizes with 150' minimum average width. The distinction between the two zoning districts categories is the minimum home size required. The R-1 district requires a 1,300 square foot minimum, while the R-1a District requires a 1,500 square foot minimum.

The majority of undeveloped lands which are zoned for residential development are classified in the RRD-5 Rural Residential Density District. This district permits lot sizes of one acre and 150 foot width, with overall development densities of one dwelling per five acres.

Environmental Districts - The EC Environmental Corridor District allows residential development at 5 acre densities with minimal disturbance of the upland portion of the corridor. This district, as it is intended to be mapped, includes non-wetland / floodplain primary and secondary environmental corridors, and is intended to be used to preserve, protect, and enhance significant upland wildlife habitat areas, scenic views, and slopes in excess of 12%.

Environmentally sensitive areas are also regulated through the use of the A-E Exclusive Agricultural Conservancy District and the C-1 Conservancy Wetland District. Those areas zoned A-E Exclusive Agricultural Conservancy District are presently in agricultural uses by virtue of either cultivation or pasturing. Absent of such use they would be classified as conservancy lands due to inherently wet soil conditions, or the presence of natural vegetation indicative of wet soils. The intent of this district is to identify and regulate existing agricultural uses on these lands.

The C-1 Conservancy zoned areas are lands which are considered wetlands, marsh lands, swamps, or 100 year floodplains, and under the Shoreland and Floodland Protection Ordinance such uses are those lands which are indicated as DNR Wetlands on the final Wisconsin Wetland Inventory Maps dated September 6, 1984.

In order to protect existing improvements in the C-1 Floodplain areas, the Shoreland and Floodland Protection Ordinance has an Existing Floodplain Overlay District (EFD) that permits the reconstruction of improvements on existing properties which are within the 100-Year Floodplain. However, the Ordinance requires the subject structures and appropriate amenities, i.e. wells and septic systems, to be floodproofed. Generally, all vacant lands which are outside the C-1 Conservancy/Wetland/Floodplain District are zoned to permit agriculture or development.

Business and Industrial Districts - The Zoning Code includes four commercial districts, a mixed use business park district, and two industrial districts, permitting development on parcels as small as 20,000 square feet. The Town does not have any lands currently zoned in the M-1 Limited Industrial, M-2 General Industrial District.

Commercial districts including the B-1, B-2, B-3, B-4 and B-P zones are concentrated in the general vicinity of the intersection of S.T.H. "164" and C.T.H. "ES", including significant amounts of B-4 Community Business District and B-P Mixed Use Business Park District zoning which remain undeveloped. In addition, there are a number of B-2 and B-3 zoned areas scattered on the north and south side of C.T.H. "ES" in the Town of Vernon, of which many parcels were conditionally rezoned for particular operations.
to be a specialized derivation of an industrial zone. The Town does not have any lands currently zoned to the Q-1 Quarrying District.

Subdivision Control Ordinances
The division and improvement of lands within the Town of Vernon are regulated by the Town of Vernon Land Division Control Ordinance, and the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, the later of which has jurisdiction in the same areas as the County’s Shoreland and Floodland Protection Ordinance. The Town's Subdivision Control Ordinance requirements are more restrictive than Chapter 236 of Wisconsin State Statutes, as it requires formal platting of lands when three lots under five acres in area are created within a five year time period. Generally, the intent of the Land Division Ordinance is to lessen street congestion, secure safety, and prevent overcrowding of the land; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks, playgrounds, and other public requirements; to prevent scattered development beyond the service areas of community facilities and utilities; conserve the existing and potential value of land, water, and improvements; provide the best possible environment for human habitation; meet the public demand for aquatic recreation with the least disturbance to shoreland owners; preserve natural growth and ground cover; prevent erosion and sedimentation; protect surface and sub-surface water quality; provide for further division of larger tracts into smaller parcels of land; and secure adequate legal descriptions and survey documentation of divided land.

The Ordinance provides for adequate open space facilities for public use, as all such facilities must be properly located and preserved as the Town develops. Under the Ordinance, the subdivider must dedicate an amount of land equal to .045 acres per dwelling unit or pay a fee which is deposited into two non-lapsing funds, with one being for public park purposes, and the other being for fire protection purposes.

The Ordinance includes pre-application and preliminary filing procedures, and details the review procedures for all land divisions. It sets forth specific information as to what items are to be contained on surveys, plats, and construction plans, including all streets, public improvements, stormwater management and erosion controls. In addition, specific design standards according to street classification, items pertaining to street arrangements, types of streets, street widths, street grades, intersection details, the designs for lots and blocks are contained within the Ordinance.

The provisions of the County’s Shoreland and Floodland Subdivision Control Ordinance are very similar to those of the Town's Land Division Control Ordinance. However, under the County’s Ordinance, parcels are exempt if they are 20 acres or more in area after division.

Construction Site Erosion Control and Stormwater Management Ordinance
The Waukesha County Construction Site Erosion Control Ordinance became effective on May, 1992 as an erosion control ordinance, and was substantially amended in May, 1998 to address stormwater management. This ordinance requires a county permit for land disturbing construction activity. The primary purpose of this Ordinance is to reduce non-point source pollution originating from construction sites. This Ordinance does allow Waukesha County to enforce the Ordinance within the Town unless the Town elects to enforce the provisions on their own.
Building Codes
Building Codes apply to the occupancy of all new buildings constructed in the Town of Vernon. These Codes allow the Town of Vernon to establish fees and require permits for any construction, additions, alterations, or repairs.

On site construction of one-family and two-family dwellings are regulated by the Wisconsin Department of Commerce Administrative Code Chapters COMM 20, 21, 22, 23, 24, & 25 otherwise known as the Uniform Dwelling Code. These chapters also apply to and newly constructed community based residential facilities providing care, treatment, and services for eight or fewer unrelated persons.

One-family and two-family built-off-site Manufactured Homes or Dwellings or Modular Housing as defined by COMM 20.07,27 and Section § 10 1. 91 Wisconsin Statutes.

Commercial construction is required to conform to Wisconsin Administrative Code Chapters COMM 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65, and to the Wisconsin Enrolled Commercial Building Code Volume 1 and 2.

Sign Regulations
Signs in the Town of Vernon are regulated through the Waukesha County Zoning Code.

Historic Preservation Ordinances
The Town of Vernon has no regulations concerning historic preservation, and has no plans to create any regulations in the future.

Housing Codes
Housing in the Town of Vernon is regulated by the Wisconsin Administrative Code.

Sanitary Codes
Sanitary sewers in the Town of Vernon are regulated under the Wisconsin Administrative Code and the Waukesha County Code of Ordinances to protect environmental health and safety through proper siting, design, installation, inspection, and maintenance of private sewage systems.

Health Codes and Services
The Waukesha County Division of Environmental Health inspects and licenses restaurants, and retail food establishments, and investigates all reports of food borne and water borne illness from licensed establishments within Waukesha County. The Environmental Health Division also administers the County’s programs relating to well safety and sanitation.

Waukesha County Humane Officers work with law enforcement agencies to follow up on complaints of neglect and abuse of animals in Waukesha County. Waukesha County also administers a county wide Rabies Control Program.

The Waukesha County Department of Health and Human Services provides social services and programming to Town residents. The department provides a wide range of confidential services designed to enhance the physical and emotional functioning of individuals and families in Waukesha County. The Department's varied and diverse services share a philosophical commitment to the dignity of the individual and a belief that individuals and families can, with proper assistance, positively respond to the challenges that life's problems and crises present.
The Waukesha County Department of Senior Services provides meal programs to local residents, including service at twelve locations throughout the County. The program provides low cost nutritious meals meeting one third of the recommended dietary allowance. Residents over the age of 60 years are eligible to participate. The program emphasizes outreach to the frail, isolated, homebound and disadvantaged. The Home Delivered Meal program provides a meal delivered to frail and homebound older adults who are unable to prepare their own meal.

IMPLEMENTATION RECOMMENDATIONS

Introduction
After formal adoption of the Smart Growth Plan by the Town Planning Commission and confirmation by the Town Board of Supervisors, a number of actions are necessary to achieve the objectives as outlined in the Plan.

After formal adoption, the Town Planning Commission and the Town Board must come to the realization that the Plan will require a commitment to the underlying objectives. The adoption of the Plan is only the first step in a series of requirements necessary to achieve the objectives expressed in this document.

The Plan is intended to be used as a guide when making decisions concerning land development in the Town of Vernon. In addition to its regular use as a reference document, the Town Planning Commission and the Town Board should evaluate the Plan at set periods of time in order to confirm that the Plan is reflecting the conditions as they currently prevail in the Town of Vernon. It is suggested that this re-evaluation be done in 5 year increments or more frequently if warranted by changing conditions.

In order for the Town to follow the recommended Smart Growth Plan, it will require some changes in the policy of the Town Board and Town Planning Commission in reviewing specific development proposals. The Town should preserve rural character by preserving and protecting the natural resource base including prime agricultural lands, floodplains, environmental corridors, wetlands, and by regulating new residential, commercial, and industrial land uses.

Development requiring the use of the best remaining agricultural lands, the draining and filling of wetlands, the grading of hilly wooded sections should be discouraged or avoided in total where possible.

If the Town ignores these basic recommendations they will be greatly compromising the intent of the adopted Plan. The Town should develop policies and practices which protect the natural environment in the long term and prevent the need to provide costly urban facilities and services to those developments which encroach upon environmentally sensitive areas.

Public Informational Meetings and Hearings
The Town of Vernon Smart Growth Committee, consisting of the members of the Town Planning Commission has met in public open session to review updates to the 2004 Plan. Upon its completion, the Town of Vernon Smart Growth Plan Committee held a public hearing on June 28, 2007, to acquaint residents and land owners with the proposed plan, and to solicit public reaction to it.
Plan Adoption
An important step in the plan implementation is the formal recommendation of the plan by the Smart Growth Plan Committee and the adoption of the plan pursuant to the State's enabling legislation. After adoption the plan becomes an official guide intended to be used by Town officials in making land use and development decisions, and by the public in proposing specific development project proposals consistent with the plan.

The Town Planning Commission adopted the plan on June 28, 2007. The plan was then forwarded to the Town of Vernon Board and they endorsed the adopted plan on July 5, 2007. This is a step recommended to demonstrate acceptance of the plan by the Town Board and its support of the Town Planning Commission.

Upon adoption of the plan by the Town of Vernon Planning Commission, and concurrence by the Vernon Town Board, the plan should be submitted to the Southeastern Wisconsin Regional Planning Commission, and the Waukesha County Land Development Committee to be incorporated into the Waukesha County Development Plan. The Smart Growth Plan should be considered a refinement of the Southeastern Wisconsin Regional Planning Commission’s Land Use Plan, latest edition.

Following plan adoption, and prior to the adoption of any zoning map amendments, confirmation should be received from the Regional Planning Commission that they concur with the Town's adopted plan, and will support incorporation of the Town Plan into the Regional Plan and the Waukesha County Development Plan. The Regional Planning Commission's concurrence with this plan and the incorporation of the Town's plan into the Waukesha County Development Plan show that all levels of government will be in agreement with the long-range development goals of the Town of Vernon.

Following adoption, the Town should also transmit copies of the Plan to adjacent communities for their reference. Communication at this level often assists communities in planning buffers and transitions between land uses, and can minimize external impacts that community plans may have on one another.

Zoning Text Changes
Of all the devices presently available to implement Smart Growth Plans, perhaps the most important is the Zoning Ordinance. The Town of Vernon is under the jurisdiction of the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance. It is anticipated that the Town will implement its own Zoning Code, and will administer all non-shoreland related zoning decisions locally.

In order for the Town of Vernon to implement the recommended Smart Growth Plan, changes in the local Zoning Code may be necessary, such as modification to the text of the Zoning Ordinance to accommodate certain suggestions regarding the cluster or conservation development in environmentally sensitive areas.

Zoning Map Changes
Once the Zoning Code has been locally adopted, the Town of Vernon may proceed in making any necessary amendments to the Zoning District Maps that may apply. The Zoning District Map should represent an accommodation of existing land uses which are compatible with the Smart Growth Plan with consideration given to existing parcel sizes and uses.

Substantial changes to existing Zoning Maps are not contemplated at this time. Any such amendments to the Zoning District Maps would be intended to refine the existing maps in order to protect desirable
existing land uses until such time as specific development proposals, which are consistent with the adopted plan, are made to the Town Board and Town Planning Commission.

Subdivision Review
In 2006 the Town of Vernon amended its Residential Development Permitting process (Allotment). In 2006 and 2007 the Town also amended its Street Standards. All of these amendments are found within the Land Division Control Ordinance. No substantial changes to the Land Division Control Ordinance are proposed at this time. However, amendments should be thoughtfully considered where necessary to refine local codes to best carry out the implementation of this plan. This can often be an important means of implementing the Land Use Plan by coordinating the layout, design, and improvements of private land development and proposals within the Town, especially as they relate to cluster or conservation subdivisions.

Compliance with the Smart Growth Plan should serve as a basis for the review of all subdivisions and certified survey maps. Proposed land divisions should consider the proper layout of streets, blocks, and lots as well as the topography and soils. It is suggested that before any certified survey map is approved, that a neighborhood layout be presented showing how the proposed parcel will impact the overall development of the area and how surrounding, existing or future development will be accommodated upon approval of the subject development.

Park and Open Space Plan
As part of the implementation of the Smart Growth Plan, certain sites have been designated as future public parks in order to accommodate the continued growth in the Town of Vernon. Therefore, as part of the development of the subject plan, the Town should review adopted park plans, assess their relevance to this Plan, and update as needed.

Official Map
The Town has adopted an Official Map designating which town roads should be updated or widened and any potential through-streets that should be delineated between existing neighborhoods. The Official Map takes into account topography and the preservation of wetlands and floodplains areas.

Capital Improvement Program
Use of a Capital Improvement Program (CIP) to designate annual expenditures for public improvements is one of the best ways to manage and implement a comprehensive plan. A CIP is a multi-year schedule of public physical improvements which usually address such issues as the upgrading of roads, new roads, park facilities, sewer and water, and fire and police protection for a five or six year period. A CIP generally consists of an inventory of existing facilities, the evaluation of the condition of those facilities, the evaluation of those facilities based on acceptable industry standards, a repair and replacement schedule and the need for new facilities.

PLAN AMENDMENT PROCEDURES
The Town anticipates a four-step planning process for the future updates to this Smart Growth Plan. The following procedures for public participation shall be undertaken for informing and getting citizens involved during each phase of the comprehensive planning process.

- Analysis: Appropriate tools are identified and utilized to obtain a complete understanding of the amendment, and get a sense of its strengths, weaknesses, issues and opportunities.
Visioning: Appropriate tools are identified and utilized to assess how services and types of development will affect the community, as well as determine any additional issues to address, and strengths to build on.

Synthesis: The vision is drafted into document and map form which includes demographic information and translates the amendment into statements of goals and policies.

Formal Review and Approval: The draft document is distributed to the public, neighboring communities, and overlapping jurisdictions, as well as all others who express interest in receiving the draft plan. Responses to written public comments and suggestions on the draft document are reviewed by the Town Board and addressed before additions, edits or other changes to the draft plan are recommended to the Plan Commission. A public hearing is held for formal public review and comment on the final draft. Town Board reviews and addresses the public written comments on the final draft in the adopted document.

It is recommended that the Plan Commission review this Plan and the Official Map on an annual basis. Following adoption of a revision, it should be forwarded to the County and considered for inclusion in the next County Development Plan amendment.

INTEGRATION AND CONSISTENCY OF PLANNING ELEMENTS

Implementation Strategies for Planning Element Integration

Comprehensive planning legislation requires that the Implementation element describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the plan. The planning process that was used to create the Town of Vernon 2026 Smart Growth Plan required all elements of the plan to be produced in a simultaneous manner. No elements were created independently from the other elements of the plan, thereby minimizing threat of inconsistency. There are no known inconsistencies within the plan or individual elements or between goals, objectives, policies and recommendations.

Over time, the threat of inconsistency between the plan and existing conditions will increase, requiring amendments or updates to be made. Likewise, additional plans regarding specific features within the community may also be developed. The process used to develop any further detailed plans should be consistent with the Town of Vernon 2026 Smart Growth Plan.

Planning Element Consistency

As the planning process that was used to create the Town of Vernon 2026 Comprehensive Plan required all elements of the plan to be produced in a simultaneous manner and no elements were created independently from the other elements of the plan, the threat of inconsistency is reduced. Of course, there may be inconsistencies between the goals and objectives between elements or even within an individual element. This is the nature of goals and objectives. Because these are statements of community values, they may very well compete with one another in certain situations. The mechanism for resolving any such inconsistency is the policy statement. Where goals or objectives express competing values, the Town should look to the related policies to provide decision-making guidance. The policies established by this plan have been designed with this function in mind, and no known policy inconsistencies are present between elements or within an individual element.
Over time, the threat of inconsistency between the plan and existing conditions will increase, requiring amendments or updates to be made. Additional plans regarding specific features within the community may also be developed. The process used to develop any further detailed plans should be consistent with the Town of Vernon 2026 Smart Growth Plan.

**Measurement of Plan Progress**
Wisconsin’s Comprehensive Planning law requires that the Implementation element provide a mechanism to measure community progress toward achieving all aspects of the comprehensive plan. An acceptable method is to evaluate two primary components of the plan, policies and recommendations, which are found in each plan element.

To measure the effectiveness of an adopted policy, the community must determine if the policy has met the intended purpose. Each policy statement should be reviewed periodically to determine the plan’s effectiveness. Likewise, recommendations listed within each element can be measured. For recommendations, the ability to measure progress toward achievement is very straightforward in that the recommendations have either been implemented or not. To ensure the plan is achieving intended results, periodic reviews should be conducted by the Plan Commission and results reported to the governing body and the public.