

# Village of Grafton

## Chapter 19: Zoning Ordinance

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Section 19.01.01: Title

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**ARTICLE I: INTRODUCTION AND DEFINITIONS****Section 19.01.01: Title**

This Chapter shall be known, cited, and referred to as the Village of Grafton Zoning Ordinance, except where as referred to herein, where it shall be known as "this Chapter."

**Section 19.01.02: Authority**

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law References: Section 62.23(7), 62.231, 87.30, Wisconsin Statutes.

**Section 19.01.03: Purpose and Intent**

- A. This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes.
- B. It is also the intent of this Chapter is to implement certain goals and objectives of the Village of Grafton Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

**Section 19.01.04: Separability and Non-Liability**

It is hereby declared to be the intention of the Village of Grafton Village Board that provisions of this Chapter are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- C. If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- D. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts

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**Section 19.01.05: Abrogation**

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that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

**Section 19.01.05: Abrogation**

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**Section 19.01.06: Rules of Interpretation**

- A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- C. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e. g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- D. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.
- E. Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.
- F. In cases of mixed occupancy or mixed use buildings, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used. In the case of buildings containing both residential and nonresidential uses, the density, intensity, and bulk standards for nonresidential buildings shall apply.
- G. Except for outlots authorized under Municipal Code Title 18: Subdivisions to contain permanently protected green space area, no yard or other open space

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**Section 19.01.07: Jurisdiction**

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area shall be considered as providing a yard or open space for a building or structure on any other lot.

**Section 19.01.07: Jurisdiction**

This Chapter is applicable to all territory located within the corporate limits of the Village of Grafton, all areas within the extraterritorial jurisdiction of the Village of Grafton, and all areas where boundary agreements are in place.

**Section 19.01.08: Effective Date**

This Chapter shall become effective upon passage and publication according to law, following the date of repeal and recreation of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions such as Planned Developments.

**Section 19.01.09: Applicability**

- A. All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the Village of Grafton and extraterritorial jurisdiction. Beyond this Chapter, these kinds of activities are subject to all Village, State, and Federal requirements.
- B. The use of land is generally addressed in Articles II and III. Development activities including redevelopment and building and site renovations are regulated throughout the ordinance rather than in any one section or article.
- C. Where questions of applicability arise, the interpretation of applicability falls under the duties of the Community Development Director, or designee.

**Section 19.01.10 to 19.01.19: Reserved****Section 19.01.20: Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- C. The masculine gender shall include the feminine, and vice versa.
- D. The words "shall," "must," and "will" are mandatory.
- E. The words "may," "can," and "might" are permissive.
- F. The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- G. The word "Village" shall mean the Village of Grafton, Wisconsin.
- H. The word "county" shall mean the County of Ozaukee, Wisconsin.
- I. The word "state" shall mean the State of Wisconsin.

Section 19.01.21: Abbreviations

- J. The words "Plan Commission" shall mean the Village of Grafton Plan Commission.
- K. The word "Council" shall refer to the Village of Grafton Village Board.
- L. The words "Board" or "Board of Appeals" shall refer to the Village of Grafton Zoning Board of Appeals.
- M. If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

**Section 19.01.21: Abbreviations**

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
ft	Foot
N/A	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

**Section 19.01.22: Definitions**

A. The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Community Development Director, or designee, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to Article III. For definitions related to signs, refer to Municipal Code Title 20: Signs. Definitions provided by this Section include:

1. **Abutting:** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated rights-of-way.
2. **Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.
3. **Acre:** 43,560 square feet.
4. **Accessory structure, nonresidential:** See Article III. A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary nonresidential building; (2) are clearly incidental to and customarily found in connection with a primary building or use; and (3) are subordinate to and serving a primary building or use.
5. **Accessory structure, residential:** See Article III. Structures accessory to a residential use including but not limited to structures used to shelter parked passenger vehicles (including garages and carports), structures used to store residential maintenance equipment of the subject property, workshops, kennels, boathouses, and pool houses. Residential accessory structures may be attached or detached from the principal residential structure.

## Section 19.01.22: Definitions

6. **Accessory structure, attached:** An accessory structure which is physically connected to the principal building. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for principal structures. Examples include decks which are immediately accessible from the principal structure.
7. **Accessory structure, detached:** An accessory structure which is not physically connected to the principal building. A minor attachment does not render an accessory structure attached. Examples of minor attachments include, but are not limited to, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5 feet.
8. **Accessory use:** A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals ( except pets or as otherwise permitted by the Municipal Code).
9. **Adaptive reuse:** Adapting an existing building originally designed for an institutional, quasi-public, public or other specific/ special purpose to a new use.
10. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
11. **Address:** The number or other designation assigned by the Department of Public Works to a housing unit, business establishment, or other structure or site for purposes of mail delivery, emergency services, and so forth.
12. **Agent of owner:** A person authorized in writing by the property owner to represent and act for a property owner in contacts with Village employees, committees, commissions, and the Village Board, regarding matters regulated by the Zoning Ordinance.
13. **Airport:** Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.
14. **Airport hazard:** Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.
15. **Alley:** A minor public right- of-way/street or thoroughfare providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.
16. **Alteration:** Any change, addition, or modification in construction (other than repair/ maintenance), or any change in the structural members of buildings such as load- bearing walls, columns, beams, girders, etc.

Section 19.01.22: Definitions

17. **Animal unit:** A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. Figure 19.01.22a indicates the number of common farm species which comprise a single animal unit. See Section 19.03.17(M) for regulations for keeping chickens in residential zoning districts.

**Figure 19.01.22a: Animal Units**

Type of Animal	# of Animals per Animal Unit	Type of Animal	# of Animals per Animal Unit	Type of Animal	# of Animals per Animal Unit
Horse (> 2 yrs)	1	Brood Sow or Boar	2	Chicken – Egg Layers	30
Colt (< 2 yrs)	2	Hog	3	Chicken – Fryers	60
Cattle (< 2 yrs)	5	Sheep/Goat	10	Turkey	50
Cattle (> 2 yrs)	2	Lamb	14		
Calf (< 1 yr)	1				
<i>Source: The Stockman's Handbook</i>					

18. **Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 19.09.20.
19. **Automobile:** Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.
20. **Awning:** A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.
21. **Balcony:** A platform that is attached to and projects from the wall of a principal building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.
22. **Base standard modification:** Changes to the regulations set forth in this Chapter, which are permitted only with an approved Planned Development meeting the requirements of Section 19.02.25.
23. **Basement:** That portion of a building between the floor and ceiling, having at least one- half of its height below grade.
24. **Berm:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.
25. **Block:** The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of unsubdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "block."

## Section 19.01.22: Definitions

26. **Boat:** A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).
27. **Boathouse:** A structure used for the storage of watercraft and associated materials which has one or more walls or sides.
28. **Bufferyard:** Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual, noise and other interaction with an adjoining property.
29. **Buildable area:** The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.
30. **Buildable width:** The width of the lot left to be built upon after the side yards are provided.
31. **Buildable depth:** The depth of the lot left to be built upon after the front and rear yards are provided.
32. **Building:** A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.
33. **Building coverage:** The percentage of a lot covered by principal and accessory buildings or structures.
34. **Building footprint:** The outline of the total area covered by a building's perimeter at the ground level.
35. **Building height:** The vertical distance from the established grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; or (c) the average height between eaves and ridge for a gable, hip and gambrel roof.
36. **Building, principal:** A building in which the main or principal use of the lot is conducted.
37. **Building separation:** The narrowest distance between two buildings (see minimum building separation).
38. **Bulk:** The combination of building height, size, and location on a lot.
39. **Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.
40. **Canopy:** A structure or sign attached and extending from the face of a building, constructed as a permanent fixture.
41. **Capacity:** The maximum lawful level of designed use of any structure, or part thereof, as determined by the Village's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.
42. **Certified Survey Map:** A plat or map prepared for a minor land division defined, prepared, and recorded as set forth in Section 236.34 Wis. Stats.
43. **Club:** Structures and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
44. **Comprehensive plan:** The long-range master plan for the desirable use and development of land in the Village as officially adopted and as

## Section 19.01.22: Definitions

- amended from time to time by the Commission and certified to the Village Board.
45. **Conditional use:** A use which may be appropriate or desirable in a specific zone, but requires special approval because if not carefully located or designed, may not be deemed compatible with neighborhood uses or may create special problems.
  46. **Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.
  47. **Court:** An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.
  48. **Covenant:** A contract between two or more parties which constitutes a restriction of a particular parcel of land.
  49. **Deck:** An uncovered and open platform built above grade and attached to a principal or accessory building, typically supported by pillars or posts. Attached decks are considered to be part of a building or structure for all setback purposes.
  50. **Density:** A term used to describe the number of dwelling units per acre.
  51. **Design standards:** A guideline/ specification or set of guidelines/ specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement.
  52. **Developed area:** That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features.
  53. **Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; deposition of materials; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.
  54. **Dormer:** A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.
  55. **Driveway:** A private roadway providing access to a public right- of-way.
  56. **Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.
  57. **Dwelling, attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.
  58. **Dwelling, detached:** A dwelling entirely surrounded by open space on the same lot.



## Section 19.01.22: Definitions

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59. **Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
60. **Easement:** Written authorization, recorded in the County Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.
61. **Elevation (building):** The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."
62. **Extraterritorial area:** The area outside of the Village limits in which the Village of Grafton may exercise extraterritorial powers of planning, land division, and/ or zoning review.
63. **Facade:** The wall planes of a building which are visible from one side or perspective (e. g. front, side, rear). See "elevation (building)."
64. **Family:** A person living as an individual or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship.
  - Two (2) unrelated adult individuals and the minor children of each. For the purpose of this Section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
  - Up to four (4) unrelated adult individuals.
  - Up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S. C. Section 802 (6).
  - Up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
  - Exceptions: The definition of "family" does not include: i) Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and ii) Any group of individuals whose association is temporary or seasonal in nature.
65. **Farm building:** Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

## Section 19.01.22: Definitions

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66. **Fence:** Any artificially constructed barrier erected to separate, enclose or screen areas of land.
67. **Fence, picket:** A type of fence constructed of evenly- spaced vertical boards that are connected by two or more horizontal rails.
68. **Fence, solid:** A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and operations conducted behind it from view.
69. **Fence, wood rail:** A type of fence constructed of wooden beams or timber logs (usually split lengthwise into rails) that are arranged in a manner that allows for more than 75 percent of the fence's surface area to be open for the free passage of light and air.
70. **Floor area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.
71. **Floor area ratio:** The numerical value obtained by dividing the floor area of a structure or structures by the lot area on which such structure(s) are located.
72. **Foot-candle:** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.
73. **Frontage:** See lot frontage.
74. **Garage:** An attached or detached building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children's play equipment.
75. **Grade, existing:** The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.
76. **Grade, finished:** The final elevation of the ground surface after man-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the Village of Grafton.
77. **Greenspace:** An area landscaped with grass, shrubs, trees, and other vegetative groundcover.
78. **Greenspace surface area ratio (GSR):** The percentage of the gross site area or lot area which is preserved as permanently protected greenspace or landscaped area in relation to the percentage of gross site or lot area included in development.
79. **Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).
80. **Gross floor area:** The total floor area inside the building envelope on all levels of a building.
81. **Gross site area:** The total area of a single lot or the sum of multiple lots in common use.

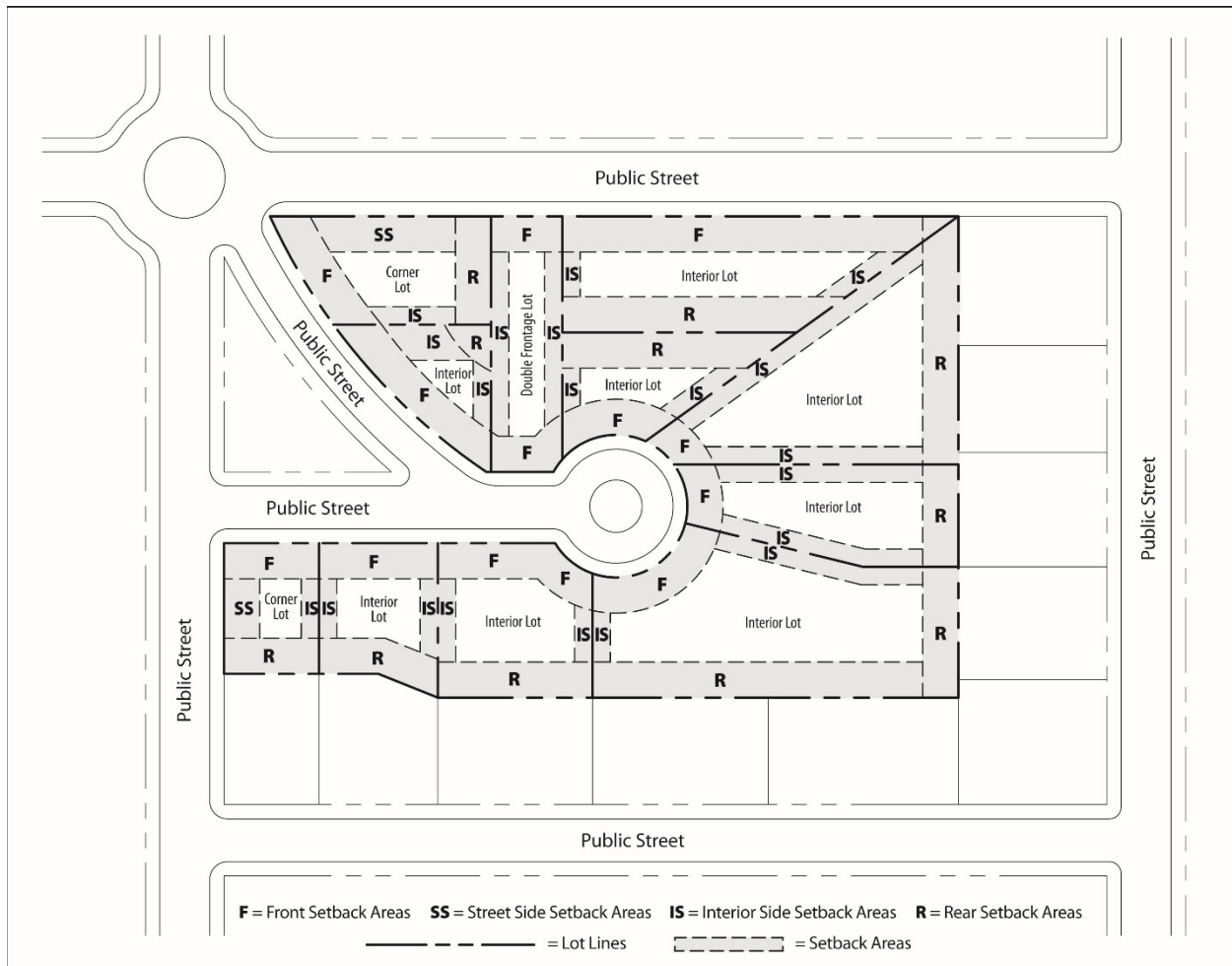
## Section 19.01.22: Definitions

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82. **Group development:** See Section 19.04.11. Any development located on one lot and comprised of any single instance or any combination of the following development types:
- One or more principal multi-family residential buildings with a total of 12 or more residential units on the same lot.
  - Three or more principal structures on the same lot, whether serving a single use or more than one use.
  - Any addition of principal buildings that increases the total number of principal structures on the same lot to three or more.
83. **Historic building or site:** Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district.
84. **Impervious surface:** Surfaces that prohibit infiltration of stormwater. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar paved surfaces are considered impervious.
85. **Impervious surface ratio:** A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.
86. **Infill site:** A lot or parcel within developed areas of the Village as identified in the Comprehensive Plan.
87. **Intensity:** A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.
88. **Landscaped area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch.
89. **Large development:** See Section 19.04.11. Any new retail or commercial development containing any single building in which the combined area of the building footprint exceeds 50,000 square feet. All additions to existing retail and commercial buildings, built either before or after the adoption of this Ordinance, which brings the total building size to over 20,000 gross square feet shall comply with Section 19.04.11.
90. **Lot:** A parcel of land in one ownership and not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record" shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.
91. **Lot area:** The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

Section 19.01.22: Definitions

- 92. **Lot, corner:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."
- 93. **Lot depth:** The mean horizontal distance between the front and rear lot lines.
- 94. **Lot frontage:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right- of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.
- 95. **Lot, interior:** A lot other than a corner lot.
- 96. **Lot line:** A lot line is the legal property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right- of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Figure 19.01.22b: Lot Configuration**



Section 19.01.22: Definitions

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97. **Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. (See also lot line, street side). See Figure 19.01.22b.
98. **Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages). See Figure 19.01.22b.
99. **Lot line, side:** Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 19.01.22b.
100. **Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 19.01.22b.
101. **Lot of record:** A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the Village of Grafton and/or by Ozaukee County, and has been recorded in the office of the Register of Deeds.
102. **Lot, through:** A lot having frontage on two parallel streets (also known as a double frontage lot). See Figure 19.01.22b.
103. **Maintenance:** An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.
104. **Manufactured home:** A one or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with § 70. 043(1) Wis. Stats. and subchapters III, IV, and V of chapter COMM 21, Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide.
105. **Maximum building size (MBS):** The largest permitted total gross floor area a building may contain (see building size).
106. **Maximum gross density:** The maximum number of dwelling units permitted per acre of Gross Site Area (see gross density).
107. **Minimum building separation:** The narrowest permitted building separation.

## Section 19.01.22: Definitions

108. **Minimum greenspace surface ratio:** The lowest permitted greenspace surface ratio (see greenspace surface ratio).
109. **Minimum lot area:** The minimum size lot permitted within the specified zoning district.
110. **Minimum lot width:** The smallest permissible lot width for the applicable zoning district.
111. **Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.
112. **Mixed use:** Some combination of residential, commercial, industrial, office, institutional, and/ or other land uses within a district or development.
113. **Mobile home:** A type of single family dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un- collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. A Mobile Home does not include a "modular home" as defined by this Chapter. Any similar dwelling unit which has its own motor or remains on wheels shall be considered a recreational vehicle.
114. **Modular home:** A dwelling unit meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 19.03.06(A).
115. **Multi-family residential:** A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.
116. **Navigable water:** All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.
117. **Net developable area:** The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area from the gross site area.
118. **Nonconforming building or structure:** Any building or other structure which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

## Section 19.01.22: Definitions

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119. **Nonconforming development:** A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter.
120. **Nonconforming lot:** A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
121. **Nonconforming structure:** A structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter. Parking, loading, access drives, and other paved areas are included in the definition of structure.
122. **Nonconforming use:** An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter or amendments thereto, which has continued as the same or less intensive use to the present, and which, does not comply with the applicable regulations of this Chapter.
123. **Nonresidential use:** The individual uses including but not limited to "Agricultural Land Uses," "Institutional Land Uses," "Commercial Land Uses," "Industrial Land Uses," "Storage Land Uses," "Transportation Land Uses," "Extraction and Disposal Land Uses," "Telecommunication Land Uses," and "Energy Production Land Uses" as listed in Article III.
124. **Occupancy:** The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy includes a change of tenants but not change of proprietors under the same business operation.
125. **Official map:** The map adopted pursuant to Section 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.
126. **Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.
127. **Open space:** Any area not covered by a structure.
128. **Ordinary high water mark:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

## Section 19.01.22: Definitions

129. **Outdoor wood furnace:** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/ or heating the principal building.
130. **Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.
131. **Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.
132. **Parapet:** The extension of a false front or wall above the roofline.
133. **Parcel:** Any area of land (lot or contiguous group of lots) in the Village under single ownership as shown on the last assessor's roll of the county or the records of the Village, whichever is the most recent.
134. **Parking space, designated:** An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a paved surface per the requirements of Section 16.04.02(U).
135. **Patio:** An open, level-surfaced area which is typically impervious has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.
136. **Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.
137. **Permanently protected green space:** Permanently protected green space areas that are protected from development such as wetlands, floodplains, drainage ways, steep slopes, lakeshores, certain woodlands, native or restored habitat, and stormwater facilities.
138. **Pervious surface:** A surface which allows for precipitation from any source to infiltrate directly into the ground.
139. **Place of worship:** A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.
140. **Plat:** A map or drawing which graphically delineates the boundary of land lots/ parcels for the purpose of identification and record title.
141. **Pole building:** A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes and are not intended for human occupancy.
142. **Porch:** A covered platform at an entrance to a dwelling, which is not heated or cooled or used for livable space, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.
143. **Principal structure:** The building containing the principal use, including the foundation, basement, and attic. When calculating area, attached residential accessory structures such as attached garages, attached garden sheds, and attached pool houses are not considered part of the principal structure.



## Section 19.01.22: Definitions

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144. **Principal use:** The main use to which a parcel is devoted and the main purpose for which the premises exists.
145. **Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.
146. **Recreational equipment:** Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play- forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.
147. **Recreational vehicle:** A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but not limited to travel trailers, motor homes, boats, all- terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.
148. **Regional flood:** A flood determined by the Wisconsin Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100- year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.
149. **Residential use:** The individual uses listed in Section 19.03.06.
150. **Riverwalk:** A publicly- or privately-owned way, generally open to the sky and unobstructed by buildings, that runs along the river edge and is open to the public. It may include, without limitation, any combination of open space, paved areas, landscaped areas, pedestrian paths, and pedestrian furnishings.
151. **Rummage sale:** See "Garage or Estate Sale" in Article III.
152. **Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.
153. **Setback:** The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections per Section 19.02.08.
154. **Sign:** See Title 20 Village of Grafton Municipal Code.
155. **Sill:** A horizontal, lower member or bottom of a door or window casing.
156. **Single family dwelling unit:** A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (Family Residential) and have no roof, wall, or floor in common with any other

## Section 19.01.22: Definitions

- dwelling unit. A single family dwelling that contains an in-family suite is still considered a single family dwelling.
157. **Single family living arrangement:** Occupancy of a dwelling unit by no more than 1 family.
158. **Site area:** See gross site area.
159. **Site plan:** See Section 19.02.08.
160. **Slope:** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3: 1 slope is 3 feet horizontal and 1 foot vertical).
161. **Start of construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/ or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.
162. **Steep slope:** Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).
163. **Street terrace:** The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.
164. **Story:** That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.
165. **Story, half:** That portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4.5 feet above the finished floor of each story.
166. **Street:** A right-of-way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the roadway or right-of-way lines.
167. **Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.
168. **Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, public utilities, and other minor site improvements.
169. **Temporary use:** A land use which is present on a property for a limited and specified period of time. See Article III: Land Use Regulations and Section 19.09.14.
170. **Transom:** A horizontal bar of stone, wood or glass across the opening of a door or window.

## Section 19.01.22: Definitions

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171. **Two family residential:** A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.
172. **Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
173. **Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.
174. **Variance:** A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship.
175. **Vision triangle:** See Section 19.04.06.
176. **Wetland:** An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Section 23.32(1), Wis. Stats.
177. **Woodland:** Areas of high quality trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Grafton and its environs or per a woodland survey by a professional arborist. The canopy of any tree listed as "Prohibited" in Figure 19.05.04c: Prohibited Species and Species to Use Sparingly shall not be counted in the calculation of a minimum of 80 percent of an area of one acre or more.
178. **Yard:** An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.
179. **Yard, front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
180. **Yard, rear:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot. 188) **Yard, side:** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.
181. **Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest building or structure.
182. **Zoning map, official:** The map adopted and designated by the Village as being the "Official Zoning Map."

**Section 19.01.23-29: Reserved for future use**

Section 19.02.01: Purpose

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**ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS****Section 19.02.01: Purpose**

The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Grafton Comprehensive Plan, and to achieve the other purposes of this Chapter.

**Section 19.02.02: Standard Zoning Districts**

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

**Residential Zoning Districts**

- SF-3 Single Family Residential-3
- SF-4 Single Family Residential-4
- SF-6 Single Family Residential-6
- DU-6 Duplex Residential-6
- MH-9 Mobile Home Residential-9
- MF-14 Multi-Family Residential-14
- MF-20 Multi-Family Residential-20

**Nonresidential Zoning Districts**

- RH-35 Rural Holding-35
- I Institutional
- PR Park and Recreation
- NMU Neighborhood Mixed Use
- SMU South Commercial Mixed Use
- RMU Regional Mixed Use
- DMU Downtown Mixed Use
- BP Business Park
- LI Light Industrial
- HI Heavy Industrial
- EX Extraction and Disposal
- AE Adult Entertainment
- PUD Planned Unit Development

**Section 19.02.03: Map of Standard Zoning Districts**

Zoning districts established by this Chapter are shown on the Official Zoning Map of the Village of Grafton, which together with all explanatory materials thereon, is hereby made part of this Chapter.

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**Section 19.02.04: Interpretation of Zoning District Boundaries**

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**Section 19.02.04: Interpretation of Zoning District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Grafton:

- A. Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.
- B. Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- C. Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Grafton or Ozaukee County tax maps shall be construed as following such lines.
- D. Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- E. Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- F. Zoning district boundaries shown as separated from, any of the features listed in paragraphs (A) through (E), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- G. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Community Development Director, or designee.

**Section 19.02.05: General Standards**

- A. No building, structure, or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district in which it is located.
- B. No structure, development, land, water, or air shall hereafter be used, no site shall be altered or improved, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without meeting the requirements of this Ordinance.
- C. No yards, now or hereafter provided for an existing building, shall subsequently be reduced below, or further reduced below--if already less than--the minimum yard requirements of the district in which it is located.
- D. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission due to flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission, in

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 Section 19.02.06: Bulk Standards
 

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applying the provisions of this Ordinance, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter, the Zoning Board of Appeals may affirm, modify, or withdraw its determination of unsuitability.

**Section 19.02.06: Bulk Standards**

- E. All structures shall comply with the requirements listed for each zoning district in this Article.
- F. All lots shall abut upon a public street. Refer to additional standards for lots and blocks in Title 18: Subdivisions.
- G. On lots fronting two nonintersecting streets, a front yard must be provided on both streets.
- H. On lots fronting three or more streets and/or on sharply curved streets, the determination of the yards and appropriate setbacks shall be made by the Community Development Director, or designee.

**Section 19.02.07: Exceptions to Maximum Height Regulations.**

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in this Article are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

- A. The following are permitted to exceed the maximum height regulations within any district where permitted: church spires; belfries; cupolas; penthouses and domes (not used for human occupancy); public monuments; stage towers or scenery lofts; water towers; fire and hose towers; tanks; utility poles; flag poles; chimneys; cooling towers; exhaust pipes; ventilators; skylights; telecommunications towers and antennas; satellite dishes; elevator bulkheads and other necessary mechanical appurtenances usually carried above roof level; and similar features.
- B. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

**Section 19.02.08: Projections into Required Yards.**

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- A. With the exception of fences, accessory landscape features, and the permitted projections described in this Section, no principal or accessory structures shall be permitted within any portion of a front or street side yard.
- B. Permitted Projections into All Required Yards.
  - 1. For residential buildings, the ordinary projection of sills, belt courses, cornices, gutters, eaves, overhangs, ornamental features, pilasters, lintels, bay windows, chimneys, and flues, provided they do not extend more than 2 feet into the required yards.

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Section 19.02.08: Projections into Required Yards.

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2. Flag poles, sidewalks located at least 3 feet from a vehicle parking/circulation area, landscaping (including lawn and vegetation), posts, or other similar amenities when accessory to a residential use.
  3. Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a front-loaded garage or front-loaded garage addition, the minimum setback when facing the front yard or street side yard shall be at least 20 feet. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line.
  4. Fences meeting the requirements of Section 19.04.09.
  5. Handicap Accessible Ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in any required setbacks, provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code or Wisconsin Uniform Dwelling Code for accessible ramps and that no other location is feasible outside the required setbacks. Only temporary and removable ramps shall be permitted to encroach into the required setbacks. Handicap ramps proposed for placement within required setback areas shall secure a handicap ramp permit from the Director of Community Development, or designee, prior to construction. An application for a permit shall include a written statement explaining the reasons for the placement of the handicap ramp. The Community Development Director, or designee, may also require a statement from a physician verifying the need for a handicap ramp. Handicap ramps must have dense landscaping or skirting covering the lower open portion of the ramp, shall be kept in good repair, and shall include landscape treatments buffering the handicap ramp from adjacent properties. When a handicap ramp is placed within the required setback, the Community Development Director, or designee, may periodically require verification of the continual need for the handicap ramp. When it has been determined the handicap ramp is no longer needed, the Community Development Director, or designee, may order its immediate removal.
  6. Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).
- C. Permitted Projections into Required Front Yards.
1. Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the front yard setback. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.



Section 19.02.08: Projections into Required Yards.

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2. Yard lights and ornamental lights for residential lots, provided that they comply with the illumination requirements of Section 19.04.07 and provided they do not locate closer than 5 feet from the front or street side property line.
  3. Basketball backboard structures, provided that a minimum setback of 15 feet is maintained from the front lot line and the minimum driveway setback for the applicable land use is maintained for all other lot lines.
  4. Within the SF-3 District, on a lot which was either recorded or included within a valid preliminary plat before April 17, 2000, any building or building addition extending five feet or less into the yard.
  5. Within the DU-6 District, on a lot which was either recorded or included within a valid preliminary plat before April 17, 2000, any building or building addition extending ten feet or less into the yard.
- D. Permitted Projections into Required Street Side Yards (for Corner Lots).
1. Yard lights and ornamental lights for residential lots, provided that they comply with the illumination requirements of Section 19.04.07 and provided they do not locate closer than 5 feet from the front or street side property line.
- E. Permitted Projections into Required Interior Side Yards.
1. Open fire escapes, fireproof outside stairways, egress windows and balconies opening upon fire towers may project into a side yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  2. Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the interior side yard setback. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
  3. Uncovered patios and decks on single family and two family dwelling units not to exceed 12 inches above the established grade, and shall not be nearer than 3 feet from the adjacent side lot line.
  4. In the DU-6 District, on a lot which was either recorded or included within a valid preliminary plat before April 17, 2000, any building or building addition extending three feet or less into the yard.
- F. Permitted Projections into Required Rear Yards.
1. Attached terraces, uncovered porches, patios, decks, steps, stoops, or similar appurtenances to single family and two family residential buildings which do not extend more than 12 inches above the established grade, provided they do not locate closer than 20 feet to the rear lot line.
  2. Recreational equipment accessory to a residential use, provided a 5-foot setback is maintained for all lot lines.
  3. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.

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**Section 19.02.09: Description and Purpose of Zoning Districts**

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4. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  5. In the SF-3 District, on a lot which was either recorded or included within a valid preliminary plat before April 17, 2000, any building or building addition extending five feet or less into the yard.
- G. Permitted Projections in the Planned Development District (PD): Per approved Plan.

**Section 19.02.09: Description and Purpose of Zoning Districts**

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III.

Section 19.02.31 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

Section 19.02.10: RH-35 Rural Holding-35 Zoning District

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**Section 19.02.10: RH-35 Rural Holding-35 Zoning District**

- A. Intent. This district is intended to act as a "holding zone" to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs. This district also permits very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31C for temporary uses allowed in this district. Most temporary uses are limited to 90 days per calendar year. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.10: RH-35 Rural Holding-35 Zoning District

A. Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

Regulation		
Maximum Residential Density*	1 dwelling unit per 35 acres*	
Minimum Lot Area*	20,000 square feet*	
Maximum Lot Area	4 acres	
Minimum Greenspace Surface Ratio	50 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	120 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	30 feet	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	15 feet	
Minimum Rear Setback	50 feet	
Maximum Principal Building Height	Lesser of 35 feet or 2.5 stories	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind the principal structure	60 feet and at least 5 feet behind the principal structure
Minimum Side Setback	3 feet	20 feet
Minimum Rear Setback	5 feet	50 feet
Maximum Height	Lesser of 18 feet or 1 story	45 feet
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	
Locally Designated Arterial (major) Streets and Highways	40 feet	

Note: This district is designed to allow the property owner to create one new lot (with a minimum lot area of 20,000 square feet and a maximum lot area of 2 acres) from a "parent lot" of between 1 and 70 acres. The new lot may include the existing residence, allowing the rest of the undeveloped original lot to be sold. The required maximum residential density of one dwelling per 35 acres is intended to retain agricultural or other rural uses until urban services are available to enable a zoning map amendment to a development-oriented zoning district. <sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

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Section 19.02.11: SF-3 Single Family Residential-3 Zoning District

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**Section 19.02.11: SF-3 Single Family Residential-3 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 3 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.11: SF-3 Single Family Residential-3 Zoning District

I. Density, Intensity, and Bulk Regulations for the SF-3 Single Family Residential-3 District.

		Regulation	
Minimum Lot Area		14,000 square feet	
Minimum Greenspace Surface Ratio		60 percent	
Minimum Lot Width		80 feet	
Minimum Lot Depth		120 feet	
Minimum Lot Frontage at Right-of-Way		75 feet	
Minimum Front Setback		30 feet	
Minimum Street Side Setback (on corner lots)		30 feet	
Minimum Side Setback		10 feet	
Minimum Rear Setback		25 feet	
Maximum Principal Building Height		Lesser of 35 feet or 2.5 stories	
Minimum Principal Building Separation		10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)		5 feet	
Minimum Parking Required		See Article III	
Minimum Dwelling Unit Structure Area		800 square feet	
Detached Accessory Buildings		Residential	Nonresidential
Minimum Front Setback		Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback		3 feet	10 feet
Minimum Rear Setback		5 feet	25 feet
Maximum Height		18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction		Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways		50 feet	
State Trunk Highways		50 feet	
County Trunk Highways		40 feet	
Locally Designated Arterial (major) Streets and Highways		40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

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**Section 19.02.12: SF-4 Single Family Residential-4 Zoning District**

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**Section 19.02.12: SF-4 Single Family Residential-4 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 4 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
  - 1. Two family dwellings established as of December 7, 2020 (date of adoption) are permitted by right. Conversion of housing units from single family to two family dwellings after December 7, 2020 (date of adoption) are prohibited.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.12: SF-4 Single Family Residential-4 Zoning District

I. Density, Intensity, and Bulk Regulations for the SF-4 Single Family Residential-4 District.

		Regulation
Minimum Lot Area		10,000 square feet
Minimum Greenspace Surface Ratio		60 percent
Minimum Lot Width		75 feet
Minimum Lot Depth		120 feet
Minimum Lot Frontage at Right-of-Way		75 feet
Minimum Front Setback		30 feet
Minimum Street Side Setback (on corner lots)		30 feet
Minimum Side Setback		6 feet with one side a minimum of 10 feet
Minimum Rear Setback		25 feet
Maximum Principal Building Height		Lesser of 35 feet or 2.5 stories
Minimum Principal Building Separation		10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)		5 feet
Minimum Parking Required		See Article III
Minimum Dwelling Unit Structure Area		800 square feet
Detached Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet	10 feet
Minimum Rear Setback	5 feet	25 feet
Maximum Height	18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	
Locally Designated Arterial (major) Streets and Highways	40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.



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Section 19.02.13: SF-6 Single Family Residential-6 Zoning District

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**Section 19.02.13: SF-6 Single Family Residential-6 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 6 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
  - 1. Two family dwellings established as of December 7, 2020 (date of adoption) are permitted by right. Conversion of housing units from single family to two family dwellings after December 7, 2020 (date of adoption) are prohibited.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Most temporary uses are limited to 90 days per calendar year. Temporary uses below marked with an asterisk (\*) may be extended in duration through the conditional use process. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.13: SF-6 Single Family Residential-6 Zoning District

I. Density, Intensity, and Bulk Regulations for the SF-6 Single Family Residential-6 District.

		Regulation	
Minimum Lot Area		7,000 square feet	
Minimum Greenspace Surface Ratio		50 percent	
Minimum Lot Width		50 feet	
Minimum Lot Depth		100 feet	
Minimum Lot Frontage at Right-of-Way		50 feet	
Minimum Front Setback		25 feet	
Minimum Street Side Setback (on corner lots)		20 feet	
Minimum Side Setback		6 feet with one side a minimum of 10 feet	
Minimum Rear Setback		25 feet	
Maximum Principal Building Height		Lesser of 35 feet or 2.5 stories	
Minimum Principal Building Separation		10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)		5 feet	
Minimum Parking Required		See Article III	
Minimum Dwelling Unit Structure Area		800 square feet	
Detached Accessory Buildings		Residential	Nonresidential
Minimum Front Setback		Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback		3 feet	10 feet
Minimum Rear Setback		5 feet	25 feet
Maximum Height		18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction		Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways		50 feet	
State Trunk Highways		50 feet	
County Trunk Highways		40 feet	
Locally Designated Arterial (major) Streets and Highways		40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.14: DU-6 Duplex Residential-6 Zoning District

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**Section 19.02.14: DU-6 Duplex Residential-6 Zoning District**

- A. Intent. This district intended to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 6 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.14: DU-6 Duplex Residential-6 Zoning District

A. Density, Intensity, and Bulk Regulations for the DU-6 Duplex Residential-6 District.

Regulation	
Minimum Lot Area	7,200 square feet per dwelling unit
Minimum Greenspace Surface Ratio	65 percent
Minimum Lot Width	60 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	60 feet
Minimum Front Setback	25 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback	6 feet with one side a minimum of 10 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	Lesser of 35 feet or 2.5 stories
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
Minimum Dwelling Unit Structure Area	800 square feet
Detached Accessory Buildings	Residential      Nonresidential
Minimum Front Setback	Even with or behind principal building      60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet      10 feet
Minimum Rear Setback	5 feet      25 feet
Maximum Height	18 feet or one story      18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet
Locally Designated Arterial (major) Streets and Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

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**Section 19.02.15: MH-9 Mobile Home Residential-9 Zoning District**

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**Section 19.02.15: MH-9 Mobile Home Residential-9 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for mobile home developments at an approximate density of 9 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.15: MH-9 Mobile Home Residential-9 Zoning District

A. Density, Intensity, and Bulk Regulations for the MH-9 Mobile Home Residential-9 District.

	Mobile Home Subdivision or Park	Mobile Home Lot or Leased Space	Nonresidential Uses
Minimum Zoning District Area	10 acres	Must be within a Mobile Home Subdivision or Park	Must be within a Mobile Home Subdivision or Park
Minimum Lot or Leased Space Area	N/A	4,500 square feet	9,000 square feet
Minimum Greenspace Area Ratio	50 percent	25 percent	50 percent
Minimum Lot or Leased Space Width	100 feet	45 feet	66 feet
Minimum Lot or Leased Space Depth	150 feet	100 feet	100 feet
Minimum Lot or Leased Space Frontage at Right-of-Way of Private Drive Edge	100 feet	25 feet	30 feet
Minimum Subdivision or Park Perimeter Setback		N/A	N/A
Minimum Front Setback	20 feet along all perimeter boundaries in addition to all other required setbacks	20 feet	25 feet
Minimum Street Side Setback (on corner lots or leased spaces)		10 feet	25 feet
Minimum Side Setback		5 feet	10 feet
Minimum Rear Setback		10 feet	10 feet
Maximum Principal Building Height	N/A	Lesser or 20 feet or 1 story	20 feet
Minimum Building Separation	N/A	10 feet	20 feet
Minimum Parking Required	N/A	See Article III	See Article III
Minimum Garage Door or Carport Setback to Alley	N/A	10 feet	10 feet
Minimum Dwelling Unit Structure Area	N/A	500 square feet	N/A
Minimum Front Setback	N/A	Even with or behind principal structure	Even with or behind principal structure
Minimum Side Setback	N/A	3 feet	3 feet
Minimum Rear Setback	N/A	3 feet	3 feet
Maximum Height	N/A	Lesser or 18 feet or 1 story	Lesser or 18 feet or 1 story
Types of Arterial (major) Street or Highway by Jurisdiction		Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line (a,b)	
U.S. Highways		50 feet	
State Trunk Highways		50 feet	
County Trunk Highways		40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

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Section 19.02.16: MF-14 Multi-Family Residential-14 Zoning District

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**Section 19.02.16: MF-14 Multi-Family Residential-14 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small buildings at medium densities, up to 14 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.16: MF-14 Multi-Family Residential-14 Zoning District

I. Density, Intensity, and Bulk Regulations for the MF-14 Multi-Family Residential-14 District.

Regulation		
Minimum Lot Area	3,000 square feet per dwelling unit	
Minimum Greenspace Surface Ratio	40 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	100 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	25 feet	
Minimum Street Side Setback (on corner lots)	20 feet	
Minimum Side Setback	20 feet	
Minimum Rear Setback	40 feet	
Maximum Principal Building Height	45 feet	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Detached Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet	10 feet
Minimum Rear Setback	5 feet	25 feet
Maximum Height	18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line (a,b)	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.



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Section 19.02.17: MF-20 Multi-Family Residential-20 Zoning District

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**Section 19.02.17: MF-20 Multi-Family Residential-20 Zoning District**

- A. Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small and medium sized buildings at higher densities, up to 20 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.17: MF-20 Multi-Family Residential-20 Zoning District

I. Density, Intensity, and Bulk Regulations for the MF-20 Multi-Family Residential-20 District.

		Regulation	
Minimum Lot Area	2,000 square feet per dwelling unit		
Minimum Greenspace Surface Ratio	35 percent		
Minimum Lot Width	60 feet		
Minimum Lot Depth	100 feet		
Minimum Lot Frontage at Right-of-Way	40 feet		
Minimum Front Setback	25 feet		
Minimum Street Side Setback (on corner lots)	20 feet		
Minimum Side Setback	15 feet		
Minimum Rear Setback	30 feet		
Maximum Principal Building Height	45 feet		
Minimum Principal Building Separation	10 feet		
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet		
Minimum Parking Required	See Article III		
Minimum Dwelling Unit Structure Area	800 square feet		
Detached Accessory Buildings	Residential	Nonresidential	
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building	
Minimum Side Setback	3 feet	10 feet	
Minimum Rear Setback	5 feet	25 feet	
Maximum Height	18 feet or one story	18 feet or one story	
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>		
U.S. Highways	50 feet		
State Trunk Highways	50 feet		
County Trunk Highways	40 feet		

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.18: I Institutional Zoning District

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**Section 19.02.18: I Institutional Zoning District**

- A. Intent. This district is intended to permit both large- and small- scale institutional development including those on single sites within larger areas of both residential and nonresidential zoning districts. Residential uses are intended to occur at an approximate density of 1 dwelling unit per acre. This district avoids the creation of commercial spot zone intrusions in primarily residential or industrial areas where spots of commercial zoning may be incompatible.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.18: I Institutional Zoning District

I. Density, Intensity, and Bulk Regulations for the I Institutional District.

Regulation		
Minimum Lot Area	15,000 square feet	
Minimum Greenspace Surface Ratio	40 percent	
Minimum Lot Width	100 feet	
Minimum Lot Depth	100 feet	
Minimum Lot Frontage at Right-of-Way	100 feet	
Minimum Front Setback	30 feet	
Minimum Street Side Setback (on corner lots)	30 feet	
Minimum Side Setback	15 feet	
Minimum Rear Setback	30 feet	
Maximum Principal Building Height	45 feet	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet	
Detached Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet	10 feet
Minimum Rear Setback	5 feet	25 feet
Maximum Height	18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.19: PR Park and Recreation Zoning District

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**Section 19.02.19: PR Park and Recreation Zoning District**

- A. Intent. This district is intended to permit both large- and small- scale public park and recreation facilities.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.19: PR Park and Recreation Zoning District

A. Density, Intensity, and Bulk Regulations for the PR Park and Recreation District.

Regulation	
Minimum Lot Area	20,000 square feet
Minimum Greenspace Surface Ratio	50 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	30 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	50 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
Minimum Dwelling Unit Structure Area	800 square feet
Detached Accessory Buildings	Residential      Nonresidential
Minimum Front Setback	Even with or behind principal building      60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet      10 feet
Minimum Rear Setback	5 feet      25 feet
Maximum Height	18 feet or one story      18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.20: NMU Neighborhood Mixed Use Zoning District

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**Section 19.02.20: NMU Neighborhood Mixed Use Zoning District**

- A. Intent. This district is intended to permit residential development and small-scale commercial uses compatible with adjacent residential uses and neighborhood character. Residential uses are intended to occur at an approximate density of six dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.20: NMU Neighborhood Mixed Use Zoning District

I. Density, Intensity, and Bulk Regulations for the NMU Neighborhood Mixed Use District.

Regulation		
Minimum Lot Area	Nonresidential: 7,200 square feet. 7,200 square feet per unit for single family and duplex dwelling units.	
Minimum Greenspace Surface Ratio	30 percent	
Minimum Lot Width	60 feet	
Minimum Lot Depth	100 feet	
Minimum Lot Frontage at Right-of-Way	40 feet	
Minimum Front Setback	25 feet	
Minimum Street Side Setback (on corner lots)	25 feet	
Minimum Side Setback	10 feet	
Minimum Rear Setback	25 feet	
Maximum Principal Building Height	35 feet or 2.5 stories	
Minimum Principal Building Separation	10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet	
Minimum Parking Required	See Article III	
Minimum Dwelling Unit Structure Area	800 square feet for single family d.u. 1,200 square feet for two family d.u. 400 square feet per d.u. for all other d.u. types.	
Detached Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet	10 feet
Minimum Rear Setback	5 feet	25 feet
Maximum Height	18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.



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**Section 19.02.21: SMU South Commercial District Mixed Use Zoning District**

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**Section 19.02.21: SMU South Commercial District Mixed Use Zoning District**

- A. Intent. This district is intended to permit a mix of larger scale residential, commercial, office, retail, and light manufacturing uses compatible with adjacent residential uses and neighborhood character. Residential uses are intended to occur at an approximate density of 20 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.21: SMU South Commercial District Mixed Use Zoning District

I. Density, Intensity, and Bulk Regulations for the SMU South Commercial Mixed Use District.

		Regulation	
Minimum Lot Area	Nonresidential: 20,000 square feet. 2,000 square feet per dwelling unit.		
Minimum Greenspace Surface Ratio	25 percent		
Minimum Lot Width	150 feet		
Minimum Lot Depth	100 feet		
Minimum Lot Frontage at Right-of-Way	150 feet		
Minimum Front Setback	30 feet		
Minimum Street Side Setback (on corner lots)	30 feet		
Minimum Side Setback	15 feet		
Minimum Rear Setback	30 feet		
Maximum Principal Building Height	45 feet		
Minimum Principal Building Separation	10 feet		
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet		
Minimum Parking Required	See Article III		
Minimum Dwelling Unit Structure Area	400 square feet per d.u. (multi-family only)		
Detached Accessory Buildings	Residential	Nonresidential	
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building	
Minimum Side Setback	3 feet	10 feet	
Minimum Rear Setback	5 feet	25 feet	
Maximum Height	18 feet or one story	18 feet or one story	
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>		
U.S. Highways	50 feet		
State Trunk Highways	50 feet		
County Trunk Highways	40 feet		

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.22: RMU Regional Mixed Use Zoning District

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**Section 19.02.22: RMU Regional Mixed Use Zoning District**

- A. Intent. This district is intended to permit a range of large and small scale office, retail, service, and lodging, and entertainment uses that are compatible with the desired community character.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.22: RMU Regional Mixed Use Zoning District

I. Density, Intensity, and Bulk Regulations for the RMU Regional Mixed Use District.

		Regulation
Minimum Lot Area		40,000 square feet.
Minimum Greenspace Surface Ratio		35 percent
Minimum Lot Width		150 feet
Minimum Lot Depth		100 feet
Minimum Lot Frontage at Right-of-Way		150 feet
Minimum Front Setback		40 feet
Minimum Street Side Setback (on corner lots)		30 feet
Minimum Side Setback		20 feet
Minimum Rear Setback		30 feet
Maximum Principal Building Height		45 feet
Minimum Principal Building Separation		10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)		5 feet
Minimum Parking Required		See Article III
Detached Accessory Buildings	Residential	Nonresidential
Minimum Front Setback	Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback	3 feet	10 feet
Minimum Rear Setback	5 feet	25 feet
Maximum Height	18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways	50 feet	
State Trunk Highways	50 feet	
County Trunk Highways	40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.23: DMU Downtown Mixed Use Zoning District

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**Section 19.02.23: DMU Downtown Mixed Use Zoning District**

- A. Intent. This district is intended to permit both large- and small-scale downtown commercial, residential, and mixed use development at an intensity which provides incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to promote and maintain the pedestrian-focused characteristics of Grafton's historic downtown. Residential redevelopment uses are intended to occur at a density of over 20 dwelling units per acre.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.23: DMU Downtown Mixed Use Zoning District

I. Density, Intensity, and Bulk Regulations for the DMU Downtown Mixed Use District.

		Regulation	
Minimum Lot Area		None	
Minimum Greenspace Surface Ratio		None	
Minimum Lot Width		None	
Minimum Lot Depth		None	
Minimum Lot Frontage at Right-of-Way		None	
Minimum Front Setback		None	
Maximum Front Setback		15 feet	
Minimum Street Side Setback (on corner lots)		None	
Minimum Side Setback		None	
Minimum Rear Setback		None	
Maximum Principal Building Height		45 feet	
Minimum Principal Building Separation		0 or 10 feet	
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)		None	
Minimum Parking Required		See Article III	
Minimum Dwelling Unit Structure Area		500 square feet	
Detached Accessory Buildings		Residential	Nonresidential
Minimum Front Setback		Even with or behind principal building	60 feet and at least 5 feet behind principal building
Minimum Side Setback		0 or 5 feet	0 or 5 feet
Minimum Rear Setback		0 or 5 feet	0 or 5 feet
Maximum Height		18 feet or one story	18 feet or one story
Types of Arterial (major) Street or Highway by Jurisdiction		Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>	
U.S. Highways		50 feet	
State Trunk Highways		50 feet	
County Trunk Highways		40 feet	

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.24: BP Business Park Zoning District

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**Section 19.02.24: BP Business Park Zoning District**

- A. Intent. This district is intended to accommodate high-quality business, industrial, office, and related land uses at an intensity that is compatible with the overall community character of the Village.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.24: BP Business Park Zoning District

I. Density, Intensity, and Bulk Regulations for the BP Business Park District.

	Regulation
Minimum Lot Area	40,000 square feet
Minimum Greenspace Surface Ratio	35 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	40 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
Detached Accessory Buildings	Nonresidential
Minimum Front Setback	60 feet and at least 5 feet behind principal building
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	45 feet
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.



Section 19.02.25: LI Light Industrial Zoning District

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**Section 19.02.25: LI Light Industrial Zoning District**

- A. Intent. This district is intended to permit both large- and small-scale industrial and office development at an intensity which is compatible with adjacent residential and commercial development. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.25: LI Light Industrial Zoning District

I. Density, Intensity, and Bulk Regulations for the LI Light Industrial District.

	Regulation
Minimum Lot Area	20,000 square feet
Minimum Greenspace Surface Ratio	25 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	30 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
<b>Detached Accessory Buildings</b>	<b>Nonresidential</b>
Minimum Front Setback	60 feet and at least 5 feet behind principal building
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	45 feet
<b>Types of Arterial (major) Street or Highway by Jurisdiction</b>	<b>Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup></b>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.26: HI Heavy Industrial Zoning District

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**Section 19.02.26: HI Heavy Industrial Zoning District**

- A. Intent. This district is intended to accommodate high impact manufacturing and industrial operations which are potentially incompatible with residential and commercial uses.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.26: HI Heavy Industrial Zoning District

I. Density, Intensity, and Bulk Regulations for the HI Heavy Industrial District.

	Regulation
Minimum Lot Area	2 acres
Minimum Greenspace Surface Ratio	25 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	30 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
<b>Detached Accessory Buildings</b>	<b>Nonresidential</b>
Minimum Front Setback	60 feet and at least 5 feet behind principal building
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	45 feet
<b>Types of Arterial (major) Street or Highway by Jurisdiction</b>	<b>Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup></b>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.27: EX Extraction and Disposal Zoning District

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**Section 19.02.27: EX Extraction and Disposal Zoning District**

- A. Intent. This district is intended to accommodate high impact natural resource extraction operations and disposal and recycling operations which are potentially incompatible with residential and commercial uses.
- B. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- C. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- D. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Performance Standards. See Article IV: Performance Standards.
- H. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.27: EX Extraction and Disposal Zoning District

I. Density, Intensity, and Bulk Regulations for the EX Extraction and Disposal District.

	Regulation
Minimum Lot Area	10 acres
Minimum Greenspace Surface Ratio	25 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	30 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
Detached Accessory Buildings	Nonresidential
Minimum Front Setback	60 feet and at least 5 feet behind principal building
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	45 feet
Types of Arterial (major) Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.

Section 19.02.28: AE Adult Entertainment Zoning District

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**Section 19.02.28: AE Adult Entertainment Zoning District**

- A. Intent. This district is intended accommodate adult entertainment uses such as adult book/movie stores and erotic dancing performances.
- B. License. Refer to Municipal Code Chapter 9.35 Sexually Oriented Businesses for the license requirements in addition to the requirements of Chapter 19.
- C. Principal Uses Permitted by Right. Refer to Table 19.02.31 A for principle uses permitted by right. Refer to Article III for detailed definitions and requirements for each land use.
- D. Principal Uses Permitted as Conditional Use. Refer to Table 19.02.31 A for principle uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- E. Accessory Uses Permitted by Right. Refer to Table 19.02.31 B for accessory uses permitted by right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- F. Accessory Uses Permitted as Conditional Use. Refer to Table 19.02.31 B for accessory uses permitted by conditional use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- G. Temporary Uses. Refer to Table 19.02.31 C for temporary uses allowed in this district. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- H. Performance Standards. See Article IV: Performance Standards.
- I. Design and Exterior Building Material and Standards. See Article VI: Architectural Design Standards.

Section 19.02.28: AE Adult Entertainment Zoning District

J. Density, Intensity, and Bulk Regulations for the AE Adult Entertainment District.

	Regulation
Minimum Lot Area	40,000 square feet
Minimum Greenspace Surface Ratio	35 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback (on corner lots)	30 feet
Minimum Side Setback	30 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	45 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet
Minimum Parking Required	See Article III
<b>Detached Accessory Buildings</b>	<b>Nonresidential</b>
Minimum Front Setback	60 feet and at least 5 feet behind principal building
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	45 feet
<b>Types of Arterial (major) Street or Highway by Jurisdiction</b>	<b>Minimum Required Setback from Ultimate Arterial (major) Street or Highway Right-of-Way Line <sup>(a,b)</sup></b>
U.S. Highways	50 feet
State Trunk Highways	50 feet
County Trunk Highways	40 feet

<sup>a</sup> Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan and/or the adopted Village of Grafton Official Map as amended. <sup>b</sup> Setbacks indicated in this Table apply to buildings, parking lots, circulation drives, and loading areas.



## Section 19.02.29: PUD Planned Unit Development Zoning District

**Section 19.02.29: PUD Planned Unit Development Zoning District**

- A. Purpose. This district is intended to provide for modification of certain development standards pertaining to the otherwise standard zoning district and the other requirements of this Chapter. In exchange for such flexibility, planned developments shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments.
- B. Intent.
1. Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the Village of Grafton Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects.
  2. It is further intended to encourage economic development and more rational developments with regard to public services and to encourage and facilitate preservation of open space and natural resources.
  3. Planned developments are not intended to circumvent the intent of other zoning districts or this Chapter.
  4. The Village also intends to use the Planned Unit Development district to provide a mechanism for review of traditional neighborhood developments per State Statute 66.1027.
- C. Applicability.
1. Ownership. A tract of land proposed to be developed as a Planned Unit Development shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county.
  2. Size. There is no minimum or maximum size for a Planned Unit Development.
  3. Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PDs if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.
- D. Process. See Section 19.09.17 for the process to establish Planned Unit Development Zoning District.
- E. Uses and Regulations. Uses and regulations shall be established with the Planned Unit Development approval process.
- F. Performance Standards. See Article IV: Performance Standards.
- G. Design and Exterior Building Material and Standards. See Article V: Architectural Design Standards.

Section 19.02.30: Other Zoning Regulations

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**Section 19.02.30: Other Zoning Regulations**

See Village of Grafton Municipal Code Title 21: Floodplain Zoning and Title 22: Shoreland-Wetland Zoning for additional regulations.

Section 19.02.31: Tables of Permitted and Conditional Land Uses

**Section 19.02.31: Tables of Permitted and Conditional Land Uses**

Table 19.02.31 A Permitted and Conditional Principal Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH Rural Holding	SF-3 Single Family	SF-4 Single Family	SF-6 Single Family	DU-6 Duplex	MH-6 Mobile Home	MF-14 Multi-Family	MF-20 Multi-Family	I Institutional	PR Parks & Rec	NMU Neighborhood	SMU South Commercial	RMU Regional	DMU Downtown	BP Business Park	LI Light Industrial	HI Heavy Industrial	EX Extraction & Disposal	AE Adult Entertainment
	Residential Land Uses																		
A. Single Family 35-acre lot	P																		
A. Single Family 14,000 sq. ft. lot		P	P	P	P														
A. Single Family 10,000 sq. ft. lot			P	P	P														
A. Single Family 7,000 sq. ft. lot				P	P						P			P					
B. Two Flat 7,200 sq. ft. lot				P	P						P			P					
C. Twin House-two 3,600 sq. ft.					P		P	P			P			P					
D. Duplex 3,600 sq. ft. lot					P		P	P						P					
E. Townhouse 3 - 4 units							C	P						C					
E. Townhouse 5 - 8 units							C	P				C		C					
F. Multiplex 3 - 4 units							C	C						C					
F. Multiplex 5 - 8 units							C	C				C		C					
G. Apartment 3 - 4 units							C	C						C					
G. Apartment 5 - 12 units							C	C				C		C					
G. Apartment 13 - 20 units								C				C		C					
G. Apartment 21 - 36 units								C				C		C					
G. Apartment 37+ units								C				C		C					
H. Mobile Home						P													
I. Mobile Home Subdivision						C													
J. Mobile Home Park						C													
K. Boarding House Living Arrangement							C	C	C			C							
L. Live/Work Unit												C		C					
Agricultural Land Uses																			
A. Cultivation	P																		
B. Husbandry	C																		
C. On-Site Agricultural Retail	C																		
D. Intensive Agriculture	C																		
E. Agricultural Services	C																		

Section 19.02.31: Tables of Permitted and Conditional Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH	SF-3	SF-4	SF-6	DU-6	MH-6	MF-14	MF-20	I	PR	NMU	SMU	RMU	DMU	BP	LI	HI	EX	AE
	Rural Holding	Single Family	Single Family	Single Family	Duplex	Mobile Home	Multi-Family	Multi-Family	Institutional	Parks & Rec	Neighborhood	South Commercial	Regional Mixed Use	Downtown	Business Park	Light Industrial	Heavy Industrial	Extraction & Disposal	Adult Entertainment
F. Community Garden	C	C	C	C					C	C									
G. Market Garden	P	C	C	C					C	C									
Institutional Land Uses																			
A. Indoor Institutional									C	C	C	C	C	C	C	C			
B. Outdoor Open Space Institutional									P										
C. Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P					P				
D. Active Outdoor Recreation										C									
E. Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
F. Large Scale Public Services and Utilities									C										
G. Comm. Living Arrangement 1- 8 Residents	P	P	P	P	P	P	P	P	P		P								
H. Comm. Living Arrangement 9- 15 Residents								C	C	C	C								
I. Comm. Living Arrangement 16+ Residents								C	C	C	C								
J. Institutional Residential									C			C							
Commercial Land Uses																			
A. Office									P		P	P	P	P	P	P	P	P	P
B. Personal or Professional Service											P	P	P	P	P	P	P	P	P
C. Indoor Sales or Service											C	C	C	C	C	C			
D. Intensive Personal or Professional Service and Sales or Service												C	C	C					
E. Professional Trades Office											C	C		C	C	C	C		
F. Artisan Production Shop											C	C		C		C			
G. Physical Activity Studio												P	P	P	C	C			
H. Commercial Kitchen												P	P	C	P				
I. Restaurants with Drive Through												C							
J. Restaurants without Drive Through												P	C	C					
K. Fast Casual Restaurant												C	C	C					
L. Coffee Shop with Drive Through												C	C						
M. Coffee Shop without Drive Through												P	P	P					

Section 19.02.31: Tables of Permitted and Conditional Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH	SF-3	SF-4	SF-6	DU-6	MH-6	MF-14	MF-20	I	PR	NMU	SMU	RMU	DMU	BP	LI	HI	EX	AE
	Rural Holding	Single Family	Single Family	Single Family	Duplex	Mobile Home	Multi-Family	Multi-Family	Institutional	Parks & Rec	Neighborhood	South Commercial	Regional	Downtown	Business Park	Light Industrial	Heavy Industrial	Extraction & Disposal	Adult Entertainment
N. Taverns, Bars, and Microbreweries												C		C					
O. Financial Institution with Drive Through												C	C		C				
P. Indoor Commercial Entertainment												C	C	C					
Q. Outdoor Commercial Entertainment												C	C						
R. Drive-Through & In-Vehicle Sales or Service												C			C				
S. Group Daycare Center (9+ children)												C	C	C	C	C			
T. Commercial Animal Boarding/Daycare												C	C						
U. Bed and Breakfast	C	C	C	C							C			C					
V. Tourist Rooming Houses (6 or fewer consecutive days)	C	C	C	C	C	C	C	C				C		C					
W. Tourist Rooming House (7-29 consecutive days)	P	P	P	P	P	P	P	P				P		P					
X. Commercial Indoor Lodging												C	C	C					
Y. Campground	C																		
Z. Indoor Maintenance Service											P	P	P	P					
AA. Outdoor Maintenance Service																		C	
BB. Vehicle Sales																		C	
CC. Vehicle Service and Repair												C			C				
DD. Auto-Related Sales and Service												C							
EE. Intensive Outdoor Activity	C																		
FF. Sexually-Oriented Land Uses																			C
Multiple Use Buildings																			
A. Apartments with Limited Commercial							C	C				P		P					
B. Mixed Use Building											P	P	P	P					
C. Live/Work Building											P	P		P					

Note: Projects that involve three or more principal buildings, a single building footprint of 50,000 square feet or more, and/or 24 or more multi-family units are considered group and/or large developments. Such developments require a conditional use permit regardless of whether individual uses are permitted by right within the applicable zoning district. See Section 19.04.11 for requirements.

Section 19.02.31: Tables of Permitted and Conditional Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH	SF-3	SF-4	SF-6	DU-6	MH-6	MF-14	MF-20	I	PR	NMU	SMU	RMU	DMU	BP	LI	HI	EX	AE
	Rural Holding	Single Family	Single Family	Single Family	Duplex	Mobile Home	Multi-Family	Multi-Family	Institutional	Parks & Rec	Neighborhood	South Commercial	Regional	Downtown	Business Park	Light Industrial	Heavy Industrial	Extraction & Disposal	Adult Entertainment
<b>Industrial Land Uses</b>																			
A. Light Industrial															C	C	C		
B. Heavy Industrial																	C		
C. Indoor Food Processing																C	C		
D. Indoor Food Production or Production Greenhouse																C	C		
E. Lab., Scientific and Medical															C	C	C		
<b>Storage Land Uses</b>																			
A. Indoor Storage and Wholesaling															C	C	C		
B. Outdoor Storage and Wholesaling																	C		
C. Personal Storage Facility																C	C		
<b>Transportation Land Uses</b>																			
A. Transit Center												C	C	C					
B. Distribution Center																C	C		
C. Freight Terminal																C	C		
D. Airport									C										
E. Heliport									C										
F. Off-Site Parking Lot									C	C				C	C	C	C	C	C
<b>Telecommunication Land Uses</b>																			
A. New Mobile Service Support Structure and Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
B. Class 1 Collocation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
C. Class 2 Collocation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
D. Small Wireless Telecom. Facilities	P					P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Extraction and Disposal Land Uses</b>																			
A. Extraction																		C	
B. Composting																		C	
C. Recycling and Waste Disposal																		C	
D. Salvage or Junkyard																		C	
E. Sand and Mineral Processing																		C	
<b>Energy Production Land Uses</b>																			
A. Large Wind Energy System	C															C	C	C	C
B. Large Solar Energy System	C															C	C	C	C

Section 19.02.31: Tables of Permitted and Conditional Land Uses

Table 19.02.31 B Permitted and Conditional Accessory Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH	SF-3	SF-4	SF-6	DU-6	MH-6	MF-14	MF-20	I	PR	NMU	SMU	RMU	DMU	BP	LI	HI	EX	AE
	Rural Holding	Single Family	Single Family	Single Family	Duplex	Mobile Home	Multi-Family	Multi-Family	Institutional	Parks & Rec	Neighborhood	South Commercial	Regional	Downtown	Business Park	Light Industrial	Heavy Industrial	Extraction & Disposal	Adult Entertainment
A. Residential Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	C					
B. Recreational Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
C. Landscape Feature	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
D. Residential Kennel	P	P	P	P	P	C	C	C											
E. Columbarium (Indoor)									P										
F. Columbarium (Outdoor)									C										
G. Home Occupation	P	P	P	P	P	P	P	P			P	P		P					
H. Federal Firearms Licensee	P	P	P	P	P	P	P	P			P	P		P					
I. In-Home Daycare (4- 8 Children)	P	P	P	P	P	P					P			P					
J. In-Family Suite	P	P	P	P	P									C					
K. Accessory Dwelling Unit	P	P	P	P										C					
L. Residential Composting	P	P	P	P	P														
M. Keeping of Chickens	P	P	P	P															
N. Keeping of Bees	P	P	P	P	C					P									
O. Farm Residence	P																		
P. Nonresidential Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Q. Residential Stable	P																		
R. On-Site Parking Lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
S. Company Cafeteria									P	P	P	P	P	P	P	P	P	P	P
T. Automated Teller Machine												C	C	C	C				
U. Seasonal Outdoor Display												P	P						
V. Incidental Outdoor Display												P	P						
W. Incidental Outdoor Enclosed Storage												C	C		C	C	C	C	
X. Incidental Indoor Sales											P	P	P	P					
Y. Incidental Light Industrial											P	P			P	P	P	P	
Z. Unattended Donation Box									P										
AA. Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Section 19.02.31: Tables of Permitted and Conditional Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH Rural Holding	SF-3 Single Family	SF-4 Single Family	SF-6 Single Family	DU-6 Duplex	MH-6 Mobile Home	MF-14 Multi-Family	MF-20 Multi-Family	I Institutional	PR Parks & Rec	NMU Neighborhood	SMU South Commercial	RMU Regional	DMU Downtown	BP Business Park	LI Light Industrial	HI Heavy Industrial	EX Extraction & Disposal	AE Adult Entertainment	
	BB. Small Wind Energy System	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
CC. Small Solar Energy System (Freestanding)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
DD. Small Solar Energy System (Rooftop and Building-Mounted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 19.02.31 C Permitted and Conditional Temporary Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH Rural Holding	SF-3 Single Family	SF-4 Single Family	SF-6 Single Family	DU-6 Duplex	MH-6 Mobile Home	MF-14 Multi-Family	MF-20 Multi-Family	I Institutional	PR Parks & Rec	NMU Neighborhood	SMU South Commercial	RMU Regional	DMU Downtown	BP Business Park	LI Light Industrial	HI Heavy Industrial	EX Extraction & Disposal	AE Adult Entertainment
	A. Temporary Moving / Storage Container (Residential)	P	P	P	P	P	P	P	P			P	P		P				
B. Temporary Outdoor Storage Container (Nonresidential)	P								P	P	P	P	P	P	P	P	P	P	P
C. Garage or Estate Sale	P	P	P	P	P	P	P	P						P					
D. Farmer's Market	P								P	P		P		P					
E. Temporary Farm Product Sales	P																		
F. Transient Merchant									P	P	P	P	P	P	P	P	P	P	P
G. Temporary Outdoor Assembly	P								P	P				P					
H. Temporary On-Site Construction Storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
I. Temporary Contractor's Project Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
J. Temporary On-Site Real Estate Sales Office	P	P	P	P															
K. Temporary Relocatable Building									P	P	P	P	P			P	P	P	P
L. Temporary Shelter Structure	P																		



Section 19.02.31: Tables of Permitted and Conditional Land Uses

Table 19.02.31 D Adaptive Land Uses

Land Uses Permitted: See Article III for detailed definitions and requirements for each land use category.  P: By Right C: By Conditional Use Permit	RH Rural Holding	SF-3 Single Family	SF-4 Single Family	SF-6 Single Family	DU-6 Duplex	MH-6 Mobile Home	MF-14 Multi-Family	MF-20 Multi-Family	I Institutional	PR Parks & Rec	NMU Neighborhood	SMU South Commercial	RMU Regional	DMU Downtown	BP Business Park	LI Light Industrial	HI Heavy Industrial	EX Extraction & Disposal	AE Adult Entertainment
Adaptive Reuse Land Uses																			
A. Adaptive Reuse	C	C	C	C	C	C	C	C			C								

Section 19.02.31: Tables of Permitted and Conditional Land Uses

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## Section 19.03.01: Purpose

**ARTICLE III: LAND USE REGULATIONS****Section 19.03.01: Purpose**

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

**Section 19.03.02: Regulation of Allowable Uses**

- A. The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 19.03.06 through 19.03.19. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter. For land uses not specifically listed, the Community Development Director, or designee, shall make an interpretation to identify a comparable use or determine if an amendment to this Chapter is necessary.
- B. Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter "P" in Section 19.03.05) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable Village, county, state, and federal regulations.
- C. Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in Section 19.03.05) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (B), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 19.09.13. Except for uses approved under a Development Plan in a planned development (see Section 19.09.17), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 19.09.13.
- D. Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (A), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (C), above. Accessory land uses shall also comply with the following listed regulations.

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### Section 19.03.03: Regulations Applicable to All Land Uses

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1. No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter.
  2. Accessory land uses and structures shall not be located within the required front or street yard setback. This applies to corner, single-frontage, and double frontage lots.
  3. With the exception of an In-Home Suite, in no instance shall an accessory structure, unfinished cellar, unfinished basement, tent, or recreational trailer be used as a residence.
- E. Temporary Land Uses. Temporary land uses permitted by right (designated by the letter "P" in the Table of Land Uses in Section 19.03.05) are permitted on a temporary basis subject to permitting requirements of Section 19.09.14 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter "C" in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 19.09.14 and 19.09.13.

### Section 19.03.03: Regulations Applicable to All Land Uses

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

- A. Land Use Regulations and Requirements. All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the Village of Grafton.
- B. Density, Intensity, and Sulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.
- C. Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements any applicable Overlay Zoning District (see Chapter 21.04 Floodplain Zoning and Chapter 22.04 Shoreland-Wetland Zoning).
- D. Performance Standards. All development of land shall comply with all applicable requirements established in Article IV.
- E. Exterior Building Design Standards. All new, remodeled, and expanded residential and nonresidential development shall comply with the all applicable building design guidelines as required in Article VI of this Chapter.
- F. Landscape Regulations. All development of land shall comply with all the regulations and requirements of Article V pertaining to the provision of landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between adjoining zoning districts which are directly related to the effective bulk of a structure. All open areas of any site not occupied by a building, parking, or storage shall be planted with turf grass or hardy groundcover. Exceptions to this would be undisturbed areas containing existing natural vegetation which can be maintained free of foreign or noxious plant materials.

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**Section 19.03.03: Regulations Applicable to All Land Uses**

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- G. Signage Regulations. All land use and/or development of land shall comply with all requirements of Chapter 20.04 Signs, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.
- H. Number of Buildings per Lot.
1. In the MH-9, MF-14, MF-20, RH-35, I, PR, NMU, SMU, RMU, DMU, BP, LI, HI, EX, and AE zoning districts, a maximum of two principal buildings shall be permitted on any one lot.
  2. In the SF-3, SF-4, SF-6, and DU-6 zoning districts, a maximum of one principal building shall be permitted on any one lot.
  3. The following land uses and types of development are exceptions to these requirements:
    - a. Group or Large Developments (Section 19.04.11)
    - b. Planned Developments (Section 19.02.29)
    - c. Mobile Home Parks (Section 19.03.06(J))
    - d. Temporary buildings (Section 19.03.18)
- I. Mixing Residential and Nonresidential Uses in a Building. With the exception of multiple use buildings described under Section 19.03.10 and home occupation land uses, no building containing a nonresidential land use shall contain a residential land use.
- J. Number of Land Uses per Building. No more than one nonresidential land use shall be permitted in any building with the following exception: multiple permitted by right land uses are allowed in a multi-business building and only require an occupancy permit (Section 19.09.17) to confirm the proposed tenants are permitted. Examples include a multi-tenant office building; a strip mall; a downtown building mixing office, personal or professional services, and indoor sales and service land uses; and other arrangements with multiple permitted uses in one or more occupied spaces. A land use which is regulated as a conditional use may only occupy multi-tenant buildings as approved through the conditional use process (Section 19.09.13) or a successor conditional use.
- K. Accessory Uses. Accessory uses may be allowed where they comply with the following conditions and requirements:
1. Separation from Principal Structures. Detached accessory buildings shall be located a minimum of 5 feet from a residential dwelling unit on the same lot, except where the structure will be constructed to fire-rating standards of the Uniform Dwelling Code. The "separation" distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be located in the required separation area and do not render the structures attached for setback purposes.
  2. Conversion of Accessory Structures to Dwellings. The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this

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**Section 19.03.03: Regulations Applicable to All Land Uses**

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- Chapter. The resulting occupancy will comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off- street parking.
3. Accessory Structures without Principal Structure.
    - a. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure, paved areas, or below grade improvements.
    - b. When an accessory structure becomes the only structure on a lot as the result of demolition of the principal building, the accessory structure shall be demolished with 18 months of the demolition of the principal building. The Community Development Director, or designee, shall have the ability to extend this period by an additional 18 months if the property owner has a concept plan, as approved by the Community Development Director, or designee, to build a new principal building or otherwise redevelop the site in a manner that uses the accessory structure.
  - L. Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter that is permitted by right or by conditional use permit in the subject zoning district. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 19.04.11.
  - M. Planned Unit Development Requirements. All uses and/or development of land within a planned unit development shall comply with all requirements of Sections 19.02.29 and 19.09.18.
  - N. Nonconforming Lots, Uses, Structures, and Site Requirements.
    1. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article II. Land uses located on substandard lots or on nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of Article VIII.
    2. Substandard lots are buildable, provided the structures meet all other requirements of this Chapter. Substandard lots shall only be used for one single family residence (where permitted) or a permitted nonresidential use.
  - O. Occupancy Permit Required. All new uses and changes of use are subject to occupancy permit review and approval in accordance with Section 19.09.17 of this Chapter. For new or modified developments, a site plan is required. See Subsection (P) immediately below.
  - P. Site Plan Review Required. All development involving physical modifications to a site including but not limited to new development, building additions, and additions to paving are subject to site plan review and approval in accordance with Section 19.09.16 of this Chapter, except for single family and two family dwelling units on individual lots in any zoning district.
  - Q. Procedural Regulations and Requirements. All land use and/or development of land shall comply with all requirements of Article IX pertaining to the procedures

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**Section 19.03.04: Detailed Land Use Descriptions and Regulations**

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necessary to secure review and approval of land use and/ or development. Such regulations and restrictions address both procedural and technical requirements.

- R. Demolition of a Principal Structure. A permit from the Inspection Office is required prior to demolition of a principal structure. Where a principal structure has been removed, all below grade improvements on the lot shall also be removed.

**Section 19.03.04: Detailed Land Use Descriptions and Regulations**

The land use categories employed by this Chapter are defined in Section 19.03.06 through Section 19.03.19. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 19.09.19 empowers the Community Development Director, or designee, to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

**Section 19.03.05: Tables of Land Uses**

See Article II Section 19.02.31 for the tables of principal permitted and conditional, accessory permitted and conditional, and temporary permitted and conditional uses in each zoning district.

Section 19.03.06: Residential Land Uses

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**Section 19.03.06: Residential Land Uses**

- A. Single Family Dwelling Unit: This dwelling unit type consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite is still considered a single family dwelling. The following regulations apply to this land use:
1. The dwelling unit shall be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
  2. The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
  3. See Section 19.06.02 for design standards for single family dwelling units.
  4. If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Community Development Director, or designee, shall be exempt from this requirement.
  5. Minimum required parking: Two spaces.
  6. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family dwelling units. Specific requirements for Single Family dwelling units can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

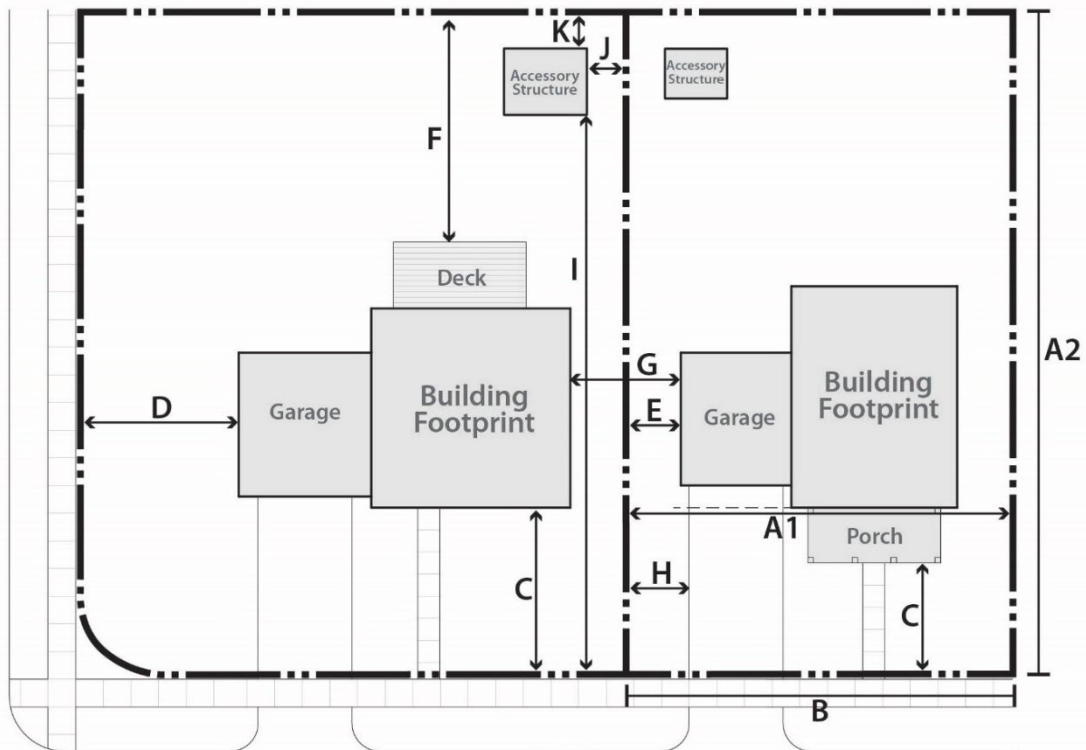


Section 19.03.06: Residential Land Uses

Figure 319.03.06 A: Single Family Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- E Side setback (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- G Principal building separation
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side setback (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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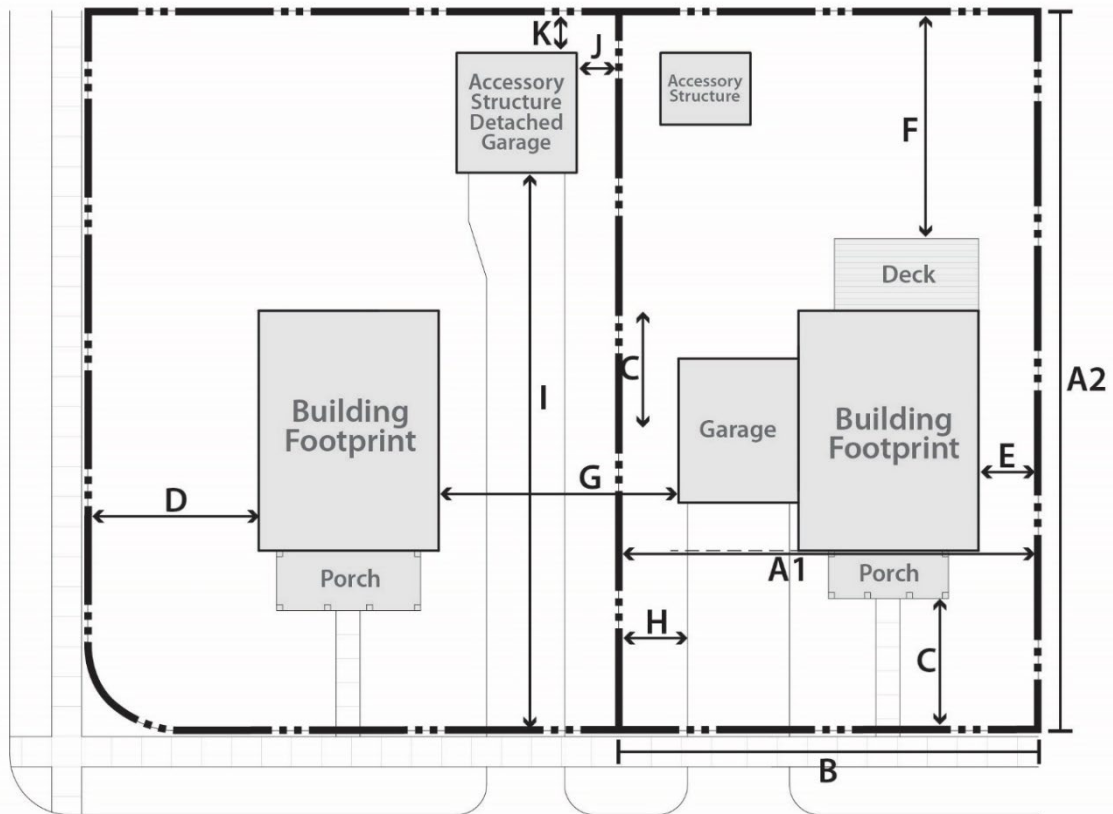
- B. Two Flat: This dwelling unit type consists of a single structure with two separate Family Residential residences each having a private individual access and no shared internal access other than entry foyers and halls. Two Flats are attached units within a two-story structure with one unit above the other. The following regulations apply to this land use:
1. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  2. This dwelling unit type may not be split into additional residences.
  3. See Section 19.06.02 for design standards for two family uses.
  4. If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Community Development Director, or designee, shall be exempt from this requirement.
  5. Minimum required parking: Two spaces per dwelling unit.
  6. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two Flat land uses. Specific requirements for Two Flats can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 319.03.06 B: Two Flat Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- E Side setback (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- G Principal building separation
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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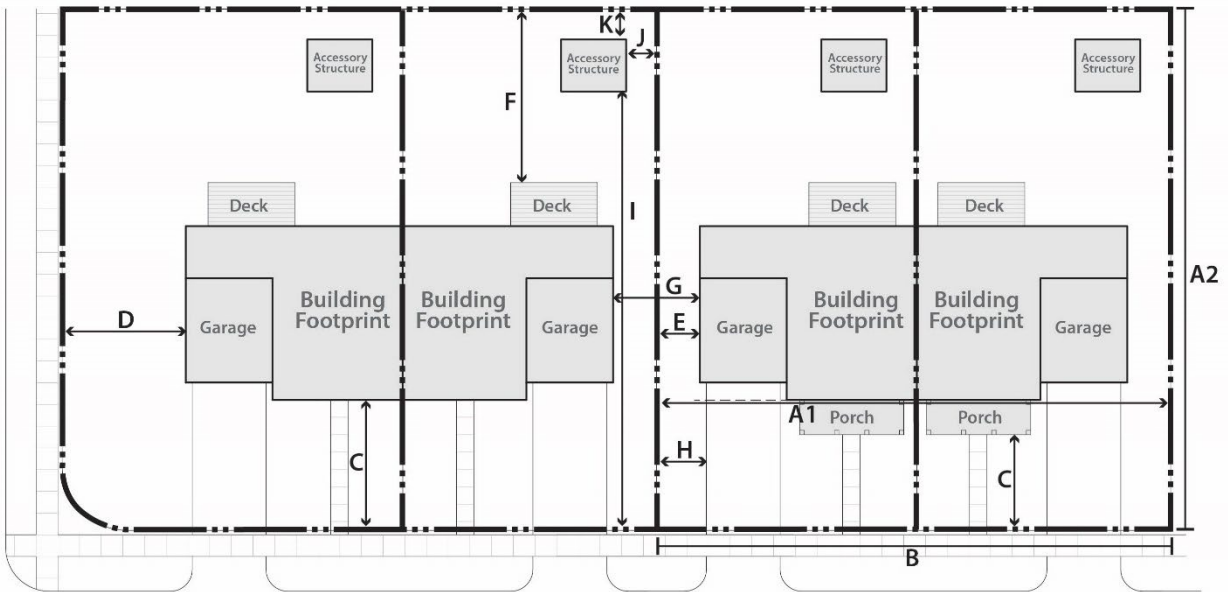
- C. Twin House: This dwelling unit type consists of two separate Family Residential residences, each having a private individual access and no shared internal access. Similar to Duplexes, Twin Houses are attached side-by-side units, each with a ground floor and roof. Unlike Duplexes, each dwelling unit in a Twin House is located on a separate lot. The following regulations apply to this land use:
1. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  2. This dwelling unit type may not be split into additional residences.
  3. See Section 19.06.02 for design standards for two family uses.
  4. If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Community Development Director, or designee, shall be exempt from this requirement.
  5. Minimum required parking: Two spaces per dwelling unit.
  6. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Twin House land uses. Specific requirements Twin Houses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 319.03.06 C: Twin House Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- E Side setback (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- G Principal building separation
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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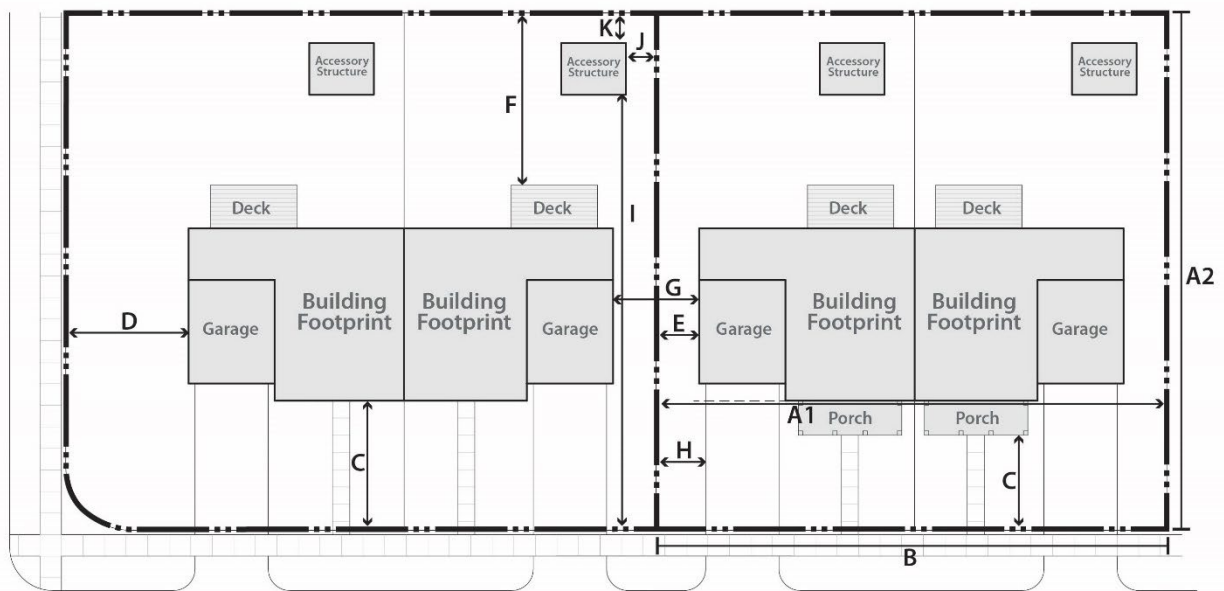
- D. Duplex: This dwelling unit type consists of two separate Family Residential residences, each having a private individual access, and no shared internal access. Similar to Twin Houses, Duplexes are attached side-by-side units, each with a ground floor and roof. Unlike Twin Houses, the two dwelling units in a Duplex are located on one lot. The following regulations apply to this land use:
1. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  2. This dwelling unit type may not be split into additional residences.
  3. See Section 19.06.02 for design standards for two family uses.
  4. If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage. Lots that are less than 60 feet wide or less than 100 feet deep shall be exempt from this requirement. Lots in which no area is available for its placement, as determined by the Community Development Director, or designee, shall be exempt from this requirement.
  5. Minimum required parking: Two spaces per dwelling unit.
  6. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 319.03.06 D: Duplex Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- E Side setback (lot line to principal building or attached garage)
- F Rear setback and minimum deck setback (lot line to principal building or attached garage)
- G Principal building separation
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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- E. Townhouse: This dwelling unit type consists of attached, two-story residences, each having a private, individual access. This dwelling unit type may be located on its own lot or within a group development. Each dwelling unit shares at least one common wall with an adjacent dwelling unit. The following regulations apply to this land use:
1. No more than eight and no less than three Townhouse dwelling units may be attached per building.
  2. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  3. This dwelling unit type may not be split into additional residences.
  4. See Section 19.06.03 for multi-family design standards.
  5. Minimum required parking: Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit.
  6. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

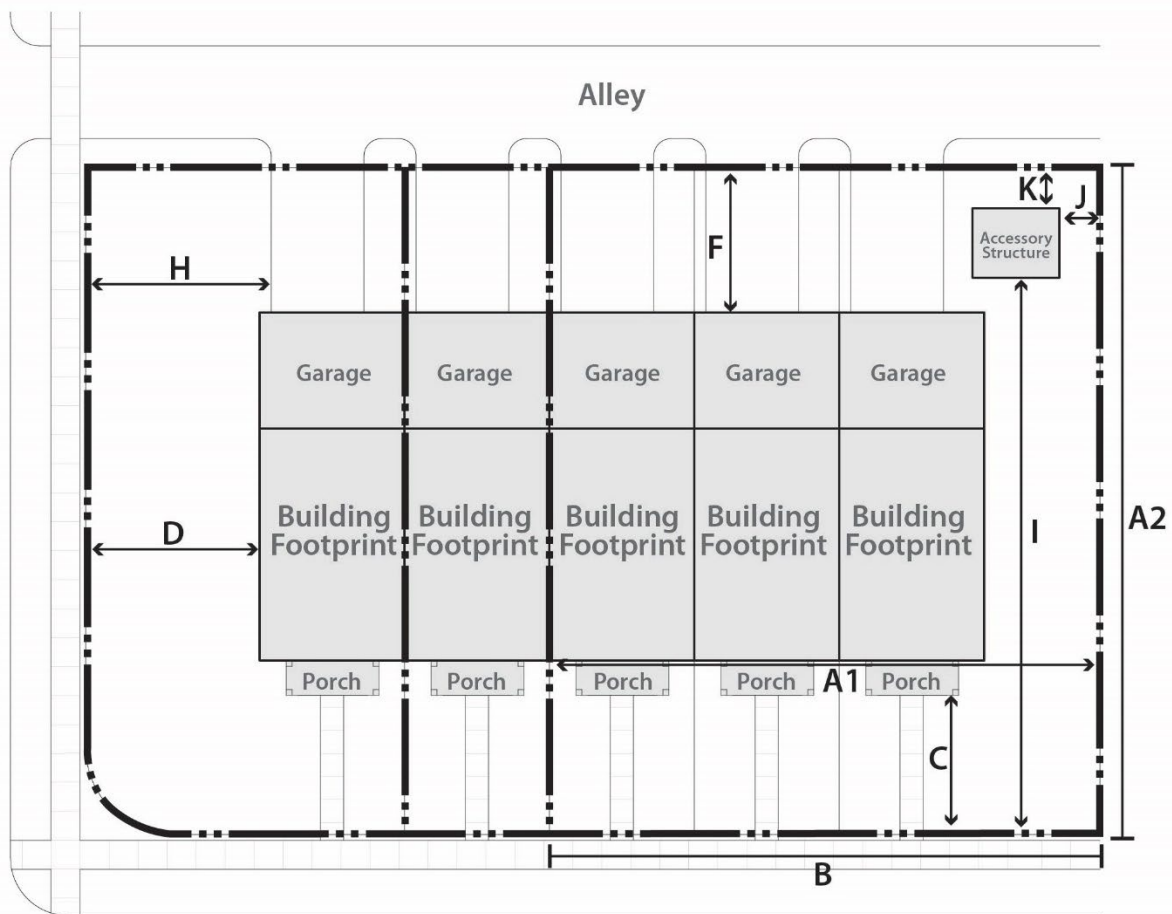


Section 19.03.06: Residential Land Uses

Figure 319.03.06 E: Townhouse Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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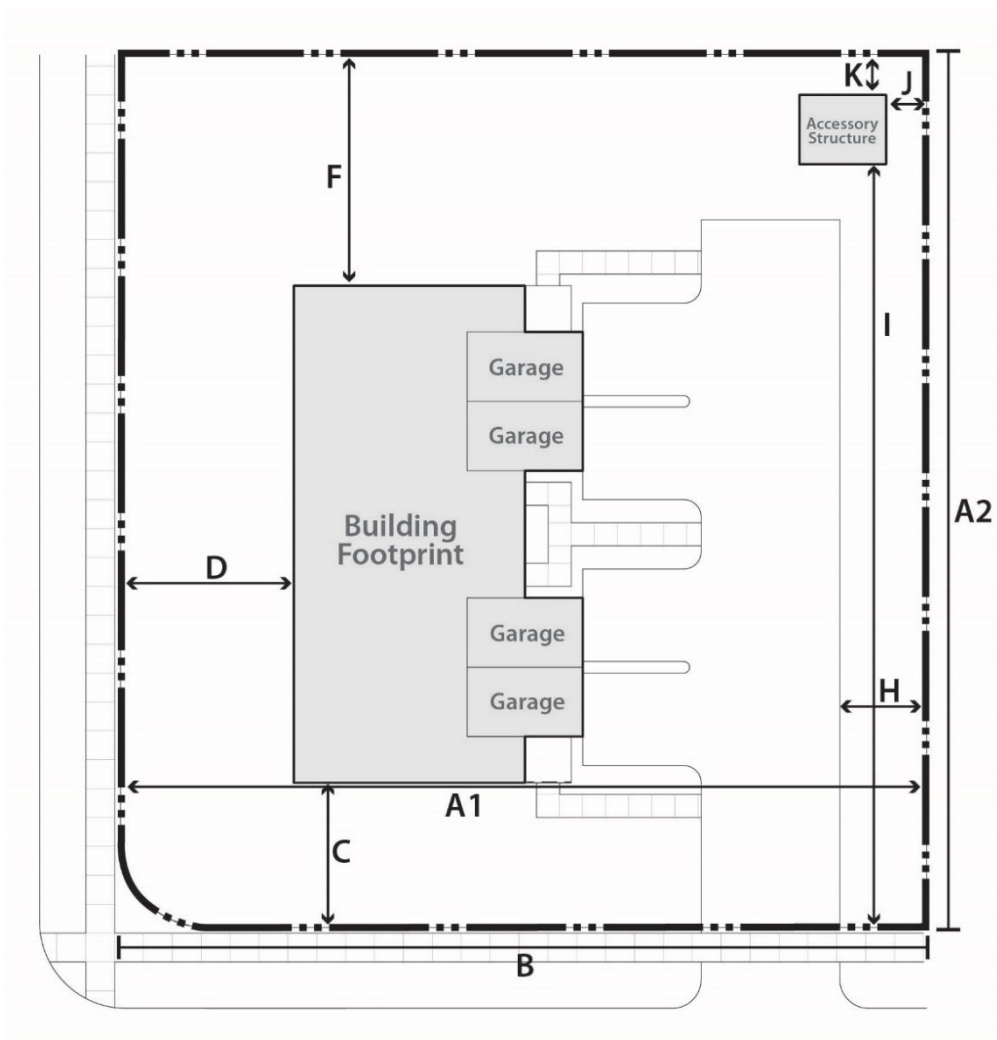
- F. Multiplex: This dwelling unit type consists of three or more individual attached dwelling units which have private, individual exterior entrances. The following regulations apply to this land use:
1. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  2. This dwelling unit type may not be split into additional residences.
  3. See Section 19.06.03 for multi-family design standards.
  4. Minimum required parking: Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit. One guest parking space shall be provided for every three dwelling units.
  5. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 319.03.06 F: Multiplex Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



Section 19.03.06: Residential Land Uses

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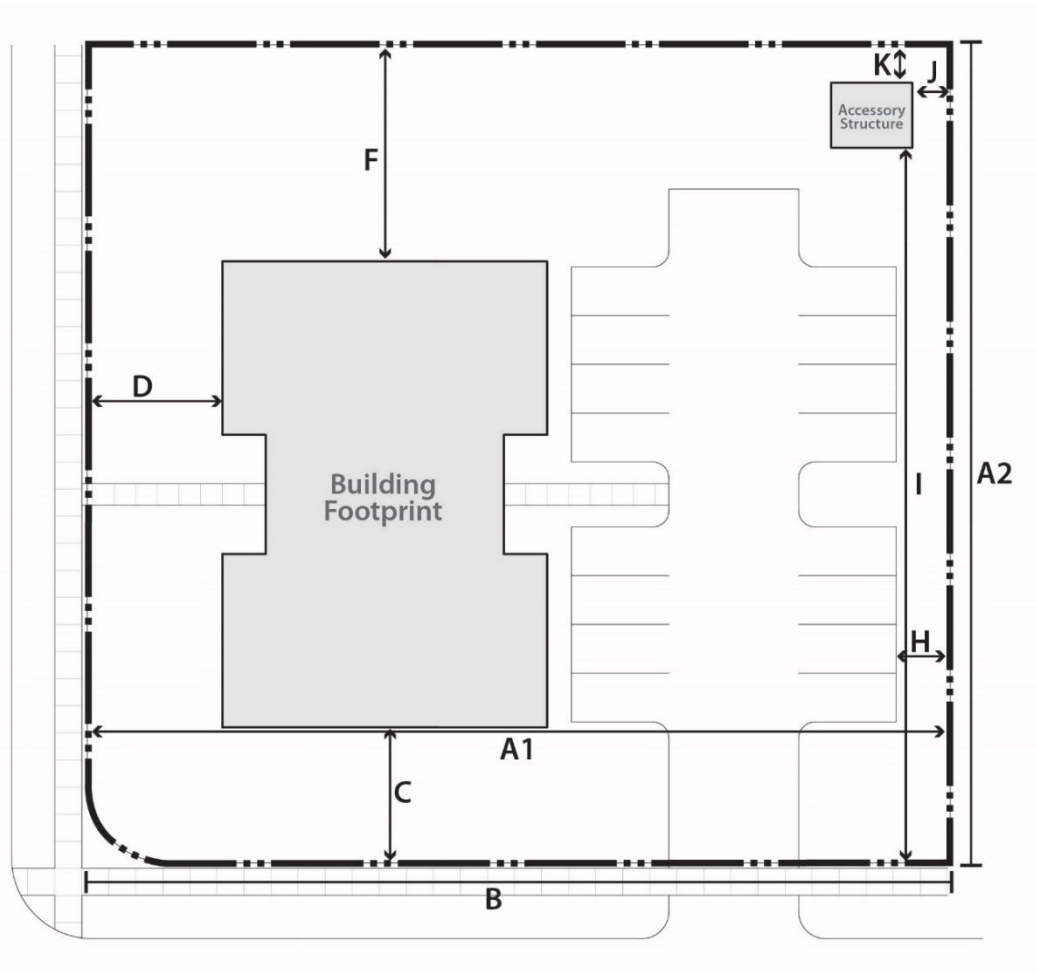
- G. Apartment: This dwelling unit type consists of a single structure with three or more individual attached dwelling units which take access from a shared entrance or hallway. The following regulations apply to this land use:
1. In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
  2. Group or Large Developments shall meet the standards of Section 19.04.11. This dwelling unit type may not be split into additional residences.
  3. See Section 19.06.03 for multi-family design standards.
  4. Minimum required parking: Two spaces per dwelling unit containing zero, one or two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit. One guest parking space shall be provided for every three dwelling units.
  5. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 319.03.06 G: Apartment Dwelling Unit

Key to Figure

- A Lot area ( $A1 \times A2$ )
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



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Section 19.03.06: Residential Land Uses

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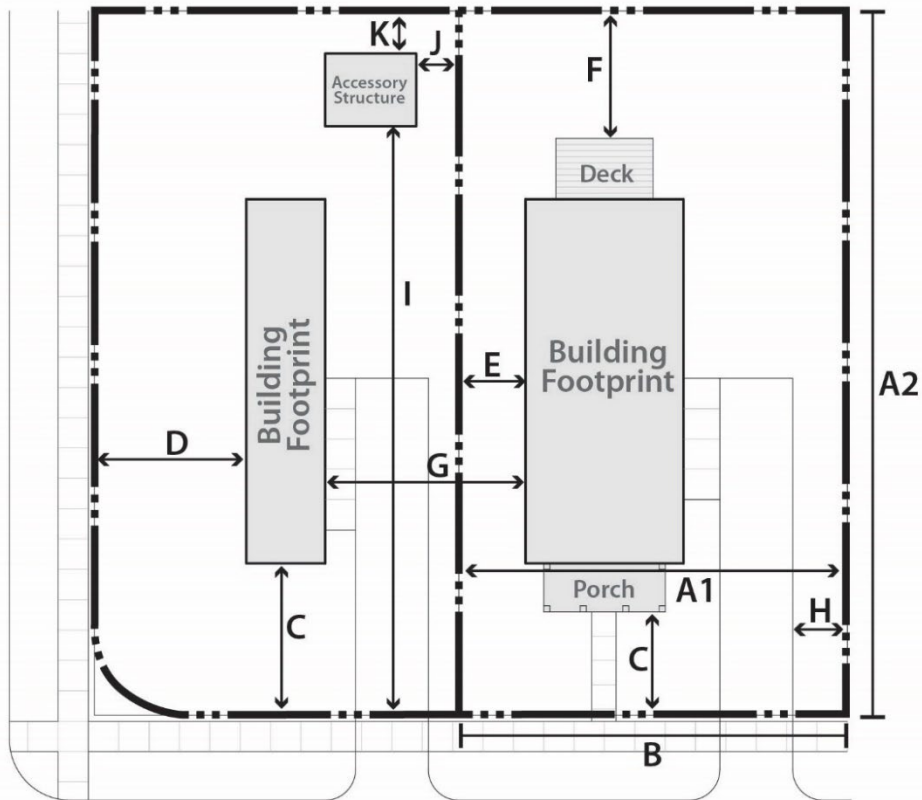
- H. Mobile Home: A type of dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. Any similar dwelling unit which has its own motor or remains on wheels shall be considered a recreational vehicle. A modular home is a home meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 19.03.06(A). The following regulations apply to this land use:
1. No Mobile Home may be split into two or more residences.
  2. Within 30 days of occupancy, the owner shall remove the axle and install skirting.
  3. The building design standards of Section 19.06.02 shall not apply.
  4. Minimum required parking: Two spaces per dwelling unit.
  5. The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home land uses. Specific requirements for Mobile Homes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 19.03.06: Residential Land Uses

Figure 19.03.06 H: Mobile Home Dwelling Unit

Key to Figure

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Street side setback (corner lots) (lot line to principal building or attached garage)
- E Side setback (lot line to principal building or attached garage)
- F Rear setback (lot line to principal building or attached garage)
- G Principal building separation
- H Pavement setback (lot line to pavement excluding driveway entrance)
- I Accessory building front yard setback
- J Accessory building side setback (lot line to accessory building)
- K Accessory rear setback (lot line to accessory building)



## Section 19.03.06: Residential Land Uses

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- I. Mobile Home Subdivision: This land use is a form of residential development which is exclusively reserved for individually sold lots containing Mobile Homes. Each lot and Mobile Home must meet the requirements listed under Section 19.06.03(H), above. The following regulations apply to this land use:
1. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
  2. No access shall be permitted to local residential streets, except to the internal roadways and streets.
  3. Specific requirements for Mobile Home Subdivisions can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.
- J. Mobile Home Park: This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes. Each Mobile Home must meet the requirements listed under Section 19.06.03(H) above. The following regulations apply to this land use:
1. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
  2. No access shall be permitted to local residential streets, except to the internal roadways and streets.
- K. Boarding House Living Arrangement. A residential land use where occupancy of a dwelling unit is shared by six (6) or more unrelated adult individuals. The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  2. Boarding House Living Arrangements require a license and an annual on-site inspection is required to confirm full compliance with all zoning and building code requirements.
  3. Outdoor storage shall be restricted to rear yards and may include storage of such things as motorized vehicles in assigned parking spaces, bicycles, carry in non-motorized watercraft, outdoor seating, and grills.
  4. Minimum required parking: One space per each bedroom for rent within the dwelling unit.
- L. Live/Work Unit. A unit (e.g., a house, studio, loft, or apartment) containing both commercial and residential uses occupied by the same resident/business operator. The commercial use is typically interconnected to the residential use with an internal stair or elevator. The following regulations apply to this land use:
1. The live/work unit shall be the primary dwelling of the occupant.
  2. The commercial component of the live/work unit is limited to the following land uses, but only if such uses are also permitted by right or by conditional use permit in the applicable zoning district:
    - a. Office
    - b. Personal or Professional Service
    - c. Indoor Sales or Service
    - d. Artisan Production Shop
    - e. Indoor Maintenance Service
  3. Employees who are not residents of the unit are permitted.



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Section 19.03.07: Agricultural Land Uses

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4. The commercial use is subject to the regulations of the applicable land use category in Section 19.03.09.
5. Both uses are subject to the nonresidential density, intensity, and bulk requirements of Article II.
6. The residential and the commercial space shall be occupied by the same tenant and no portion of the live/work building shall be rented or sold separately.
7. Minimum required parking: The parking requirements of each individual land use shall apply.

**Section 19.03.07: Agricultural Land Uses**

- A. Cultivation: Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site. The following regulations apply to this land use:
  1. Minimum required parking: One space per employee on the largest work shift. See Section 19.04.02(U) for surfacing requirements for agricultural uses.
- B. Husbandry: All operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered Husbandry land uses. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). This also excludes Keeping of Chickens per Section 19.03.17(M) and Keeping of Bees per Section 19.03.17(N). The following regulations apply to this land use:
  1. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
  2. All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.
  3. Husbandry land uses are subject to the requirements of Title 6: Animals of the Village of Grafton Municipal Code.
  4. Minimum required parking: One space per employee on the largest work shift. See Section 19.04.02(U) for surfacing requirements for agricultural uses.
- C. On-Site Agricultural Retail: The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations and shall be regulated as a distinct land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. The following regulations apply to this land use:

## Section 19.03.07: Agricultural Land Uses

1. No structure or group of structures shall exceed 500 square feet in gross floor area.
  2. All structures shall meet all required setbacks for nonresidential land uses.
  3. Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
  4. On-Site Agricultural Retail uses, once discontinued for a period of 365 days, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.
  5. Minimum required parking: One parking space shall be required for every 200 square feet of product display area. See Section 19.04.02(U) for surfacing requirements for agricultural uses.
- D. Intensive Agriculture: All operations primarily oriented to the on-site raising and/ or use of animals at an intensity equal to or exceeding one animal unit per acre and/ or agricultural activities requiring structures, equipment and/ or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and other operations meeting this criterion. The following regulations apply to this land use:
1. New Intensive Agricultural uses shall not be located in or adjacent to an existing or platted residential subdivision.
  2. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
  3. Intensive Agricultural uses shall be located in an area which is planned for agricultural use in the Village's Comprehensive Plan.
  4. Intensive Agricultural uses shall be completely surrounded by a buffer yard with a minimum opacity of 1.0.
  5. Minimum required parking: One space per employee on the largest work shift. Additional customer parking shall be provided based on land use. See Section 19.04.02(U) for surfacing requirements for agricultural uses.
- E. Agricultural Service: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/ or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 19.03.15(B)). The following regulations apply to this land use:
1. New Agricultural Service uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
  2. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
  3. If within the RH-35 district, agricultural service uses shall be located in an area which is planned for agricultural use in the Village's Comprehensive.

## Section 19.03.07: Agricultural Land Uses

4. 4) Once discontinued for a period of 365 days, Agricultural Service uses shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 or HI districts.
  5. 5) Minimum required parking: One space per employee on the largest work shift. Additional customer parking shall be provided based on land use. See Section 19.04.02(U) for surfacing requirements for agricultural uses.
- F. Community Garden: Community Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands. The following regulations apply to this land use:
1. All garden areas, signs, and structures shall be located a minimum of 10 feet from the lot line.
  2. A site plan shall be submitted to the Community Development Director, or designee, for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
  3. Accessory Buildings.
    - a. The following structures are permitted in Community Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/ accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
    - b. A combined total of 1,200 square feet of gross floor area of all accessory structures on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of all accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.
  4. Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Title 20: Signs.
  5. Fences shall comply with the regulations in Section 19.04.09.
  6. The applicant shall demonstrate adequate off-street parking availability, as determined by the Community Development Director, or designee.
- G. Market Garden: An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site permitted. The following regulations apply to this land use:
1. All activity areas, signs, and structures shall be located a minimum of 10 feet from the lot line.
  2. A site plan shall be submitted to the Community Development Director, or designee, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage,

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 Section 19.03.08: Institutional Land Uses
 

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- equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
3. Accessory Buildings.
    - a. The following structures are permitted within Market Gardens: tool sheds, shade pavilions, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/ accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
    - b. A combined total of 1, 200 square feet of gross floor area of all accessory structures on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of all accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.
  4. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
  5. Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall comply with the regulations of Title 20: Signs.
  6. Fences shall comply with the regulations in Section 19.04.09.
  7. Minimum required parking: One space per 300 square feet of retail floor area.

### Section 19.03.08: Institutional Land Uses

- A. Indoor Institutional: Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, churches, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, private institutional businesses, jails, prisons, and similar land uses. The following regulations apply to this land use:
  1. An off-street passenger loading area shall be provided if the majority of the users will be children or senior citizens (as in the case of a school, church, library, or similar land use).
  2. Minimum required parking: Generally, one space per three expected patrons at maximum capacity; however, the following specific requirements may apply.
    - a. Hospital: To be determined by Community Development Director, or designee, based on parking study.
    - b. Church: One space per 5 seats at the maximum seating capacity in the main worship area. For benches, pews, and other similar seating facilities, 30 inches of such seating shall be counted as one seat for the purpose of this ordinance.
    - c. Community or recreation center: One space per 400 square feet of gross floor area, or one space per three patrons at the maximum capacity,

## Section 19.03.08: Institutional Land Uses

- whichever is greater, plus one space per employee on the largest work shift.
- d. Funeral home: One space per 5 persons at the maximum capacity, plus one space per employee on the largest work shift.
  - e. Library or museum: One space per 400 square feet of gross floor area, or one space per three patrons at the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
  - f. Elementary and middle school: One space per two employees.
  - g. Secondary school: One space per two employees, plus 30 percent of maximum student enrollment.
  - h. College or trade school: To be determined by Director of Community
  - i. Development, or designee, based on parking study.
- B. Outdoor Open Space Institutional: Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses. The following regulations apply to this land use:
1. Minimum required parking: No parking is required; however internal drives may be used for parking.
- C. Passive Outdoor Recreation: Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, picnic areas, picnic shelters, fishing areas, and similar land uses. The following regulations apply to this land use:
1. Minimum required parking: One space per four expected patrons at maximum capacity for any use requiring over 5 spaces, or where maximum capacity is not available, 10 spaces per use, plus one space per employee on the largest work shift
- D. Active Outdoor Recreation: Recreational land uses which involve active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, horse trails, botanical gardens, golf courses, and similar land uses. The following regulations apply to this land use:
1. Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a buffer yard with a minimum opacity of 0.60. Said buffer yard shall be located at the property line adjacent to said residentially zoned property.
  2. All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and baseball backstops shall be located a minimum of 25 feet from any residentially zoned property.
  3. Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or senior citizens.
  4. Minimum required parking: Generally, one space is required per four expected patrons at maximum capacity for any use requiring over 5 spaces, however, the following specific requirements apply.

Section 19.03.08: Institutional Land Uses

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- a. Athletic facilities: one space per employee on the largest work shift, plus one space per 4 patrons (participants and spectators) at maximum capacity.
  - b. Tot lots, fitness courses, and neighborhood parks: no parking spaces required.
  - c. The Community Development Director, or designee, has the ability to require a parking study to increase or reduce parking requirements for any combination of the above uses.
- E. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies and private utilities, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater detention or conveyance, or other comparable utilities. Essential Services include such above- surface facilities as poles, guide wires, fire alarm boxes, water hydrants, below ground lift stations, utility posts, police call boxes, cabinets, vaults, and standpipes. Essential Services do not include larger utility facilities included under Large Scale Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers. The following regulations apply to this land use:
1. Essential services are exempt from density, intensity, and bulk regulations.
  2. All structures shall be located a minimum of 20 feet from any residentially zoned property. Does not include landscaping or storm water detention facilities
  3. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
  4. The exterior of all buildings shall meet the requirements for exterior materials of Article VIII.
  5. Minimum required parking: None.
- F. Large Scale Public Services and Utilities: Large scale facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, water towers, well houses, above ground lift stations, and similar land uses involving buildings and/or fenced enclosures. This does not include uses listed under Essential Services. The following regulations apply to this land use:
1. All structures shall be located a minimum of 20 feet from any residentially zoned property.
  2. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
  3. The exterior of all buildings shall meet the requirements for exterior materials of Article VIII.
  4. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a buffer yard with a minimum opacity of 0.60. Said buffer yard shall be located at the property line adjacent to said residentially zoned property.

## Section 19.03.08: Institutional Land Uses

5. Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.
- G. Community Living Arrangement (1- 8 Residents): Facilities provided for in Wis. Stats. 62.23(7)(i), including community living arrangements for adults as defined in Wis. Stats. 46.03(22), community living arrangements for children as defined in Wis. Stats. 48.743(1), foster homes as defined in Wis. Stats. 48.02(6), and adult family homes and community-based residential facilities (CBRFs) as defined in Wis. Stats. 50.01(1g). Community Living Arrangements do not include Boarding Houses, Group Daycare Centers, nursing homes, homeless shelters, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. 62.23(7)(i) 1.- 5., provided any such regulations do not violate federal or state housing or anti-discrimination laws. The following regulations apply to this land use:
1. No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
  2. The total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population. The Community Development Director, or designee, shall make this determination.
  3. Foster homes housing four or fewer children and licensed under Wis. Stats. 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
  4. Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a buffer yard with a minimum opacity of 0.20.
  5. Minimum required parking: One off- street parking space per employee on the largest work shift.
  6. Driveways shall be considered legal "stacked" parking spaces, provided that each parking space is no less than 8 feet in width and 18 feet in depth. A driveway may contain one or more legal parking spaces.
- H. Community Living Arrangement (9-15 Residents): See description under Subsection (G), above. The following regulations apply to this land use:
1. No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
  2. The total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population.
  3. Foster homes housing four or fewer children and licensed under Wis. Stats. 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
  4. Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a buffer yard with a minimum opacity of 0.20.
  5. Minimum required parking: One off- street parking space per employee on the largest work shift.

## Section 19.03.08: Institutional Land Uses

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- I. Community Living Arrangement (16+ Residents): See description under Subsection G), above. The following regulations apply to this land use:
    1. No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
    2. The total capacity of all Community Living Arrangements (of all capacities) in the Village shall not exceed one percent of the Village's population.
    3. Foster homes housing four or fewer children and licensed under Wis. Stats. 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
    4. The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1, 000 square feet for each additional two residents over 15.
    5. Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a buffer yard with a minimum opacity of 0.20.
    6. Minimum required parking: One off street parking space per employee on the largest work shift.
  - J. Institutional Residential: Residential development designed to accommodate Institutional Residential land uses, such as convents, monasteries, dormitories, fraternities, sororities, senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convalescent homes, limited care facilities, sober living houses, rehabilitation centers, homeless shelters (with or without meal service), and similar land uses not considered to be Community Living Arrangements under Sections 19.03.08 (G), (H), and (I) of this ordinance or under the provisions of Wis. Stats. 62.23. The following regulations apply to this land use:
    1. The number of residents shall be limited to two per bedroom.
    2. The facility shall employ a minimum of one full time on-site manager.
    3. All residents and managers shall park vehicles on-site. Visitors may utilize on-street parking.
    4. All refuse containers shall be stored behind the front façade of the house.
    5. There shall be no change in the outside appearance of the building, accessory structure(s), or premises because of such facility.
    6. Project shall provide an off-street passenger loading area at a minimum of one location within the development.
    7. Minimum required parking: The following specific parking requirements may apply.
      - a. Public or private dormitory: One space per three residents plus one space per nonresident employee on the largest work shift.
      - b. Monastery or convent: One space per three beds plus one space per employee on the largest work shift.
      - c. Senior housing or retirement housing: One space per dwelling unit.
      - d. Assisted living facility or limited care facility: One space per two dwelling units, plus one space per two employees on the largest work shift.
      - e. Nursing home or hospice: One space per four patient beds, plus three spaces per four employees on the largest work shift. A plan to manage



## Section 19.03.09: Commercial Land Uses

parking during shift changes shall be provided to the Community Development Director, or designee.

**Section 19.03.09: Commercial Land Uses**

- A. Office: Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk in basis. The following regulations apply to this land use:
  - 1. Minimum required parking: One space per 300 square feet of gross floor area.
- B. Personal or Professional Service: Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or appointment basis. Only the following uses shall be allowed under this land use category: insurance or financial advisory services, banks and credit unions without drive throughs, realty offices, travel agencies, interior designers, small scale by-appointment medical offices and clinics (dentists, orthodontics, optometrists), pet grooming, veterinary clinics, tutors and private learning centers, photography studios, barber shops, beauty shops, spas, massage, physical therapy, and including ancillary on site production of items used in the provision of such services. The following regulations apply to this land use:
  - 1. Minimum required parking: One space per 300 square feet of gross floor area.
- C. Indoor Sales or Service: The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, hardware stores, art galleries and studios, gift shops, jewelry stores, clothing stores, bicycle and sporting goods stores, shoe repair, locksmith, pharmacy/drug store, florists, laundromats, health and natural foods stores, craft stores, music stores, candy stores, copy and printing centers, photo processing centers, dry cleaners without on-site processing and other uses meeting this definition including ancillary on site production of items used in the provision of such services. The following regulations apply to this land use:
  - 1. Minimum required parking: One space per 300 square feet of gross floor area.
- D. Intensive Personal or Professional Service and Sales or Service: Indoor service land uses that may have potential impacts on surrounding properties due to extended hours of operation, heavy customer traffic, health and safety concerns, and other issues. Includes banks and credit unions with drive ups, tattoo and body piercing shops, liquor and convenience stores, tobacco stores, pawn shops, firearms stores, check cashing stores, dry cleaners with on-site processing, coffee roasters, bakeries, and catering companies. The following regulations apply to this land use:
  - 1. Minimum required parking: One space per 300 square feet of gross floor area.
- E. Professional Trades Office: Indoor sales and service land uses where the primary function is an office for skilled trades such as electrician, plumber,

Section 19.03.09: Commercial Land Uses

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HVAC, mason, builders, general contractor and other similar services including ancillary sales of items used in the provision of such services. Outdoor storage shall be limited to parking for work-related vehicles. The following regulations apply to this land use:

1. Minimum required parking: One space per 300 square feet of gross floor area.
- F. Artisan Production Shop: A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use. The following regulations apply to this land use:
1. Minimum required parking: One space per 300 square feet of gross floor area.
- G. Physical Activity Studio: All land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities often have operating hours which extend significantly earlier or later than most other commercial land uses, and often employ amplified music to set training tempo. Examples of such land uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools. The following regulations apply to this land use:
1. No customer entrance of any kind shall be permitted within 50 feet of a residentially zoned property.
  2. Facility shall provide buffer yard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 19.05.03(E)).
  3. Minimum required parking: One space per every three persons at the maximum capacity of the establishment.
- H. Commercial Kitchen: A building or portion thereof used for the preparation of food that can be rented or used as a classroom by different organizations, businesses, or individuals. Products produced on site may be sold off site. The following regulations apply to this land use:
1. Shall comply with the requirements of the applicable county and state regulations.
  2. Minimum required parking: One space per every 300 feet of gross floor area.
- I. Restaurants with Drive-Throughs: Land uses which provide food services entirely within an enclosed building including drive through facilities. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. This use shall also obtain approval for a Drive-Through and In-Vehicle Sales or Service per Section 19.03.09(U). The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.

Section 19.03.09: Commercial Land Uses

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2. Minimum required parking: One space per every 300 feet of gross floor area.
- J. Restaurants without Drive-Throughs: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Minimum required parking: One space per every 300 feet of gross floor area.
- K. Fast Casual Restaurant: Land uses which provide food services entirely within an enclosed building meeting at least two of the following criteria shall be considered fast casual: use of reusable silverware or plates for all on-site consumption, no drive through service, food produced for consumption on-site is not wrapped in paper or served in a cardboard or plaster container, food is prepared in front of the customer, and food is served to table. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. This use shall also obtain approval for a Drive-Through and In-Vehicle Sales or Service per Section 19.03.09(Q) if the restaurant includes a drive-through. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Minimum required parking: One space per every 300 feet of gross floor area.
- L. Coffee Shop with Drive Through: Land uses which provide primarily coffee and other nonalcoholic beverage services (other secondary food service is allowed) entirely within an enclosed building as well as a drive through. This use shall also obtain approval for a Drive-Through and In-Vehicle Sales or Service per Section 19.03.09(U) if the coffee shop includes a drive-through. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Minimum required parking: One space per every 300 feet of gross floor area.
- M. Coffee Shop without Drive Through: Land uses which provide primarily coffee and other nonalcoholic beverage services (other secondary food service is allowed) entirely within an enclosed building. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Minimum required parking: One space per every 300 feet of gross floor area.
- N. Taverns, Bars, and Microbreweries: Land uses which primarily serve alcoholic beverages entirely within an enclosed building; these land uses may also serve food as an ancillary component of the operation. Such activities often have the potential to be associated with nuisances related to amplified music, noise,

## Section 19.03.09: Commercial Land Uses

lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, taverns, bars, microbreweries, and microdistilleries. The following regulations apply to this land use:

1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Disposal of empty cans/bottles shall be restricted to 7:00 a.m. to 7:00 p.m. Garbage pick up shall be restricted to 7:00 a.m. or later.
  3. Minimum required parking: One space per every 300 feet of gross floor area.
- O. Financial Institution with Drive Through: Land uses which provide financial services, such as banks and credit unions, to an individual on a walk-in or appointment basis. Services are provided within an enclosed building and via drive through facilities or solely via drive through facilities. The following regulations apply to this land use:
1. Minimum required parking: One space per every 300 feet of gross floor area.
  2. Shall meet all applicable regulations of the Drive-Through and In-Vehicle Sales or Service land use.
- P. Indoor Commercial Entertainment: Land uses which provide entertainment services entirely within an enclosed building; these land uses may also serve food as an ancillary component of the operation. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, theaters, bowling alleys, escape rooms, banquet halls, convention centers, arcades, roller rinks, and pool halls. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Disposal of empty cans/bottles shall be restricted to 7:00 a.m. to 7:00 p.m. Garbage pick up shall be restricted to 7:00 a.m. or later.
  3. Minimum required parking: One space per every 300 feet of gross floor area.
- Q. Outdoor Commercial Entertainment: Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include, but are not limited to, large outdoor eating and drinking areas, sand volleyball courts, corn hole courts, outdoor assembly areas, and outdoor swimming pools associated with another principal land use. The following regulations apply to this land use:
1. Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  2. Activity areas shall not be located closer than 50 feet to a residentially- zoned property.

## Section 19.03.09: Commercial Land Uses

3. Disposal of empty cans/bottles shall be restricted to 7:00 a.m. to 7:00 p.m. Garbage pick up shall be restricted to 7:00 a.m. or later.
  4. Facility shall provide buffer yard with minimum opacity of 0.40 along all borders of the outdoor activity area abutting residentially-zoned property (see Section 19.05.03(E)).
  5. Minimum required parking: One space for every three persons at the maximum capacity of the establishment.
- R. Drive-Through and In-Vehicle Sales or Service: Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, gas stations, and car washes. The following regulations apply to this land use:
1. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility.
  2. Drive-through windows shall not be located between the principal building and the street right-of-way.
  3. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  4. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
  5. The setback of the outer edge of any overhead canopy or similar structure shall meet the principal building setback; a minimum of 20 feet from all residentially-zoned property lines; and shall be a minimum of 10 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 16 feet per the measurement of roof height.
  6. No signs shall be permitted on canopy roofs or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator of the convenience store.
  7. Facility shall provide a buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  8. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands not part of an approved stormwater management system. Said curbs shall be a minimum of 6 inches high.
  9. The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle

Section 19.03.09: Commercial Land Uses

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- levels allowed shall be four (4.0) foot-candles as measured at the property line, except at vehicular entrances at the street right-of-way line which shall be a maximum of six (6.0) foot-candles.
10. Minimum stacking lane length for drive-through facilities shall be as follows:
    - a. Automatic car wash: 100 feet in front of the car wash entrance and 25 feet after the exit.
    - b. Establishments selling food and/or drink: 100 feet in front of each order station, 55 feet between the order station and the pick-up window, and 25 feet after the pick-up window.
    - c. All other uses: 55 feet in front of and 25 feet after each service window.
  11. Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.
- S. Group Daycare Center (9+ Children): Facilities which provide childcare services for 9 or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group daycare centers are considered a separate principal use and require review as such. The following regulations apply to this land use:
1. Group Daycare Centers shall not be located within a residential building.
  2. Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Section 19.05.03(E)).
  3. Minimum required parking: One space per 10 students, plus one space for each employee on the largest work shift.
- T. Commercial Animal Boarding/Daycare: Facilities where short-term and/or long term animal boarding is provided, including commercial kennels, commercial stables, pet daycare, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to and do not require separate consideration. The following regulations apply to this land use:
1. Animal containment areas shall be fully enclosed with an opaque fence and surrounded by a buffer yard with a minimum opacity of 0.70 along sides abutting residentially zoned property (see Section 19.05.03(E)).
  2. Each animal shall be provided with an indoor containment area.
  3. Outdoor containment areas shall have an opaque fence or enclosure.
  4. Events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
  5. Minimum required parking: One space per every 1,000 square feet of gross floor area.
- U. Bed and Breakfast: Bed and Breakfasts are places of lodging that provide rooms for rent in the owner's personal residence, are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast. The following regulations apply to this land use:

## Section 19.03.09: Commercial Land Uses

1. Facility shall be surrounded by a buffer yard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property (see Section 19.05.03(E)).
  2. The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/ owner shall live on the premises when the Bed and Breakfast operation is active.
  3. The facility shall comply with the requirements of Wis. Stats. 254.61 Chapter DHS 197 of the Wisconsin Administrative Code.
  4. Minimum required parking: One space per each bedroom in addition to requirements for principal residents.
- V. Tourist Rooming Houses (6 or fewer consecutive days): All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as defined in Wisconsin Administrative Code Chapter ATCP 72.03, as amended. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wisconsin Administrative Code Chapter ATCP 73. The following regulations apply to this land use:
1. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the dwelling unit.
  2. The maximum stay for any party other than the owner of the premises shall be six (6) consecutive days.
  3. The residential dwelling shall be rented no more than 180 days in any consecutive 365-day period. The owner or person who rents the residential dwelling shall notify the Village Clerk in writing when the first rental within a 365-day period begins.
  4. The number of guest vehicles allowed on-site is limited to the number of bedrooms in the unit.
  5. No recreational vehicle or tent may be used for living or sleeping purposes.
  6. The appearance of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that can carry beyond the premises.
  7. The availability of the tourist rooming house to the public shall not be advertised on-site.
  8. The tourist rooming house must be licensed by the State of Wisconsin and meet all requirements including room tax payments.
  9. The tourist rooming house shall obtain a license from the Community Development Department for conducting such activities.
  10. Property owners in violation of these or other Village ordinances shall be subject to citation.
- W. Tourist Rooming House (7-29 consecutive days): All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as defined in Wisconsin Administrative Code Chapter ATCP 72.03, as amended. It does not

## Section 19.03.09: Commercial Land Uses

include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wisconsin Administrative Code Chapter ATCP 73. The following regulations apply to this land use:

1. If a residential dwelling is utilized as a tourist rooming house and rented for periods of more than 6 but fewer than 29 consecutive days, the residential dwelling shall be rented no more than 180 days in any consecutive 365-day period. The owner or person who rents the residential dwelling shall notify the Village Clerk in writing when the first rental within a 365-day period begins.
  2. The availability of the tourist rooming house to the public shall not be advertised on-site.
  3. The tourist rooming house must be licensed by the State of Wisconsin and meet all requirements including room tax payments.
  4. The tourist rooming house shall obtain a license from the Community Development Department for conducting such activities.
  5. Property owners in violation of these or other Village ordinances shall be subject to citation.
- X. Commercial Indoor Lodging: Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as a separate land use. The following regulations apply to this land use:
1. Customer entrances shall be located 50 feet from residentially zoned property.
  2. Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Section 19.05.03(E)).
  3. Minimum required parking: One space per room for rent, plus one space for each employee on the largest work shift.
- Y. Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles, including recreational vehicle overnight stays in parking lots and other similar locations not in campgrounds. The following regulations apply to this land use:
1. Campgrounds shall be surrounded by a buffer yard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property (see Section 19.05.03(E)).
  2. Facility shall secure the appropriate county and state license.
  3. Minimum required parking: Two spaces per campsite.
- Z. Indoor Maintenance Service: Facilities where maintenance and repair service is provided and all operations are located entirely within an enclosed building, including the repair of clocks, vacuum cleaners, and small appliances. This shall



## Section 19.03.09: Commercial Land Uses

not include Vehicle Sales or Vehicle Service and Repair land uses. The following regulations apply to this land use:

1. Minimum required parking: One space per 300 square feet of gross floor area.
- AA. Outdoor Maintenance Service: Facilities where maintenance and repair service is provided and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales or Vehicle Service and Repair land uses. The following regulations apply to this land use:
1. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high, solid fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a buffer yard with a minimum opacity of 0.60 (see Section 19.05.03(E)).
  2. Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
  3. Minimum required parking: One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.
- BB. Vehicle Sales: The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building. The following regulations apply to this land use:
1. The display of vehicles shall not be permitted in green space areas, landscaped areas, or required buffer yards.
  2. Facility shall be surrounded by a buffer yard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property (see Section 19.05.03(E)).
  3. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/ vehicle and vehicle/ pedestrian conflicts.
  4. Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
  5. Minimum required parking: One space per 300 square feet of gross floor area plus one space per every 3,000 square feet of outdoor display.
- CC. Vehicle Service and Repair: Facilities where vehicle service and/or repair is provided entirely within an enclosed building, including unlicensed or inoperable vehicles used for spare parts. The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property (see Section 19.05.03(E)).
  2. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/ vehicle and vehicle/pedestrian conflicts.

## Section 19.03.09: Commercial Land Uses

3. Outdoor storage of unlicensed or inoperable vehicles is prohibited outside areas fully screened by a solid fence. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
  4. Minimum required parking: One space per 300 square feet of gross floor area.
- DD. Auto-Related Sales and Service: The sale of auto-related merchandise and auto-related service. Auto-Related Sales and Service land uses may include, but are not limited to, auto parts stores, tire stores, and auto rental businesses. Does not include general merchandise stores that have small auto-related merchandise and service components. The following regulations apply to this land use:
1. No work may be performed on vehicles on-site, except for diagnostics, including the parking lot.
  2. Minimum required parking: One space per 300 square feet of gross floor area.
- EE. Intensive Outdoor Activity: Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, water parks, fairgrounds, outdoor stadiums, go cart tracks, paint ball, race tracks, ski hills, drive-in theaters, miniature golf, driving ranges, and tournament-oriented athletic facilities. The following regulations apply to this land use:
1. No Intensive Outdoor Activity shall take place before 8:00am or after 10:00pm except as explicitly authorized by the conditional use process.
  2. A buffer yard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting (see Section 19.05.03(E)).
  3. Facilities serving a regional or community-wide function shall provide an off street passenger loading area if the majority of the users will be children or senior citizens.
  4. Any activity area other than parking shall be set back a minimum of 100 feet from the property line.
  5. Minimum required parking: One space per every 5 expected patrons at maximum capacity. The Community Development Director, or designee, may require a parking study to determine parking requirements.
- FF. Sexually-Oriented Land Uses: Any facility oriented to the display of sexually-oriented materials such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to “sexually specified areas.” For the purpose of this Chapter, “sexually specified areas” includes any of the following: genitals, anal area, female areola or nipple. “Sexually-oriented material” includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less

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**Section 19.03.10: Multiple Use Buildings**

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than five (5) percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Village Board's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Village Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Village's Comprehensive Plan and protect the character and integrity of its commercial and residential neighborhoods.

The following regulations apply to this land use:

1. Use shall obtain a license per Chapter 9.35 Sexually Oriented Businesses of the Village of Grafton Municipal Code.
2. Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
3. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
4. Minimum required parking: One space per 350 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

**Section 19.03.10: Multiple Use Buildings**

See Section 19.02.27 Tables of Permitted and Conditional Land Uses for the specific uses that may be allowed in multiple use building situations. All uses in multiple use buildings shall also meet the regulations applicable to the specific uses (see Sections 19.03.06 Residential Land uses and 19.03.09 Commercial Land Uses).

A. Apartments with Limited Commercial: An apartment building which contains one or more principal nonresidential land uses on the ground floor. The following regulations apply to this land use:

1. This land use shall comply with all of the bulk and density requirements that apply to the most similar dwelling unit in Section 19.03.06.

## Section 19.03.10: Multiple Use Buildings

2. The principal commercial use shall be limited to the ground floor of the building and shall consist of no more than 33 percent of the gross floor area of the ground floor, or 5,000 square feet, whichever is smaller.
  3. Minimum required parking: The parking requirements of each individual land use shall apply.
  4. Apartments with Limited Commercial shall comply with the design standards for multi-family uses. See Section 19.06.03.
- B. Mixed Use Building: A building containing a mix of principal commercial land uses and principal residential land uses. The following regulations apply to this land use:
1. Minimum Amount of Ground Floor Commercial. Refer to Section 19.03.09 for a list of commercial uses.
    - a. Residential uses shall comprise of no more than 30 percent of the gross floor area of the ground floor.
    - b. In all other districts, at least 50 percent of the building's ground floor area shall consist of commercial uses.
  2. Minimum required parking: The parking requirements of each individual land use shall apply.
  3. Mixed Use Buildings shall comply with the design standards for commercial uses and mixed uses. See Section 19.06.04.
- C. Live/Work Building: A multi-unit building, typically arranged in a townhouse side-by-side format, in which each unit contains a commercial use on the ground floor with a residential use on upper floors, with both uses occupied by the same resident/ business operator. The commercial use is typically interconnected to the residential use with an internal stair or elevator. The following regulations apply to this land use:
1. The live/work building shall be the primary dwelling of the occupant.
  2. The commercial component of the live/work building is limited to the following land uses, but only if such uses are also permitted by right or by conditional use permit in the applicable zoning district:
    - f. Office
    - g. Personal or Professional Service
    - h. Indoor Sales or Service
    - i. Artisan Production Shop
    - j. Indoor Maintenance Service
  3. Employees who are not residents of the unit are permitted.
  4. The commercial use is subject to the regulations of the applicable land use category in Section 19.03.09.
  5. Both uses are subject to the nonresidential density, intensity, and bulk requirements of Article II.
  6. The residential and the commercial space shall be occupied by the same tenant and no portion of the live/work building shall be rented or sold separately.
  7. Minimum required parking: The parking requirements of each individual land use shall apply.

Section 19.03.10: Multiple Use Buildings

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8. Live/Work Buildings shall comply with the design standards for commercial uses and mixed uses. See Section 19.06.04.

## Section 19.03.11: Industrial Land Uses

**Section 19.03.11: Industrial Land Uses**

- A. Light Industrial: Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing of clothing, furniture, cabinetry, medical or dental supplies, commercial displays; metal stamping, welding, metal forming; fabricating; laser cutting; CNC machining, plastic injection molding; commercial and industrial painting and finishing; commercial printing; electronic components; assembly; textiles and clothing; and arts and crafts. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 19.03.09(C) are complied with. The following regulations apply to this land use:
1. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  2. Minimum required parking: One space per each employee on the largest work shift.
- B. Heavy Industrial: Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes. The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 1.0 along all borders of the property abutting properties which are not zoned HI.
  2. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.
  3. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (4), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  4. Minimum required parking: One space per each employee on the largest work shift.
- C. Indoor Food Processing: Any business whose principal activity is the processing of raw ingredients into food products within an enclosed building, excluding tobacco and nicotine products. The following regulations apply to this land use:

## Section 19.03.11: Industrial Land Uses

1. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/ vehicle and vehicle/pedestrian conflicts.
  2. On-site processing of seafood is permitted provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
  3. The on-site retail sale of food processed on-site shall be considered Incidental Indoor Sales subject to the provisions of Section 19.03.17(X) provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.
  4. On-site composting shall be permitted. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
  5. Minimum required parking: One space per 1, 000 square feet of gross floor area.
- D. Indoor Food Production or Production Greenhouse: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. This land use also includes the following activities: the seasonal display of plants and related products outdoors; the farming of aquatic plants and animals under controlled conditions utilizing recirculating (closed) system technology; and aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system. The following regulations apply to this land use:
1. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/ vehicle and vehicle/pedestrian conflicts.
  2. On-site processing of seafood is permitted provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
  3. The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 19.03.17(X) provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.
  4. The farming of aquatic plants and animals under controlled conditions shall take place entirely within an enclosed building.
  5. On-site composting shall be permitted. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and

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**Section 19.03.12: Storage Land Uses**

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- evergreen landscaping. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
6. Minimum required parking: One space per 1, 000 square feet of gross floor area.
- E. Laboratory, Scientific and Medical: A facility for testing, analysis, and/or research and development. Examples include, but are not limited to: medical labs, pharmaceutical labs, soils and materials testing labs, and forensic labs. The following regulations apply to this land use:
1. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.
  2. Minimum required parking: One space per each employee on the largest work shift.

**Section 19.03.12: Storage Land Uses**

- A. Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and distribution of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Section 19.03.17(X). The following regulations apply to this land use:
1. Minimum required parking: One space per 2,000 square feet of gross floor area.
- B. Outdoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, impound lots, contractor yards, equipment yards, lumber yards, and coal yards not incidental to another principle use. The following regulations apply to this land use:
1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas. Said walls or fencing shall be screened from residentially zoned property by a buffer yard with a minimum opacity of 0.80.
  2. Outdoor storage areas accessory to a principal land use shall be regulated as Incidental Outdoor Enclosed Storage under Section 19.03017(W).
  3. The storage of items shall not be permitted in landscaping areas, buffer yard areas, or green space areas.
  4. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by



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**Section 19.03.13: Transportation Land Uses**

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- the provisions of Subsection (7). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
5. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  6. Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
  7. Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
- C. Personal Storage Facility: Also known as "mini-warehouses," these land uses are oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. The following regulations apply to this land use:
1. Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
  2. Limitations on Use of Facilities. Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
  3. Services and Sales Activities Prohibited. No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
  4. Practice Rooms, Meeting Rooms, and Residences Prohibited. Facilities shall not be used for practice rooms, meeting rooms, or residences.
  5. Outdoor Storage Prohibited. No outdoor storage shall be permitted.
  6. Storage of Explosive or Highly Flammable Material Prohibited. Storage of explosive or highly flammable material shall be prohibited.
  7. Minimum required parking: One space for each employee on the largest work shift. Parking for loading and unloading is permitted in drive aisles.

**Section 19.03.13: Transportation Land Uses**

- A. Transit Center: A building, structure, and/ or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations. The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
  2. All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  3. Minimum required parking: To be determined by Community Development Director, or designee, based on parking study.

## Section 19.03.13: Transportation Land Uses

- B. Distribution Center: Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 19.030.17(X). The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
  2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  3. In no instance shall activity areas be located within landscaping areas, buffer yard areas, or green space areas.
  4. Minimum required parking: One space per each employee on the largest work shift.
- C. Freight Terminal: Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/ or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment. The following regulations apply to this land use:
1. Facility shall be surrounded by a buffer yard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  3. In no instance shall activity areas be located within landscaping areas, buffer yard areas, or green space areas.
  4. Minimum required parking: One space per each employee on the largest work shift.
- D. Airport: Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. Takeoffs and landings of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport. The following regulations apply to this land use:
1. Airports shall be surrounded by a buffer yard with a minimum opacity of 1.0 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.
  2. The airport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
  3. Minimum required parking: One space per each employee on the largest work shift. A parking study shall be conducted to determine passenger parking requirements.
- E. Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading,

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storage, fueling, or terminal facilities. The following regulations apply to this land use:

1. The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
  2. The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
- F. Off-Site Parking Lot: Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. See Section 19.04.03 for additional parking regulations. The following regulations apply to this land use:
1. Access and vehicular circulation shall be designed so as to discourage cut through traffic.

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- A. New Mobile Service Support Structure and Facilities. The placement of a new mobile service support structure with facilities. See Wis Stats. 66.0404, as amended, for other definitions. The following regulations apply to this land use:
1. A written permit application must be completed by any applicant and submitted to the Village. The application information and review process listed in Wis. Stats. 66.0404 (2) shall apply. General review standards in this Zoning Ordinance for conditional uses shall not apply to mobile service support structure and facilities.
  2. On-site Locational Requirements. 1. An antenna shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than the principal use (that portion of the principal use closest to the street). Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard. All equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height. Adequate space, as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
  3. Interference With Air Traffic Prohibited. The proposed antenna or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
  4. Antennas and Antenna Structures To Be Structurally Self-Supporting. All antennas and antenna structures shall be structurally self-supporting without

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- the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
5. Screening. All ground equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.
  6. Advertising. No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
  7. Cable Installation. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
  8. Removal of Antenna Facilities Upon Abandonment. A bond or irrevocable letter of credit will be provided to the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used.
  9. More Than One Service Provider Allowed To Use Antenna Facilities. The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a “co-location” agreement.
- B. Class 1 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification. See Wis Stats. 66.0404, as amended, for other definitions. The following regulations apply to this land use:
1. A written permit application must be completed by any applicant and submitted to the Village. The application information and review process listed in Wis. Stats. 66.0404 (2) shall apply. General review standards in this Zoning Ordinance for conditional uses shall not apply to mobile service support structure and facilities.
  2. On-site Locational Requirements. 1. An antenna shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than the principal use (that portion of the principal use closest to 19- 95 the street). Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard. All equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height. Adequate space, as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
  3. Interference With Air Traffic Prohibited. The proposed antenna or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
  4. Antennas and Antenna Structures To Be Structurally Self-Supporting. All antennas and antenna structures shall be structurally self-supporting without the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
  5. Screening. All ground equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.

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6. Advertising. No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
  7. Cable Installation. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
  8. Removal of Antenna Facilities Upon Abandonment. A bond or irrevocable letter of credit will be provided to the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used.
  9. More Than One Service Provider Allowed To Use Antenna Facilities. The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a “co-location” agreement.
- C. Class 2 Collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification. See Wis Stats. 66.0404, as amended, for other definitions. The following regulations apply to this land use:
1. A written permit application must be completed by any applicant and submitted to the Village. The application information and review process listed in Wis. Stats. 66.0404 (3) shall apply.
  2. On-site Locational Requirements. 1. An antenna shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than the principal use (that portion of the principal use closest to 19- 95 the street). Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard. All equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height. Adequate space, as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
  3. Interference With Air Traffic Prohibited. The proposed antenna or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
  4. Antennas and Antenna Structures To Be Structurally Self-Supporting. All antennas and antenna structures shall be structurally self-supporting without the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
  5. Screening. All ground equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.
  6. Advertising. No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
  7. Cable Installation. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.

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8. **Removal of Antenna Facilities Upon Abandonment.** A bond or irrevocable letter of credit will be provided to the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used.
  9. **More Than One Service Provider Allowed To Use Antenna Facilities.** The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a “co-location” agreement.
  10. **Abandonment.** The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 365 days, the applicant shall remove the tower or transmitters upon request from the Village. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use. If unused facilities are not removed, the Village may remove the items at the expense of the property owner.
- D. **Small Wireless Telecommunication Facilities in the Right-of-Way.** Definitions in this Subsection may contain quotations or citations to 47 C.F.R. §§ 1.6100 and 1.6002, and FCC 2018 Small Cell Order. In the event that any referenced language is amended, creating a conflict between the definition as set forth in this Subsection and the amended language of the referenced section, the definition in the referenced section, as amended, shall control.
1. **Definitions.** For the purposes of this subsection, the terms below shall have the following meanings:
    - a. “Administrator” means the Community Development Director or his or her designee.
    - b. “Application” means a formal request, including all required and requested documentation and information, submitted by an Applicant to the Village of Grafton for a wireless permit.
    - c. “Applicant” means a person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.
    - d. “Base Station” as stated in 47 C.F.R. § 1.6100(b)(1), defines the term to mean a structure or wireless telecommunications equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This definition does not include towers.
    - e. “Eligible Facilities Request” as stated in 47 C.F.R. § 1.6100(b)(3), defines the term to mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
      - i. Collocation of new transmission equipment.
      - ii. Removal of transmission equipment.
      - iii. Replacement of transmission equipment.
    - f. “FCC” means the Federal Communications Commission.
    - g. “Right-of-way” means the surface of, and the space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, landscape terrace, shoulder, side slope, and public

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- sidewalk over which the Village of Grafton exercises any rights of management and control or in which the Village of Grafton has an interest.
- h. “Shot clock” means a reasonable period of time that the Administrator can take action on small wireless facility applications. Not taking action within the given shot clock timeframe would result in a failure to act by the Administrator.
  - i. “Small Wireless Facility,” consistent with 47 C.F.R. § 1.6002(l), means a facility that meets each of the following conditions:
    - i. The structure on which antenna facilities are mounted:
      - 1. Is 50 feet or less in height and is no more than 10 percent taller than other adjacent structures; or
      - 2. Is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height, whichever is greater, as a result of the collocation of new antenna facilities.
    - ii. A wireless provider can construct, modify and maintain a support structure that exceeds the 50 feet height requirement;
    - iii. Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume;
    - iv. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than 28 cubic feet in volume;
    - v. Small wireless facilities are a permitted use and are not subject to the Village’s zoning ordinances if collocated in a right-of-way or outside a right-of-way if the property is not zoned solely for single-family residential use.
    - vi. The facility does not require antenna structure registration;
    - vii. The facility is not located on Tribal lands; and
    - viii. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.
  - j. “Support Structure” means any structure capable of supporting wireless telecommunications equipment.
  - k. “Tower” as stated in 47 C.F.R. § 1.6100(b)(9), defines the term as any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
  - l. “Underground areas” means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are

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- distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages more than 35,000 volts.
- m. "Utility Pole" means a structure in the right-of-way designed to support electric, telephone, and similar utility distribution lines and associated equipment. A tower is not a utility pole.
  - n. "Wireless Infrastructure Provider" means a person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.
  - o. "Wireless Permit" or "Permit" means a permit issued pursuant to this Subsection and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way, and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.
  - p. "Wireless Regulations" means those regulations adopted pursuant to Subsection 5(b)(1) to implement the provisions of this Subsection.
  - q. "Wireless Service Provider" means an entity that provides wireless services to end users.
  - r. "Wireless Telecommunications Equipment" means equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.
  - s. "Wireless Telecommunications Facility" or "Facility" means a facility at a fixed location in the right-of-way consisting of a base station, antennas and other accessory equipment, and a tower and underground wiring, if any, associated with the base station.
2. Purpose.
- a. In the exercise of its police powers, the Village of Grafton has priority over all other uses of the right-of-way. The purpose of this Subsection is to provide the Village of Grafton with a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the right-of-way consistent with the Village of Grafton obligation to promote the public health, safety, and welfare; to manage the right-of-way; and to ensure that the public's use is not obstructed or incommoded by the use of the right-of-way for the placement of wireless telecommunications facilities. The Village of Grafton recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the Village of Grafton. The Village of Grafton also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of wireless telecommunications facilities in the right-of-way including, without limitation, the Telecommunications Act of 1996 (47 U.S.C. § 151 et seq), Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Wis. Stat. § 182.017, and Wis. Stat. § 196.58, and this Subsection shall be interpreted consistent with those provisions.



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3. Scope.
  - a. Applicability. Unless exempted by Subsection (d)(3)(b), below, every person who wishes to place a wireless telecommunications facility in the right-of-way or modify an existing wireless telecommunications facility in the right-of-way must obtain a wireless permit under this subsection.
  - b. Exempt Facilities. The provisions of this Subsection (other than Subsection (d)(10-14)) shall not be applied to applications for the following:
    - i. Installation of a small wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot, and provided further that the installation does not require replacement of the strand, or excavation, modification, or replacement of either of the utility poles.
    - ii. Installation of a mobile cell facility for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
    - iii. Placement or modification of a wireless telecommunications facility on structures owned by or under the control of the Village of Grafton.
    - iv. Placement or modification of a wireless telecommunications facility by Village of Grafton staff or any person performing work under contract with the Village of Grafton.
    - v. Modification of an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity does not disrupt or impede traffic in the traveled portion of a street, and if the work does not change the visual or audible characteristics of the wireless telecommunications facility.
4. Nondiscrimination.
  - a. In establishing the rights, obligations, and conditions set forth in this Subsection, it is the intent of the Village of Grafton to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situation, and legal status of each applicant or request for use of the right-of-way.
5. Administration.
  - a. Administrator. The Administrator is responsible for administering this Subsection.
  - b. Powers. As part of the administration of this Subsection, the Administrator may:
    - i. Adopt wireless regulations governing the placement and modification of wireless telecommunications facilities in addition to but consistent with the requirements of this Subsection, including regulations governing collocation, the resolution of conflicting applications for placement of wireless telecommunications facilities, and aesthetic standards.

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- ii. Interpret the provisions of the Subsection and the wireless regulations.
  - iii. Develop forms and procedures for submission of applications for wireless permits consistent with this Subsection.
  - iv. Impose a fee to a wireless provider for the use of a right-of-way for the collocation of a small wireless facility or the installation of a utility pole for the placement of a small wireless facility. The fee may not exceed \$20 multiplied by the number of small wireless facilities presently in the Village's municipal boundary. The Administrator may adjust the fee by 10 percent every five years, applied incrementally or on a one-time basis.
  - v. Require, as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility that is the subject of the wireless permit application.
  - vi. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
  - vii. Select an alternative location for the collocation of small wireless facilities.
  - viii. Issue notices of incompleteness or requests for information in connection with any wireless permit application.
  - ix. Select and retain an independent consultant or attorney with expertise in telecommunications to review any issue that involves specialized or expert knowledge in connection with any permit application.
  - x. Coordinate and consult with other Village of Grafton staff, committees, and governing bodies to ensure timely action on all other required permits under Subsection (d)(6)(b)(8).
  - xi. Subject to appeal as provided in Subsection (d)(8)(d), determine whether to grant, grant subject to conditions, or deny an application.
  - xii. Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.
6. Application.
- a. Quantity. For a proposal to collocate up to 30 small wireless facilities, the applicant may file all small wireless facilities under one application. To qualify, all small wireless facilities must comprise of similar equipment and be placed on similar types of structures.
  - b. Format. Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Administrator. An application is not complete until both the paper and electronic copies are received by the Administrator.

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- c. Content. In order to be considered complete, an application must contain:
- i. All information required pursuant to FCC 2018 Small Cell Order, as amended.
  - ii. A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit conditions.
  - iii. The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.
  - iv. A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.
  - v. A separate and complete description of each substantially different proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such preexisting structures and facilities; and describing the distance to the nearest residential dwelling unit. Before and after 360-degree photo simulations must be provided for each facility.
  - vi. Site plans and detailed construction drawings that identify the small wireless facilities to scale.
  - vii. A general description of the proposed small wireless facility and any accompanying support structures.
  - viii. If a small wireless facility is placed on a support structure that is owned by a third party, certification is needed from the owner to allow the wireless provider to collocate on the support structure.
  - ix. Proof that the applicant has mailed to the owners of all property within 300 feet of the proposed wireless telecommunications facility a notice that the applicant is submitting an application to the Village of Grafton for placement or modification of a wireless telecommunications facility in the right-of-way, which notice must include the following:
    1. The proposed location of the facility.
    2. A description and scale image of the proposed facility.
    3. An email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.
  - x. A copy of the FCC license for the facility or a sworn written statement from the applicant attesting that the facility will comply with current FCC regulations.

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- xi. To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless telecommunications facility, the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, and others as determined by the Community Development Director), with all engineering completed and with all fees associated with each permit.
  - xii. A certification by a registered and qualified engineer that the installation can be supported by and does not exceed the tolerances of the structure on which it will be mounted and that all elements of the wireless telecommunications facility comply with applicable safety standards.
  - xiii. Payment of all required fees.
  - xiv. If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all evidence on which the applicant relies in support of that claim. Applicants are not permitted to supplement this evidence if doing so would prevent the Village of Grafton from complying with any deadline for action on an application.
  - xv. If the application is an eligible facilities request, the application must contain information sufficient to show that the application qualifies as an eligible facilities request under 47 C.F.R. § 1.6100(b)(3), including evidence that the application relates to an existing tower or base station that has been approved by the Village of Grafton. Before and after 360-degree photo simulations must be provided with detailed specifications demonstrating that the modification does not substantially change the physical dimensions of the existing approved tower or base station.
- d. Waivers. Requests for waivers from any requirement of this subsection shall be made in writing to the Administrator. The Administrator may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of the waiver, the Village of Grafton will be provided with all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the wireless permit sought.
  - e. Fees. The application fee for five or fewer small wireless facilities shall be \$500. The fee for six or more shall be \$500 plus \$100 for each additional small wireless facility. The total annual rate for a collocation and other supplemental activities may not exceed \$250 per year per small wireless facility.
  - f. Public Records. Applications are public records that may be made publicly available pursuant to state and federal public records law. Notwithstanding the foregoing, the applicant may designate portions of the application materials that it reasonably believes contain proprietary or confidential information by clearly marking each portion of such materials

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accordingly, and the Village of Grafton shall endeavor to treat the information as proprietary and confidential, subject to applicable state and federal public records law and the Administrator's determination that the applicant's request for confidential or proprietary treatment of the application materials is reasonable. The Village of Grafton shall not be required to incur any costs to protect the application from disclosure.

7. General Standards.
  - a. Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this Subsection and the wireless regulations, in addition to the requirements of any other applicable law or regulation.
  - b. Regulations. The wireless regulations and decisions on wireless permits shall, at a minimum, ensure that the requirements of this Subsection are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of a telecommunications or personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Subsection and the wireless regulations may be waived, but only to the extent required to avoid the prohibition.
  - c. Standards.
    - i. Wireless telecommunications facilities shall be installed and modified in a manner that:
      1. Minimizes risks to public safety.
      2. Ensures that placement of facilities on existing structures is within the tolerance of those structures.
      3. Avoids placement of aboveground facilities in underground areas, installation of new support structures or equipment cabinets in the public right-of-way, or placement in residential areas when commercial areas are reasonably available.
      4. Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located.
      5. Ensures that installations are subject to periodic review to minimize the intrusion on the right-of-way.
      6. Ensures that the Village of Grafton bears no risk or liability as a result of the installations.
      7. Ensures that applicant's use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the Village of Grafton or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
    - ii. No wireless permit shall be issued unless
      1. The wireless service provider applicant has immediate plans to use the proposed facility, or

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2. The wireless infrastructure applicant has a contract with a wireless service provider that has immediate plans to use the proposed facility.
- d. The most desirable location for new small wireless facilities is co-location on existing facilities. All small wireless facilities shall be sited to avoid or minimize land use conflicts in compliance with the following standards:
    - i. Preferred Locations. The following list of preferred location for small wireless facilities is in order of preference from most to least preferred: industrial, commercial and office zoning districts.
    - ii. Less Preferred Locations. The following less preferred locations are listed in order of preference from most to least preferred: parks and recreation and residential zoning districts.
    - iii. Avoid Residential and Parks and Recreation Areas. New support structures, towers, and utility poles shall not be located within residential, parks and recreation areas unless sufficient technical and other information is provided to demonstrate to the satisfaction of the Administrator that the location in such areas is appropriate, subject to the following findings:
      1. The location of the proposed facility site is essential to meet the service demands of the carrier and no other alternative co-location, existing development, or utility facility site, or other type of support is feasible. This shall be documented by the applicant providing a list of the locations of preferred technically feasible sites, the good faith efforts and measures taken by the applicant to secure these preferred sites, and the specific reasons why these efforts and measures were unsuccessful.
      2. The use of a new support structure, tower, or utility pole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources, and public safety.
    - iv. Avoid Significant Buildings and View Sheds. Small wireless facilities shall not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure and shall not interfere with prominent vistas or significant public view corridors.
  - e. Collocation. Subject to the provisions of this subsection, collocation of facilities is generally preferred over new support structures if it can be accomplished in a way that better compliments the character of the surrounding area.
    - i. Collocation with Non-Municipal Facilities. Collocation on facilities or support structures owned by parties other than the Village of Grafton is subject to the following:
      1. Where an existing facility or support structure can potentially accommodate collocation of a new wireless facility, collocation will be required unless:

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- a. The applicant submits substantial evidence supporting the unsuitability of the collocation.
    - b. The owner of the existing facility or support structure is unwilling to accommodate the applicant's equipment and cannot be required to cooperate.
    - c. The Administrator determines that installing a new support structure or collocation with a Village of Grafton facility is preferable to collocation with another facility or support structure.
  2. Authorization for collocation on a facility or support structure owned by a party other than the Village of Grafton will be voided if the facility or support structure is destroyed, removed, relocated, or replaced, unless:
    - a. The owner of the collocated facility obtains a new right-of-way use permit.
    - b. The facility or support structure accommodating the collocation is replaced with a facility or support structure comparable in size, mass, appearance, and placement, as determined by the Administrator.
- f. General Location Restrictions. In addition to regulating location among districts, the Village establishes the following site-specific restrictions and requirements:
  - i. Facilities and support structures, towers, and utility poles must be at least three feet from the curb or nearest traffic lane to reduce the risk of being struck by a motor vehicle or bicycle.
  - ii. Facilities and support structures, towers, and utility poles must not obstruct, impede, or hinder vehicular, pedestrian, or bicycle travel or public safety within the right-of-way, except for authorized temporary lane or sidewalk closures.
  - iii. Facilities and support structures, towers, and utility poles must not be located within sight triangles at street intersections.
  - iv. Facilities and support structures, towers, and utility poles must not be located within any area that will create traffic visibility loss to drivers, pedestrians, or bicyclists.
  - v. Obstruction. To the extent possible, a facility, support structure, tower, or utility pole should be located and designed so as to avoid interference with right-of-way maintenance activities, such as:
    1. Grass mowing, brush collection, tree trimming and landscape maintenance.
    2. Trash collection.
    3. Maintenance of streets, pavement, sidewalks, and bicycle lanes.
    4. Maintenance of other facilities in the right-of-ways.
  - vi. ADA. Facilities and support structures, towers, and utility poles at all times must comply with the requirements of the Americans with Disabilities Act of 1990.

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- vii. Alignment. Facilities and support structures, towers, and utility poles must be located in alignment with existing trees, facilities, support structures, towers, utility poles, and streetlights.
- viii. Spacing. A support structure, tower, or utility pole for a wireless facility must be at least 50 feet from any other support structure in a public right-of-way.
- ix. Frontage. Facilities and support structures, towers, and utility poles must not be located along the frontage of any building deemed to be of historical significance on a federal, state, or local level. New facilities and support structures, towers, and utility poles must not be located directly in front of any existing residential, commercial, or industrial structure.
- g. Standard Permit Conditions. All wireless permits under this Subsection are issued subject to the following minimum conditions:
  - i. Compliance. The permit holder shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules.
  - ii. Term. A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance unless revoked pursuant to Subsection (d)(9)(b).
  - iii. Contact Information. The permit holder shall at all times maintain with the Village of Grafton accurate contact information for the permit holder and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and email address for at least one natural person.
  - iv. Emergencies. The Village of Grafton shall have the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.
  - v. Indemnities. The permit holder, by accepting a permit under this Subsection, agrees to indemnify, defend, and hold harmless the Village of Grafton, its elected and appointed officials, officers, employees, agents, representatives, and volunteers from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner caused in whole or in part, or claimed to be caused in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of the permit holder or anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on one or more of the Indemnified Parties. The obligation to indemnify, defend, and hold harmless the Indemnified Parties shall be applicable even if the liability results from an act or failure to act on the part of one or more of the Indemnified Parties. However, the



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- obligation does not apply if the liability results from the willful misconduct of an Indemnified Party.
- vi. Adverse Impacts on Adjacent Properties. The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.
  - vii. General maintenance. The wireless communications facility and any associated structures shall be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
  - viii. Graffiti Removal. All graffiti on facilities shall be removed at the sole expense of the permit holder within 48 hours after notification from the Village of Grafton.
  - ix. Relocation. At the request of the Village of Grafton pursuant to Subsection (d)(10), the permit holder shall promptly and at its own expense permanently remove and relocate any wireless telecommunications facility in the right-of-way.
  - x. Abandonment. The permit holder shall promptly notify the Village of Grafton whenever a facility has not been in use for a continuous period of 60 days or longer and must comply with Subsection (d)(11).
  - xi. Restoration. A permit holder who removes or relocates a facility from the right-of-way must restore the right-of-way in accordance with Subsection (d)(12).
  - xii. Record Retention. The permit holder shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the permit or regulatory approval. In the event the Village of Grafton cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permit holder fails to retain full and complete records in the permit holder's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permit holder.
  - xiii. Radio Frequency Emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.
  - xiv. Certificate of Insurance. A certificate of insurance sufficient to demonstrate to the satisfaction of the Administrator that the applicant has the capability to cover any liability that might arise out of the presence of the facility in the right-of-way.
8. Application Processing and Appeal.
- a. Rejection for Incompleteness. Notices of incompleteness shall be provided in conformity with state, local, and federal law, including 47 C.F.R. § 1.6003(d), as amended.

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- b. Processing Timeline. Wireless permit applications, including applications for other permits under Subsection (d)(6)(b)(8) necessary to place or modify the facility, and appeals will be processed in conformity with the shot clocks set forth in state, local, and federal law, as amended. The Administrator shall notify an application in writing within 10 days of receiving an application to state if the application is complete. For applications that require a new or replacement utility pole, failure by the Administrator to approve or deny a permit application 90 days after its receipt will result in the permit application being approved. For applications that require the placement of a small wireless facility on an existing structure, the Administrator has 60 days to either approve or deny a permit application. Failure to act will result in the permit application being approved. The 60 and 90 day shot clock may be amended if the applicant and the Administrator agree to extend the shot clock deadline.
  - c. Written Decision. In the event that an application is denied or approved with conditions beyond the standard permit conditions set forth in Subsection (d)7(d), the Administrator shall issue a written decision with the reasons therefor, supported by substantial evidence contained in a written record.
  - d. Appeal to the Grafton Village Board. Any person adversely affected by the decision of the Administrator may appeal that decision to the Grafton Village Board which may decide the issues de novo, and whose written decision will be the final decision of the Village. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility.
  - e. Deadline to Appeal.
    - i. Appeals that involve eligible facilities requests must be filed within three business days of the written decision of the Administrator.
    - ii. All other appeals not governed by Subsection (d)(8)(e)(1), above, must be filed within ten business days of the written decision of the Administrator, unless the Administrator extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.
  - f. Decision Deadline. All appeals shall be conducted so that a timely written decision may be issued in accordance with the applicable shot clock.
9. Expiration and Revocation.
- a. Failure to Commence Activity. After a permit application is approved, the applicant has 365 days from the receipt of the application to commence the activity authorized in the permit. Work must continue until the completion of the activity.
  - b. Expiration. A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance. Upon expiration of the wireless permit, the permit holder must either:
    - i. Remove the wireless telecommunications facility, or

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- ii. Submit an application to renew the permit at least 90 days prior to its expiration. The facility must remain in place until the renewal application is acted on by the Village of Grafton and any appeals from the Village of Grafton decision are exhausted.
  - c. Revocation for Breach. A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable federal, state, or local laws, rules, or regulations. Upon revocation, the wireless telecommunications facility must be removed within 30 days of receipt of written notice from the Village of Grafton. All costs incurred by the Village of Grafton in connection with the revocation, removal, and right-of-way restoration shall be paid by the permit holder.
  - d. Failure to Obtain Permit. Unless exempted from permitting by Subsection (d)3(b), a wireless telecommunications facility installed without a wireless permit must be removed within 30 days of receipt of written notice from the Village of Grafton. All costs incurred by the Village of Grafton in connection with the notice, removal, and right-of-way restoration shall be paid by entities who own or control any part of the wireless telecommunications facility.
10. Relocation.
- a. Except as otherwise prohibited by state or federal law, a permit holder must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate any of its wireless telecommunications facilities in the right-of-way whenever the Village of Grafton requests such removal and relocation. The Village of Grafton may make such a request to prevent the facility from interfering with a present or future Village of Grafton use of the right-of-way; a public improvement undertaken by the Village of Grafton; an economic development project in which the Village of Grafton has an interest or investment; when the public health, safety, or welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless and until that entity pays the reasonable costs of removal or relocation to the permit holder.
11. Cessation of Use and Abandonment.
- a. Cessation of Use. In the event that a permitted facility within the right-of-way is not in use for a continuous period of 60 days or longer, the permit holder must promptly notify the Village of Grafton and do one of the following:
    - i. Provide information satisfactory to the Administrator that the permit holder's obligations for its facilities have been lawfully assumed by another permit holder.
    - ii. Submit to the Administrator a proposal and instruments for dedication of the facilities to the Village of Grafton. If a permit holder proceeds

## Section 19.03.14: Telecommunication Land Uses

under this Subsection (d)(11)(a)(2), the Village of Grafton may, at its option:

1. Accept the dedication for all or a portion of the facilities.
  2. Require the permit holder, at its own expense, to remove the facilities and perform the required restoration under Subsection (d)(12).
  3. Require the permit holder to post a bond or provide payment sufficient to reimburse the Village of Grafton for reasonably anticipated costs to be incurred in removing the facilities and undertaking restoration under Subsection (d)(12).
- iii. Remove its facilities from the right-of-way within one year and perform the required restoration under Subsection (d)(12), unless the Administrator waives this requirement or provides a later deadline.
- b. Abandoned Facilities. Facilities of a permit holder who fails to comply with Subsection (d)(11)(a) and which, for one year, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the Village of Grafton may, at its option:
- i. Abate the nuisance and recover the cost from the permit holder or the permit holder's successor in interest.
  - ii. Take possession of the facilities.
  - iii. Require removal of the facilities by the permit holder or the permit holder's successor in interest.
12. Restoration.
- a. Damage and Repair. The Administrator may require a wireless provider to repair all damage caused by the activities of a wireless provider to its small wireless facilities or support structures. All damages to small wireless facilities or structures must be repaired to its former condition. The Administrator reserves the right to repair any damages and charge the liable party for the cost of the repairs.
  - b. Right of Access. A wireless provider has access to collocate small wireless facilities and modify or construct a third party's support structures upon permission from the owner.
  - c. In the event that a permit holder removes or is required to remove a wireless telecommunications facility from the right-of-way (or relocate it pursuant to Subsection (d)(10)), the permit holder must restore the right-of-way to its prior condition in accordance with Village of Grafton specifications. However, a support structure owned by another entity authorized to maintain that support structure in the right-of-way need not be removed but must instead be restored to its prior condition. If the permit holder fails to make the restorations required by this Subsection (d)(12), the Village of Grafton at its option may do such work. In that event, the permit holder shall pay to the Village of Grafton, within 30 days of billing therefor, the cost of restoring the right-of-way.
13. Placement on Village of Grafton-Owned or –Controlled Structures.

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Section 19.03.15: Extraction and Disposal Land Uses

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- a. The Village of Grafton may negotiate agreements for placement of wireless telecommunications facilities on Village of Grafton-owned or -controlled structures in the right-of-way. The agreement shall specify the compensation to the Village of Grafton for use of the structures. The person or entity seeking the agreement shall reimburse the Village of Grafton for all costs the Village of Grafton incurs in connection with its review of and action upon the request for an agreement.
14. Private Property Owners. No individuals are allowed to place, maintain, modify, operate, or replace a privately owned support structure, or collocate small wireless facilities on a support structure or private property.
15. Severability.
- a. If any clause, phrase, or portion of this Subsection is for any reason held to be illegal or otherwise invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion shall be severable and shall not affect or impair any remaining portion of this Subsection, which shall remain in full force and effect.

**Section 19.03.15: Extraction and Disposal Land Uses**

- A. Extraction: Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. The following regulations apply to this land use:
  1. The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
  2. The facility shall provide a buffer yard with a minimum opacity of 1.00 along all borders of the property.
  3. All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
  4. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
  5. Minimum required parking: One space per each employee on the largest work shift.
- B. Composting: Land uses devoted to the large scale collection, storage, processing, and/or disposal of vegetation. See Section 19.03.17(L) for personal residential composting. The following regulations apply to this land use:
  1. Composting facilities shall comply with all county, state, and federal regulations.
  2. Facility shall provide a buffer yard with a minimum opacity of 1.00 along all borders of the property occupied by non- agricultural land uses.
  3. All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
  4. No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on- site.

Section 19.03.15: Extraction and Disposal Land Uses

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5. Operations shall not involve the on- site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
  6. Minimum required parking: One space for each employee on the largest work shift.
- C. Recycling and Waste Disposal: Recycling facilities not involving the on-site storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. 289.01(33), but not including Composting operations. The following regulations apply to this land use:
1. Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.
  2. Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  3. All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
  4. Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner, except through issuance of a conditional use permit.
  5. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re- vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
  6. Minimum required parking: One space for each employee on the largest work shift.
- D. Salvage or Junkyard: Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/ or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Service and Repair. The following regulations apply to this land use:
1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  2. All outdoor storage areas shall be located a minimum of 100 feet from all lot lines.
  3. In no instance shall activity areas be located within a landscaping or bufferyard areas.
  4. Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes, except through issuance of a conditional use permit.
  5. Minimum required parking: One space for every 20, 000 square feet of gross storage area, plus one space for each employee on the largest work shift.
  6. Facility shall secure a salvage dealer license as required by the State of Wisconsin.

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**Section 19.03.16: Energy Production Land Uses and Structures**

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- E. Sand and Mineral Processing: Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that removes the desired product from the mineral or enhances the characteristics of the sand or mineral. The following regulations apply to this land use:
1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  2. All buildings, structures, outdoor storage, and any other activity areas, shall be located a minimum of 100 feet from all roads and lot lines.
  3. In no instance shall activity areas be located within a buffer yard area.
  4. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
  5. Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
  6. The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
  7. Minimum required parking: One space for each employee on the largest work shift.

**Section 19.03.16: Energy Production Land Uses and Structures**

- A. Large Wind Energy System: Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. Large Wind Energy Systems have a total installed nameplate capacity of more than 300 kW or that consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each. The following regulations apply to this land use:
1. This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.
  2. Wind energy systems are a conditional use in every district. The Village will apply Wis. Stats. 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
  3. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    1. Serves to preserve or protect the public health or safety.
    2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    3. Allows for an alternative system of comparable cost and efficiency.
- B. Large Solar Energy System: Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Large Solar Energy Systems are the only a principal land use

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**Section 19.03.16: Energy Production Land Uses and Structures**

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on a property and are designed primarily to generate energy for commercial sale off-site. The following regulations apply to this land use:

1. Rooftop, ground- mounted, and building- mounted large solar energy systems shall comply with the height limits and minimum required yards for principal structures.
2. Large solar system structures shall be finished in a rust- resistant, non-obtrusive finish, and color that is non-reflective.
3. All electrical connections shall be located underground or within a building.
4. No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
5. Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
6. All access doors or access ways and electrical equipment shall be lockable.
7. A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:
  - a. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 19.09.16.
  - b. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
  - c. A standard foundation design along with specifications for the soil conditions at the site.
  - d. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
  - e. A description of emergency and normal shutdown procedures.
  - f. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Subsection.
  - g. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
  - h. Evidence of compliance with Federal Aviation Administration requirements.
8. The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
9. Solar energy systems are a conditional use. The Village will apply Wis. Stats. 66.0401 and 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.



Section 19.03.16: Energy Production Land Uses and Structures

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10. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
  - a. Serves to preserve or protect the public health or safety.
  - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
  - c. Allows for an alternative system of comparable cost and efficiency.

## Section 19.03.17: Accessory Land Uses

**Section 19.03.17: Accessory Land Uses**

- A. Residential Accessory Structure: Structures accessory to a residential use including but not limited to structures used to shelter parked passenger vehicles (including garages and carports), structures used to store residential maintenance equipment of the subject property, attached decks, workshops, kennels, and pool houses. The following regulations apply to this land use:
1. Three total structures shall be permitted by right. Attached garages shall not count toward this total. There shall be no limitation on the maximum number of accessory buildings in the RH-35 District.
  2. An individual detached accessory structure shall not exceed 720 square feet of gross floor area.
  3. A combined total of 1,200 square feet of gross floor area of all accessory structures on the property is permitted by right.
  4. For lots larger than one acre, the maximum permitted combined total of gross floor area of all accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre. In no instance shall the accessory structure area exceed the ground floor area of the principal building used for residence. The measurement of accessory structure size shall include the total of all detached or attached accessory buildings on the lot except as conditional uses.
  5. See Article II for accessory structure maximum building heights and setbacks. Garages existing as of January 1, 2020 that do not meet the setback requirements may be replaced in their existing location provided that the replacement garage does not increase the amount of nonconformity.
  6. Detached garages are permitted in the rear yard and side yards only.
  7. Accessory buildings of one hundred fifty (150) square feet or less in area (excluding trash and garbage waste receptacles, or dumpsters, in all zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory building, the flooring shall be constructed of decay resistant wood and the building shall be securely anchored to the ground.
- B. Recreational Facility: This land use includes all active outdoor recreational facilities located on a private lot which are not otherwise described in this Article. Common examples include swing sets, tree houses, play houses, basketball courts, tennis courts, swimming pools, recreation-type equipment, pavilions and detached decks and patios. The following regulations apply to this land use:
1. All private recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures.
  2. Materials and lighting at the property line shall comply with Section 19.04.07.
- C. Landscape Feature: This land use includes features such as ponds, mailboxes, statuary/art objects, Little Free Libraries, clotheslines, seasonal decorations, arbors, trellises, fountains, birdhouses, birdbaths, birdfeeders, lawn furniture, raised garden beds and similar landscaping containment materials, retaining walls, and similar manmade lawn and landscaping elements as determined by the Community Development Director, or designee. The following regulations apply to this land use:

## Section 19.03.17: Accessory Land Uses

1. Landscape Features shall meet maximum setbacks and heights for accessory buildings in each district.
- D. Residential Kennel: An enclosed structure designed for the keeping of dogs that is accessory to a residential use.
  1. Outdoor containments for dogs shall be subject to the setback requirements for accessory structures for the district in which they are located.
- E. Columbarium (Indoor): A structure that is used or intended to be used for the inurnment of cremated remains. (Wis. Stat. 440.70 (4)). The following regulations apply to this land use:
  1. A religious association may establish an indoor columbarium subject to the requirements of Wis. Stat. 157.123 and the Village of Grafton building code.
  2. A plan of perpetual care and maintenance of any columbarium pursuant to Wis. Stat. 157.123(2)(b).
- F. Columbarium (Outdoor): A building, structure, or part of a building or structure that is used or intended to be used for the inurnment of cremated remains. (Wis. Stat. 440.70 (4)). The following regulations apply to this land use:
  1. A religious association must submit a site plan application, conditional use permit application, and a plan of perpetual care and maintenance of any proposed columbarium pursuant to Wis. Stat. 157.123(2)(b) for review to the Plan Commission.
  2. All Outdoor Columbaria must comply with the following physical requirements:
    - a. Location: A columbarium must be located outside a building owned and occupied by a religious association as defined by Wis. Stat. 157.123(2)(a).
    - b. Height: Outdoor columbaria must be no higher than eight (8) feet as measured from the average grade elevation where the columbarium meets the grade. An outdoor columbarium that is not visible from public right of way is not subject to the eight (8) feet requirement and may be higher.
    - c. Bulk and Setback Requirements: Columbaria structures shall meet all requirements of the I Institutional district.
    - d. Appearance: Columbaria shall be consistent in material and design with the primary structure.
    - e. Signage: Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.
    - f. Left Objects: Left objects, such as flowers and mementos, are permitted, but must be monitored by the religious association and removed within seven (7) days of placement.
- G. Home Occupation: Economic activities performed within a residential dwelling unit. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with limited customer visits. Examples include but are not limited to: Avon representative,

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Rodan + Fields representative, professional service office, hair dresser, baker, and music instruction. The following regulations apply to this land use:

1. Home Occupation Employees. No more than one (1) person shall be employed on the premises at any one time other than persons residing on the premises.
2. Maximum Floor Area Permitted to be Used for Home Occupation. The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than twenty-five (25) percent of the floor area of the dwelling unit habitable living area shall be used in the conduct of the home occupation or home office. No outside display, storage, or use of land is permitted.
3. No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted. There shall be no change in the outside appearance of the building, accessory structure, or premises because of such home occupation or office, except for an unlighted sign or nameplate, not more than one (1) square foot in total area, attached to and not projecting from the building.
4. Conduct of Home Occupation in Accessory Building or Structure Prohibited. No home occupation or home office shall be conducted in any accessory building or structure or outdoors.
5. Use of Mechanical and Electrical Equipment. No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic or household purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage greater than that normally associated with household use. Computer and communication equipment that meets the aforementioned criteria which can be purchased for use in the home shall be considered as "normally associated with household use."
6. Sale and Display of Commodities and Goods. No commodity or good shall be displayed on the exterior of the premise. Home Occupations shall not conduct retail sales in-person on the premises. Only retail sales made through pre-order (i.e., phone, internet, events, etc.) shall be permitted to be picked up at the owner's home. This does not preclude taking orders for sales or provision of services off-site.
7. Traffic. No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principal use. For measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used. There shall be no more than one (1) commercial delivery or pick-up per day.
8. Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference. There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses

## Section 19.03.17: Accessory Land Uses

- outside the dwelling unit greater than that normally associated with household use.
9. Refuse. No refuse greater than the amount allowable for regular residential pickup shall be generated by any home occupation.
  10. Nuisance Causing Activities. No home occupation shall cause or create any nuisance, cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
  11. Materials Which Decompose by Detonation Prohibited. No dangerous or unlawful amounts of hazardous or volatile materials, or dangerous or unlawful amounts of materials which decompose by combustion or detonation shall be allowed with a home occupation in excess of the amount that would be allowed by law if the home occupation did not exist.
  12. Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted. No home occupation shall be permitted which generates sewerage or water use greater than what is typical for a residential dwelling unit
- H. Federal Firearms Licensee: A holder of a license that enables an individual or a company to (1) engage in a business pertaining to the manufacture or importation of firearms and ammunition, or (2) the interstate and intrastate transfer of firearms. The license is issued by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).
- I. In-Home Daycare (4-8 Children): Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes.
- J. In-Family Suite: An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external entries serving as the primary or only access to the In-Family Suite are prohibited. The following regulations apply to this land use:
1. In-Family Suites may not be occupied by a non-family member.
  2. In-Family Suites shall be considered and regulated as part of a single family dwelling unit.
  3. The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.
  4. A separate walled garage area or driveway is not permitted.
  5. A separate address for the In-Family Suite is not permitted.
  6. A separate utility connection or meters are not permitted.
  7. A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.

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8. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.
- K. Accessory Dwelling Unit. Residential dwelling unit located on the same lot as a single family dwelling unit, either in the same building as the single family dwelling unit or in a detached building. The following regulations apply to this land use:
1. The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or 2 unrelated individuals.
  2. Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations.
  3. Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.
  4. Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
  5. Minimum parking requirement: minimum of one off-street parking space not already used by the principal use.
  6. For Accessory Dwelling Units located on the same lot as a single family dwelling unit, the following additional regulations shall apply:
  7. Principal building must be owner-occupied.
  8. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.
  9. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 700 square feet.
  10. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single family dwelling.
  11. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
  12. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
  13. Trim must match the trim used on the principal dwelling unit.
  14. Projecting eaves must match those of the principal dwelling unit or structure.
  15. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).
  16. The Accessory Dwelling Unit shall be approved by the Architectural Review Board.
- L. Residential Composting: Small scale personal composting including collection, storage, processing, and/or disposal of food and yard waste. The following regulations apply to this land use:
1. Enclosed composting containers cannot exceed 250 cubic feet and 4 feet in height. Open composting is not permitted.
  2. Enclosed containers must be placed in the rear yard with a 20 foot setback to any habitable building.

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3. Composting activities shall not produce any foul, offensive, or nauseous odors or create a health and safety risk.
- M. Keeping of Chickens: Up to four (4) chickens may be kept under the following regulations.
1. Compliance.
    - a. No owner or occupant of real property shall keep or allow to be kept a live chicken within the Village without a valid permit issued under this section.
    - b. No owner or occupant of real property shall keep a live chicken within the Village contrary to the terms of this section or contrary to the terms of any permit issued under this section.
    - c. Nothing in this Section shall be interpreted to invalidate deed restrictions or other real property restrictions or covenants that may prohibit the keeping of chickens within local areas or subdivisions within the Village.
  2. Permits.
    - a. The owner or occupant must submit an application form signed by all owners of record to the Building Inspector.
    - b. The owner or occupant must submit the registration number of the applicant's completed Livestock Premises Registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
    - c. The owner or occupant must submit a non-refundable application fee of \$50 and annual renewal fee in the amount of \$25.
    - d. The owner or occupant must submit a site plan showing the location of all structures located on the applicant's real property, the location of all structures located on all abutting property, and the site of the proposed coop.
    - e. The owner or occupant must submit drawings or photos of the coop design.
    - f. A permit shall not be transferable in any way.
    - g. The permit year commences on January 1 and end on December 31 of each calendar year. Permits applied for after January 1 of a year will expire on December 31 of that year; permit fees shall not be pro-rated.
    - h. If there are no changes to be made to the information submitted in the original application, a permittee shall renew the permit annually by paying the renewal fee. If the permittee wishes to make changes, the permittee shall submit a new full application.
    - i. In addition to all other remedies available to the Village, the Village shall revoke a permit issued under this section in the event that the Building Inspector has issued two or more violations of this Section to a permittee. Once a permit is revoked, it shall not be reissued.
  3. Conditions for Keeping Chickens. The following regulations apply to this land use:
    - a. No roosters or other crowing fowl are permitted.
    - b. Noise from chickens shall not be so loud as to disturb a person of ordinary sensitivity.
    - c. No chicken may be kept within a principal residence.

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- d. Chickens shall be kept as pets and for personal use only. No owner shall sell or barter eggs or engage in chicken breeding or fertilizer production for commercial purposes.
- e. Chickens shall be housed in a coop. A coop shall be no less than three (3) cubic feet of space per chicken and must be connected to a secured and fully ventilated pen (also required) which contains not less than seven cubic feet of space per chicken and an appropriately sized nesting box (also required) at a rate of not less than one box per two birds. Pens shall be properly sized as will permit full spread of the kept bird's wingspan and allow each chicken to walk and run. An existing garage, shed, or small structure may serve as a coop if compliant with the remaining terms and conditions of this Section.
- f. No person shall keep a chicken in any location on the property other than the rear yard.
- g. All coops, pens, nesting boxes, and any other structure or enclosure associated with the keeping of chickens must be located at least 40 feet from a neighboring residential structure, not including a detached garage, at least ten (10) feet from a side or rear property line and at least ten (10) feet from the residence on the property where the chickens, or other similar domesticated fowl, are kept.
- h. Coops and pens shall not be located closer than 75 feet from the ordinary high water mark of a lake, stream, creek or river.
- i. Upon death of a chicken, the permittee must promptly dispose of the chicken in a sanitary manner.
- j. The onsite slaughtering of chickens is prohibited.
- k. Chickens shall be kept and handled in a sanitary manner.
- l. Chickens must be kept in a coop and pen when not being monitored by a responsible individual. When allowed to roam free, chickens must be monitored and within a fenced enclosure. Chickens shall be secured in the coop during non-daylight hours.
- m. The coop and pen system shall be properly designed, laid-out and maintained as will provide safe and healthy living conditions for chickens while minimizing adverse impacts on the neighborhood through use of material, colors, architecture and special site design that are complimentary to the existing buildings on the premise and in the surrounding area. The Village Building Inspector shall have sole discretion for coop design and location.
- n. All coops must be clean, dry and kept in a neat and sanitary condition at all times.
- o. The coop shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire or fencing of no more than one-inch openings.
- p. All enclosures must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproofed and impermeable to rodents, wild birds and predators, including dogs and cats. These



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- enclosures must also be sound and moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground.
- q. Provisions must be made for the daily removal and lawful disposal of chicken waste in order to prevent any adverse effects related to odor or unsanitary conditions.
  - r. Chickens shall not be turned loose or taken to the local humane society when no longer wanted.
  - s. In addition to compliance with the requirements of this section, no one shall keep a chicken that causes any nuisance, unhealthy condition, creates a public health threat, or otherwise interferes with the normal use of property and the enjoyment of life by humans or other animals.
  - t. The Village shall have the power, whenever it may deem reasonably necessary, to enter a structure or property where a chicken is kept to ascertain whether the permittee is in compliance with this Section. The permittee shall be responsible for all costs associated with inspections.
  - u. In addition to all other remedies available to the Village, the Building Inspector may issue orders requiring compliance with the provisions of this Section.
- N. Keeping of Bees: The deliberate harboring, keeping and maintenance of colonies or hives of honey bees may be done under the following regulations.
- 1. Compliance.
    - a. No owner or occupant of real property shall keep or allow to be kept colonies or hives of honey bees within the Village without a valid permit issued under this section.
    - b. No owner or occupant of real property shall keep colonies or hives of honey bees within the Village contrary to the terms of this section or contrary to the terms of any permit issued under this section.
    - c. Nothing in this Section shall be interpreted to invalidate deed restrictions or other real property restrictions or covenants that may prohibit the keeping of bees within local areas or subdivisions within the Village.
  - 2. Permits.
    - a. The owner or occupant must submit an application form signed by all owners of record to the Building Inspector.
    - b. The owner or occupant must submit a non-refundable application fee of \$50 and annual renewal fee in the amount of \$25.
    - c. The owner or occupant must submit a site plan showing the location of all structures located on the applicant's real property, the location of all structures located on all abutting property, and the site of the proposed hives.
    - d. The owner or occupant must submit drawings or photos of the hive design.
    - e. A permit shall not be transferable in any way.
    - f. The permit year commences on January 1 and end on December 31 of each calendar year. Permits applied for after January 1 of a year will

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- expire on December 31 of that year; permit fees shall not be pro-rated.
- g. If there are no changes to be made to the information submitted in the original application, a permittee shall renew the permit annually by paying the renewal fee. If the permittee wishes to make changes, the permittee shall submit a new full application.
  - h. In addition to all other remedies available to the Village, the Village shall revoke a permit issued under this section in the event that the Building Inspector has issued two or more violations of this Section to a permittee. Once a permit is revoked, it shall not be reissued.
3. General Conditions.
- a. No person may keep colonies or hives in any way that causes a public nuisance, causes an unreasonable risk of physical harm to any person or domestic animal, unreasonably interferes with normal activities of persons or domestic animals, or unreasonably interferes with the normal use and enjoyment of any private or public property. Compliance with all of the requirements of this section shall create a rebuttable presumption of compliance with this subsection.
  - b. No person may intentionally keep colonies or hives of bees other than Honey Bees, except for wild bees that select their hive location naturally.
  - c. All colonies shall be kept in manufactured, Langstroth-type hives with removable frames, which shall be maintained in sound and sanitary condition.
  - d. Beekeepers shall allow inspection of hives by the Community Development Department at least once per year, upon reasonable notice from the Department.
4. Location of Hives.
- a. Hives shall not be located in front or side yards, and shall be located only in rear yards.
  - b. Hives shall not be located less than 10 feet, measured at the closest points, from the boundary of the property on which the Hives are located and any other property, unless the properties on either side of the boundary are owned by the same individual or entity.
5. Maximum Number of Hives Allowed. No person shall keep more than the following numbers of Hives in the Village:
- a. Parcels one-quarter acre or less are allowed two Hives.
  - b. Parcels larger than one-quarter acre but no larger than one-half acre are allowed four Hives.
  - c. Parcels larger than one-half acre but no larger than one acre, are allowed six Hives.
  - d. Parcels larger than one acre, are allowed eight Hives.
  - e. Additional hives for parcels larger than one acre may be approved by the Plan Commission by conditional use permit.
6. Queens. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
7. Aggressive Behavior. If any Colony repeatedly exhibits unusually-aggressive behavior, or exhibits an unusual tendency towards swarming, the Beekeeper

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- shall promptly re-queen the Colony, and if re-queening fails to stop the behavior, remove or destroy the Colony.
8. Maintenance. Beekeepers shall maintain all Hives and Beekeeping Equipment in a good and sanitary condition, and shall observe at all times the best accepted practices recognized within the beekeeping industry. Beekeepers shall ensure that no honey comb or other materials that might attract wildlife, rodents or vermin are left open on the property. Upon removal from the Hive, all such materials shall be promptly disposed of in a sealed container, or placed within a building or other bee proof enclosure.
  9. Compliance with Other Laws. Beekeepers shall at all times comply with all other requirements of the Waukesha Municipal Code, including zoning and property maintenance codes; and shall observe all federal, state and local laws applicable to Beekeeping and the production and sale of honey.
  10. Inspection. Beekeepers shall comply with all Wisconsin Department of Agriculture, Trade and Consumer Protection Apiary Inspection regulations requiring inspections of Hives and Colonies. Expenses of inspections shall be paid by Beekeepers.
  11. Violations and Penalties. Conduct not in compliance with this Section is prohibited. Violation of the terms of this Section shall result in the revocation of the Beekeeping permit for the location. Upon revocation, all Beekeeping at the location shall cease.
- O. Farm Residence: A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 19.03.07.
- P. Nonresidential Accessory Structure: Structures primarily used to shelter business vehicles or to store maintenance equipment of the subject property. The following regulations apply to this land use:
1. Three total structures shall be permitted by right.
  2. Structures up to 10,000 square feet of gross floor area are permitted by right. Structures over 10,000 square feet or larger than the principal structure may be allowed by conditional use.
  3. See Article II for accessory structure maximum building heights.
- Q. Residential Stable: An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire. The following regulations apply to this land use:
1. Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
  2. A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.
  3. A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- R. On-Site Parking Lot: On-Site Parking Lots are any areas located on the same site as the principal land use which are used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. The following regulations apply to this land use:

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1. Access and vehicular circulation shall be designed to prevent cut-through traffic.
- S. Company Cafeteria: A food service operation which provides food only to company employees and their guests. The following regulations apply to this land use:
1. Company Cafeterias shall meet state food service requirements.
  2. Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.
- T. Automated Teller Machine: Walk-up or drive-up (not drive through with access business representatives) automated teller machines (ATM). The following regulations apply to this land use:
1. Clearly marked pedestrian crosswalks shall be provided for each walk-up ATM.
  2. Drive-up ATMs shall not be located between the principal building and the street right-of-way.
  3. The drive-up facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  4. In no instance shall a drive-up facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
  5. ATMs shall have adequate surveillance and a minimum of five foot candles of lighting within 20 feet of the ATM.
  6. Facility shall provide a buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  7. Interior curbs shall be used to separate driving areas from exterior fixtures.
  8. Stacking lane length for drive-up facilities shall be determined by the Village Engineer.
  9. Minimum required parking: Refer to the parking requirements of the principal land use activity on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.
- U. Seasonal Outdoor Display: Decorative point-of-purchase displays solely associated with an enclosed garden center for spring, summer, and fall organic (i.e., not man-made) materials such as flowers and vegetable plants but excluding organic materials in bags (e.g., garden soil, mulch) and Christmas trees. The following regulations apply to this land use:
1. The seasonal display shall require Plan Commission site plan review.
  2. If approved, the conditions of approval shall include a schedule for when seasonal displays will be set up and removed.
  3. The exact location, area, and height of the seasonal display shall be determined by the Plan Commission through the site plan review process. However, the display shall be proportionate to the associated garden center area, if applicable, and in no case shall the display occupy more than 750 square feet or exceed eight feet high.

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4. Merchandise shall be attractively displayed. Pallets may be used if edges are fully concealed. Unmaintained or unorganized areas shall be deemed in violation of this section and subject to possible penalty.
  5. Merchandise signage shall be limited to signs that are no more than two square feet.
  6. Display racks and other equipment shall be stored inside when not in use.
  7. Merchandise displays shall not block emergency, vehicular, or pedestrian ingress and egress including entrances and/or exits to a site or building. A pedestrian walkway between the outside edge of the display area and vehicular traffic area shall be required.
  8. All outdoor display areas are subject to the review and approval of the Director of Planning and Development based on, but not limited to, criteria such as aesthetic appeal, relationship to the architecture of the primary structure, general placement/location, traffic and safety issues, operational aspects, and maintenance.
  9. Minimum required parking: See requirements of principal use.
- V. Incidental Outdoor Display: The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use. The following regulations apply to this land use:
1. Incidental Outdoor Display land uses shall comply with all regulations of Section 19.04.08.
  2. The display area shall not be greater than or equal to 200 square feet.
  3. Any such display shall be neatly stacked and maintained.
  4. All outdoor display areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
  5. The display of items shall not be permitted in any landscaping areas, buffer yard areas, or green space areas.
  6. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirements applicable to the principal use. If the number of provided parking stalls on the property is already less than the requirement, display areas shall not further reduce the number of parking stalls already present.
  7. Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, line of planters, or by a clearly marked paved area.
  8. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
  9. Except as provided herein, the outdoor storage or display of merchandise in the Regional Mixed Use RMU District shall not be permitted including any ice storage or vending boxes, and/or vending machines.
  10. Propane tanks may be stored outside the premises in locked, metal enclosures which are inaccessible to the general public without the assistance of an employee. Said enclosure to meet the requirements of

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- National Fire Protection Association (NFPA) 58. Such enclosures shall be painted in a neutral color, shall be located within five (5) feet of the principal structure, and shall occupy a space of no greater than two-hundred (200) cubic feet.
- W. Incidental Outdoor Enclosed Storage: Outdoor storage associated with a principal use. The following regulations apply to this land use:
1. Non-residential outdoor storage areas shall be screened from view of any public street and from the view from all residential zoning districts as follows.
  2. All proposed outdoor storage areas for non-residential uses shall require Plan Commission review and approval. The Plan Commission will review the outdoor storage area taking into account characteristics such as aesthetic design, traffic management, minimal adverse impact to adjacent properties, minimal interference with surrounding development, compliance with development standards, and any criteria the Plan Commission sees fit within its powers and duties as established by the zoning code.
  3. When an outdoor storage area is visible from a public street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height. An existing permanent structure may be used to screen such storage areas.
  4. When an outdoor storage area abuts a residential zoning district or any legally conforming residential use, the method of screening shall consist of a solid non-opaque wooden fence or masonry walls at least six (6) feet in height along the boundary of the storage areas. The access point shall not face any residential zoning district or legally conforming residential use. In addition, the entire residential district boundary must be screened with deciduous trees planted every twelve (12) feet (on center) with a minimum tree height at planting of six (6) feet.
- X. Incidental Indoor Sales: Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Indoor Storage and Wholesaling on the same site. The following regulations apply to this land use:
1. The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
  2. Minimum required parking: Adequate parking, per the requirements of Section 19.03.09(C), shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
- Y. Incidental Light Industrial: Light industrial and artisan activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site. The following regulations apply to this land use:
1. The total area devoted to light industrial activity shall not exceed 25 percent of the total area of the buildings on the property.
  2. Minimum required parking: Per Section 19.03.11(A).
- Z. Unattended Donation Boxes: Are prohibited in all zoning districts except for the Institutional District. In those cases where unattended donation boxes are allowed, the owner and/or operator of an unattended donation box must adhere to the following regulations:

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1. The applicant shall provide, to the Community Development Director, written permission from the owner of the property consenting to the placement and maintenance of the donation box.
  2. Donation boxes shall be limited to 150 cubic feet. The height of each donation box shall not exceed six feet in height from finished grade to the highest point of the roof or top of the donation box.
  3. Donation boxes shall be placed on a hard surface, such as asphalt or concrete, and fastened or mounted securely.
  4. It shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High intensity colors, metallic colors, black, or fluorescent colors shall not be uses.
  5. Donation boxes must be set back a minimum of one foot from the property line, and shall not be located within an established buffer area and in such a manner as to impede the vision clearance.
  6. Signage shall be allowed on three sides of a donation box, but the total combined area for all signage on the box shall be not greater than three square feet. At least one sign shall also include the name and contact information for the owner of each donation box.
  7. No more than two donation boxes shall be allowed on each property.
  8. All donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All donation boxes shall be free of debris and shall be cleared of contents at least once every two weeks and shall not be permitted to overflow with donations or accumulate junk, debris, or other material.
- AA. Satellite Dish: A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private use. The following regulations apply to this land use:
1. In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.
  2. In the RH-35, SF-3, SF-4, SF-6, DU-6, MH-6, MF-14, and MF-20 districts satellite dishes 3 feet in diameter and larger may only be located in rear yards or on the roof of a detached structure, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
  3. In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings, and in side, or rear yards; but shall not be located in street or front yards.
  4. No advertising or graphic designs besides vendor name/logo are permitted on satellite dishes in any zoning district.
  5. In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this Chapter, the Zoning Board of Appeals may grant a variance to allow the placement of a satellite dish in any location.
- BB. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind

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energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW. The following regulations apply to this land use:

1. This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.
  2. Wind energy systems are a conditional use in every district. The Village will apply Wis. Stats. 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
  3. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - c. Allows for an alternative system of comparable cost and efficiency.
- CC. Small Solar Energy System (Freestanding): Freestanding equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems (Freestanding) are accessory to a principal land use on a property and are designed primarily to generate energy for said principal land use. The following regulations apply to this land use:
1. Freestanding solar energy systems are permitted as conditional uses in all zoning districts as accessory structures. The Village will apply Wis. Stats. 66.0401 and 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
  2. Freestanding solar energy systems shall comply with the requirements for accessory structures. Rooftop and building-mounted solar energy systems shall comply with the height limits and setbacks for primary structures.
  3. See Article II for specific bulk, density, and intensity requirements for accessory structures in each district.
  4. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - c. Allows for an alternative system of comparable cost and efficiency.
- DD. Small Solar Energy System (Rooftop and Building Mounted): Rooftop and building mounted equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems (Rooftop and Building Mounted) are accessory to a principal land use on a property and are designed primarily to



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generate energy for said principal land use. The following regulations apply to this land use:

1. Rooftop and building-mounted solar energy systems are permitted uses in all zoning districts as accessory structures. The Village will apply Wis. Stats. 66.0401 and 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
2. Freestanding solar energy systems shall comply with the requirements for accessory structures. Rooftop and building-mounted solar energy systems shall comply with the height limits and setbacks for primary structures.
3. See Article II for specific bulk, density, and intensity requirements for accessory structures in each district.
4. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
  - a. Serves to preserve or protect the public health or safety.
  - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
  - c. Allows for an alternative system of comparable cost and efficiency.

## Section 19.03.18: Temporary Uses

**Section 19.03.18: Temporary Uses**

All of the following temporary uses shall comply with Section 19.09.14, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter. Unless stated otherwise below, temporary uses are limited to 90 days per calendar year. Certain temporary uses may be extended in duration through the conditional use process.

- A. **Temporary Moving/Storage Container (Residential):** Portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property. The following regulations apply to this land use:
  - 1. The container shall not exceed outside dimensions of sixteen 16 feet in length, 8 feet in width, and 9 feet in height.
  - 2. The container shall be permitted on the property for up to 30 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
  - 3. The container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street.
  - 4. The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- B. **Temporary Outdoor Storage Container (Nonresidential):** Enclosed, lockable storage containers such as shipping containers, semi-trailers, storage pods, or other fully enclosed trailers for use on a limited basis on a nonresidential property. Other forms of forms of temporary outdoor storage containers are prohibited. The following regulations apply to this land use:
  - 1. The container must be placed on asphalt, concrete, or a similar hard-paved surface.
  - 2. The container shall be permitted on the property for up to 30 days per calendar year. Containers in place for more than 30 days per calendar year shall be regulated as Outdoor Storage and Wholesaling under Section 19.03.12(B).
- C. **Garage or Estate Sale.** Any temporary display of used household goods for sale on a property customarily used as a residence that does not exceed three days in duration and that occurs no more than three times in one calendar year. Such sales are also commonly referred to as rummage sales or yard sales. The following regulations apply to this land use:
  - 1. Permits are not required for Garage or Estate Sales.
  - 2. Daily hours of operation should be from 7:00 a.m. to 7:00 p.m. with all outdoor items being picked up by 8:00 p.m. on the final night of the sale.
  - 3. Sale does not exceed four consecutive days and no more than three times per year per property.
  - 4. Signs advertising sales may not exceed nine square feet, may not be placed on any public property or right-of-way including terrace areas or utility poles, and must be removed within 24 hours after the close of sale.
- D. **Farmer's Market.** Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot. The following

## Section 19.03.18: Temporary Uses

regulations apply to this land use:

1. Facility shall have vehicular access to a collector or higher classification street.
  2. Minimum required parking: Two spaces per vendor.
- E. Temporary Farm Product Sales: This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand. The following regulations apply to this land use:
1. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  2. Sales and display activities shall be limited to daylight hours.
  3. Minimum required parking: Two spaces per vendor.
- G. Transient Merchant: A direct seller without a permanent business establishment of address in the Village of Grafton and an individual who, for him/herself, or for a partnership, association or corporation, or as an employee, sells goods directly or takes sales orders for the promised future delivery of retail goods. These businesses may sell, but are not limited to retail items such as special event clothing, periodicals, tourist merchant, food from a cart, food from a stand or food from a bicycle or automotive vehicle. The following regulations apply to this land use (these regulations do not apply to Transient Merchants participating in a Grafton Area Chamber of Commerce or Celebrate Grafton event):
1. Applications for the registration and permit of a Transient Merchant business must be completed and returned to the Community Development Director.
  2. Each applicant shall present to the Community Development Director the following:
    - a. A valid driver's license or some other proof of identity as may be reasonably required.
    - b. A certificate of examination and approval from the designated State of Wisconsin sealer of weights and measures where applicant's business requires use of weighing and measuring devices as approved by the designated State of Wisconsin authority.
    - c. The designated health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under Wisconsin State law; such certificate to indicate that applicant is apparently free from any contagious or infectious disease, dated not more than ninety days prior to the date the application for license is made.
  3. No application shall be processed until the registration fee of \$300.00 has been paid to the Community Development Director.
  4. Upon receipt of each application, the Community Development Director will refer a copy to the Chief of Police who may make an investigation.
  5. The registrant shall be operative only during the days requested on the registration form.
  6. Prohibited operational practices include, but are not limited to, the following: Calling at any dwelling or other place by telephone or door in an attempt to stimulate business activity and remaining on any premises with equipment after being asked to leave by the owner.

## Section 19.03.18: Temporary Uses

7. Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods for sale, his/her identity or the identity of the organization he/she represents.
  8. No Transient Merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles.
  9. Loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
  10. Rubbish or litter accumulation in or around the area where he/she is conducting business.
  11. When food sales are made from vehicles, all traffic and parking regulations shall be observed.
- H. Temporary Outdoor Assembly: Includes any organized outdoor assembly of 75 to 250 persons such as outdoor weddings, wedding receptions, fundraisers, or tent meetings. Temporary Outdoor Assembly uses do not require a permit if they are wholly contained on public or private property specifically designed or suited for said use, have an appropriate physical area for fire protection purposes as well as appropriate sanitation facilities and street and/or highway access, and result in no greater use of public facilities and services than on normal, non-event days.
- I. Temporary On-Site Construction Storage: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project. The following regulations apply to this land use:
1. The Temporary On-Site Construction Storage land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit.
  2. Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.
  3. The storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.
- J. Temporary Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project. The following regulations apply to this land use:
1. The Temporary Contractor's Project Office land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit.
  2. The land use shall not be used for sales activity.
- K. Temporary On-Site Real Estate Sales Office. Includes any building which serves as an on-site sales office for a development project. The following regulations apply to this land use:
1. Temporary On-Site Real Estate Sales Office uses that exceed 90 days per calendar year shall require a conditional use permit.
  2. The office shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.

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**Section 19.03.19: Adaptive Reuse Land Use**

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- L. **Temporary Relocatable Building:** Includes any manufactured building which serves as a temporary building for less than 6 months, such as car ports. The following regulations apply to this land use:
  - 1. The container must be placed on asphalt, concrete, or a similar hard-paved surface.
  - 2. The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.
- M. **Temporary Shelter Structure:** These shelters are typically supported by poles, have a fabric or plastic roof and/or sides, and may be used for short term temporary storage of vehicles and other personal property. This does not include camping tents or permanent Residential Accessory Structures.

**Section 19.03.19: Adaptive Reuse Land Use**

- A. **Adaptive Reuse:** Reuse of an existing building originally designed for an institutional, quasi-public, public, or other specific/special purpose to a new use. This is always a conditional use in order to minimize impacts on surrounding development. The following regulations apply to this land use:
  - 1. All building code and zoning district requirements shall be met. Refer to Article V for regulations for nonconforming situations.
  - 2. The new land use(s) permitted and additional regulations shall be determined through the conditional use process. The conditional use permit shall be recorded with the Register of Deeds, per Section 19.09.13.
  - 3. Signage regulations shall be based on the signage requirements of the underlying zoning district.

**Sections 19.03.20-19.03.30: Reserved for future use**

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## Section 19.04.01: Purpose

**ARTICLE IV: PERFORMANCE STANDARDS****Section 19.04.01: Purpose**

The purpose of this Article is to identify the standards and minimum requirements for vehicle access, bicycle and pedestrian access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, outdoor recreational space, landscaping, and group or large developments within the jurisdiction of this Chapter.

**Section 19.04.02: Vehicle Access Standards**

- A. Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of driveways and other points of access to public rights-of-way for various sites and uses.
- B. Applicability. The requirements of this Section shall apply to each driveway and access point onto a public street or right-of-way. Additional regulations relating to driveways can be found within the Village of Grafton Standard Specifications and Detail Drawings.
- C. Review and Approval. Any and all proposed driveways and other access points on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. The Community Development Director and Village Engineer shall review and approve all proposed driveways and other access points for single family and duplex development. The Plan Commission shall review and approve all proposed driveways and other access points for all other development through the site plan review process.
- D. Access Limitation by Use. Single family and two family dwelling units shall not have driveways or other access points onto a collector or arterial (major) street that is not primarily residential unless such street has the only available frontage. Nonresidential and multi-family uses shall not have driveways or other access points onto a residential local street unless such street has the only available frontage.
- E. Number of Access Points. All single- and two-family residential properties are required to have one access point. Multi-dwelling properties shall have two access points unless otherwise approved by the Plan Commission. Commercial properties with a frontage greater than 600 feet or have a total ingress/egress volume of greater than 5000 vehicles per day shall have a second access point.
- F. Access near Street Intersections. Driveway approach openings shall be located at least 40 feet from an intersection right-of-way line with the exception of single-family and two-family driveway openings, which shall be located at least 25 feet from the right-of-way line.
- G. Controlled Access to Public Streets. Lot and parcel vehicular access points shall be permitted only at locations according to this Ordinance and other Village of Grafton adopted plans and ordinances. The Plan Commission may limit vehicular access to any adjoining arterial, collector, or minor street.
- H. Distance Between Vehicular Access Points. Within the MF-14, MF-20, I, PR, NMU, SMU, RMU, BP, LI, HI, EX, AE, and PUD Districts, the spacing of vehicular access points from arterial (major) streets and highways to lots and parcels created after the

Section 19.04.02: Vehicle Access Standards

effective date of this Ordinance shall be determined as a function of arterial (major) street and highway operating speeds. The minimum spacing between vehicular access points along such streets or highways, to the extent deemed practicable by the Plan Commission, shall be determined according to Figure 19.04.02a. These spacings are based upon average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.

**Figure 19.04.02a: Arterial (Major) Street and Highway Operating Speed and Minimum Spacing between Direct Vehicular Access Points**

Street/Highway Speed Limit (miles per hour)	Minimum Driveway Spacing Measured at the Street Right-of-Way Line (feet)
25	105
30	125
35	150
40	185
45	230
50	275

*Source: Institute of Transportation Engineers. Traffic Engineering Handbook (7th Edition), Englewood Cliff, N.J.: Prentice Hall, 2016; the American Planning Association. Planning Advisory Service (PAS) Memo, July 1983; and Transportation Research Circular. Driveway and Street Intersection Spacing, Number 456, Washington D.C., 1996.*

- I. Limitation of Access to Interstate, United States, State Trunk Highways, and County Trunk Highways. No new direct vehicular access shall be allowed to interstate, United States, and state or county trunk highway public rights-of-way unless approved by the authority having jurisdiction and the Village Plan Commission.
- J. Temporary Access.
  - 1. Village Streets. On Village streets, the Village Board may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.
  - 2. County Streets and Highways. Temporary access to Ozaukee County highway right-of-way is reviewed and may be approved by the Ozaukee County Highway Department. It is the applicant's responsibility to obtain all necessary approvals from the Ozaukee County Highway Department for all such temporary access points proposed before site plan approval by the Village Plan Commission.
  - 3. State Highways. Temporary accesses to State highway rights-of-way are reviewed and may be approved by the Wisconsin Department of Transportation. It is the applicant's responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed before site plan approval by the Village Plan Commission.



Section 19.04.02: Vehicle Access Standards

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- K. Area Circulation Plan May Be Required. The Plan Commission may require the preparation of an area circulation plan for the proposed development covering several properties in an area surrounding a proposed site plan. The delineation of the area for the preparation of an area circulation plan shall be determined by the Plan Commission upon recommendation of the Village Engineer or Community Development Director. Such plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved site plan, shall be required to conform to such an area circulation plan once it is adopted by the Plan Commission as a component, or element, of the Village of Grafton Comprehensive Plan. The Plan Commission may require that such an area circulation plan be prepared based upon the recommendations of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering. The Village Engineer and Community Development Director shall review all such studies and assist the Plan Commission.
- L. Vehicular Non-access Reservations Required. The Plan Commission may require deed restrictions to be placed on a lot or parcel for which a site plan is proposed to limit vehicular access to abutting arterial, collector, or minor streets and highways. A landscaped bufferyard of an adequate bufferyard intensity level, as determined by the Plan Commission, shall be provided in vehicular non-access reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular non-access reservations shall be graphically so noted on site plans, as a formal deed restriction, subdivision plat, or by certified survey map formally filed with the Ozaukee County Register of Deeds before their approval by the Village.
- M. Arterial (Major) Street and Highway Access and Street Intersections. No new direct public or private access shall be permitted to an arterial (major) street or highway within 300 feet of the intersection of the right-of-way lines of another arterial (major) street (major) or highway unless shown on the Village adopted Comprehensive Plan or component thereof.
- N. Minor Streets and Vehicular Access Point Alignments. Minor streets and vehicular access points along both sides of a collector and/or arterial (major) street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.
- O. Emergency Access and Circulation. All sites shall be accessible to emergency vehicles as determined by the Plan Commission. Applicants may be required to submit an access exhibit with turning movements as part of the site plan review process.
- P. Sight Distance and Driveway Placement. Direct vehicular access placement on abutting collector and arterial (major) streets and highways shall be such that an exiting vehicle has a minimum unobstructed sight distance according to Table 19.04.02b based upon the operating design speed of the abutting collector or arterial (major) street or highway.

Section 19.04.02: Vehicle Access Standards

**Table 19.04.02b: Roadway Design Speed and Minimum Required Sight Distance for Direct Vehicular Access Point Placement**

Roadway Design Speed (miles per hour)	Minimum Sight Distance (feet)
25	115
30	140
35	165
40	195
45	220
50	245

*Source: American Association of State Highway and Transportation Officials. A Policy on Geometric Design of Highways and Streets (4<sup>th</sup> ed.), 2001.*

- Q. Provision of Shared Vehicular Access Points Between Lots. Vehicular access points planned to be located along property lines, or closer than six feet from a property line, shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two lots or parcels of land or may be a mutually agreed upon land access easement. Shared vehicular access points may be permitted with Plan Commission approval. When shared access is permitted, the pavement setback requirements shall be waived.
- R. Angle of Intersection with Public Right-of-Way. All driveways and other access points shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- S. Visibility Standards. All driveways and other access points shall comply with Village of Grafton visibility standards. See Section 19.04.06 Visibility Standards.
- T. Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that avoids congestion on public streets and other safety hazards.
  - 1. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward-moving, with no backing into public streets.
  - 2. Parking, loading, and traffic circulation areas serving less than six parking spaces may back into local streets, but shall not back into collector or arterial (major) streets. Traffic control devices shall be required as determined by the Village Engineer.
- U. Surfacing.
  - 1. All driveways, parking, loading, and traffic circulation areas shall be improved with a pavement of either asphalt or concrete and stormwater drainage facilities as approved by the Village Engineer. Vehicles may not be parked on grass.
  - 2. Driveways shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free during the permitted 365 days, a minimum aggregate base of four inches is required.
  - 3. Unpaved driveways or parking areas existing at the time of adoption of this ordinance shall be required to comply with the surfacing requirements of this chapter if there are changes to the site that require Site Plan review by the Plan Commission.

Section 19.04.02: Vehicle Access Standards

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4. All agricultural land uses shall be exempt from these surfacing requirements.
- V. Nonconforming Driveways.
1. Nonconforming driveways shall comply with all of the regulations and requirements of Article VIII for nonconforming structures.
    - a. Legally established paved driveways located on properties containing single or two family land uses that do not conform to current performance standards shall be permitted to be reconstructed provided the reconstructed driveway is not dimensionally expanded.
  2. Shared driveways (driveways located on multiple lots and typically situated over lot lines) that existed prior to the adoption of this Chapter may remain legal driveways. No new or reconstructed shared driveways may be established unless cross-access easements are approved by the Plan Commission and recorded at the Register of Deeds.
- W. Design of Single and Two Family Residential Driveways.
1. Single Family uses are limited to one driveway per lot unless otherwise regulated. Two-family uses are permitted two driveways per lot unless otherwise regulated.
  2. Minimum Driveway Setback (Side Lot Line to Pavement or Rear Lot Line to Pavement on Corner Lots).
    - i. Detached Garages. Driveways leading to detached garages shall meet the side setbacks for accessory structures or shall meet the side setback of the existing detached garage. On corner lots, driveways shall meet the rear setbacks for accessory structures or shall meet the rear setback of the existing detached garage.
    - ii. Attached Garages. Driveways leading to attached garages shall meet the side setbacks for accessory structures or shall meet the side setback of the existing attached garage. On corner lots, driveways leading to attached garages shall meet the rear setbacks for principal structures or shall meet the rear setback of the existing attached garage. Driveways leading to side-loaded attached garages shall meet the rear setbacks for accessory structures.
    - iii. Uncovered Parking. Driveways leading to uncovered parking areas shall meet the side setbacks for accessory structures or shall meet the side setback of the existing uncovered parking area. On corner lots, driveways leading to uncovered parking areas shall meet the rear setbacks for accessory structures or shall meet the rear setback of the existing uncovered parking area.
  3. Driveway Width.
    - i. Driveways shall be a minimum width of eight feet. Driveways leading to garages are limited to a maximum width of 24 feet at the lot line, but may increase to the width of the garage and may extend toward the nearest side lot line to the side setback for accessory structures, not to exceed 12 feet beyond the width of the garage. See Exhibit PV-02 in the Village of Grafton Standard Specifications and Detailed Drawings.

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**Section 19.04.03: Off-Street Parking and Traffic Circulation**

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- ii. If an eight-foot driveway width is unattainable, the Community Development Director or Village Engineer may reduce the minimum required driveway width to that which is deemed functional.
  - iii. Where the width of the driveway exceeds the width of the garage, the driveway shall be tapered between the widest point of the driveway or the edge of the uncovered space alongside the garage and the lot line starting a minimum of five feet inside the parcel.
4. Driveways for two family uses with adjacent garages are limited to the 36 feet maximum width or width of the garage at the property line, whichever is less. Each individual driveway must be separated by a minimum of a four-foot green area extending the full length from the property line to the garage/uncovered parking space. See Exhibit PV-02 in the Village of Grafton Standard Specifications and Detailed Drawings.
- X. Design of Multi-Family Residential, Institutional, Commercial, and Industrial Use Driveways.
- 1. See Article II: Establishment of Zoning Districts for minimum pavement setbacks.
  - 2. Driveway width shall be determined by the Plan Commission as part of the Site Plan review process.

**Section 19.04.03: Off-Street Parking and Traffic Circulation**

- A. Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the use of various sites and types of development.
- B. Applicability. The requirements of this Section shall apply to all new development and resurfacing of existing parking and traffic circulation areas.
- C. Review and Approval. New parking lots and parking lot additions shall be reviewed and approved by the Plan Commission through the site plan review process. Replacement or resurfaced parking lots shall be reviewed and approved by the Community Development Director or Village Engineer for conformance with this Section.
- D. Depiction on Required Site Plan.
- 1. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan.
  - 2. Site plans shall be drawn to scale.
  - 3. Site plans shall include, but not be limited to, the following information:
    - a. All lot dimensions and lot lines.
    - b. Paved areas shown and dimensioned.
    - c. The traffic pattern and parking space layout, including required handicapped spaces.
    - d. Dimensions of individual parking spaces and aisle width. Required parking spaces not intended to be immediately improved shall be shown with a dashed line.
    - e. Size and location of ingress and egress openings.
    - f. Location, size at planting, and species of all landscape plantings.

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Section 19.04.03: Off-Street Parking and Traffic Circulation

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- g. Location of all lighting systems.
  - h. Location of all snow storage areas.
  - i. Drainage and/or stormwater management plan subject to approval by the Village.
  - j. Other facilities proposed.
- E. Minimum Number of Required Off-Street Parking Spaces.
1. Off-street parking requirements for each land use are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. The term "gross floor area" shall mean the total floor area inside the building envelope on all levels of a building.
  2. A garage stall shall be considered a parking space.
  3. One reserved parking space shall be provided for each service vehicle used by the operation during business hours.
  4. See Figure 19.04.03b for a summary of the number of parking spaces required by land use. The Plan Commission shall determine the number of parking spaces required for mixed uses and land uses that are not listed in Figure 19.04.03b. The Plan Commission may allow exceptions to the required number of parking spaces through the Site Plan review process.

Section 19.04.03: Off-Street Parking and Traffic Circulation

**Figure 19.04.03b: Number of Off-Street Parking Spaces Required by Land Use**

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Residential	Single Family Dwelling Unit	Two	None
	Two Flat, Twin House, Duplex	Two per dwelling unit	None
	Townhouse, Multiplex, Apartment	Two spaces per dwelling unit containing zero to two bedrooms, plus 0.5 space per additional bedroom over two bedrooms per unit	None
	Mobile Home	Two	None
	Boarding House	One per bedroom per rent	1.25 bedroom per rent.
	Live/Work Unit	One	None

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Agricultural	Cultivation	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	Husbandry	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	On-site Agricultural Retail	One space for every 200 square feet of product display area.	1.25 spaces per employee on the largest work shift.
	Intensive Agriculture	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	Agricultural Services	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	Community Garden	None	None
	Market Garden	One space per 300 square feet of retail floor area.	1.25 spaces per 300 square feet of retail floor area.

Section 19.04.03: Off-Street Parking and Traffic Circulation

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Institutional	Indoor Institutional	One space per three expected patrons at maximum capacity.	1.25 spaces per three expected patrons at maximum capacity.
	Outdoor Open Space Institutional	None	None
	Passive Outdoor Recreation	One space per four expected patrons at maximum capacity.	125% of the minimum parking requirement.
	Active Outdoor Recreation	One space per four expected patrons at maximum capacity.	125% of the minimum parking requirement.
	Essential Services	None	None
	Large Scale Public Services and Utilities	One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.	1.25 spaces per employee on the largest work shift, plus 1.25 spaces per company vehicle normally stored or parked on the premises.
	Community Living Arrangement, 1-8 Residents	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	Community Living Arrangement, 9-15 Residents	One space per employee on the largest work shift.	1.25 spaces per employee on the largest work shift.
	Community Living Arrangement, 16+ Residents	One space per employee on the largest work shift.	One space per employee on the largest work shift.
	Institutional Residential	See section on Institutional Residential Land Use.	125% of the minimum parking requirement for the land use.

Section 19.04.03: Off-Street Parking and Traffic Circulation

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Commercial	Office	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Personal or Professional Service	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Indoor Sales or Service	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Intensive Personal or Professional Service or Sales or Service	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Professional Trades Office	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Artisan Production Shop	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Physical Activity Studio	One space for every three persons at the max. capacity of the business.	1.25 spaces for every three persons at the max. capacity of the business.
	Commercial Kitchen	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Restaurants with Drive Through	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Restaurants without Drive Through	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Fast Casual Restaurant	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Coffee Shop with Drive Through	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Coffee Shop without Drive Through	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.



Section 19.04.03: Off-Street Parking and Traffic Circulation

Commercial	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
	Taverns, Microbreweries, and Indoor Commercial Entertainment	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Financial Institution with Drive Through	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Outdoor Commercial Entertainment	One space for every three persons at the maximum capacity of the establishment.	1.25 spaces per 300 square feet of gross floor area.
	Drive-Through and In-Vehicle Sales or Service	Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.	125% of the minimum parking requirement.
	Group Daycare Center	One space per ten students, plus one space for each employee on the largest work shift.	1.25 spaces per ten students, plus 1.25 space for each employee on the largest work shift.
	Commercial Animal Boarding/Daycare	One space per every 1,000 square feet of gross floor area.	1.25 spaces per every 1,000 square feet of gross floor area.
	Bed and Breakfast	One space per each bedroom in addition to requirements for principal residents.	1.25 spaces per each bedroom in addition to requirements for principal residents.
	Tourist Rooming House	One space per bedroom.	1.25 spaces per bedroom.
	Commercial Indoor Lodging	One space per room for rent, plus one space for each employee on the largest work shift.	1.25 spaces per room for rent, plus 1.25 spaces for each employee on the largest work shift.
	Campground	Two spaces per campsite.	2.5 spaces per campsite.
Indoor Maintenance Service	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.	

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		Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Commercial	Outdoor Maintenance Service	One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.	1.25 spaces per 300 square feet of gross floor area, or 1.25 spaces per each employee on the largest shift, whichever is greater.
	Vehicle Sales	One space per 300 square feet of gross floor area plus one space per every 3,000 square feet of outdoor display.	1.25 spaces per 300 square feet of gross floor area plus 1.25 spaces per every 3,000 square feet of outdoor display.
	Vehicle Service and Repair	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Auto-Related Sales and Service	One space per 300 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.
	Intensive Outdoor Activity	One space per five expected patrons at maximum capacity.	1.25 spaces per five expected patrons at maximum capacity.
	Sexually-Oriented Land Use	One space per 350 square feet of gross floor area.	1.25 spaces per 300 square feet of gross floor area.

		Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Industrial	Light Industrial	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Heavy Industrial	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Indoor Food Production or Production Greenhouse	One space per each employee on the largest work shift.	1.25 spaces for every 1,000 square feet of gross floor area.
	Laboratory, Scientific or Medical	One space per each employee on the largest work shift.	1.25 spaces for every 1,000 square feet of gross floor area.

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	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Storage	Indoor Storage and Wholesaling	One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.	1.25 spaces for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
	Outdoor Storage and Wholesaling	One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.	1.25 spaces for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
	Personal Storage Facility	One space for each employee on the largest work shift.	1.25 spaces for each employee on the largest work shift.

	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
Transportation	Transit Center	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Distribution Center	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Freight Terminal	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Airport	One space per each employee on the largest work shift, plus one space per every five passengers based on average daily ridership.	1.25 spaces per each employee on the largest work shift, plus 1.25 spaces per every five passengers based on average daily ridership.
	Heliport	None	Per conditional use permit.
	Off-site Parking Lot, Off-Site Structured Parking	N/A	None, or as established by the conditional use permit.

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Extraction and Disposal	Land Use	Minimum Number of Off-Street Parking Spaces Required	Maximum Number of Off-Street Parking Spaces Permitted
	Extraction	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Composting	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Recycling and Waste Disposal	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
	Salvage or Junkyard	One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.	1.25 spaces for every 20,000 square feet of gross storage area, plus 1.25 spaces for each employee on the largest work shift.
	Sand and Mineral Processing	One space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.

F. Parking Spaces for Use by Persons with Disabilities.

1. All off-street parking areas shall provide parking spaces for persons with disabilities meeting all applicable "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as documented in the Federal Register, Vol. 56, No. 144, July 26, 1991 as amended. Unless conflicting with the above specified "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" requirements as amended, the standards in this section are applicable.
2. Minimum Required Number of Accessible Off-Street Parking Spaces for Use by Persons with Disabilities. The following Figure 19.04.03a shall apply. The minimum required number of accessible off-street parking spaces for use by persons with disabilities shall be considered as a part of the total off-street parking spaces required.

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**Figure 19.04.03a: Minimum Required Number of Accessible Off-Street Parking Spaces**

Total Number of Off-Street Parking Spaces in Parking Lot or Area	Minimum Required Number of Accessible Off-Street Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and more	20 plus 1 for each 100 over 1,000

3. **Minimum Dimensions for Off-Street Parking Spaces Provided for Use by Persons with Disabilities.** The minimum dimensions for all parking spaces provided for use by persons with disabilities shall be thirteen (13) feet wide by twenty feet (20) feet long for automobiles and sixteen (16) feet wide by twenty (20) feet long for vans.
  4. **Distance to Facility Entrances for the Location of Off-Street Parking for Persons with Disabilities.** Off-street parking spaces provided for persons with disabilities shall be as close as possible to an entrance that allows such persons to enter and leave the parking area without assistance.
  5. **Signage of Off-Street Parking Spaces Serving Persons with Disabilities.** All parking spaces provided for disabled persons shall be marked by a sign that includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons. Such signs shall comply with the requirements of the aforementioned "Americans with Disabilities 19-5-9 Act (ADA) Guidelines for Buildings and Facilities" as amended and with Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes as amended.
- G. **Parking Requirement Exceptions in the Downtown Mixed Use District.**
1. Within the Downtown Mixed Use district, the parking requirements of this Section are hereby waived. However, when off-street parking facilities are provided, such facilities shall meet the requirements of this Section, except in respect to the required number of spaces. Residential uses in the DMU must provide evidence of the availability of off-street public in the amount of one parking space per dwelling unit within 1,000 feet of the unit.
- H. **Parking Studies.** The Community Development Director has the ability to require a parking study to determine parking requirements. Where a parking study is required, the study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.

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Section 19.04.03: Off-Street Parking and Traffic Circulation

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- I. Screening Requirements. The following requirements shall apply to all uncovered parking areas except as otherwise provided for by this Section:
  - 1. Any off-street parking area shall provide a minimum five-foot green area in the front yard setback between the lot line and the paved surface of the parking lot. Plant material shall consist of evergreen and deciduous species. The green area shall be well maintained and plantings shall be promptly replaced if dead or diseased.
  - 2. Non-planted areas of this green area shall not be paved, but shall either be covered with a weed barrier and mulch, planted with ground cover, or both.
  - 3. Any off-street parking area shall provide a solid fence, solid wall, or dense hedge/evergreen shrub border at least five feet high along all lot lines abutting a residential district, except in required front yards.
  - 4. Except for single family and two family dwelling units, any off-street parking area abutting another off-street parking area shall provide a five-foot minimum green area between the lot line and the parking area. This green area shall be landscaped with a combination of shrubs, trees, and ground cover.
  - 5. Where either or both adjoining properties are less than 60 feet in width, parking areas on either property which is less than 60 feet in width may be constructed to the lot line without a parking area setback or green area required.
  - 6. Landscaping used to meet these requirements shall count toward the landscaping required for paved areas.
- J. Locational Prohibitions for Off-Street Parking Areas.
  - 1. On a lot containing a single family or two family dwelling unit, off-street parking shall not be located between the principal structure and a street right-of-way, except within residential driveways leading to a legal parking space.
  - 2. No private parking shall occur on street terraces, publicly-owned driveways, or any other areas located within a public right-of-way.
  - 3. There shall be no parking in designated setback areas or outside of site plan approved parking spaces, except in the driveways of single and two family dwellings.
- K. Setbacks.
  - 1. See Article II: Establishment of Zoning Districts for pavement setback requirements.
  - 2. Existing parking areas that do not meet the requirements of this Section may be maintained or repaired at their setback as of the effective date of this Section.
- L. Parking Space Design for Single and Two Family Uses.
  - 1. Legal Spaces
    - a. Parking spaces must be provided either within a garage, in a driveway, or as uncovered parking spaces meeting the requirements of this Section.
    - b. Driveway Parking Spaces. Driveways may be used for parking only when said driveway leads to legal parking stalls. A driveway parking space may be used for no more than one required parking space, provided that the space is at least 8 feet wide and 18 feet deep.
    - c. Uncovered Parking Spaces (Not Located in Driveways).
      - i. No more than 4 uncovered parking spaces shall be permitted per lot. Where no garage is provided, a shed shall be provided.

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Section 19.04.03: Off-Street Parking and Traffic Circulation

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- ii. Uncovered parking spaces shall meet principal structure setbacks.
  - iii. Uncovered parking spaces shall follow surfacing requirements. Uncovered parking spaces shall be surfaced in accordance with this Chapter within 365 days of building permit issuance. If not dust-free during the permitted 365 days, a minimum aggregate base of four inches is required.
  - iv. On interior lots, one uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the side setbacks for accessory structures.
  - v. On corner lots, one uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the side setbacks for accessory structures.
  - d. Lots shall not exceed maximum the impervious surface ratio for the applicable zoning district.
  - e. If no garage is provided, each dwelling unit shall provide one shed of no less than 80 square feet in order to store yard maintenance equipment or other items typically stored in a garage.
- M. Parking of Trucks and Equipment. No truck or other vehicular equipment of a commercial or industrial nature shall be parked regularly on a lot or parcel in any zoning district except as hereinafter specifically provided or as follows:
- 1. Agricultural equipment in an RH Rural Holding District.
  - 2. Heavy equipment as needed for approved permitted or conditional uses in the EX Extraction and Disposal District.
  - 3. One panel or pickup truck not to exceed one ton in any residential districts.
- N. Off-Street Parking and Traffic Circulation Standards for Multi-Family and Nonresidential Uses.
- 1. Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
  - 2. Surfacing. All off-street parking and traffic circulation areas shall follow Village surfacing requirements.
  - 3. Drainage. All off-street parking and traffic circulation areas shall be designed in such a manner so as to not have a negative surface water drainage impact on adjacent properties and to meet the requirements of Chapter 23.01 Stormwater Management Regulations of the Village of Grafton Municipal Code.
  - 4. Marking. All off-street parking and traffic circulation areas shall be marked, striped, and maintained in a clear and visible manner which clearly indicates parking spaces, pedestrian walkways, and other designated areas.
  - 5. Curbing. A minimum six-inch-high vertical curb shall be installed around all parking areas and internal landscape islands with 20 or more parking spaces, except as follows:
    - a. Where bio-filtration and/or bio-retention methods of stormwater management are utilized as part of an approved grading and drainage plan, alternatives to

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**Section 19.04.03: Off-Street Parking and Traffic Circulation**

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- the installation of curbing may be considered by the Department of Community Development, provided that measures are taken to protect the landscaping from vehicular circulation damage.
- b. An area of the parking lot perimeter may have no curb to allow for snow removal management as approved by the Village Engineer.
6. Access.
    - a. Each off-street parking space shall open directly upon an aisle or driveway that is wide enough to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into any pedestrian way or arterial or collector street. Parking, loading, and traffic circulation areas serving less than six parking spaces may back into local streets, but shall not back into collector or arterial (major) streets.
    - b. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements.
    - c. No driveway across public property or requiring a curb cut shall exceed a width of 40 feet at the property line.
  7. Lighting. All off-street parking and traffic circulation areas shall be lit to ensure their safe and efficient use during evening hours. See Section 19.04.07 Exterior Lighting Standards for requirements.
  8. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Chapter 20.04 Signs of the Village Municipal Code.
  9. Landscaping and Screening. See Section 19.04.13 Landscaping Requirements.
  10. Minimum Permitted Throat Length. The specific throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive shall be determined through the Site Plan review process on a case by case basis and shall be adequate to provide for safe circulation on- and off-site.
  11. Special Provisions for Nonconforming Parking Lots
    - a. Legally established parking facilities constructed prior to the effective date of this Section which do not meet the minimum setbacks required by this Section shall be permitted to be reconstructed with reduced setbacks, subject to approval of a parking lot layout plan by the Community Development Director, or designee. Said parking lot layout plan shall be designed in accordance with the dimensions identified in Figure 19.04.03c of this Section. Parking lot setback reductions shall only be provided in the following instances:
      - i. To prevent the loss of legal parking spaces.
      - ii. To prevent the loss of required internal circulation aisles.
      - iii. To retain the functionality of the parking lot.
    - b. The remaining setback area shall be devoted to landscape buffer area per the Village's landscape requirements for paved areas. If, in the opinion of the Community Development Director, or designee, the remaining setback area cannot effectively support any type of vegetation, the parking facility may be reconstructed to the existing setback, with the exception that curbing,



Section 19.04.03: Off-Street Parking and Traffic Circulation

- decorative masonry wall, and/or wrought iron fence be installed along said parking lot perimeter to prevent vehicles from encroaching over the right-of-way or property lines.
- c. Parking lots with existing curbing installed along perimeter property lines and adjacent to the right-of-way shall be allowed to be reconstructed inside of said curbed area, provided the curbing is not being removed and/or reconstructed.
- O. Parking Space Design Standards. Other than handicapped parking, permitted parking in residential driveways, and where otherwise regulated in this Section, each off-street parking space shall comply with the minimum requirements. All parking spaces shall have a minimum vertical clearance of at least seven feet.

**Figure 19.04.03c: Parking Layout Dimensions**

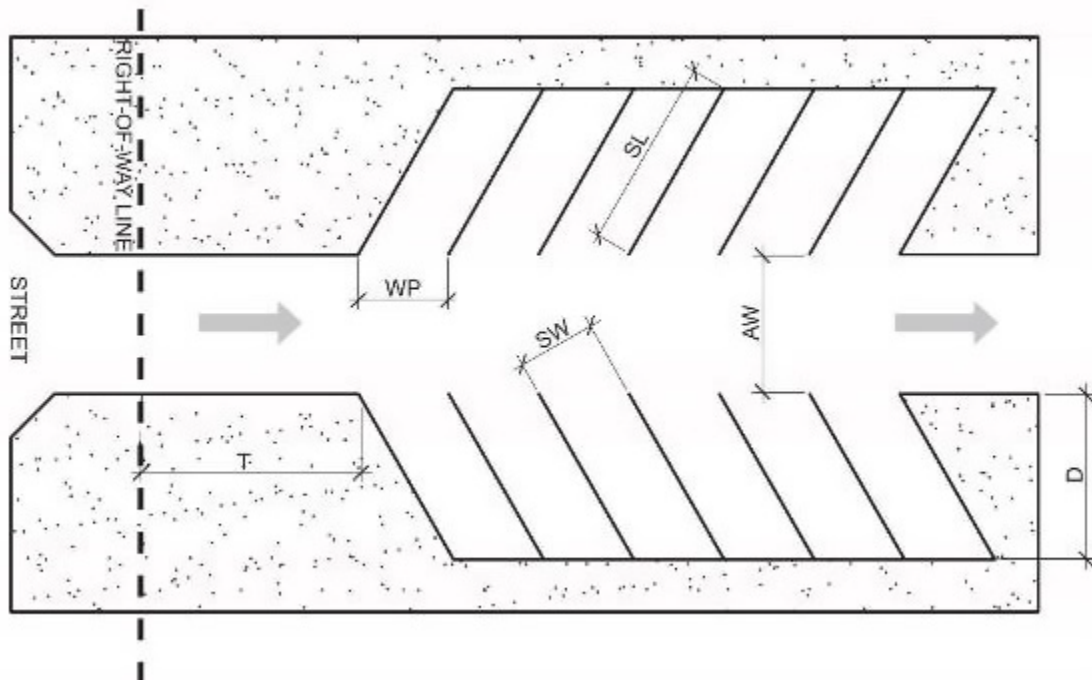
Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	22'	12'6"	10'3"	9.3'	9'
Stall Depth to Wall (D) <sup>1</sup>	9'	18'	18'	18'	18'
Stall Length (SL)	18.0'	25.0'	22.0'	20.0'	18.5'
Aisle Width for one-way traffic flow (AW)	14'	14'	16'	23'	24'
Aisle Width for two-way traffic flow with angled parking	24'	24'	24'	24'	24'

Notes:

<sup>1</sup> Stall Depth (D) may be reduced to two feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of five feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrian.

<sup>2</sup> In no case shall the throat length be less than the required setback.

Section 19.04.03: Off-Street Parking and Traffic Circulation



P. Partial or Phased Development of Required Parking Spaces.

1. Any development may seek permission from the Village Plan Commission, or designee, to phase-in a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.
2. Areas required for parking, but not immediately improved, shall be reserved for future parking.
3. Undeveloped future parking areas shall be seeded with a grass mix or vegetative cover acceptable to the Plan Commission, or designee, until said area is developed into a parking surface.

Q. Bicycle Parking Standards.

1. Required provision of bicycle parking areas.
  - a. For all multi-family, commercial, institutional, and industrial uses, a minimum of four bicycle spaces shall be provided.
  - b. For parking lots containing more than 40 automobile parking spaces, the number of off-street bicycle parking spaces to be provided shall be equal to five percent of the automobile parking space requirement or 20 bicycle parking spaces, whichever is less.
  - c. A nonresidential use's automobile parking requirement may be reduced by providing additional bicycle parking. After the bicycle parking requirement has been met, a minimum of four bicycle parking spaces may be provided in lieu of one required automobile parking space, with a maximum reduction of up to five automobile parking spaces.
2. Specifications for Bicycle Parking Spaces.
  - a. The "inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this

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**Section 19.04.03: Off-Street Parking and Traffic Circulation**

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- Section, but all types of bicycle parking racks are acceptable. One inverted-U type rack will count as two bicycle parking spaces.
- b. All bicycle parking provided shall be on a hard-surfaced area and shall be set back from walls and other objects so the bicycle rack is useable. Freestanding bicycle parking racks shall be securely fastened to the ground.
  - c. Bicycle parking spaces shall be installed in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed where bicyclists would naturally transition to pedestrian mode. The placement of the racks shall not conflict with pedestrians and motorized traffic.
- R. Installation and Maintenance.
1. Off-street parking and circulation areas and required screening and landscaping shall be continuously maintained in good condition and appearance. Surfacing, lighting, barriers, markings, planting materials, and all other aspects of the off-street parking and circulation facility shall be repaired or replaced with new materials in compliance with the provision of this Section.
  2. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times, except for approved phased development of parking spaces as provided for by Subsection P, above. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as a temporary use as approved by the Plan Commission through the site plan review process.
- S. Limitations on Uses of All Off-Street Parking Areas.
1. All vehicles shall be in condition for safe and legal performance on public right-of-ways, be registered, and display current license plates.
  2. Under no circumstances shall any vehicle or equipment be used as living quarters, except for approved Campground land uses.
  3. Vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property. On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking. Such vehicles or equipment include but are not limited to:
    - a. Construction equipment such as bulldozers, backhoes, skid steers, and fork lifts.
    - b. Dump and stake body style trucks.
    - c. Cube type vans and trucks.
    - d. Landscaping business equipment such as tractors, tree spades, graders, and scrapers.
    - e. Semi-trailers and tractors.
    - f. Concession, vending, and catering trailers.
    - g. Commercial/industrial equipment trailers and lifts.
    - h. Tow trucks, wreckers, or car carriers except for one light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds may be parked on a residential lot when on call, operating under the rotating call list established and kept by the Village of Grafton Police Department or Ozaukee County Sherriff's Department.

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**Section 19.04.04: Off-Street Loading Standards**

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- i. Amusement rides and similar vehicles.
- T. Limitations on Uses of Residential Off-Street Parking Areas. In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of passenger vehicles, which shall be regulated as follows:
  1. A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 10,000 pounds or less, and is less than 21 feet in length.
  2. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds, except recreational vehicles or motor homes are permitted if parked in a driveway or other legal off-street parking space.
  3. A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.

**Section 19.04.04: Off-Street Loading Standards**

- A. Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- B. Applicability. All institutional, commercial, industrial, storage, and transportation land uses shall provide off-street loading facilities in accordance with the regulations of this Section.
- C. Review and Approval. All new developments and redevelopments will be reviewed for conformance with this Section through the site plan review process.
- D. Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to its location and configuration on the site plan required for the development of the subject property.
- E. Location.
  1. Loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way while in use.
  2. Loading areas shall be located on the same lot as the use served.
  3. For development with a gross floor area of greater than 10,000 square feet, loading areas shall not be located in a required front yard.
  4. Loading areas shall be located at least 50 feet from a residential district.
  5. Loading areas shall be located 25 feet or more from the intersection of two street right-of-way lines.
  6. Loading areas shall be located so as to avoid visual impacts from the main customer or employee entrance/main façade.
- F. Size of Loading Area.
  1. Structures of less than 10,000 square feet shall provide adequate receiving platforms or other facilities located off an adjacent alley, service drive, or other open space on the same lot.

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**Section 19.04.05: Bicycle and Pedestrian Access Standards**

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2. Structures larger than or equal to 10,000 square feet but less than 20,000 square feet shall provide an off-street loading space that is at least 10 feet wide and at least 25 feet long.
  3. Structures 20,000 square feet or larger shall provide an off-street loading space that is at least 10 feet wide and at least 50 feet long.
- G. Access to Loading Area. Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way while in use.
- H. Surface. All required loading areas shall follow the Village's surfacing requirements.
- I. Use of Required Loading Areas. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Loading areas shall not be used to provide the required number of parking spaces.
- J. Lighting. All loading areas shall be lit to ensure their safe and efficient use during evening hours. An illumination level between 0.4 and 1.0 foot-candles is recommended but shall not exceed Village standards.
- K. Signage. All signage located within or related to loading areas shall comply with the requirements of Chapter 20.

**Section 19.04.05: Bicycle and Pedestrian Access Standards**

- A. Purpose. The purpose of this Section is to support the use of alternative modes of transportation and promote the safety and general welfare of the public by establishing requirements for pedestrian and bicycle access and bicycle parking.
- B. Applicability. The requirements of this Section shall apply to all new development or redevelopment.
- C. Quantity. One pedestrian and bicycle access is required to at least one street frontage.
- D. Off-Site Connections. Pedestrian and bicycle access shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods.
- E. On-Site Connections. The entire development shall provide walkways for full and safe pedestrian and bicycle access within the development.
1. Walkways shall provide pedestrian access through or around off-street parking areas from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and walkways shall not be located and aligned solely based on the outline of a parking lot configuration unless such configuration allows for direct pedestrian access.
  2. Design Requirements.
    - a. Walkways shall have an acceptable dust-free surface not less than five feet in width and shall be grade-separated from the parking lot or otherwise delineated with pavement markers, planters, or alternate paving materials.
    - b. The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, lighting, median refuge areas, and landscaping as appropriate and as consistent with the Americans with

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**Section 19.04.06: Visibility Standards**

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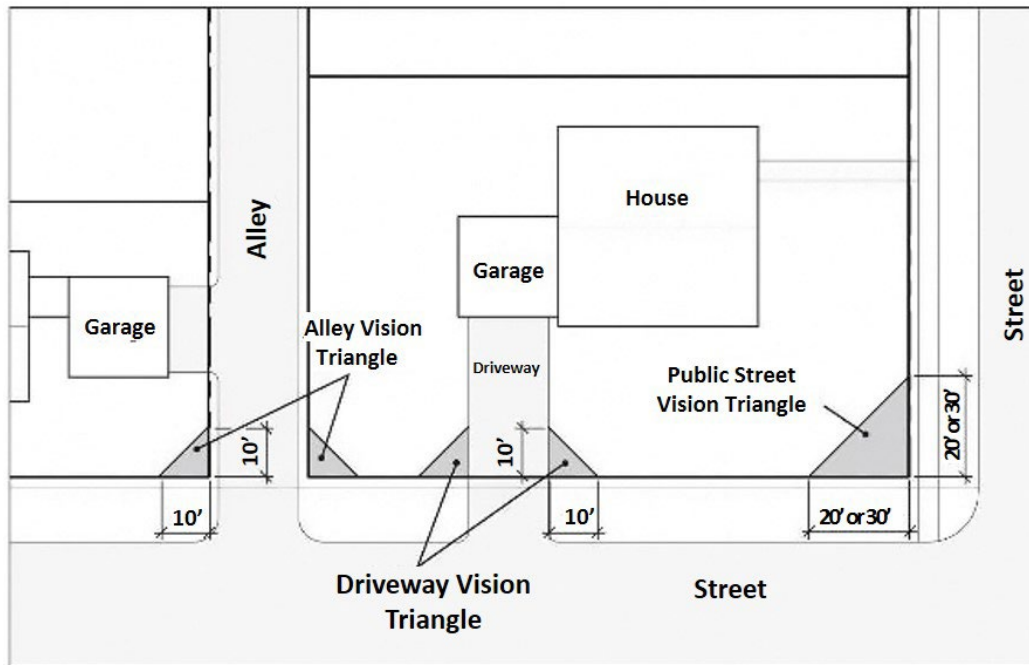
- Disabilities Act and the building code, as approved by the Community Development Director, or designee.
- c. Where the pedestrian walkway crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.
  - d. The material and layout of the pedestrian walkway shall be continuous as the pedestrian access crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way.

**Section 19.04.06: Visibility Standards**

- A. Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- B. Applicability. The requirements of this Section shall apply to all new development or redevelopment.
- C. Review and Approval. Through the site plan review process, the Community Development Director and Village Engineer shall review and approve all development for conformance with this Section.
- D. Vision Triangle at Public Streets. A vision triangle extending 20 feet from all public street right-of-way intersections shall be maintained for local street intersections and 30 feet when the intersection includes collector or arterial (major) streets. If the street intersection is curved, the vision triangle distance shall be maintained as if the right-of-way where extended to create a 90 degree corner. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of two and one-half feet and eight feet with the exception of fencing, which shall be no greater than 30% opaque. Development located on streets with signalized intersections shall be exempt from this requirement.
- E. Vision Triangle at Driveways. A vision triangle extending 10 feet from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of two and one-half feet and eight feet.

## Section 19.04.07: Exterior Lighting Standards

Figure 19.04.06a: Visibility Standards

**Section 19.04.07: Exterior Lighting Standards**

- A. Purpose. The purpose of this Section is to provide illumination levels on sites for function and safety as well as regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and nearby land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- B. Applicability. The requirements of this Section apply to all exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way.
- C. Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process by the Plan Commission or the Community Development Director.
- D. Depiction on Required Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan or photometric plan required for the development of the subject property.
- E. Exterior Lighting Requirements.
  1. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  2. Flashing, flickering and/or other lighting which may distract motorists are prohibited.
  3. Intensity of Illumination.

## Section 19.04.07: Exterior Lighting Standards

- a. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless night.
  - b. The minimum lighting in all parking and traffic circulation areas shall be 1.0 foot candles.
  - c. The maximum average on-site lighting in nonresidential zoning districts shall be 3.0 foot candles.
  - d. The following exceptions shall be permitted.
    - i. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles.
    - ii. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot candles, provided that lighting is dimmed to 3.0 foot-candles when business is closed. All under-canopy fixtures shall be fully recessed.
  - e. Reflected glare onto nearby buildings, streets, or pedestrian areas is prohibited.
4. Fixtures and Luminaries.
- a. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall transmit onto adjacent properties.
    - i. Exempt from this requirement are decorative light fixtures with frosted glass lamps, and any fixtures using a light bulb with a factory-rated light output of 1,700 lumens or less, including 100 watt incandescent bulbs and 100-watt-equivalent compact florescent bulbs.
  - b. Light fixtures shall not be located within required bufferyards or required minimum setbacks.
  - c. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
  - d. Light pole base height shall be the minimum height necessary to protect the pole.
  - e. No signage or banners are permitted on light poles, except on Village-owned property.
  - f. The maximum fixture mounting height by zoning district shall be:
    - i. 16 feet in the SF-3, SF-4, SF-6, DU-6, MH-9, MF-14, MF-20, PR, NMU, DMU zoning districts.
    - ii. 20 feet in the SMU, RMU, BP, LI, HI, EX, and AE zoning districts.
    - iii. The Plan Commission shall determine the height in PUD zoning districts.
  - g. All lighting fixtures existing prior to the effective date of this Chapter shall be considered legal nonconforming fixtures.
- F. Additional Lighting Requirements for Nonresidential Uses and Multi-Family Uses.
1. Each exterior entrance to one or more dwelling units and garages shall have an exterior light within eight feet of the entrance.
  2. For residential uses, exterior lighting with automatic controls shall be provided so that the house numbers are visible from the adjacent street and interior drive. For units with individual exterior entrances, such lighting shall be provided so that the unit numbers are visible to pedestrians on the sidewalk.



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**Section 19.04.08: Exterior Storage and Screening Standards**

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3. Exterior lighting with automatic controls shall be provided for all sidewalks and parking areas to provide safe travel between the parking areas and the building.
  4. Motion sensor lights shall be permitted, provided they are placed no higher than 16 feet above ground level and provided they meet the requirements for outdoor lighting.
- G. Additional Lighting Requirements for Intensive Outdoor Recreation Uses.
1. Lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than 10:00 p.m. Lower light levels for off the field lighting may be provided for an additional one hour for safe egress.
  2. The mounting height for light fixtures shall be no greater than one-fourth the distance to the nearest property line from where the light fixture is located.

**Section 19.04.08: Exterior Storage and Screening Standards**

- A. Purpose. The purpose of this Section is to control the use of residential, office, and commercial property for exterior storage so as to promote the safety and general welfare of the public. For additional requirements relating to exterior storage for specific uses, refer to Article III.
- B. Applicability. The requirements of this Section apply to all development.
- C. Review and Approval.
1. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process.
  2. Outdoor Storage land uses and accessory uses shall meet all Village requirements including but not limited to those identified in Article III: Land Use Regulations.
- D. Exterior Storage of Refuse.
1. Trash Cans Required near Entrances.
    - a. For multi-family, institutional, commercial, multiple use buildings, and industrial uses, each building entrance shall include one covered trash can with a capacity of at least 15 gallons and one smoking materials receptacle, or combination thereof.
      - i. Exceptions. For multifamily uses and multiple use buildings, this requirement shall only apply to entrances that serve more than two units. For industrial uses, this requirement shall only apply to visitor and customer entrances.
      - ii. The Plan Commission may adjust the required number of trash cans based on existing conditions and business operations.
    - b. Said receptacles shall be decorative in design, designed for outdoor use, and made of metal, wood, stone, or other material as approved by the Community Development Director, or designee.
  2. Refuse or Recycling Enclosures.
    - a. For multi-family, institutional, commercial, multiple use buildings, and industrial uses, all exterior trash storage areas shall be located within an enclosure at least six feet in height that completely screens the view of all trash and trash storage containers. The exterior of said enclosure shall be constructed of solid wood, vinyl, or one or more of the materials used on the exterior of the main building. A solid gate shall be used to gain access to the

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Section 19.04.08: Exterior Storage and Screening Standards

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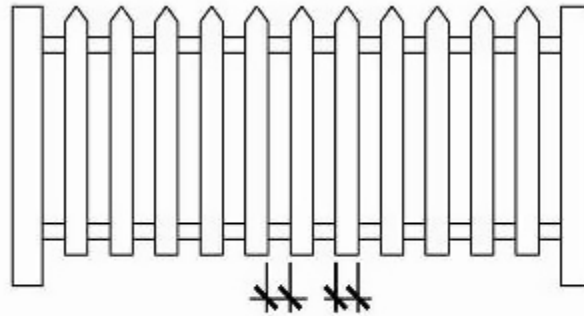
- storage area; said gate shall be constructed of an opaque material or interwoven slat fencing.
- b. No exterior trash storage or dumpsters shall be located between a building and a public street except if in the opinion of the Community Development Director, or designee, no other suitable location is available for such purpose, and provided the dumpster area is developed in a manner so as to minimize its appearance from a public street.
- E. Mechanical Equipment and On-Site Utilities.
1. Definition. Mechanical equipment is defined as devices installed for a use appurtenant to the property, structures, or principal use. Mechanical equipment includes, but is not limited to, HVAC equipment, transformers, gas and electric meters, utility-related equipment, exhaust fans external to buildings, louvers, vents, and industrial process equipment. The following equipment shall be exempt from screening requirements due to functional concerns: satellite dishes, personal antennas and towers, industrial smoke stacks, and solar or wind energy systems.
  2. Applicability. The screening of mechanical equipment and utilities shall be required for all uses as regulated in this Chapter, except for single family and two family dwelling units and those exempted in other sections of the Village of Grafton Municipal Code.
  3. Situations which change the status of a conforming mechanical equipment installation to nonconforming status such as a change in zoning or establishment of a use shall be regulated as set forth by Village statutes.
  4. Screening Design Standards for Ground-mounted Equipment. Ground mounted mechanical equipment must be hidden from view through the use of one or both of the following methods:
    - a. Earth berm(s) with evergreen landscaping at a combined height sufficient to fully screen the equipment from the right-of-way or other users of the site.
    - b. A bufferyard with a minimum capacity of 0.4 that completely surrounds the equipment.
  5. Screening Distance.
    - a. Mechanical equipment is considered to be screened if it is not visible from any portion of the adjacent street right-of-way or adjacent property lines as measured at a height of five feet from the sidewalk/curb elevation or from the grade of the center line of the street if no sidewalk or curb is present.
    - b. Exceptions can be made for elevated roads that are of a considerable higher grade from that of the mechanical equipment, for drastic grade changes, or for other special circumstances as determined by the Community Development Director, or designee.
  6. Building-mounted and roof-mounted mechanical equipment must be screened from view of public right-of-ways.
  7. On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.

## Section 19.04.09: Fencing Standards

**Section 19.04.09: Fencing Standards**

- A. Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- B. Applicability. The requirements of this Section apply to all fencing, landscape walls, and decorative posts for all land uses and activities.
- C. Review and Approval. Fences shall be reviewed and approved by the Community Development Director, or designee, and shall require a building permit, unless the proposed fence requires a conditional use permit.
- D. Temporary Fencing. Permits are not required for temporary fencing. Temporary fencing shall be permitted for the following purposes:
1. The use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1.
  2. The protection of excavation and construction sites and the protection of plants during grading and construction, in association with an active building permit.
- E. Design and Materials.
1. Materials.
    - a. Fences shall be constructed using the following materials: Naturally resistant or treated wood, brick or masonry, natural stone, wrought iron, vinyl, galvanized and/or coated chain link
    - b. Any other material of comparable quality as approved by the Community Development Director, or designee.
    - c. Permanent chicken wire fences or snow fences shall not be used with residential uses.
    - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing when located at least six feet above the ground and shall be permitted only in the LI and HI districts. Such fences shall meet the setbacks for the principal structure.
    - e. Galvanized and coated chain link fences shall have a minimum nine gauge thickness, and a top rail support is required. Galvanized and coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.
  2. Design.
    - a. With the exception of fences used for required screening, any fence located in the front yard shall be a maximum of 50 percent opaque, meaning that the spaces between the pickets are equal to or greater than the width of the pickets. See Figure 19.04.09a.
    - b. A fence that includes pre-woven or interwoven privacy fence slats and that is at least 90 percent opaque shall be considered a solid fence.
    - c. Fences shall be architecturally compatible with the design and materials of the principal building. Design details shall be substantially the same (but need not be identical) as those of the principal building. Industrial uses shall be exempt from this requirement.

## Section 19.04.09: Fencing Standards

**Figure 19.04.09a: Fencing Standards**

50% Max. Opacity

Opening must be at least as wide as picket

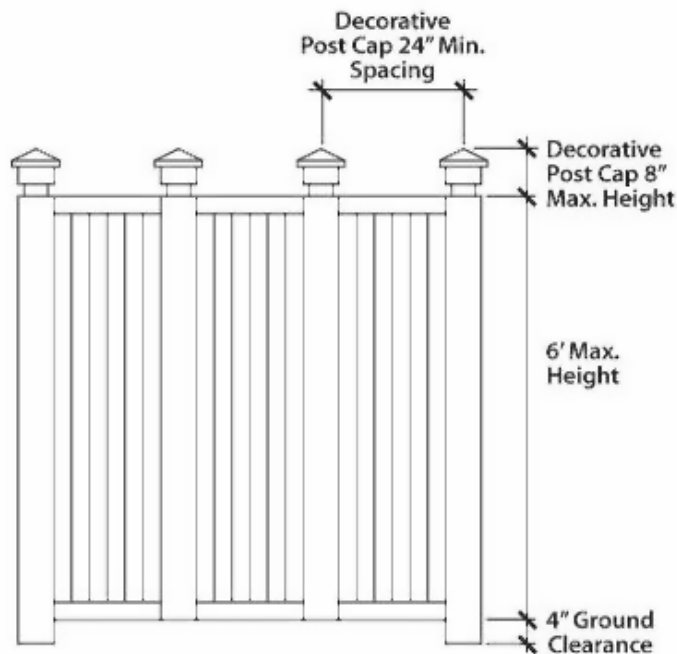
**F. Height.**

1. **Maximum Height.** The maximum height of any fence panel, landscape wall, or decorative post shall be the following:
  - a. In the SF-3, SF-4, SF-6, DU-6, MH-9, MF-14, MF-20, I, PR, NMU, and residential PUD zoning districts:
    - i. Four feet when located within the required or provided front yard or street yard (on corner lots), whichever is closer to the street.
    - ii. Six feet within the side yard or rear yard, but not in the required front yard or beyond the front facade of the principal building.
    - iii. Six feet in the front yard on the long side of corner lots provided the fence has a setback equal to that of the principal structure, or what would be required for new construction of a principal structure based on the lot dimensions, whichever is greater.
    - iv. Barb wire fencing or similar security fencing on top of fences is prohibited.
  - b. In the SMU, RMU, DMU, BP, LI, HI, EX, AE, and nonresidential PUD zoning districts:
    - i. Four feet when located within the required or provided front yard or street yard, whichever is closer to the street.
    - ii. Eight feet within the side yard or rear yard, but not in the required front yard or beyond the front facade of the principal building.
    - iii. Eight feet in the front yard on the long side of corner lots provided the fence has a setback equal to that of the principal structure, or what would be required for new construction of a principal structure based on the lot dimensions, whichever is greater.
    - iv. Barb wire fencing or similar security fencing on top of fences shall not extend higher than three feet beyond the top of the fence and shall only be permitted in the LI, HI, and EX zoning districts.
  - c. Height shall be measured from the ground immediately under the fence to the top rail of the fence.

Section 19.04.09: Fencing Standards

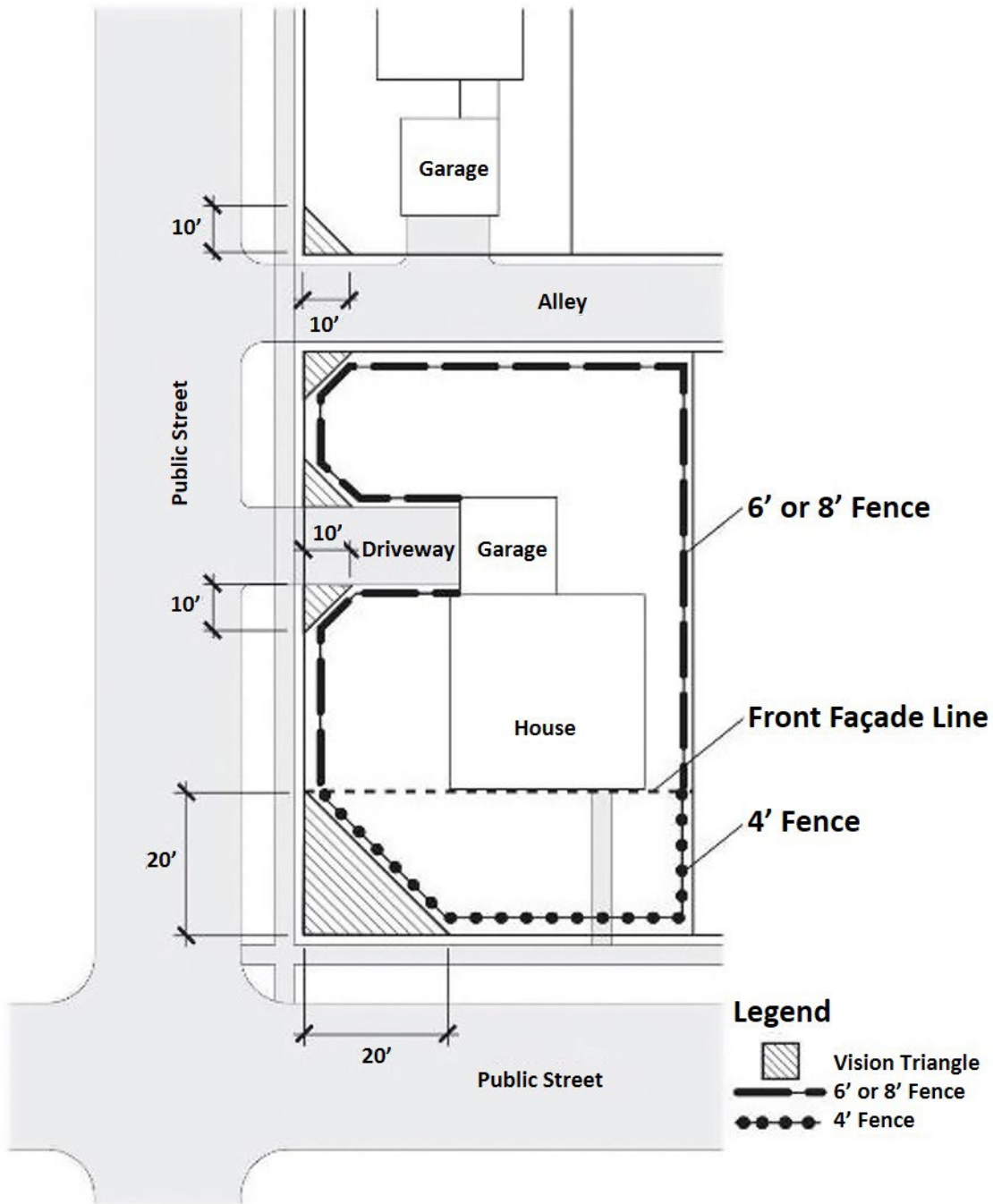
- 2. Height Exceptions.
  - a. Decorative posts at a minimum spacing of 24 inches may extend eight inches above the maximum height. See Figure 19.04.09b.
  - b. To accommodate slopes and/or lawn maintenance, up to four inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height.
  - c. Berms with slopes less than or equal to a minimum of three feet of horizontal to a maximum of every one foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.
- G. Location.
  - 1. Fences must meet all visibility standards.
  - 2. Fences may be located at the property line.
  - 3. Fences legally constructed prior to the effective date of this Section shall be permitted to be replaced in their existing location.
- H. Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property, i.e. with the finished side facing outward.
- I. Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

**Figure 19.04.09b: Fence Height and Exceptions**



Section 19.04.09: Fencing Standards

Figure 19.04.09c: Fencing Standards



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**Section 19.04.10: Outdoor Recreational Space Requirements**

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**Section 19.04.10: Outdoor Recreational Space Requirements**

- A. Outdoor Recreational Space Requirements for Multi-Family Uses.
1. Each multi-family development containing three or more units shall provide an outdoor recreational space suitable for outdoor recreation such as sitting, grilling, and playing catch. This space could include a children's play area. Outdoor recreational space can be provided at ground level or other areas including but not limited to communal porches/decks, balconies, and rooftop gardens.
    - a. The outdoor recreational space and/or children's play area is encouraged to include picnic tables, recreational equipment, and/or play equipment suitable for small children such as sandboxes, swing sets, and play structures. This is intended to provide an equivalent level of outdoor recreation equipment that would normally be available with a single or two family dwelling.
  2. Minimum Area. A minimum of 200 square feet plus 25 square feet per bedroom shall be provided.
  3. Required outdoor recreational space shall be for the private use of residents and need not be open to the public.
- B. Buildings shall be organized in relation to open spaces to create a balance of usable open space and efficient circulating and parking. The requirements of this Section shall not override the establishment of an orderly, positive, and urban character of the relationship of buildings to streets.
- C. Required outdoor recreational space may be divided into multiple distinct spaces, provided that no single outdoor recreation space is smaller than 100 square feet or narrower than 10 feet in any direction.
- D. The following will not count toward the total outdoor recreational space requirement:
1. Areas in the required front or side yard setbacks.
  2. Areas within two feet of parking stalls (as measured from the face of the curb).
  3. Areas used for landscaping, stormwater infiltration, bicycle parking, trash and recycling storage, or heating and cooling units.
- E. Required outdoor recreational space shall not count toward land dedication or fee in lieu of land dedication requirements of the Title 18: Subdivisions of the Village of Grafton Municipal Code.

**Section 19.04.11: Group or Large Development Standards**

- A. Purpose. The purpose of this Section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Grafton.
- B. Definitions.
1. Group Development.
    - a. Any development located on one lot and comprised of any single instance or any combination of the following development types:
      - i. One or more principal multi-family residential buildings with 24 or more residential units on the same lot.
      - ii. Three or more principal structures on the same lot, whether serving a single use or more than one use.
      - iii. Any addition of principal buildings that increases the total number of principal structures on the same lot to three or more.

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Section 19.04.11: Group or Large Development Standards

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- b. Common examples of group developments include apartment or condominium complexes with 24 or more total units, commercial centers, shopping centers, and office centers where there are three or more principal buildings.
  2. Large Development.
    - a. Any new development containing any single building in which the area of the building footprint exceeds 20,000 square feet. Does not include new additions to structures existing prior to the adoption of this Chapter of less than 20,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment.
      - i. Common examples of large developments include big-box commercial uses.
- C. Exceptions. The following situations are exempt from the requirements of this Section.
  1. Structures within Village parks.
  2. Nonresidential buildings where it can be demonstrated to the satisfaction of the Community Development Director, or designee, that any principal building can be subsequently subdivided with a lot and yards conforming to the requirements of this Chapter.
- D. Review and Approval.
  1. All group developments and large developments require a conditional use permit regardless of whether individual use(s) within the development are permitted by right within the applicable district.
  2. Uses permitted in a group development and/or large development include any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district.
  3. Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this Section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
  4. Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.
  5. The detailed land use regulations in preceding sections that pertain to each proposed land uses shall also apply within a group development and/or large development, as will all other applicable provisions of this Section.
- E. Changes to an Approved Group and/or Large Development.
  1. Following initial issuance of a conditional use permit for the group development and/or large development, all subsequent changes determined to be significant by the Community Development Director, or designee, to site design and building design (including addition of structures, additions to structures, and expansions of parking or storage areas) in the group development and/or large development



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Section 19.04.11: Group or Large Development Standards

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- shall require an amendment to the approved conditional use permit regardless of individual land use(s).
2. Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
  3. Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district shall be allowed only by amendment to the conditional use permit, regardless of whether or not said use entails modifications to the building and/or site layout in the group development and/or large development.
- F. Standards Applicable to Group Developments or Large Developments.
1. Land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space requirements; access, parking, loading requirements; and signage requirements.
  2. The applicant shall demonstrate how the proposed development relates to each of the following criteria:
    - a. Complements the design and layout of nearby buildings and developments.
    - b. Enhances, rather than detracts from, the desired character of the surrounding area.
  3. Architectural Quality. All buildings within the group and/or large development shall be of compatible with one another in terms of architectural quality and design, as determined by the Plan Commission.
- G. General Layout and Future Divisibility of Group Developments.
1. Development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. Building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will facilitate the subdividing of group developments in the future (if such action is so desired).
- H. Roadway Connections. All nonresidential projects shall have direct access or access through an easement to an arterial or collector level street; or to a local street if no other access is available, as deemed appropriate by the Village.
- I. Parking. Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces by 25 percent or more shall be allowed.
- J. Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a minimum of five feet or by a physical barrier visible to drivers and pedestrians.
- K. Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be

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Section 19.04.11: Group or Large Development Standards

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permitted only where clearly depicted and labeled on the approved site plan.

Outdoor storage uses and areas shall meet screening requirements.

L. Landscaping. All landscaping standards presented in previous sections shall be met.

M. Lighting. All on-site exterior lighting standards shall be met.

N. Signage. All signage standards shall be met.

O. Additional Rules Applicable to Large Developments.

1. Building Placement and Site Layout. Building placement and orientation shall facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan.

2. Compatibility Report. The Village may require a written Compatibility Report citing adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address one or more of the following items:

a. Compatibility Report Narrative. The Village may require a narrative describing how the proposed development meets the building placement and site layout requirements of Subsection (a), above.

b. Traffic Impact Analysis. The Village may require that a traffic impact analysis (TIA) be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and Village at the applicant's expense. Such Traffic Impact Analysis shall require the following components:

i. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.

ii. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the Village may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the site.

iii. The Village has the option to require a trip generation study in lieu of a full Traffic Impact Analysis.

c. Transportation Demand Management. The Village may require that a transportation demand management plan (TDM) be completed in accordance with Wisconsin Department of Transportation requirements for content and format.

3. Retail and Commercial Service Buildings in Excess of 50,000 Square Feet of Area

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Section 19.04.11: Group or Large Development Standards

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- a. **Applicability.** The following requirements are applicable to all new retail and commercial service buildings in excess of fifty thousand (50,000) gross square feet and shall require a Conditional Use Permit in the zoning districts in which they are allowed.
- b. **Intent.** The following standards are intended to ensure that large retail and commercial service buildings and the sites they occupy are properly located and are compatible with the surrounding area and the community character of the Village, such projects meet a demonstrated public need, and such projects promote a practical and viable re-use of the structures and the development site within the context of the surrounding area.
- c. **Reuse Plan Requirements.** As a condition to issuance of a building permit, the property owner/developer of large format commercial buildings shall provide one of the following to the Village as a condition of the approval of a conditional use permit for such buildings in excess of 50,000 square feet.
  - i. **Option I - Cash Contribution.** A cash contribution to the Village of \$15,000 for the first 50,000 square feet of floor area and \$0.10 for every additional square foot of usable space to fund the future costs to the Village of preparing a reuse plan. The Village will deposit the cash contribution in a separate non-lapsing interest bearing account with interest accruing to the benefit of the Village. The Village may use the funds to market the building for re-use and/or prepare or implement a redevelopment plan in the event that a building remains vacant for more than 24 months and during that time, (a) the owner fails to respond to written inquiries from the Village as to owner's marketing and re-use efforts, or (b) the owner requests the Village to undertake such efforts.
  - ii. **Option II - Re-Use Plan.** A detailed reuse plan that clearly identifies the opportunities and challenges of planning for redevelopment of any large retail or commercial building.
    1. The Re-Use Plan for the large retail or commercial building shall reaffirm the neighborhood vision and development characteristics of the area; enhance the quality of life and promotes a sense of community; integrate storm water management facilities as an essential design component of the site; ensure the appearance, visibility and the distinctive character of the development; provide site pedestrian and bicycling amenities; provide appropriate road access and internal traffic circulation; and promote mixed use residential and commercial development concepts in the layout of the Re-Use Plan if appropriate.
    2. **Adoption of the Re-Use Plan.** When the Re-Use Plan is complete, the Village Plan Commission shall recommend, and the Village Board shall accept, the Re-Use Plan. The Plan Commission shall review and modify the Re-Use Plan to reflect any adopted amendments to the Comprehensive Plan and then-current zoning regulations prior to implementing the Re-Use Plan. The Plan Commission may only modify the Re-Use Plan after mailing to the owner, by certified mail sent at least 10 days prior to the hearing, the proposed modifications

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**Section 19.04.12-20: Reserved for future use**

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and notice of a public hearing at which the Plan Commission shall consider the owner's comments.

3. Implementation of the Re-Use Plan. To reap the benefits of an Adopted Re-Use Plan requires consistent implementation. The Village must be prepared to: a) Review proposed land divisions, conditional use permits and planned developments based on conformance with the Plan. b) Facilitate and approve only those developments that are consistent with the Adopted Re-Use Plan, paying particular attention to the proposed land use pattern, the density and intensity of the proposed development, community character and the availability of the appropriate infrastructure to support.
4. Waiver of Standards. The Plan Commission may waive any of the above standards by a three quarters (3/4) vote of members in attendance, but only if supplemental re-use elements are incorporated into the project which compensate for the waiver of the particular standard.
5. Vacant Sites Maintenance Requirements. As a condition of issuance of the conditional use permit for a large format commercial building, the property owner shall execute and the Village shall record, with the Ozaukee County Register of Deeds, a written notice stating that the owner of any vacated building shall: a. Remove snow and ice from all drives and sidewalks, b. Eliminate weeds, c. Maintain landscaping and keep lawns mowed, d. Dispose of garbage and refuse, e. Repair or replace broken windows with protective barriers, and f. Maintain and illuminate security lighting. These maintenance requirements shall run with the land and be binding on the then-current owner of the vacant building.

**Section 19.04.12-20: Reserved for future use**

## Section 19.05.01: Applicability of Landscaping Requirements

**ARTICLE V: LANDSCAPING STANDARDS****Section 19.05.01: Applicability of Landscaping Requirements**

- A. The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.
- B. Any use for which site plan approval is required shall provide landscaping in accordance with the regulations of this Section, including the following development:
  - 1. New buildings and paved areas.
  - 2. Expansions of existing buildings.
  - 3. Expansions of paved areas.
  - 4. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.
- C. Any new or refaced monument or pole sign shall provide landscaping with natural mulch around the base of the sign as approved by the Community Development Director.
- D. Where insufficient site area remains to comply with all provisions of this Section, the Village may require compliance to the greatest extent practical.
- E. This Article is designed to encourage preservation of existing plants on the site by granting them double point values.
- F. Exemptions. Single family dwelling units, two family dwelling units, and agricultural land uses are exempt from landscaping requirements.
- G. Changes to the Landscaping Plan. The Village may allow or require changes to the landscaping plan or requirements, as provided for below.
  - 1. The Community Development Director, or designee, and the Plan Commission shall have the authority to allow alterations or substitutions of one type of plant for another to the landscaping requirements as long as the altered requirements achieve an equivalent or greater level of landscaping on a site. Such alternations or substitutions may be based on the following:
    - a. Unusual conditions.
    - b. The consideration of landscape architecture approaches.
    - c. The preservation of existing trees.
    - d. The consideration of Wisconsin native landscaping.
    - e. When larger size plantings are provided as part of the overall landscape plan.
    - f. When more shrubs may be appropriate versus more trees, and vice versa.
    - g. Utility or other easements.
  - 2. The Community Development Director, or designee, and the Plan Commission shall have the authority to require the modification of any landscaping plan including the rearrangement of landscaping points on a site to better meet aesthetic, environmental, and stormwater goal or objectives.

**Section 19.05.02: Landscape Plan**

The applicant shall provide a digital copy of a landscaping plan. The plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and depict the following, at the discretion of the Community Development Director, or designee:

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**Section 19.05.03: Landscaping Requirements**

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- A. The name and address of the developer/owner, name of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, and north point indication.
- B. All property lines and easements.
- C. Zoning of the subject property and abutting properties.
- D. The location and dimensions of all existing and proposed structures, parking lots, driveways, roads, underground utilities, right-of-way, sidewalks, ground signs, refuse disposal areas, fences, freestanding electrical equipment and other utility boxes, and other freestanding structural features as determined necessary by the Community Development Director, or designee.
- E. The location and contours at two-foot intervals, of all proposed berms.
- F. The location, size, and type (common and botanical) of all existing plant material on the site and designation of all trees and shrubs to be saved and/or removed.
- G. The location, quantity, size at planting, and type (common and botanical) of all proposed plant material. All plants shall be drawn at the spread they will achieve at maturity.
- H. The number of landscaping points per Figure 19.04.13d for all plant material.
- I. Details of refuse disposal area screening and mechanical equipment and utility screening.
- J. Linear feet of the new/expanded building foundation and street frontage.
- K. Square footage of the total lot and new/expanded paved area.

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Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, yards, and bufferyards.

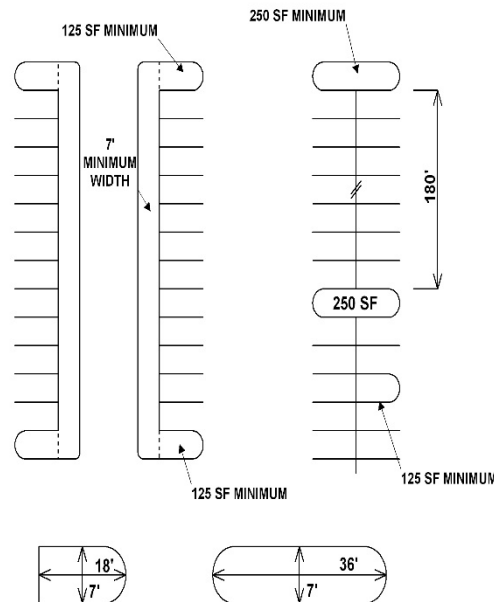
- A. Building Foundations.
  - 1. For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 19.04.13d.
  - 2. Tall trees shall not be used to meet building foundation landscaping requirements.
  - 3. Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.
  - 4. Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 19.04.13d). The formula shall not be applied to portions of the building foundation developed prior to the adoption of this ordinance.
  - 5. The measurement of the building foundation may be simplified as the smallest single rectangle that contains the entire building perimeter, except that the sides of the building facing an adjacent public street, where the actual perimeter shall be measured.
- B. Paved Areas.
  - 1. For every 10 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 19.04.13d.
  - 2. Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided

Section 19.05.03: Landscaping Requirements

in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets.

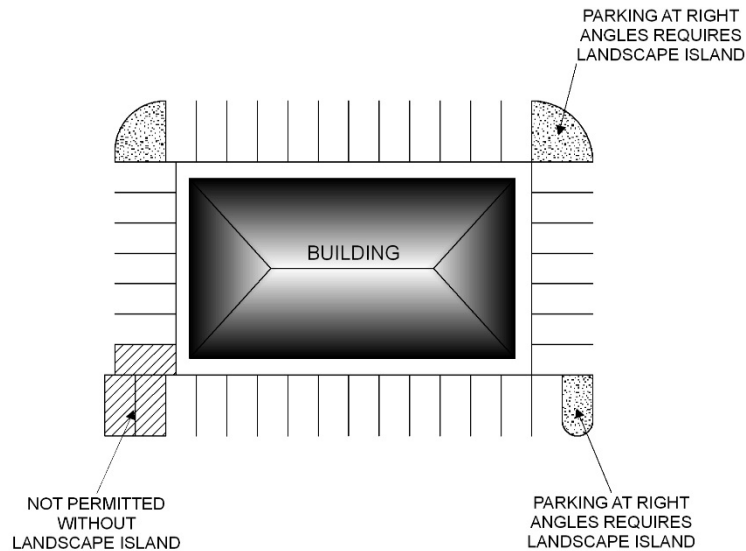
3. A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.
4. Parking Lot Design.
  - a. Interior parking lot landscaping shall be required for any parking lot with more than 20 parking spaces. Internal parking lot landscaping shall be accomplished by the installation of landscaped planter islands or other types of landscaping application approved by the Community Development Director, or designee.
  - b. Landscaped planter islands shall be required at the ends of all parking rows, driveway entrances, and at intermediate locations such that there is a maximum of 180 feet between islands. See Figure 19.04.13a.
  - i. Landscaped planter islands are required where two rows of parking stalls meet at a right angle. See Figure 19.04.13b.

**Figure 19.04.13a: Requirements for Islands**



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**Figure 19.04.13b: Parking Rows at Right Angles**

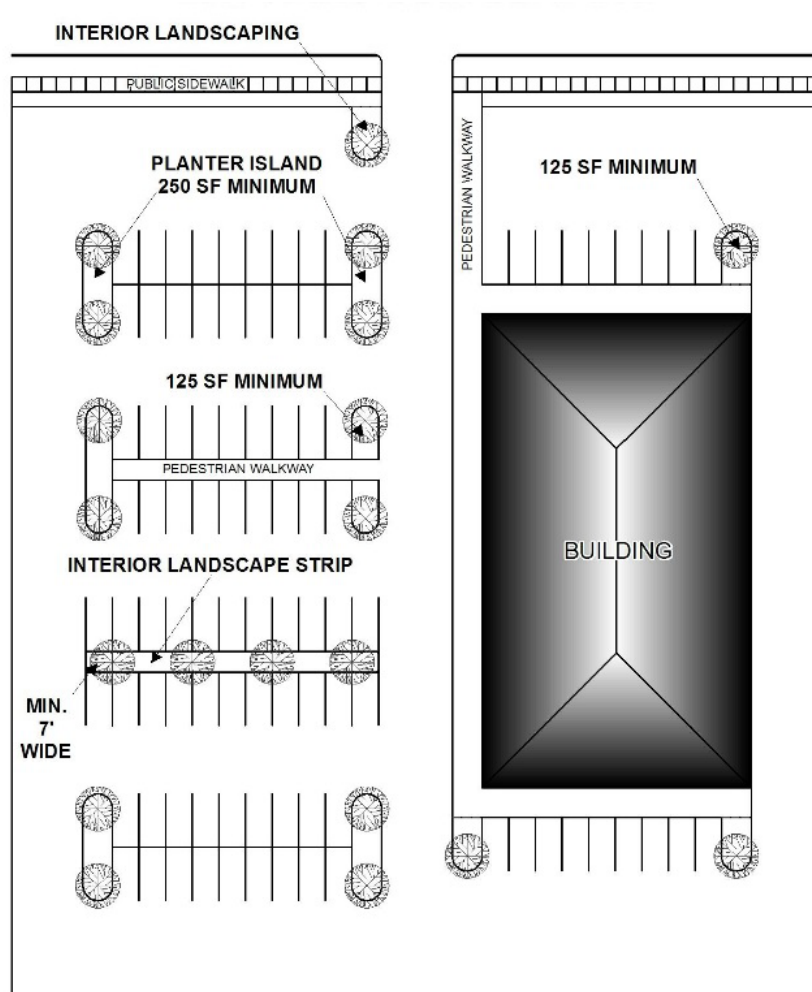


5. Each landscaped planter island shall be no less than 125 square feet in area and seven feet in width, measured from the back of the curb. For double-parking rows, each landscaped planter island shall be no less than 250 square feet in area. The seven-foot width requirement may be reduced to accommodate the triangular shape resulting from angled parking.
  - a. Exception. A continuous seven-foot wide landscape strip may be provided between double parking rows in place of landscaped planter islands.
  - b. See Figure 19.04.13c.



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**Figure 19.04.13c: Interior Landscaping**



6. All islands shall be crowned for positive drainage, unless bio-retention methods of stormwater management are utilized per a stormwater management plan approved by the Department of Public Works.
7. One shade tree or tall deciduous tree shall be provided for every island and for every 40 linear feet of continuous landscape strip. Medium or low trees (evergreen or deciduous) may be used to supplement deciduous shade trees in locations that may not support healthy shade tree or tall deciduous tree growth. This determination shall be made by the Community Development Director, or designee. For double-row parking, two medium trees or one tall deciduous tree shall be required for each island.
  - a. Trees shall be a minimum of two inches in caliper and not less than six feet tall at planting.
  - b. Shrubs shall be a minimum of 18 inches at planting.

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8. In addition to the required trees and shrubs, islands shall be planted with grass, low ground cover, shrubs, flowers, mulch, or a combination thereof. Mulches shall be installed so that the loose material will not erode, fall, be plowed, or be otherwise transported onto paved surfaces.
  9. To ensure proper visibility within the parking lot, shrubs shall be no higher than two feet and the branches of trees shall start no less than six feet from the ground, unless located in areas that do not affect driver visibility.
  10. Required parking lot screening shall count toward the landscaping requirements of this Section.
  11. Paved area expansions shall be subject to the same landscaping formula requirements as new paved areas (see Figure 19.04.13d). The formula shall not be applied to paved areas developed prior to the adoption of this ordinance.
- C. Street Frontages.
1. For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 19.04.13d.
  2. Street frontage landscaping shall be placed a minimum of 10 feet from the public street right-of-way.
  3. Landscaping shall not be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
  4. A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.
  5. In the case of any new principal building, building expansion, new paved area, or paved area expansion on a previously-developed site, a percentage of the landscaping points specified in Figure 19.04.13d shall be required. For new paved areas and expansions, the required percentage shall be equal to the percentage of the paved area expansion as compared to the existing paved area square footage. For new buildings and expansions, the required percentage shall be the percentage of the building expansion as compared to the existing building square footage.
- D. Yards.
1. For every 1,000 square feet of gross floor area of all principal and accessory buildings on the site, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 19.04.13d.
  2. Landscaping required by this Section is most effective if located away from other areas required for landscaping such as building foundations, street frontages, paved areas, protected green space areas, or bufferyards.
  3. The intent of this Section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).
  4. Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 19.04.13d). The formula shall not be applied to portions of buildings developed prior to the adoption of this ordinance.
- E. Bufferyards. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing

## Section 19.05.03: Landscaping Requirements

that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).

1. The required level of bufferyard capacity is listed in Figure 19.04.13e. Detailed bufferyard requirements are listed in Figure 19.04.13f. Capacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of capacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.
2. Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards or along public street frontages.
3. To ensure that the year-round screening objectives are fulfilled, only the plant classifications in Figure 19.04.13b listed as "Appropriate for Screening" shall count toward bufferyard point totals, unless non-screening plants are used in combination with a solid fence or a berm of six feet or more, in accordance with Figure 19.04.13f.
4. Reduction of Required Bufferyard Width.
  - a. Intent. This Subsection is intended to allow for the reduction of the required width of a required bufferyard where the presence of permanently protected green space or similar areas provides equivalent permanent screening and separation benefits as would be provided by the otherwise required bufferyard.
  - b. Where the minimum permitted width for the required bufferyard is not available under the current or proposed state of development, the Community Development Director, or designee, may reduce the width required for the bufferyard to that currently available on the site, provided that the portion of the site that requires a bufferyard contains one or more of the following:
    - i. Steep slopes that contain retaining walls or rip-rap.
    - ii. Permanently undevelopable green space or other permanently protected green space designated on site plans such as a native or restored prairies or park savannas, wetlands, bodies of water, floodplains, drainageways, upland woods, stormwater basins, or other natural resource protection areas, including areas protected by covenants or conversation easements.
  - c. If there is permanently protected green space located on an adjoining property adjacent to the portion of a site that requires a bufferyard, the Community Development Director, or designee, may reduce the width required for the bufferyard. The reduction shall consist of no more than one foot for every three feet of permanently protected green space on the adjoining property, as measured from the property line at a right angle into said adjacent property. There shall be no reduction in the number of landscape points required.
5. Use of Required Bufferyard and Landscaped Areas.
  - a. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian or bike trails provided that no required landscaping material is eliminated; the total width of

Section 19.05.03: Landscaping Requirements

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- the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met.
- b. No swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses shall be permitted.
  - c. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted.
  - d. Paving in such areas shall be limited to that required for necessary access to or across the subject property or for a passive recreational use such as paved multiuse trails or pedestrian walkways.
- F. Determination of Landscaping Requirements.
1. The requirements of this Section are additive to each other and any other landscaping or screening requirements in this Chapter.
  2. Landscape points used to meet one requirement (e.g. building foundations, paved areas, street frontages, yards, or bufferyards) shall not be used to meet another requirement.
- G. Measurement and Calculation.
1. Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. Existing plantings eligible for double point values shall be determined by the Community Development Director, or designee.
  2. In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet.
  3. Any partial plant derived from the required calculations of this Section (for example: 23.3 shade trees) shall be rounded up to the next whole plant (for example: 24 shade trees).
- H. Utility Easements. Landscaping materials, fences and berms located within a duly recorded utility, stormwater, or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by the Village and the easement holder. However, the width of such areas may be counted as part of a landscaping width requirement for bufferyards.
- I. Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation. Alternatively, such areas may be maintained in crop production if a principal use exists on-site and if approved by the Community Development Director, or designee.
- J. PUD Zoning Districts. The Plan Commission shall determine the landscaping requirements for PUD zoning districts.

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**Figure 19.05.13d: Landscaping Requirements for Regular Development**

	Landscaping Component				
	Building Foundation	Paved Areas	Street Frontages	Yards	Bufferyards
<b>Type of Landscaping:</b>	A minimum of 25% of points on side facing public street and 50% of points on side of main entrance. Shade Trees and Tall Trees not allowed.	A minimum of 30% of points devoted to Tall Trees and 40% to Shrubs.	A minimum of 50% of points devoted to Medium Trees.	Any type allowed.	See types "Appropriate for Screening" in Figure 19.05.14b.
<b>Placement of Landscaping:</b>	Within 10 feet of building foundation.	Within 10 feet of paved area or within paved area.	Within 10 feet of street right-of-way.	Any location.	Within bufferyard, per Figure 19.05.13f.
<b>Calculation of Landscaping Points:</b>	Points per 100 linear feet of building foundation.	Greater of: points per 10 parking stalls or 10,000 square feet of paved area.	Points per 100 feet of street right-of-way frontage.	Points per 1,000 square feet of gross floor area for all principal and accessory buildings on lot.	See Figure 19.05.13f.
<b>Zoning Districts:</b>					
Rural Holding (RH)	20	20	20	10	Only required along certain zoning district boundaries.
Single-Family Res. (SF-3)	40	50	100	20	
Single-Family Res. (SF-4)	40	50	100	20	See Figure 19.05.13b for requirements.
Single-Family Res. (SF-6)	40	50	100	20	

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	Landscaping Component				Bufferyards
	Building Foundation	Paved Areas	Street Frontages	Yards	
Duplex Res. (DU-6)	50	50	100	20	Only required along certain zoning district boundaries.  See Figure 19.04.13b for requirements.
Mobile Home Residential (MH-9)	40	50	100	20	
Multi-Family Res. (MF-14)	60	50	100	20	
Multi-Family Res. (MF-20)	70	50	100	20	
Institutional (I)	40	50	100	20	
Parks and Recreation (PR)	30	40	50	20	
Neighborhood Mixed Use (NMU)	40	50	100	20	
South Commercial Mixed Use (SMU)	40	50	100	20	
Regional Mixed Use (RMU)	40	50	100	20	
Downtown Mixed Use (DMU)	0	50	0	0	
Business Park (BP)	40	50	100	20	
Light Industrial (LI)	30	40	100	20	
Heavy Industrial (HI)	30	40	100	20	
Extraction and Disposal (EX)	20	30	30	10	
Adult Entertainment (AE)	40	50	100	20	

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**Figure 19.05.13e: Required Bufferyard Capacity Values**

Apply the required opacity value from this Figure to Figure 19.04.13f and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.

Zoning District:	Adjacent Property's Zoning District:																		
	RH	SF-3	SF-4	SF-6	DU-6	MH-9	MF-14	MF-20	I	PR	NMU	SMU	RMU	DMU	BP	LI	HI	EX	AE
Rural Holding (RH-35)	*																		
Single Family Residential-3 (SF-3)	*	0																	
Single Family Residential-4 (SF-4)	*	0	0																
Single Family Residential-6 (SF-6)	*	0	0	0															
Duplex Residential (DU-6)	*	.1	.1	.1	.1														
Mobile Home Residential (MH-9)	*	.3	.3	.3	.2	.1													
Multi-Family Residential-14 (MF-14)	*	.2	.2	.2	.1	.1	0												
Multi-Family Residential-20 (MF-20)	*	.3	.3	.3	.2	.2	.1	0											
Institutional (I)	*	.2	.2	.2	.2	.2	.1	.1	0										

Section 19.05.03: Landscaping Requirements

Zoning District:	Adjacent Property's Zoning District																		
	RH-35	SF-3	SF-4	SF-6	DU-6	MH-9	MF-14	MF-20	-	PR	NMU	RMU	SMU	DMU	BP	LI	HI	EX	AE
Park and Recreation (PR)	*	.2	.2	.2	.2	.2	.2	.2	0	0									
Neighborhood Mixed Use (NMU)	*	.2	.2	.2	.2	.2	.1	.1	.1	0	0								
Regional Mixed Use (RMU)	*	.4	.4	.4	.4	.4	.3	.3	.1	.1	.1	0							
South Com. Mixed Use (SMU)	*	.4	.4	.4	.4	.4	.3	.3	.1	.1	.1	.1	0						
Downtown Mixed Use (DMU)	*	.4	.4	.4	.4	.4	.3	.3	.1	.1	.1	.1	.1	0					
Business Park (BP)	*	.4	.4	.4	.4	.4	.3	.3	.4	.2	.2	.1	.1	.1	0				
Light Industrial (LI)	*	.4	.4	.4	.4	.4	.3	.3	.4	.2	.2	.1	.1	.1	.1	0			
Heavy Industrial (HI)		.4	.4	.4	.4	.4	.4	.4	.4	.3	.3	.3	.3	.3	.3	.2	0		
Extraction and Disposal (EX)	*	.4	.4	.4	.4	.4	.4	.4	.4	.3	.3	.3	.3	.3	.3	.2	.1	0	
Adult Entertainment (AE)	*	.4	.4	.4	.4	.4	.4	.4	.4	.3	.3	.1	.1	.1	.1	.1	.1	.1	0

\*For properties zoned RH-35, base bufferyard requirements on the proposed zoning district for said property as depicted on the Future Land Use Map in the Village of Grafton Comprehensive Plan.



Section 19.05.03: Landscaping Requirements

**Figure 19.05.13f: Detailed Bufferyard Requirements**

Opacity	Required Number of Landscaping Points per 100 Feet	Required Minimum Width (in feet)	Required Structure
0.05	00	10	Minimum 44 inch picket fence*
	00	10	Minimum four feet wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10	Minimum 44 inch picket fence*
	38	10	Minimum four feet wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35	N/A
	00	35	Minimum four feet berm
0.20	00	10	Minimum six feet solid fence*
	84	10	Minimum 44 inch picket fence*
	133	15	Minimum four feet wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35	Minimum four feet berm
	135	40	N/A
	00	40	Minimum five feet berm

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Opacity	Required Number of Landscaping Points per 100 Feet	Required Minimum Width (in feet)	Required Structure
0.30	00	10	Minimum six feet solid fence*
	198	15	Minimum 44 inch picket fence*
	320	20	N/A
	240	20	Minimum four feet wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
	104	35	Minimum four feet berm
	223	40	N/A
	44	40	Minimum five feet berm
	215	45	N/A
	209	50	N/A
	00	50	Minimum six feet berm
0.40	53	10	Minimum six feet solid fence*
	330	20	Minimum 44 inch picket fence*
	440	25	N/A
	362	25	Minimum four feet wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35	Minimum four feet berm
	327	40	N/A
	148	40	Minimum five feet berm
	310	45	N/A
	299	50	N/A
	56	50	Minimum six feet berm
	0.50	150	10
564		30	N/A
405		30	Minimum 44 inch picket fence*
492		30	Minimum six feet wood rail fence*
499		35	N/A
319		35	Minimum six feet berm
454		40	N/A
261		40	Minimum five feet berm
422		45	N/A
405		50	N/A
160		50	Minimum six feet berm
388		55	N/A
374		60	N/A

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Opacity	Required Number of Landscaping Points per 100 Feet	Required Minimum Width (in feet)	Required Structure
0.60	250	10	Minimum six feet solid fence*
	433	35	Minimum four feet berm
	541	35	Minimum 44 inch picket fence*
	630	35	Minimum four feet wood rail fence*
	626	40	N/A
	379	40	Minimum five feet berm
	570	45	N/A
	525	50	N/A
	270	50	Minimum six feet berm
	500	55	N/A
	480	60	N/A
0.80	415	30	Minimum six feet solid fence*
	655	40	Minimum four feet berm
	627	45	Minimum five feet berm
	873	45	Minimum 44 inch picket fence*
	910	50	N/A
	505	50	Minimum six feet berm
	809	50	Minimum four feet wood rail fence*
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70	N/A
1.00	636	40	Minimum eight feet solid fence
	732	50	Minimum eight feet solid fence
	751	50	Minimum eight feet solid fence
	867	55	Minimum eight feet solid fence
	1091	60	Minimum eight feet solid fence
	1136	60	Minimum eight feet solid fence
	1083	65	Minimum eight feet solid fence
	994	70	Minimum eight feet solid fence
	934	75	Minimum eight feet solid fence
	892	80	Minimum eight feet solid fence

Notes: Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

Section 19.05.04: Classification of Plant Species

**Figure 19.05.13h: Landscaping Points**

Plant Category	Landscaping Points per Plant <sup>1</sup>	Minimum Permitted Installation Size
Shade Tree	50	1 1/4" diameter
Tall Deciduous Tree	30	1 1/4" diameter
Medium Deciduous Tree	15	1 1/4" diameter
Low Deciduous Tree	10	1 1/4" diameter
Tall Evergreen Tree	40	4' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	4' Tall
Tall Deciduous Shrub	5	12" Tall
Medium Deciduous Shrub	3	12" Tall
Low Deciduous Shrub	1	12" Tall
Medium Evergreen Shrub	5	12" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-Contributory Plants	0	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E.R. Hasselkus, UW-Extension Publication: A2865

<sup>1</sup> Point values will be increased by 10% for the use of Wisconsin native plant species

**Section 19.05.04: Classification of Plant Species**

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 19.05.13a. Plant species native to Wisconsin are noted by an asterisk (\*). This list is not intended to be exhaustive, and the Community Development Director, or designee, shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 19.05.14a for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 19.05.13c for a list of species to use sparingly or to avoid.

Section 19.05.04: Classification of Plant Species

**Figure 19.05.14a: Commonly-Used Appropriate Landscaping Species**

Plant Category	Landscaping Point Value per Plant	Common Name	Scientific Name
Shade Trees	55	Maple (Red)	<i>Acer spp.*</i>
Shade Trees	50	Birch (River, Paper)	<i>Butela spp.</i>
Shade Trees	50	Linden (Basswood, Redmond, Little Leaf)	<i>Tilia spp.</i>
Shade Trees	50	Elms (hybrids)	<i>Ulmus spp.</i>
Shade Trees	55	Oak (White)	<i>Ouercus spp.*</i>
Shade Trees	50	Honey Locust (male cultivars)	<i>Gleditsia triacanthos var. inermis</i>
Tall Deciduous	30	Chanticleer pear	<i>Pyrus calleryana</i>
Tall Deciduous	33	Hackberry	<i>Celtis occidentalis*</i>
Tall Deciduous	30	Chinkapin oak	<i>Ouercus</i>
Tall Deciduous	30	Ginkgo (male cultivars)	<i>Ginkgo biloba</i>
Tall Deciduous	30	State Street Mivabe	<i>Acer miyabei</i>
Medium Deciduous	15	Paperback maple	<i>Acer griseum</i>
Medium Deciduous	16.5	Serviceberry	<i>Amelanchier*</i>
Medium Deciduous	15	Winter King Hawthorn	<i>Crataegus viridis</i>
Medium Deciduous	16.5	Hornbeam	<i>Carpinus caroliniana*</i>
Medium Deciduous	16.5	Ironwood/Hophornbeam	<i>Ostrya virginiana*</i>
Medium Deciduous	15	Callery pear	<i>Pyrus calleryana</i>
Low Deciduous	11	Hazelnut	<i>Corylus spp.*</i>
Low Deciduous	10	Flowering crabapples	<i>Malus spp.</i>
Low Deciduous	10	Japanese tree lilac	<i>Syringa reticulate</i>
Tall Evergreen	40	Firs	<i>Abies spp.</i>
Tall Evergreen	44	Black Hills Spruce	<i>Picea glauca var.</i>
Tall Evergreen	40	Serbian Spruce	<i>Picea omorika</i>
Tall Evergreen	44	Pine (except Austrian)	<i>Pinus spp.</i>
Tall/Medium	33	Juniper (Red Cedar)	<i>Juniperus virginiana*</i>
Tall/Medium	33	Arborvitae	<i>Thuja spp.*</i>
Tall/Medium	33	Eastern hemlock	<i>Tsuga Canadensis*</i>
Low Evergreen	12	Juniper (Mountbatten)	<i>Juniperus chinensis</i>
Tall Deciduous	5	Elderberry	<i>Sambucus candensis</i>
Tall Deciduous Shrubs	5.5	Dogwood (Gray, Pagoda)	<i>Cornus spp.*</i>
Medium Deciduous	3	Weigela	<i>Weigla spp.</i>
Medium Deciduous	3	Cotoneaster	<i>Cotoneaster spp.</i>
Medium Deciduous Shrubs	3	Forsythia (Virginia, Rugosa)	<i>Forsythia</i>
Medium Deciduous Shrubs	3.3	Shrub Rose	<i>Rosa spp.*</i>

Section 19.05.04: Classification of Plant Species

Plant Category	Landscaping Point Value per Plant	Common Name	Scientific Name
Medium Deciduous Shrubs	3.3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	<i>Viburnum spp.*</i>
Medium Deciduous	3.3	Potentilla	<i>Potentilla spp.*</i>
Medium Deciduous	3.3	Bush Honeysuckle	<i>Diervilla spp.*</i>
Medium Deciduous	3	Ninebark	<i>Physocarpus spp.</i>
Low Deciduous	1	Azalea	<i>Rhododendron</i>
Low Deciduous	1.1	Gro-Low Sumac	<i>Rhus aromatica*</i>
Tall-Medium Evergreen Shrubs	5	Juniper (Pfitzer)	<i>Juniperus x pfitzeriana</i>
Tall-Medium Evergreen Shrubs	5	Yew (Japanese)	<i>Taxus spp.</i>
Low Evergreen Shrubs	2	Boxwood	<i>Buxus spp.</i>
Low Evergreen Shrubs	2	Juniper (Sergeant, Creeping, Andorra)	<i>Juniperus spp.</i>
Perennial Plantings	20/20 sf	Coneflower	<i>Echinacea spp.*</i>
Perennial Plantings	20/20 sf	Catmint	<i>Nepeta spp.</i>
Perennial Plantings	20/20 sf	Black-Eyed Susan	<i>Rudbeckia hirta*</i>
Perennial Plantings	20/20 sf	Lily	<i>Lilium spp.</i>
Perennial Plantings	20/20 sf	Daylily	<i>Hemerocallis spp.</i>
Perennial Plantings	20/20 sf	Ornamental Grass	<i>Varies</i>
Perennial Plantings	20/20 sf	Lady's Mantel	<i>Alchemilla spp.</i>
Perennial Plantings	20/20 sf	Columbine	<i>Aquilegia spp.*</i>
Perennial Plantings	20/20 sf	Aster	<i>Aster spp.*</i>
Perennial Plantings	20/20 sf	Jack Frost	<i>Brunnera</i>
Perennial Plantings	20/20 sf	Blazing Star	<i>Liatris spp.*</i>
Perennial Plantings	20/20 sf	Black Bugbane	<i>Cimicifuga simplex</i>
Perennial Plantings	20/20 sf	Peony	<i>Paeonia spp.</i>
Perennial Plantings	20/20 sf	Pachysandra	<i>Pachysandra spp.</i>
Perennial Plantings	20/20 sf	Stonecrops	<i>Sedum spp.*</i>
Perennial Plantings	20/20 sf	Astilbe	<i>Astilbe spp.</i>
Perennial Plantings	20/20 sf	Hosta	<i>Hosta spp.</i>

\* Wisconsin native plant species identified with an asterisk are preferred plant material and an additional 10% has been added to their respective plant values.

Section 19.05.04: Classification of Plant Species

**Figure 19.05.04b: Sample Plant Species Appropriate for Specific Situations**

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
	Shade Tree/Tall or Medium Deciduous Tree (varies by species)	Maple	<i>Acer spp.</i>
	Shade Tree	Sweet Gum	<i>Liquidambar</i>
	Shade Tree	European Horse	<i>Aesculus</i>
	Shade Tree	White Oak	<i>Quercus alba</i>
	Low Deciduous Tree	Flowering	<i>Malus spp.</i>
	Low Deciduous Tree	Crape Myrtle	<i>Lagerstroemia indica</i>
	Deciduous Tree	Honey Locust	<i>Gleditsia triacanthos</i>
	Tall Deciduous Shrub	Dogwood	<i>Cornus spp.</i>
	Tall Deciduous Shrub	Japanese Tree Lilac	<i>Syringa reticulata</i>
	Tall Deciduous Shrub	Common Lilac	<i>Stringa vulgaris</i>
	Medium Deciduous	Barberry	<i>Berberis spp.</i>
Salt Tolerant	Medium Deciduous	Viburnum	<i>Adoxaceae</i>
	Medium Deciduous Shrub	Forsythia (Virginia, Rugosa)	<i>Forsythia spp.</i>
	Medium Deciduous	Rugosa Rose	<i>Rosa rugosa</i>
	Small Deciduous	Potentilla	<i>Cinquefoils</i>
	Low Deciduous Shrub	Azalea	<i>Azalea spp.</i>
	Low Deciduous Shrub	Apline Current	<i>Ribes alpinum</i>
	Low Deciduous Shrub	Snowberry	<i>Symphoricarpos</i>
	Tall Evergreen Tree	American holly	<i>Ilex opaca</i>
	Tall Deciduous Shrub	Staghorn Sumac	<i>Rhus typhina</i>
	Tall Deciduous Shrub	Mockorange	<i>Philadelphus</i>
	Tall/Medium Evergreen Shrub	Pfitzer Juniper	<i>Juniperus x pfitzeriana</i>
	Tall/Medium Evergreen Shrub	Yew (Japanese)	<i>Taxus spp.</i>
	Low Evergreen Shrub	Boxwood	<i>Buxus spp.</i>

Section 19.05.04: Classification of Plant Species

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Low Deciduous Tree	Flowering crabapple	<i>Malus spp.</i>
	Low Deciduous Tree	Japanese tree lilac	<i>Sytinga reticulata</i>
Appropriate for Utility Easements	Low Deciduous Tree	Japanese tree lilac	<i>Sytinga reticulata</i>
	Medium Deciduous Shrub	Viburnum (Arrowwood, Warfaring Tree)	<i>Viburnum spp.</i>
Appropriate for Screening	Low Evergreen Shrub	Boxwood	<i>Buxus spp.</i>
	Tall Evergreen Tree	Firs	<i>Abies spp.</i>
	Tall Evergreen Tree	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
	Tall Evergreen Tree	Spruces	<i>Picea spp.</i>
	Tall Evergreen Tree	Pines	<i>Pinus spp.</i>
	Tall Evergreen Tree	Douglas fir	<i>Pseudotsuga menziesii var. glauca</i>
	Tall Evergreen Tree Medium Evergreen	Eastern hemlock Arborvitae	<i>Tsuga Canadensis</i> <i>Thuja occidentalis</i>



Section 19.05.04: Classification of Plant Species

**Figure 19.05.04c: Prohibited Species and Species to Use Sparingly**

Classified	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative
Shade Tree	Non-resistant elms	<i>Ulmus spp.</i>	Prohibited	Dutch Elm Disease Spread quickly	<u>Disease Resistant</u> Elm
Shade Tree	Boxelder	<i>Acer negundo</i>	Prohibited	Over-planted	Cultivars: "Princeton," "Valley Forge" and "New Harmony;"
Shade Tree	Freeman Maple	<i>Acer x freemanii</i>	Prohibited	Over-planted, dense	Littleleaf Linden ( <i>Tilia cordata</i> , urban tolerant);
Shade Tree	Norway Maples	<i>Acer platanoides</i>	Prohibited	Prefer acidic soil	Kentucky Coffeetree ( <i>Gymnocaldus dioicus</i> );
Shade Tree	Red Maples	<i>Acer rubrum</i>	Use Sparingly	Thrives only in certain conditions; picky	River birch ( <i>Betula nigra</i> ); Oaks ( <i>Quercus spp.</i> )
Shade Tree	Sugar Maples	<i>Acer saccharum</i>	Use Sparingly	Weak wood and aggressive root systems	
Shade Tree	Silver Maples	<i>Acer saccharinum</i>	Prohibited	Over-planted	
Tall Deciduous Tree	Autumn Blaze Maple	<i>Acer truncatum</i>	Use Sparingly	Emerald Ash Borer	Ginkgo ( <i>Ginkgo biloba</i> );
Tall Deciduous Tree	Ash trees	<i>Fraxinus spp.</i>	Prohibited	Poorly branches, tend to break	Hackberry ( <i>Celtis occidentalis</i> );
Tall Deciduous Tree	Bradford pears	<i>Pyrus calleryana "bradford"</i>	Use Sparingly	Weak wood and aggressive root systems	pear ( <i>Pyrus calleryana "Chanticleer"</i> )
Tall Deciduous Tree	Cottonwood	<i>Populus deltoids, populus fremontii, or populus nigra</i>	Prohibited	Aggressive root systems	
Tall Deciduous Tree	Poplar	<i>Populus</i>	Use Sparingly		

Section 19.05.04: Classification of Plant Species

Classified	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative
Tall Deciduous Tree	Willow	<i>Salix</i>	Prohibited	Drops branches	
Medium Deciduous Tree	Ailanthus, Tree of Heaven	<i>Ailanthus altissima</i>	Prohibited	Invasive; non-native	Serviceberry ( <i>Amelanchier spp.</i> );
Medium Deciduous Tree	European white birch	<i>Betula pendula</i>	Use Sparingly	Bronze Birch Borer	American Hornbeam or Musclewood ( <i>Carpinus caroliniana</i> );
Medium Deciduous Tree	White mulberry	<i>Morus alba</i>	Prohibited	Invasive; non-native	Eastern Redbud ( <i>Cercis canadensis</i> )
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	<i>Prunus cerasifera</i> "Atropurpurea"	Use Sparingly	Drops fruit	Flowering Crabapple ( <i>Malus spp.</i> );
Low Deciduous Tree	Purple Sandcherry	<i>Prunus x cisterna</i>	Use Sparingly	Short-lived	American hazelnut ( <i>Corylus Americana</i> );
Low Deciduous Tree	Russian Olive	<i>Elaeagnus angustifolia</i>	Use Sparingly	Drops fruit; non-native	Japanese Tree Lilac ( <i>Syringa reticulata</i> )
Tall Deciduous Shrub	Buckthorns	<i>Rhamnus cathartica</i>	Prohibited	Invasive; non-native	Gray Dogwood ( <i>Cornus mas</i> );
Tall Deciduous Shrub	Autumn-olive	<i>Elaeagnus umbellata</i>	Prohibited	Invasive; non-native	Lilacs ( <i>Syringa spp.</i> )
Tall Deciduous Shrub	Multiflora rose	<i>Rosa multiflora</i>	Prohibited	Invasive; non-native	Red chokeberry ( <i>Aronia arbutifolia</i> );
Medium Deciduous Shrub	Japanese spirea	<i>Spiraea japonica</i>	Use sparingly	Invasive (re-seed)	Black chokeberry ( <i>Aronia melanocarpa</i> )

Section 19.05.04: Classification of Plant Species

Classified	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason	Alternative
Medium Deciduous Shrub	Burning bush	<i>Euonymus alatus</i>	Use sparingly	Invasive; non-native	Redosier dogwood ( <i>Cornus sericea</i> ); Summersweet Clethra ( <i>Clethra alnifolia</i> ); Viburnum ( <i>Viburnum spp.</i> )
Medium Deciduous Shrub	Honeysuckle	<i>Lonicera spp.</i>	Use sparingly	Invasive; non-native	Dwarf bush honeysuckle ( <i>Diervilla lonicera</i> )
Low Deciduous Shrub	Japanese Barberry	<i>Berberis thunbergii</i>	Prohibited	Invasive; over-planted	Norway spruce ( <i>Picea abies</i> ); Canadian hemlock ( <i>Tsuga Canadensis</i> ); Scotch pine ( <i>Pinus sylvestris</i> ); American arborvitae ( <i>Thuja occidentalis</i> )
Tall Evergreen Tree	Austrian Pine	<i>Pinus nigra</i>	Use sparingly	Over-planted	
Tall Evergreen Tree	Blue spruce	<i>Picea pungens</i>	Use Sparingly	Over-planted	
Tall Evergreen Tree	White pine	<i>Pinus strobus</i>	Use Sparingly	Over-planted	
Tall Evergreen Tree	White spruce	<i>Picea glauca</i>	Use Sparingly	Over-Planted	

Notes:

<sup>1</sup>“Species to Use Sparingly” may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than one of those 20 trees may be classified as a “Species to Use Sparingly.” The purpose of this provision is to encourage plant species diversity throughout the Village.

<sup>2</sup>“Prohibited Species” shall not be included as part of any landscaping plan that is subject to Village review. The purpose of this provision is to limit the plant of species that are invasive.

Section 19.05.05: Standards for Rain Gardens and Bioswales

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**Section 19.05.05: Standards for Rain Gardens and Bioswales****A. Definition.**

1. Rain gardens can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.
2. Bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

**B. Requirements.**

1. The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping guidelines. Rain gardens and bioswales may count for 20 points for every 20 square feet for yard, building foundation, and/or paved area requirements, provided the following requirements are met. Rain gardens and bioswales shall count for no more than 100 points of the required landscaping per site.
2. Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials that will be used to line the rain garden or bioswale.
3. Installation shall not be proposed for any of the following areas of a site:
  - a. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain.
  - b. Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground.
  - c. Or areas where there are expected to be high levels of foot traffic, unless such areas are protected from foot traffic.
4. The owner of the site shall demonstrate that the rain garden or bioswale is properly maintained, specifically: kept free of trash, weeds, debris, and dead or

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**Section 19.05.06: Installation Requirements**

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dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.

5. Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. If bioswales and rain gardens (or portions thereof) are lined with turf but do not include other vegetation, then they will not count toward meeting landscaping point requirements.
6. Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted and approved by the Department of Public Works. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

**Section 19.05.06: Installation Requirements**

- A. Installation. Any and all landscaping and bufferyard material required by the provisions of this Section shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property.
- B. If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.
- C. All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- D. All landscape beds shall have natural mulch; no stone is allowed. Mulch materials shall be shredded bark or other organic material best suited for the Village of Grafton. Gravel and stone mulches are not permitted.
- E. The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
  1. Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
  2. Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm may be located toward the interior or exterior of the subject property and at least 50 percent of the required landscaping points shall be located toward the exterior of the subject property.
  3. A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property. Responsibility for maintenance of bufferyard landscaping shall be included as part of this agreement.
  4. Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
  5. The restrictions on types of plants listed in this Article shall apply.

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**Section 19.05.07: Sample Landscaping Schemes**

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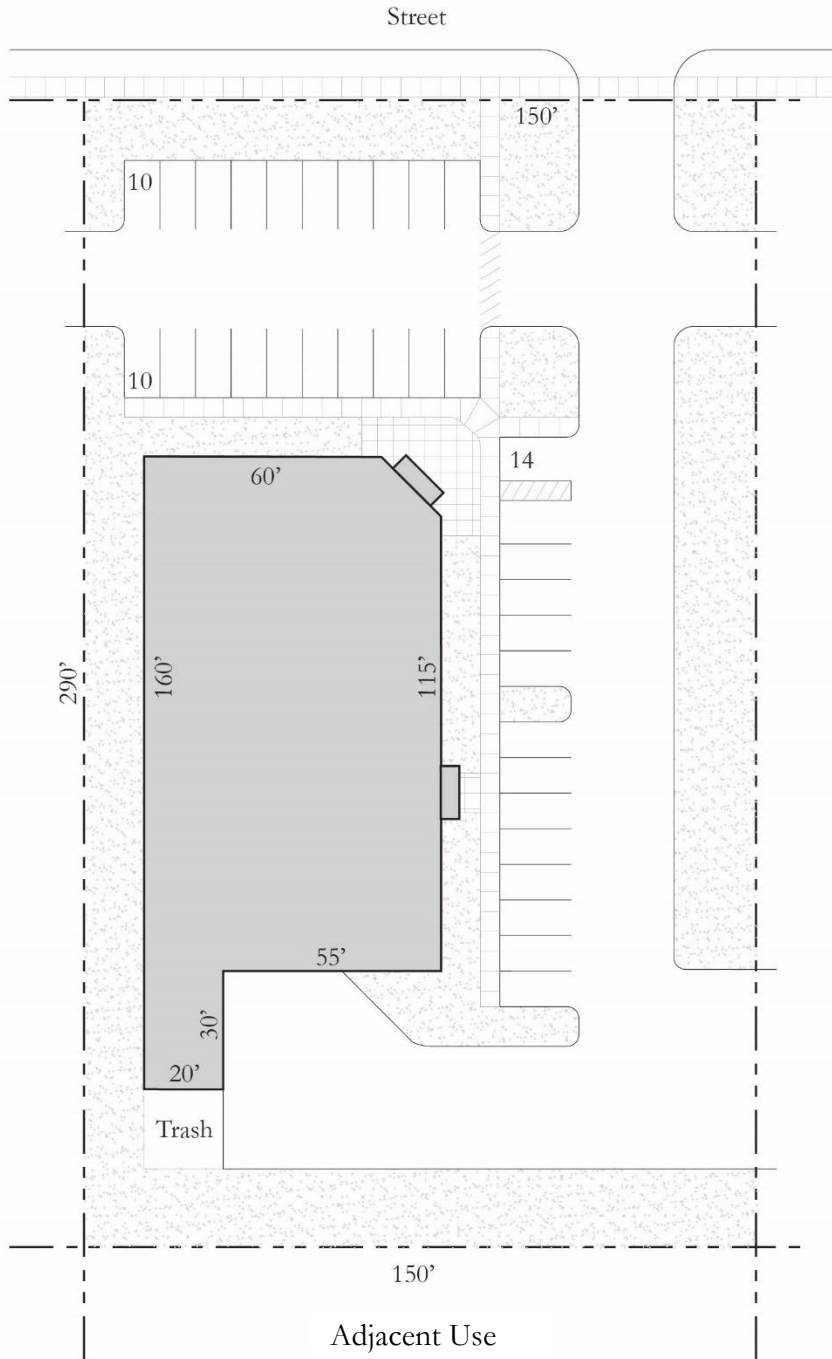
- F. Upon completion of the approved landscape improvements, a certification of compliance shall also be submitted by the owner or agent.
- G. Maintenance.
1. The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Section and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section.
  2. The owner of the premises shall be responsible for the watering, maintenance, repair, and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed-free. Plant material which has died shall be replaced with equivalent vegetation within twelve months.

**Section 19.05.07: Sample Landscaping Schemes**

Sample landscaping schemes that may be used for building foundations, street frontages, paved areas, yards, and bufferyards are depicted in Figure 19.05.07a through Figure 19.05.07g.

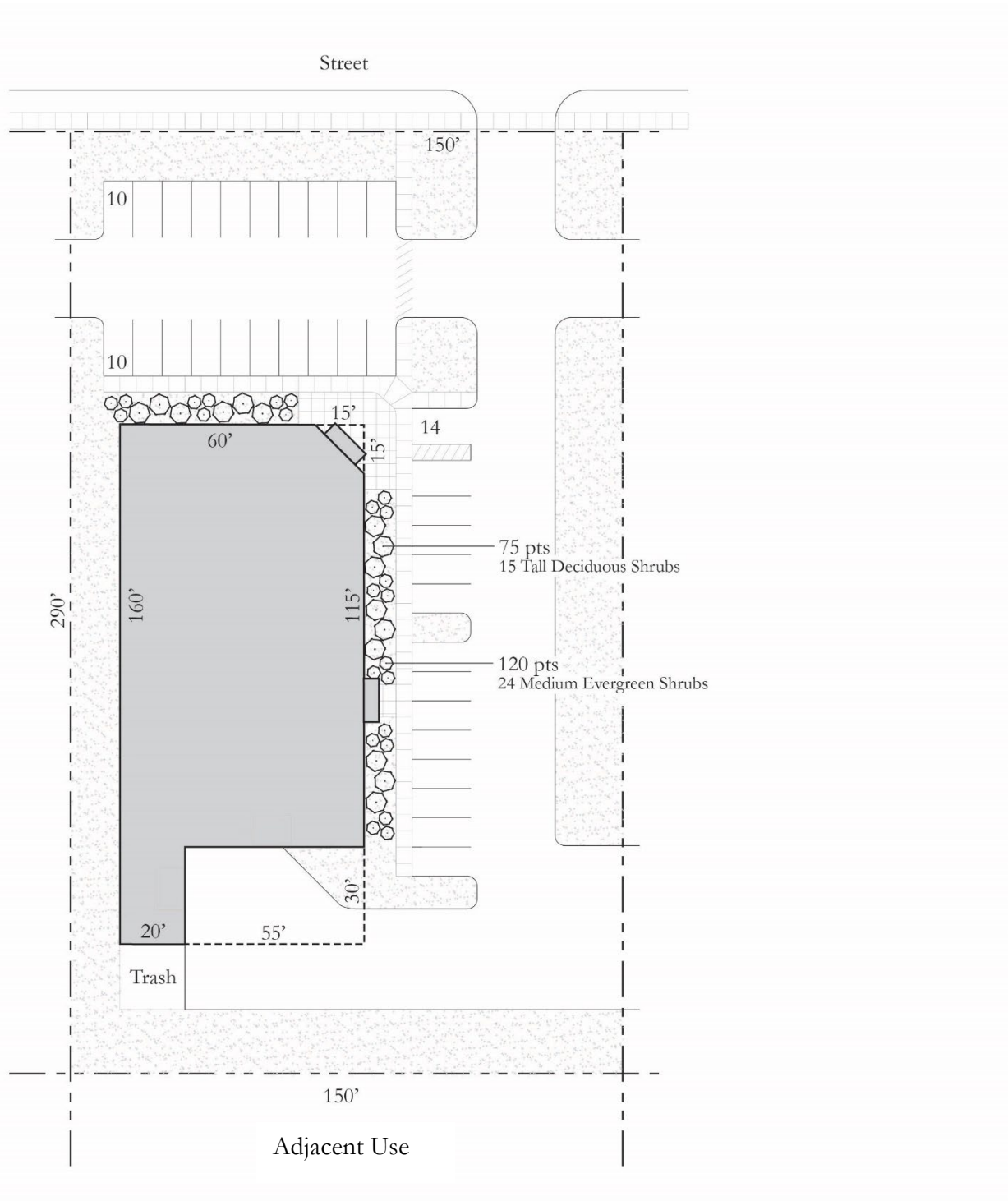
Section 19.05.07: Sample Landscaping Schemes

**Figure 19.05.07a: Sample Landscaping Schemes - Site Before Required Landscaping**



Section 19.05.07: Sample Landscaping Schemes

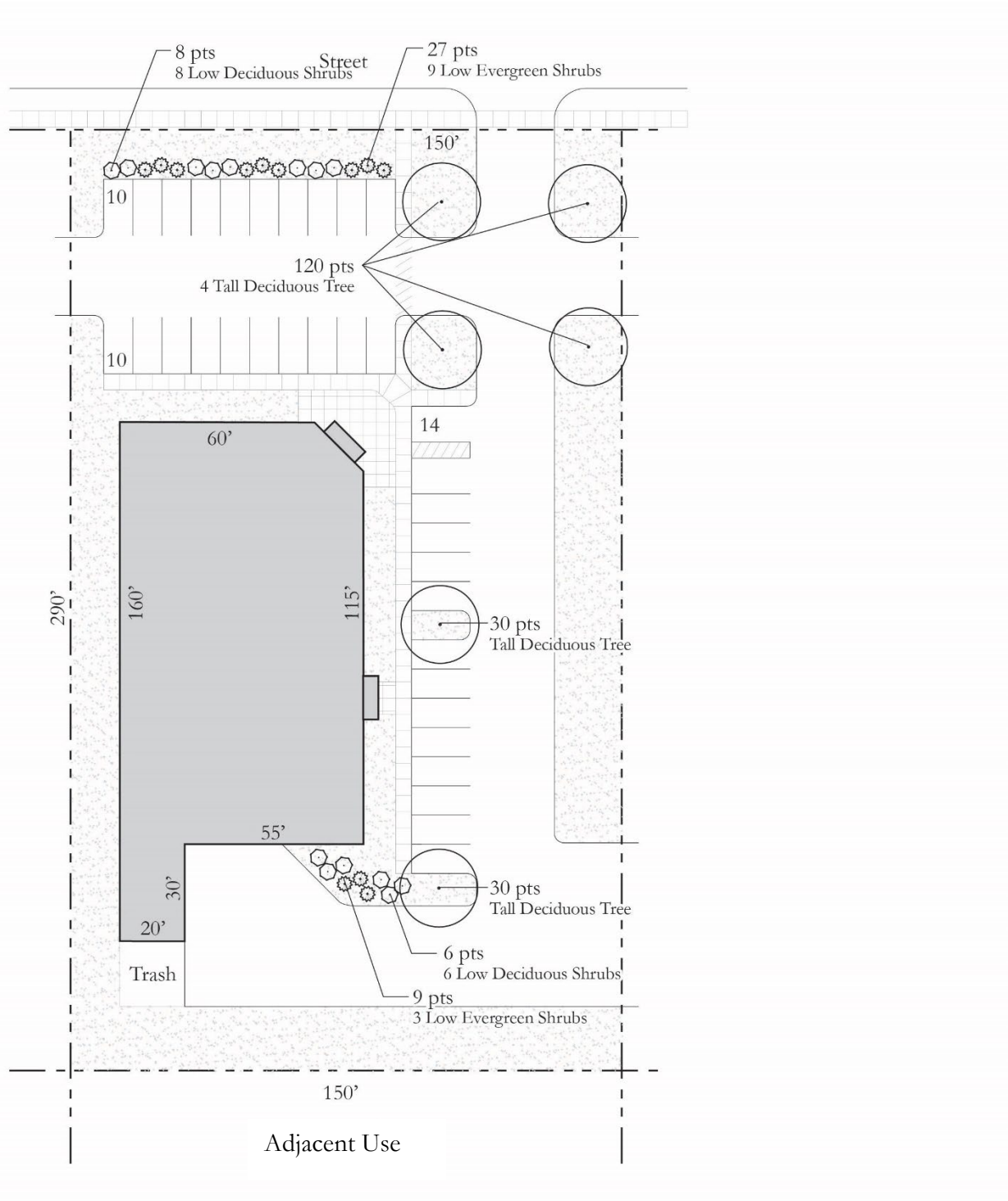
Figure 19.05.07b: Sample Landscaping Schemes - Building Foundation





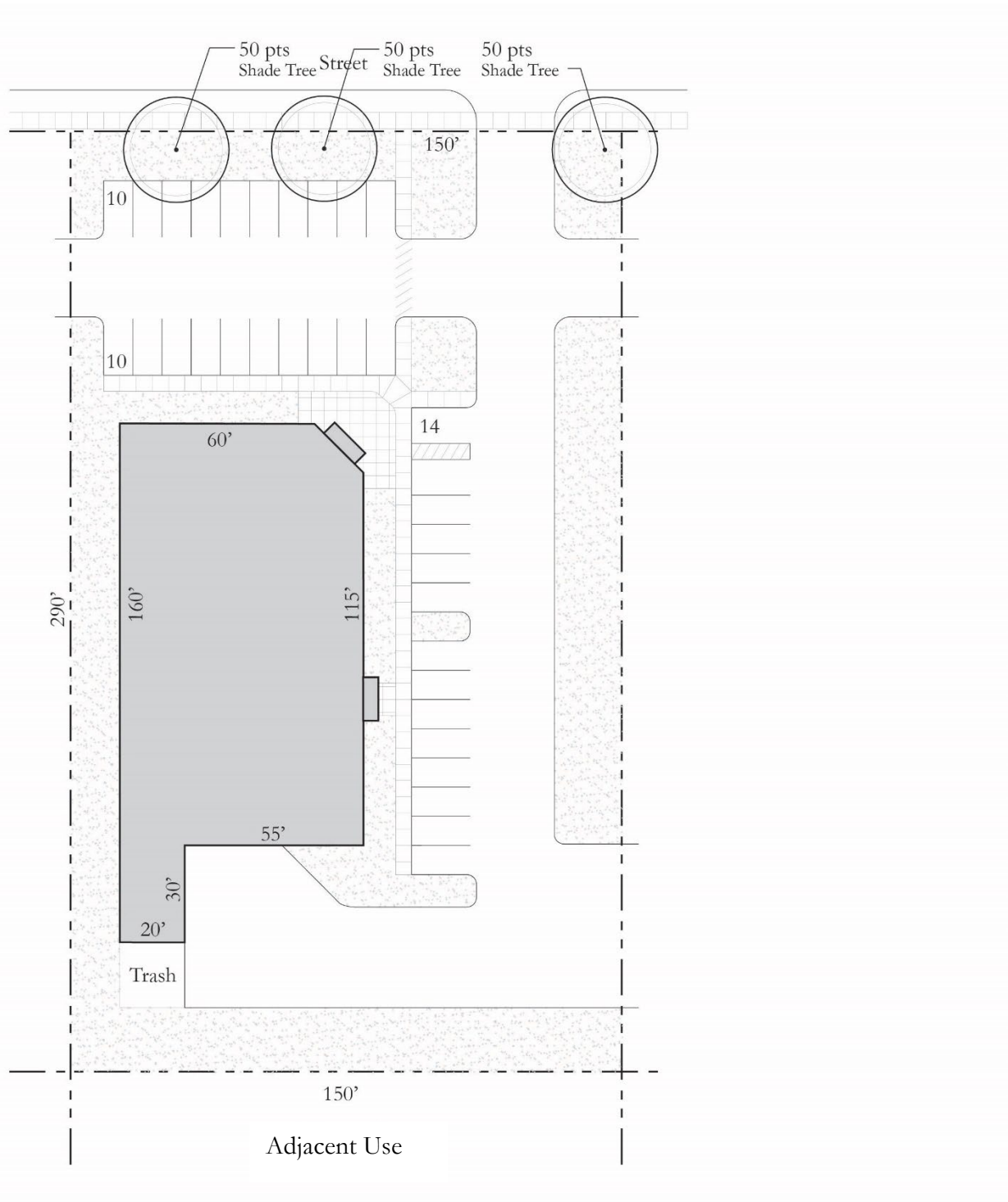
Section 19.05.07: Sample Landscaping Schemes

Figure 19.05.07c: Sample Landscaping Schemes - Paved Area



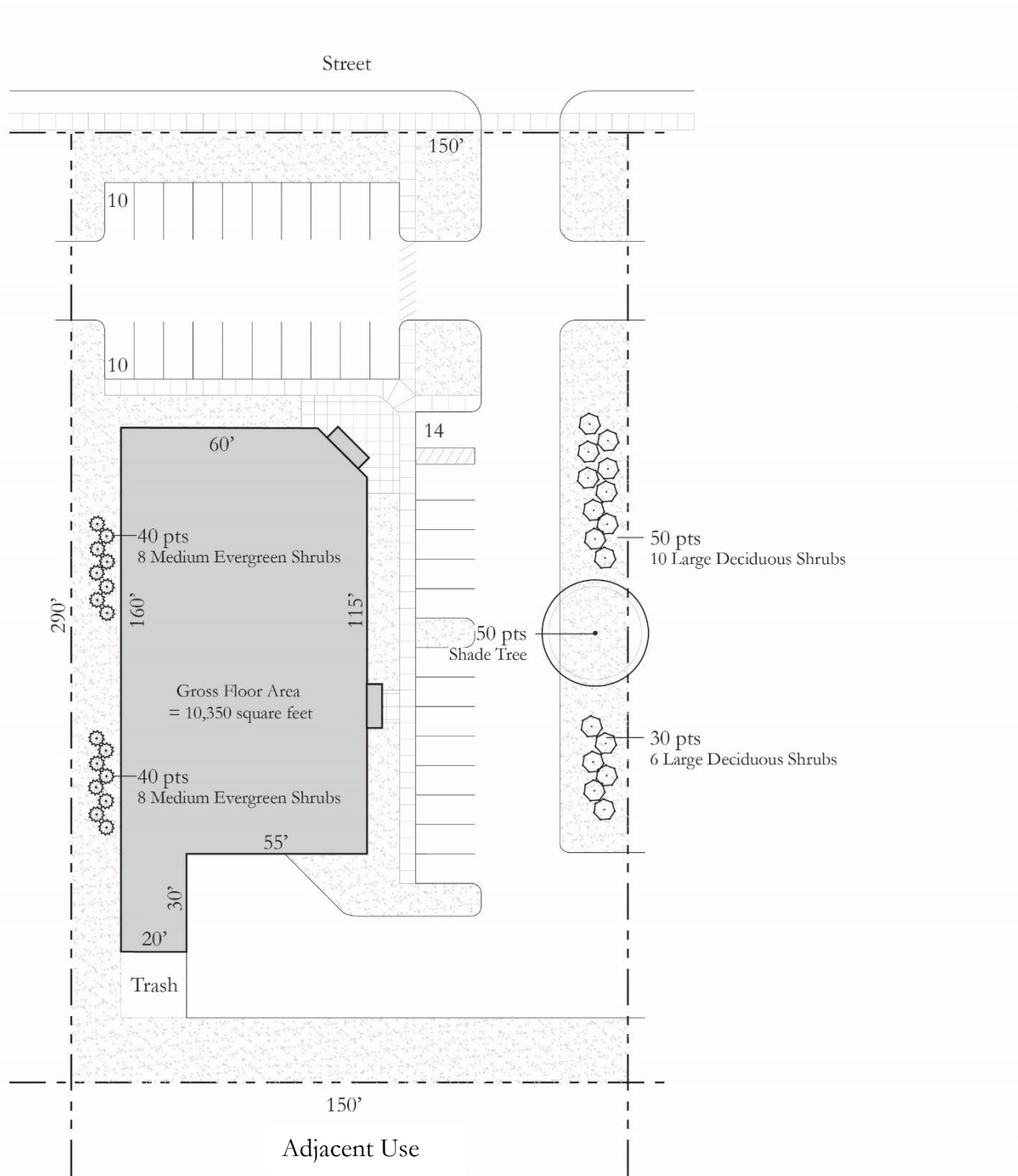
Section 19.05.07: Sample Landscaping Schemes

Figure 19.05.07d: Sample Landscaping Schemes - Street Frontage



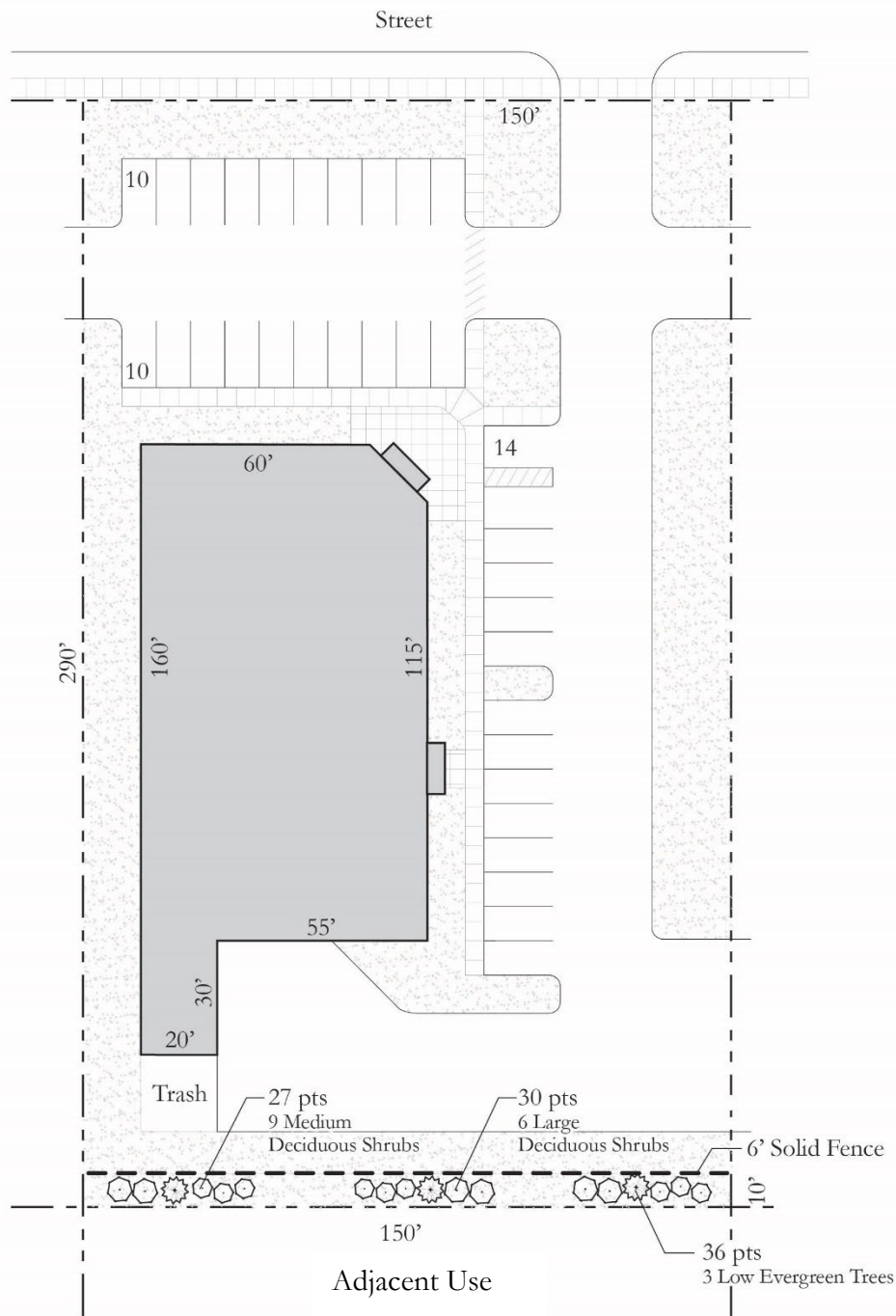
Section 19.05.07: Sample Landscaping Schemes

Figure 19.05.07e: Sample Landscaping Schemes - Yard



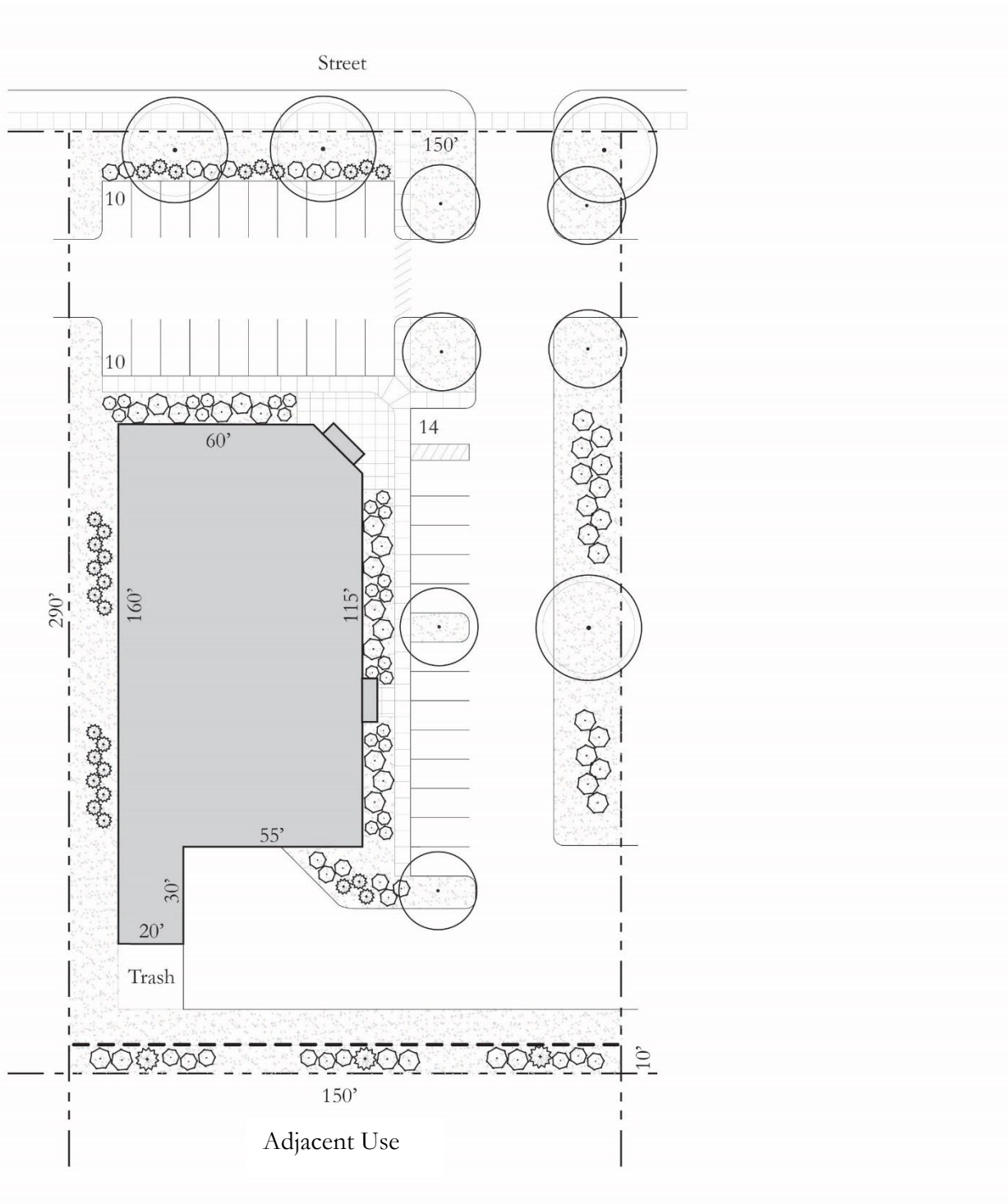
Section 19.05.07: Sample Landscaping Schemes

Figure 19.05.07f: Sample Landscaping Schemes - Bufferyard



Section 19.05.07: Sample Landscaping Schemes

Figure 19.05.07g: Sample Landscaping Schemes -All Required Landscaping



**Section 19.05.08-10: Reserved for future use**

Section 19.06.01: In General

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**ARTICLE VI: ARCHITECTURAL DESIGN STANDARDS****Section 19.06.01: In General**

- A. Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to maintain and enhance the attractiveness and values of property in the community. This Article is further intended to support the creation of a pedestrian-oriented urban environment that emphasizes architectural and urban design principles of human scale and visual interest. Additionally, this Article is intended to ensure the development of structures that maintain a long-lasting appearance; withstand the effects of time and exposure to the elements; resist damage in areas with high vehicular and pedestrian traffic and in areas where larger equipment that could cause damage is commonly used; that maintain a consistent character of development based on land use and zoning district particular to each development; and that contribute to the long-term economic and social vitality of the Village of Grafton.
- B. Applicability. Refer to Section 19.06.02 for the applicability of building design standards to single and two family buildings.
1. New Construction. The requirements of this Section shall apply to all structures and buildings within the Village constructed after the effective date of this Section.
  2. Additions.
    - a. All additions shall match or be substantially similar to the design and materials of the existing building.
    - b. Additions to buildings constructed after the effective date of this Section shall comply with the standards of this Section.
    - c. Buildings Constructed Prior to the Effective Date of this Section.
      - i. If additions to an existing building(s) constructed prior to the effective date of this Section are less than or equal to 50 percent of the existing floor area of the building (measured cumulatively from adoption of this Section), the standards contained herein shall not apply but shall be regulated per Subsection 19.06.01 (B)(2)(a) above.
      - ii. If additions to an existing building(s) constructed prior to the effective date of this Section are greater than 50 percent of the existing floor area of the building (measured cumulatively from adoption of this Article), the standards contained herein shall apply.
  3. Alterations. For buildings constructed prior to the effective date of this Section, alterations that do not impact the floor area of the building shall comply with the standards of this Section, or shall match or be substantially similar to the existing building design and materials. Ordinary repairs and maintenance are not considered alterations.
  4. Exceptions and Appeals.

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**Section 19.06.02: Single and Two Family Uses**

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- a. Exceptions. Exceptions to the building design standards set forth in this Section may be granted by the Community Development Director, or designee, to permit substitute building materials or construction of comparable quality or design when it can be demonstrated that the provisions of this Section are infeasible and that the granting of such exception is in keeping with the purpose of this Section. Decisions rendered by the Community Development Director, or designee, may be appealed to the Plan Commission.
  - b. Appeals. Any person affected by a decision of the Community Development Director, or designee, may petition for a hearing before the Plan Commission.
  - c. Variances. The Plan Commission is authorized to grant variances from the strict application of the building design standards within this Section when it is found that the intent of the standards in this Section have been incorrectly interpreted, do not apply, or their enforcement causes unnecessary hardship.
    - i. The procedure for the granting of variances by the Plan Commission shall be the same as that required for variances, with the exception that the Plan Commission shall serve the role of the Zoning Board of Appeals.
5. Beyond the rules in this Section, additional building design standards may apply to:
- a. Group or Large Developments.
  - b. Conditional Use Permits.
  - c. Planned Unit Developments.
- C. Review and Approval. The Architectural Review Board shall be responsible for and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.
- D. Exterior Building Materials. The 4 classes of building materials referenced in this Section have the following meanings:
1. Class I materials include brick, brick veneer, stone, stone veneer, and glass (curtain/storefront).
  2. Class II materials include siding made of wood and wood composite, split face or decorative block, EIFS (accent), and stucco.
  3. Class III materials include architectural/ decorative metal panels, EIFS (primary), residential aluminum siding, and siding made of vinyl or fiber cement.
  4. Class IV materials include smooth face or non-decorative block; plain concrete panels (tilt-up or precast); asphaltic, fiberglass, metal, or poly-roofing siding; non-decorative metal panels; corrugated metal; and plywood, chipboard, or other non-decorative wood.

**Section 19.06.02: Single and Two Family Uses**

- A. Purpose. The purpose of this Section is to maintain the basic architectural quality of residences within the community, to minimize architectural and building construction practices that may detract from the character and appearance of the neighborhood as a whole, and to ensure compatible design between existing and new homes.



Section 19.06.02: Single and Two Family Uses

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These standards apply to all single and two family structures within the Village of Grafton, with the exception of Mobile Homes.

**B. Design Separation.**

1. No two single-family dwellings or two-family dwellings of similar front elevation or facade shall be repeated on any abutting lots or within five (5) lots on either side of the street on which the dwellings front, including lots which are directly across the street from one another.
2. The same home model, as determined by the Architectural Review Board, for a single-family dwelling shall not be repeated on any abutting lots or within five (5) lots on either side of the street on which the dwellings front, including lots which are directly across the street from one another. Flipping and/or rotating home models shall not constitute a different model.
3. Front elevations or facades shall be deemed to be similar when there is no substantial difference in roof lines; and no substantial change in windows of either size, location or type; and either no change in the color of materials used (rather than a change in shade), or no substantial change in the kind of materials except where such buildings are part of a unified development and similar building designs are approved by a unanimous vote of the Architectural Review Board.
4. The following differences in the roof lines of single-family dwellings or two family dwellings as seen from the front of the dwelling shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:
  - a. Changing gable roofs to hip roofs.
  - b. Providing an intersecting gable roof on the main gable roof, if the height of the intersecting roof is at least fifty (50) percent of the height of the main roof.
  - c. Providing an intersecting hip roof on the main hip roof, if the height of the intersecting hip roof is at least fifty (50) percent of the height of the main roof.
  - d. Subject to review by the Building Inspector, a shed roof when used as a front porch roof for a minimum of fifty (50) percent of the entire width of the house, excluding area of the garage.
  - e. Subject to review by the Building Inspector, a substantial difference in roof line shall be deemed to exist if the front soffit is increased significantly and is combined with columns at least six (6) inches in width or other architectural features of a similar magnitude which reach the roof line of the highest story.
  - f. Rotating gable roofs ninety (90) degrees on the building.
  - g. On a tri-level residence or other building type that has three (3) independent major roof areas, the changing of two (2) out of three (3) roof lines shall be acceptable as a substantial change. Acknowledging certain design elements may prevent the changing of all three (3) roof lines, it is desired that the roofs with the greatest impact in the streetscape be changed.
5. Windows.

Section 19.06.02: Single and Two Family Uses

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- a. The following differences in the size, location or type of windows shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:
  - b. Changing from single windows to a multiple window arrangement (ganged units).
  - c. Changing from multiple window arrangement to single windows.
  - d. Changing the type of windows (e.g., a casement to double hung).
  - e. Providing a bay or bow window in the area of the predominant window.
  - f. The following change shall not be deemed sufficient to constitute a substantial change in windows: The addition or subtraction of muntin bars (dividing lights).
  - g. Where, because of its size, location or design, one window is the predominant window on the front elevation or face, if the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.
6. Construction Material or Color. The following differences in construction material between adjacent single family dwellings or two-family dwellings as seen from the front of the dwellings shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar.
- a. Four (4) inch exposure horizontal siding.
  - b. Eight (8) inch exposure horizontal siding.
  - c. Brick facing.
  - d. Stone facing.
  - e. Stucco/stucco to board and trim.
  - f. When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one (1) story in height.
  - g. Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.
- C. Exterior Materials.
1. New single family and two family dwelling units shall be clad in Class I, Class II, or Class III materials.
  2. Class IV materials are prohibited.
- D. There shall be a minimum of 3½ inch wide trim around all windows and doors on all facades, except where window shutters are used.
- E. Standing seam metal roofs in residential districts shall meet the following conditions along with any additional conditions as deemed appropriate by the Community Development Director or designee. No standing seam metal roofs will be permitted on contributing structures in historic districts, unless such structures historically had comparable standing seam metal roofs.
1. The standing seam metal roofing material shall have a low-reflectance finish so as to minimize the amount of light reflected into the sky and windows of adjacent properties. The maximum permitted Light Reflectance Value (LRV) is 35% for

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**Section 19.06.03: Multi-Family Uses.**

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- metal roofs. Standing seam roofing shall be painted. Galvanized roofs shall not be permitted.
2. Any paint applied to the metal roof panels must be applied to such panels at the factory using materials and a baking or other process that prevents the paint from cracking or chipping though normal wear and tear of a residential roof. Field applied painting of standing seam metal roofs is prohibited. The roof shall not have exposed unfinished metal edges. Standing seam roofs shall be complimentary to the house color and limited in color to greys, browns, dark green or a pale green simulating a copper patina color. Any ice and snow block or shield must match the color of the roof on which it is installed or be complimentary to the color of the roof.
  3. The standing seam metal roofing shall have a minimum thickness of 24-gauge so as to minimize the potential for wind and hail damage.
  4. Seam profiles in standing seam roofs for residential properties shall be no greater than 1" for roofs with pitches higher than 4:12, no greater than 1.5" for roofs with pitches between 2:12 and 4:12, and no greater than 3" for pitches less than 2:12.
  5. Standing seam metal roofing shall be installed per approved manufacturer's details and instructions.
  6. Standing seam metal roofing shall include at least the minimum underlayment required per the manufacturer's specifications or a minimum of 7/16" OSS underlayment if no minimum is specified by the manufacturer.
  7. Exposed fasteners or standing seam roof designs that employ exposed metal fasteners are prohibited. Ice and snow blocks or shields must also employ concealed fasteners.
  8. Standing seam metal roofing shall meet all applicable building codes.
  9. Standing seam metal roofs installed on existing residential construction shall not be constructed over existing roofing materials. Tear offs shall be complete to the roof sheathing.
  10. Tin roofs and corrugated metal roofs are prohibited.
  11. Standing seam metal roofing shall be maintained in a rust-free state for the duration of the roof's lifespan.

**Section 19.06.03: Multi-Family Uses.**

- A. Purpose. The purpose of this Section is to maintain the architectural quality of multi-family uses within the community, to minimize architectural and building construction practices that may detract from the character and appearance of the neighborhood as a whole, and to ensure compatible design between existing and new development. These standards apply to all multi-family buildings and structures constructed after the effective date of this Section. These standards also apply to Apartments with Limited Commercial land uses.
- B. Building Scale and Mass. The size and mass of buildings and structures in relation to open spaces, window and door openings, porches, balconies, etc. shall be

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Section 19.06.03: Multi-Family Uses.

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visually compatible with the buildings, public ways, and places to which they are visually related. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

- C. Building Facade and Appurtenance Continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- D. Building Height, Rooflines, and Roof Shapes. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings and do not exceed the zoning district height requirements for both principal and accessory structures. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- E. Building Design Proportions. The following shall be used as guidelines for evaluating building design proportions:
  - 1. Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - 2. Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  - 3. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  - 4. Rhythm of Spacing and Buildings on Streets. The relationship of building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  - 5. Rhythm of Entrance, Porch, and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- F. Directional Expression and Emphasis of Building Elevations. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
- G. Materials.
  - 1. Multi-family buildings shall be predominately clad in Class I and Class II materials. Class III materials may be used as accents and trim not to exceed 50 percent of the total building façade. Class IV materials are prohibited.

Section 19.06.03: Multi-Family Uses.

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2. Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Architectural Review Board, or designee.
- H. Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing area or neighborhood buildings.
- I. Wall or Roof-Mounted Lighting.
1. Full cutoff light fixtures are required. No portion of the light element may be visible on or off the site.
  2. Colored accent lighting shall only be permitted in the SMU South Commercial Mixed Use District.
  3. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent throughout the entire site, unless the building is divided into individual components; in such case, all on-building light fixtures shall be consistent within each individual component.
  4. All entrances shall be lit after sunset. The minimum illumination at each entrance shall be 1.0 foot-candles.
- J. Design Repetition. A building design may not be repeated within four lots of an existing building. This shall apply to all buildings, whether or not they are constructed by the same builder except where such buildings are part of a unified development and similar building designs are approved by a unanimous vote of the Architectural Review Board.
- K. Story Distinctions. The first story of the building should be distinguished from the second story by means of a horizontal lintel, second floor overhang or setback, or similar detail.
- L. Elevations of Buildings Facing the Public Streets on a Corner Lot. Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
- M. Building Elevations Clad with a Singular Exterior Surface Material. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design.
- N. Foundations Below Overhanging Bays. Buildings shall be designed with foundations below all bays that overhang the building foundation. The Architectural Review Board will allow the construction of bay windows, projections of floors above the first floor, if they are a minimum of twelve (12) inches above grade.
- O. Mechanical and Exterior Building Systems.
1. Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.

Section 19.06.03: Multi-Family Uses.

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2. Air intakes and exhaust vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations; metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable.
  3. Building-mounted Equipment.
    - a. Window-mounted air conditioning units shall not be permitted in any window that faces a public street.
      - i. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade more than necessary.
    - b. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised with screening that is:
      - i. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
      - ii. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.
      - iii. Consistent with the color of the structure to which the equipment is attached.
  4. Roof-mounted Equipment. Roof-mounted equipment shall be screened, preferably by parapet walls. Other acceptable screen types shall be:
    - a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
    - b. Consistent with the color of the structure to which the equipment is attached.
    - c. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.
- P. Patios, Decks, and Balconies.
1. Ground-level patios and decks facing the street shall be bordered with landscape treatments. Covered porches are exempt from this requirement.
  2. Exterior stairs leading to a deck or balcony are not permitted on the front or street side of a building. On corner lots, exterior stairs shall be permitted on the interior side façade.
  3. Exterior corridors shall be covered by the building roof, shall be located within the footprint of the building foundation, and shall not be visible from the street.
  4. Upper-story decks and balconies shall be cantilevered, supported by vertical columns, or supported from above.
- Q. Garages and Loading Docks. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual

Section 19.06.03: Multi-Family Uses.

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element from public rights-of-way. All loading docks shall be completely screened from view from public rights-of-way.

- R. Standing seam metal roofs in residential districts shall meet the following conditions along with any additional conditions as deemed appropriate by the Community Development Director or designee. No standing seam metal roofs will be permitted on contributing structures in historic districts, unless such structures historically had comparable standing seam metal roofs.
1. The standing seam metal roofing material shall have a low-reflectance finish so as to minimize the amount of light reflected into the sky and windows of adjacent properties. The maximum permitted Light Reflectance Value (LRV) is 35% for metal roofs. Standing seam roofing shall be painted. Galvanized roofs shall not be permitted.
  2. Any paint applied to the metal roof panels must be applied to such panels at the factory using materials and a baking or other process that prevents the paint from cracking or chipping through normal wear and tear of a residential roof. Field applied painting of standing seam metal roofs is prohibited. The roof shall not have exposed unfinished metal edges. Standing seam roofs shall be complimentary to the house color and limited in color to greys, browns, dark green or a pale green simulating a copper patina color. Any ice and snow block or shield must match the color of the roof on which it is installed or be complimentary to the color of the roof.
  3. The standing seam metal roofing shall have a minimum thickness of 24 gauge so as to minimize the potential for wind and hail damage.
  4. Seam profiles in standing seam roofs for residential properties shall be no greater than 1" for roofs with pitches higher than 4:12, no greater than 1.5" for roofs with pitches between 2:12 and 4:12, and no greater than 3" for pitches less than 2:12.
  5. Standing seam metal roofing shall be installed per approved manufacturer's details and instructions.
  6. Standing seam metal roofing shall include at least the minimum underlayment required per the manufacturer's specifications or a minimum of 7/ 16" OSS underlayment if no minimum is specified by the manufacturer.
  7. Exposed fasteners or standing seam roof designs that employ exposed metal fasteners are prohibited. Ice and snow blocks or shields must also employ concealed fasteners.
  8. Standing seam metal roofing shall meet all applicable building codes.
  9. Standing seam metal roofs installed on existing residential construction shall not be constructed over existing roofing materials. Tear offs shall be complete to the roof sheathing.
  10. Tin roofs and corrugated metal roofs are prohibited.
  11. Standing seam metal roofing shall be maintained in a rust-free state for the duration of the roof's lifespan.

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**Section 19.06.04: Commercial Uses and Mixed Uses**

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- S. Design Standards in Comprehensive Plan. The Architectural Review Board shall refer to the Village's Comprehensive Plan or components thereof for building design recommendations for specific neighborhoods, districts, or building types. No building or remodeling of a building which is located in the area subject to the Grafton Downtown Master Plan, as adopted by the Village of Grafton Plan Commission on February 23, 1999, shall be permitted unless said building or proposed remodeling complies with the design guidelines included within that master plan. This provision shall also apply to the location, installation, relocation, reconstruction, extension, enlargement, conversion, or structural alteration of exterior signage in the area subject to said Master Plan.
- T. Design Standards for Retail and Commercial Service Buildings Over 20,000 Gross Square Feet in Area. All commercial service buildings over twenty thousand (20,000) gross square feet in area shall meet the additional design requirements set forth in Section 19.04.11.

**Section 19.06.04: Commercial Uses and Mixed Uses**

- A. Applicability. These standards apply to all commercial and structures constructed after the effective date of this Section. These standards also apply to Mixed Use Building and Live/Work Unit land uses.
- A. Building Scale and Mass. The size and mass of buildings and structures in relation to open spaces, window and door openings, porches, balconies, etc. shall be visually compatible with the buildings, public ways, and places to which they are visually related. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- B. Building Facade and Appurtenance Continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- C. Building Height, Rooflines, and Roof Shapes. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings and do not exceed the zoning district height requirements for both principal and accessory structures. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- D. Building Design Proportions. The following shall be used as guidelines for evaluating building design proportions:
1. Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.



Section 19.06.04: Commercial Uses and Mixed Uses

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2. Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  3. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  4. Rhythm of Spacing and Buildings on Streets. The relationship of building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  5. Rhythm of Entrance, Porch, and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- E. Directional Expression and Emphasis of Building Elevations. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
- F. Materials.
1. Commercial buildings shall be predominately clad in Class I materials. Class II and Class III materials may be used as accents and trim not to exceed 50 percent of the total building façade. Rear building elevations not facing a public street or public parking lot shall be exempt from this requirement. Class IV materials are prohibited.
  2. Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Architectural Review Board, or designee.
- G. Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing area or neighborhood buildings.
- H. Wall or Roof-Mounted Lighting.
1. Full cutoff light fixtures are required. No portion of the light element may be visible on or off the site.
  2. Colored accent lighting shall only be permitted in the SMU South Commercial Mixed Use District.
  3. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent throughout the entire site, unless the building is divided into individual components; in such case, all on-building light fixtures shall be consistent within each individual component.
  4. All entrances shall be lit after sunset. The minimum illumination at each entrance shall be 1.0 foot-candles.
- I. Design Repetition. A building design may not be repeated within four lots of an existing building. This shall apply to all buildings, whether or not they are constructed

Section 19.06.04: Commercial Uses and Mixed Uses

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by the same builder except where such buildings are part of a unified development and similar building designs are approved by a unanimous vote of the Architectural Review Board.

- J. Story Distinctions. The first story of the building should be distinguished from the second story by means of a horizontal lintel, second floor overhang or setback, or similar detail.
- K. Elevations of Buildings Facing the Public Streets on a Corner Lot. Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
- L. Building Elevations Clad with a Singular Exterior Surface Material. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design.
- M. Foundations Below Overhanging Bays. Buildings shall be designed with foundations below all bays that overhang the building foundation. The Architectural Review Board will allow the construction of bay windows, projections of floors above the first floor, if they are a minimum of twelve (12) inches above grade.
- N. Mechanical and Exterior Building Systems.
  - 1. Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.
  - 2. Air intakes and exhaust vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations; metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable.
  - 3. Building-mounted Equipment.
    - a. Window-mounted air conditioning units shall not be permitted in any window that faces a public street.
      - i. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade.
    - b. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised with screening that is:
      - i. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
      - ii. Incorporated as part of the building wall and/ or flush-mounted so as not to project beyond the main plane of the facade.
      - iii. Consistent with the color of the structure to which the equipment is attached.

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**Section 19.06.05: Industrial Uses**

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4. Roof-mounted Equipment. Roof-mounted equipment shall be screened, preferably by parapet walls.
  - a. Screening shall be architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
  - b. Equipment shall be consistent with the color of the structure to which the equipment is attached.
  - c. Screening shall be designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.
- O. Garages and Loading Docks. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way. All loading docks shall be completely screened from view from public rights-of-way.
- P. Design Standards in Comprehensive Plan. The Architectural Review Board shall refer to the Village's Comprehensive Plan or components thereof for building design recommendations for specific neighborhoods, districts, or building types. No building or remodeling of a building which is located in the area subject to the Grafton Downtown Master Plan, as adopted by the Village of Grafton Plan Commission on February 23, 1999, shall be permitted unless said building or proposed remodeling complies with the design guidelines included within that master plan. This provision shall also apply to the location, installation, relocation, reconstruction, extension, enlargement, conversion, or structural alteration of exterior signage in the area subject to said Master Plan.
- Q. Design Standards for Retail and Commercial Service Buildings Over 20,000 Gross Square Feet in Area. All commercial service buildings over twenty thousand (20,000) gross square feet in area shall meet the additional design requirements set forth in Section 19.04.11.

**Section 19.06.05: Industrial Uses**

- A. Applicability. These standards apply to all industrial structures constructed after the effective date of this Section.
- B. Building Scale and Mass. The size and mass of buildings and structures in relation to open spaces, windows and door openings, porches, balconies, etc. shall be visually compatible with the buildings, public ways, and places to which they are visually related. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- C. Building Facade and Appurtenance Continuity. Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility

Section 19.06.05: Industrial Uses

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with the buildings, public ways, and places to which such elements are visually related.

- D. Building Height, Rooflines, and Roof Shapes. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings and do not exceed the zoning district height requirements for both principal and accessory structures. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- E. Building Design Proportions. The following shall be used as guidelines for evaluating building design proportions:
1. Proportion of Front Facade. The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
  2. Proportion of Openings. The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
  3. Rhythm of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
  4. Rhythm of Spacing and Buildings on Streets. The relationship of building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
  5. Rhythm of Entrance, Porch, and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
- F. Directional Expression and Emphasis of Building Elevations. A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.
- G. Materials.
1. Industrial buildings shall be clad in Class I, II or III materials. Certain Class IV materials are permitted as described below.
  2. Concrete panels (tilt-up/precast) may be used if they are part of a palette of permitted materials or if they incorporate horizontal and vertical articulation including, but not limited to, changes in color or texture.
  3. Non-decorative metal panels may be used if enhanced on all elevations with Class I or II materials in combination with decorative fascia, overhangs, trim, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimney, or other architectural features as deemed appropriate by the Community Development Director or designee. In such cases, Class I or II materials amount to more than 15 percent of each façade.

## Section 19.06.05: Industrial Uses

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4. Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Architectural Review Board, or designee.
- H. Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing area or neighborhood buildings.
- I. Wall or Roof-Mounted Lighting.
1. Full cutoff light fixtures are required. No portion of the light element may be visible on or off the site.
  2. Colored accent lighting shall only be permitted in the SMU South Commercial Mixed Use District.
  3. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent throughout the entire site, unless the building is divided into individual components; in such case, all on-building light fixtures shall be consistent within each individual component.
  4. All entrances shall be lit after sunset. The minimum illumination at each entrance shall be 1.0 foot-candles.
- J. Design Repetition. A building design may not be repeated within four lots of an existing building. This shall apply to all buildings, whether or not they are constructed by the same builder except where such buildings are part of a unified development and similar building designs are approved by a unanimous vote of the Architectural Review Board.
- K. Story Distinctions. The first story of the building should be distinguished from the second story by means of a horizontal lintel, second floor overhang or setback, or similar detail.
- L. Elevations of Buildings Facing the Public Streets on a Corner Lot. Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.
- M. Building Elevations Clad with a Singular Exterior Surface Material. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design.
- N. Foundations Below Overhanging Bays. Buildings shall be designed with foundations below all bays that overhang the building foundation. The Architectural Review Board will allow the construction of bay windows, projections of floors above the first floor, if they are a minimum of twelve (12) inches above grade.
- O. Mechanical and Exterior Building Systems.
1. Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.
  2. Building-mounted Equipment.

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**Section 19.06.06: Energy Uses**

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- a. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district must be disguised or screened in one of the following ways:
  - i. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
  - ii. Incorporated as part of the building wall and/ or flush-mounted so as not to project beyond the main plane of the façade.
  - iii. Consistent with the color of the structure to which the equipment is attached.
3. Roof-mounted Equipment. Roof-mounted equipment visible from an adjacent public right-of-way or residential district shall be screened, preferably by parapet walls. Other acceptable screen types shall be:
  - i. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
  - ii. Consistent with the color of the structure to which the equipment is attached.
  - iii. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.
- P. Garages and Loading Docks. Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way. All loading docks shall be completely screened from view from public rights-of-way.
- Q. Design Standards in Comprehensive Plan. The Architectural Review Board shall refer to the Village's Comprehensive Plan or components thereof for building design recommendations for specific neighborhoods, districts, or building types. No building or remodeling of a building which is located in the area subject to the Grafton Downtown Master Plan, as adopted by the Village of Grafton Plan Commission on February 23, 1999, shall be permitted unless said building or proposed remodeling complies with the design guidelines included within that master plan. This provision shall also apply to the location, installation, relocation, reconstruction, extension, enlargement, conversion, or structural alteration of exterior signage in the area subject to said Master Plan.
- R. Design Standards for Retail and Commercial Service Buildings Over 20,000 Gross Square Feet in Area. All commercial service buildings over twenty thousand (20,000) gross square feet in area shall meet the additional design requirements set forth in Section 19.04.11.

**Section 19.06.06: Energy Uses**

- A. Small Solar Energy System (Rooftop and Building-Mounted).

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**Sections 19.06.07-19.06.10: Reserved for future use**

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1. Purpose. This Section is intended to regulate rooftop and building-mounted solar panels to preserve the character of Grafton's neighborhoods.
  2. Applicability. The regulations of this Section shall apply to all new rooftop and building-mounted solar panels.
  3. Review and Approval. Applicant shall submit drawings, schematics, specifications, electrical permit application, and any other materials requested by the Community Development Director or the Building Inspector. The Community Development Director or the Building Inspector shall review and approve rooftop and building-mounted solar panels that meet the requirements of this section.
  4. Standards.
    - a. Solar panels may be located on the roof and on the building façade including the front elevation. Free standing solar panels will require site plan review by the Plan Commission.
    - b. The color of solar panels, framing, and other necessary equipment shall be similar to the adjacent building materials (i.e., roofing or siding).
    - c. Solar panels shall be installed with same slope as the roof or building they are attached to.
- B. Small Solar Energy System (Freestanding)**
1. Purpose. This Section is intended to regulate freestanding solar panels to preserve the character of Grafton's neighborhoods and protect adjacent properties.
  2. Applicability. The regulations of this Section shall apply to all new freestanding solar panels.
  3. Review and Approval. The Plan Commission shall review and approve all new freestanding solar panels and may request additional input from the Architectural Review Board.
- C. Large Wind Energy System and Large Solar Energy System**
1. Purpose. This Section is intended to regulate large energy production land uses to preserve community character and protect adjacent properties.
  2. Applicability. The regulations of this Section shall apply to all new large energy production land uses.
  3. Review and Approval. The Plan Commission shall review and approve all new large energy production land uses and may request additional input from the Architectural Review Board.

**Sections 19.06.07-19.06.10: Reserved for future use**

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## Section 19.07.01: Purpose

**ARTICLE VII: NATURAL RESOURCE PROTECTION STANDARDS****Section 19.07.01: Purpose**

The purpose of this Article is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this Ordinance. These resources include: Floodways and other flood-related areas, Wetlands, Steep Slopes, and Woodlands. These resources serve important functions which are lost when these areas are subject to development and/or other land use activities in the absence of appropriate mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. These functions include the protection and enhancement of air, surface water, ground water, and soil quality, habitat provision and diversification; aesthetic diversification; and buffering effects.

**Section 19.07.02: Compliance**

The following activities shall trigger compliance with the requirements of this Article:

- A. All new development including building construction, other site improvements and/or site preparation.
- B. Additions to existing development including building construction, other site improvements and/or site preparation.
- C. All activities related to Certified Survey Maps, Subdivision Plats, or Condominiums.

**Section 19.07.03: Natural Resources to be Protected Under this Division to Remain Undisturbed and in Natural State**

All the natural resources required to be protected under this Article shall remain undisturbed and in a natural state except those natural resources where mitigation is permitted and where that mitigation is in strict accord with those requirements set forth in this Article.

**Section 19.07.04: Clear Cutting and Destruction of Existing Natural Resources**

Removal of existing natural resources from a property prior to the required Plan Commission and/or Village staff approvals shall be prohibited. All clear cutting and destruction of natural resource features shall:

- A. Be deemed a change of use and all such changes of use shall be in compliance with the provisions of this Ordinance.
- B. Be required to meet the protection levels described in this Ordinance.
- C. Where such clear cutting and/or destruction violations occur, be required to meet the mitigation standards set forth under the provisions of Section 19.07.06.

**Section 19.07.05: Natural Resource Features Determination**

- A. Steep Slopes. Steep slopes, as defined in Section 19.01.22 of this Ordinance, are to be determined by using the following sources and/or methods in the order indicated below. The area of steep slopes (in square feet or acres) shall be measured and

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Section 19.07.05: Natural Resource Features Determination

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graphically delineated on a topographic drawing and on the "Natural Resource Protection Plan." Such steep slope drawing shall graphically indicate those steep slope areas, by slope type, of the property pursuant to the "steep slope" definition set forth in 19.01.22 of this Ordinance. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

1. A topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Large scale 1"=200' Ozaukee County topographic maps.
3. U.S.G.S. 7.5-minute topographic quadrangle maps.

**B. Woodlands**

1. The definition of woodlands, as applied to this Division, appears in Section 19.01.22 of this Ordinance. The determination of woodland and forest boundaries shall be based on the following sources: a. The most recent 1" = 400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from either SEWRPC or from Ozaukee County (most recent date only); and b. A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in one of those fields of endeavor.
2. Each woodland and forest area shall include the tree trunk and the area located within the dripline or tree canopy. The area of woodlands and forests (mature and young), in square feet or acres, shall be measured and graphically delineated on the "Natural Resource Protection Plan."
3. Such woodland and forest area drawing shall indicate all woodland and forest areas of the property meeting the minimum size criteria established by the definitions of woodlands in Section 19.01.22. In cases where the drip line or canopy areas overlap, the areas of overlap shall only be counted once. In cases where drip line or canopy areas overlap property lines, the property line(s) are to be used as the boundary for the woodland or forest area, with only that portion of the dripline area located on the subject property counted toward the woodland or forest area.
4. The location, size, and summary of species types of all healthy trees having a diameter at breast height (DBH) of ten (10) inches or greater that are located in woodland and forest areas within twenty-five (25) feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the "Natural Resource Protection Plan" or submitted as a separate drawing.
5. For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat, or Condominium only the outline of woodland and forest areas indicating whether they are mature or young woodlands is required.
6. The "Natural Resource Protection Plan" shall include an estimate of the percentage of all health trees within each woodland or forest area that have a DBH of three (3) inches or greater and ten (10) inches or greater.

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Section 19.07.05: Natural Resource Features Determination

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## C. Lakes and Pond

1. Lakes and ponds, as defined in Section 19.01.22 of this Ordinance, are to be determined by using the definitions of "Lake" and "Pond" as set forth in Division 19.09.0100 of this Ordinance and the sources in the order indicated below.
2. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used: 1. A topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet. 2. Large scale 1"=200' Ozaukee County topographic maps. 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
3. The area of lakes and ponds (in square feet or acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

## D. Streams.

1. Streams, as defined in Section 19.01.22 of this Ordinance, are to be determined by using the definitions of "Channel" and "Stream" (see Division 19.09.0100 of this Ordinance) and the sources in the order indicated below.
2. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used: 1. A topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet. 2. Large scale 1"=200' Ozaukee County topographic maps. 19- 4-4 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
3. The area of streams (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

## E. Shore Buffers.

1. Shore buffers, as defined in Section 19.01.22 of this Ordinance, are to be determined as the land within seventy-five (75) feet of the ordinary high water mark of all navigable waters and parallel to that ordinary highwater mark, where required.
2. Navigable waters are to be determined by using the definition of "Navigable Water" set forth in Division 19.09.0100 of this Ordinance and the sources in the order indicated below.
3. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used: 1. A topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet. 2. Large scale 1"=200' Ozaukee County topographic maps. 3. U.S.G.S. 7.5-minute topographic quadrangle maps. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan," except where shore buffers are both waived by the Plan Commission and not required under State Statutes.

## F. Floodplain/Floodways/Floodlands.

1. The definition of floodplain, floodway, and floodlands appears in Section 19.01.22 of this Ordinance.

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Section 19.07.05: Natural Resource Features Determination

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2. The one hundred (100) year recurrence interval floodplain and floodways shall be determined as depicted on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)" with the effective date of March 18, 1991 as amended.
  3. Where a conflict exists between the floodland limits as shown on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)" and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the published Flood Insurance Study--Ozaukee County, Wisconsin and Incorporated Areas prepared by the Federal Emergency Management Agency (FEMA) dated March 18, 1991 shall be used.
- G. Wetlands (including Shoreland Wetlands).
1. Wetlands and shoreland wetlands are defined in Section 19.01.22 of this Ordinance.
  2. Wetland areas shall be determined by reference to the following sources in the order shown below.
  3. If the first source is considered inaccurate or inappropriate as determined by the Plan Commission, the succeeding source shall be used: 1. Wetland inventory maps prepared for the Village of Grafton as part of the "Wisconsin Wetland Inventory" prepared by the Wisconsin Department of Natural Resources as amended. 2. Field survey and mapping of plant material by a botanist with a professional degree in either botany or biology.
  4. The area of wetlands and/or shoreland wetlands (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."
- H. Natural Resources Measurement.
1. All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured.
  2. The total square feet and acreage of each natural resource feature shall be multiplied by its respective "Natural Resource Protection Standard" as set forth in Table 19.07.05 "Natural Resource Protection Standards" of this Ordinance to determine the amount of each natural resource feature to be protected by a conservation easement.
  3. The methodology, termed "Site Intensity and Capacity Calculations," to be used for such calculations is set forth in Division 19.03.0500 of this 19- 4-5 Ordinance.
  4. If two (2) or more natural resource features are present on the same area of land, only the most restrictive natural resource protection standard shall be used. [For example, if floodlands and woodlands and forests occupy the same space on a site, the natural resource protection standard would be 100% (100% is the resource protection standard for a floodland) for this area representing the higher of the two standards.] Those areas to be demolished due to improvements or site grading or disturbed through the application of permitted mitigation techniques

Section 19.07.05: Natural Resource Features Determination

shall also be measured and so noted but shall not be counted as a natural resource area to be preserved.

**Table 19.07.05 Natural Resource Protection Standard**

Natural Resource Feature	Protection Standard	Mitigation Permitted
Steep Slopes		
20 to 30%	65%	No
Greater than 30%	100%	No
Mature Woodlands (in residential development only)	50%	Yes
Lakes and Ponds	100%	No
Streams	100%	No
Shore Buffers	100%	No
Floodplains	100%	Yes
Wetlands and Shoreland Wetlands	100%	Yes

Table Notes

- a. Shore buffers shall be as regulated by Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code as amended and/or the Ozaukee County Zoning Ordinance as amended and as applicable within the Village. As permitted under Title 22 and Section 59.692(7), Wisconsin Statutes, the Plan Commission may permit development within shore buffers where such lands were included within the Village municipal limits before May 8, 1982.
- b. As regulated by Title 21 titled "Floodplain Zoning" of the Village of Grafton Municipal Code as amended and/or the Ozaukee County Zoning Ordinance as amended and as applicable including applicable appeal procedures as set forth in each ordinance.
- c. Including residential PUD Districts (or residential portions thereof).
- d. Including nonresidential PUD Districts (or nonresidential portions thereof).
- e. Any proposed changes to woodland and forest resources shall be considered as a change of use and shall require the issuance of a Zoning Permit from the Zoning Administrator in order to assure that required protection levels are met under the standards set forth under this Zoning Ordinance.
- f. Whether mitigation is permitted shall be determined by the Plan Commission on a case-by-case basis.
- g. Wetlands and shoreland wetlands shall be as regulated by Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code as amended, the

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**Section 19.07.06: Natural Resource Features Mitigation**

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Ozaukee County Zoning Ordinance as amended and applicable within the Village, and/or all other wetlands as defined in Section 19.01.22.

- h. If not otherwise restricted by state or federal regulations, the Plan Commission may allow the filling or alteration of up to 1 acre of wetland without mitigation if such filling or alteration is essential for public safety purposes as defined under Section 281.36(7) Wisconsin Statutes.
- i. Protection standards for steep slopes and woodlands shall be enforced over the total combined occurrences of such features on lands held in contiguous single ownership, rather than over each of any two or more individual occurrences of steep slopes or woodlands on such lands. Contiguous single ownership shall be defined as lands that both share a common boundary and are singly owned by one individual, jointly owned by a married couple including that individual, owned by a partnership or corporation in which that individual was a member, or any combination. Lands shall be considered to share a common boundary even if they are divided by a public road or navigable waterway, or if they connect at only one point.

**Section 19.07.06: Natural Resource Features Mitigation**

- A. Intent of Mitigation. The Village of Grafton recognizes that, under certain circumstances, property owners, Subdividers, or Condominium Developers may wish to develop in portions of those protected natural resource feature areas shown as eligible for mitigation as indicated in Table 19.07.05. In Paragraph B of this Section the conditions for mitigation and mitigation standards are set forth for the various natural resource features for which mitigation is allowed under the provisions of Table 19.07.05. The intent of this Section is not to permit greater destruction of natural resource features than is permitted under the requirements of this Ordinance for typical property or development. This Section sets specific standards for use when the extent of the natural resources on a site and the use of the regulations would create a major hardship for said natural resource feature protection. Thus, mitigation is intended to be used instead of a variance request when severe hardships would result from the strict enforcement of the natural resource protection standards and requirements set forth in this Ordinance. Any off-site mitigation shall take place within the incorporated Village of Grafton.
- B. Mitigation Standards. The following methods, requirements, standards and/or criteria shall be followed for the mitigation of those natural resource features that may be mitigated under the requirements set forth under Table 19.07.05:
  - 1. Woodlands and Forests. Woodlands and forest areas may be mitigated under the following requirements applicable to the mitigation of woodland and forest areas, except that the Plan Commission may approve different sizes and types of plantings in mitigation areas where site conditions or context warrant:
    - a. Mitigation shall include the planting of two (2) acres of new woodland/forest for every one (1) acre of disturbed woodland/forest for which mitigation is required.

Section 19.07.06: Natural Resource Features Mitigation

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- b. Mitigation shall include the replacement of woodlands/forests disturbed. Such mitigation shall consist of the planting of new woodland/forest areas, as specified in Paragraph (A) above, using the following numbers of plants per acre of mitigated area:

**Table 19.07.06a Woodland Mitigation Standard**

Number of Trees	Minimum Caliper
12 canopy trees	3.5-inch caliper
15 canopy trees	2-inch caliper
250 canopy trees	4-foot high whips

- c. All mitigation shall be in addition to landscaping required under Division 19.05.0300 of this Ordinance.
- d. Additional Requirements
  - i. The species of plants to be used in the mitigation of woodlands/forests shall be similar to those destroyed and a minimum mix of six (6) species are to be planted. Acceptable species for woodland and forest mitigation are as indicated in Table 19.07.06b. [Note: These species represent what is found in a typical stand of Wisconsin southern mesic forest.] No more than eighty (80) percent of the total number of trees planted for mitigation purposes, however, shall be of any single species.
  - ii. The land upon which the mitigation is to take place shall be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.
  - iii. No tree cutting or removal, after the adoption of this Ordinance, shall reduce the woodland/forest natural resource features protection requirements of this Ordinance.

Section 19.07.06: Natural Resource Features Mitigation

**Table 19.07.06b Tree Species for Woodland and Forest Mitigation**

Species Common Name	Species Scientific Name
Sugar Maple	<i>Acer saccharum</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Hackberry (Sugarberry)	<i>Celtis occidentalis</i>
Butternut	<i>Juglans cinerea</i>
Black Walnut	<i>Juglans nigra</i>
Eastern Hophornbeam	<i>Ostrya virginiana</i>
Black Cherry	<i>Prunus serotina</i>
White Oak	<i>Quercus alba</i>
Red Oak	<i>Quercus borealis</i>
American Basswood	<i>Tilia americana</i>
American Elm	<i>Ulmus americana</i>
Slippery Elm	<i>Ulmus rubra</i>

2. Lakes and Ponds. Lakes and ponds may be mitigated as may be permitted under the requirements of applicable state and federal legislation, rules, and permit requirements. Where permitted under the requirements of applicable state or federal legislation or rules, the required lakes and ponds natural resource protection standard may be reduced and/or mitigated only if such reduction and/or mitigation is part of a Village Engineer approved stormwater drainage system that meets, at a minimum, all of the following criteria: a. The time of concentration of stormwater flows remains unchanged or is lengthened. b. Stormwater storage capacity is unchanged or increased. c. Additional water is not backed up onto adjoining properties.
3. Floodplains, Floodways, and Floodlands. Floodplains, floodways, and floodlands may be mitigated as may be permitted under the requirements of applicable state and federal legislation, rules, and permit requirements.
4. Wetlands and Shoreland Wetlands. Wetland mitigation may be allowed as permitted under the requirements of Section 281.37, Wisconsin Statutes, and administrative rules promulgated by the Wisconsin Department of Natural Resources (WDNR) under that Section. If such statute or rules do not provide sufficient guidance on required mitigation, the Village shall require the preparation and submittal of a wetland mitigation plan by a professional wetland mitigation specialist, and the petitioner shall be responsible for all costs necessary for the Village to conduct a professional review of the mitigation plan. In addition, a permit from the U.S. Army Corps of Engineers 19- 4-8 pursuant to the requirements of Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or



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**Section 19.07.07-10: Reserved for future use**

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the WDNR shall be submitted to the Village of Grafton certifying that filling has been approved and permitted by the Corps and/or WDNR. Alternatively, the petitioner must obtain and provide to the Village written correspondence from said agencies that a state or federal permit is not required, as a condition of Village review.

- C. Off-Site Mitigation. Off-site mitigation may be permitted by the Plan Commission if such off-site mitigation occurs within the same watershed as the natural resource feature, or property, being mitigated and follows the methods, requirements, standards, and/or criteria set forth in this Ordinance. All permitted off-site mitigation shall occur within the corporate limits of the Village of Grafton.

**Section 19.07.07-10: Reserved for future use**

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## Section 19.08.01: Purpose

**ARTICLE VIII: NONCONFORMING SITUATIONS****Section 19.08.01: Purpose**

The purpose of this Article is to establish regulations for the following nonconforming situations created legally prior to the effective date of this Section: nonconforming uses, nonconforming and substandard lots, nonconforming structures, and other nonconforming sites.

**Section 19.08.02: Nonconforming Uses**

- A. Definition. A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Section or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Section.
- B. Continuance of a Nonconforming Use.
  - 1. Any nonconforming use lawfully existing upon the effective date of this Section may be continued at the size and in a manner of operation existing upon such date, except as specified in this Subsection.
  - 2. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Section may apply for a conditional use permit to be granted legal conforming status.
  - 3. If a parcel or lot contains an existing nonconforming use, the addition of a new conforming use on that parcel or lot shall require a conditional use permit, and subject to the Village's standards, criteria, and procedures in order to ensure compatibility with the existing nonconforming use. Whether uses are compatible shall be determined by the Community Development Director, or designee.
  - 4. In the absence of a conditional use permit granting it legal conforming status, a nonconforming use shall be discontinued before a new conforming use may be added to the parcel.
- C. Modification of a Nonconforming Use. A structure containing a nonconforming use shall not be enlarged or increased to occupy a greater area of lot, parcel, site, and/or structure than was occupied at the time of the effective date of this Section.
- D. No nonconforming use of a premise shall be moved in whole or in part to any other portion of the lot, parcel, site and/ or structure than was occupied upon the effective date of this Section.
- E. Discontinuance of a Nonconforming Use.
  - 1. When any nonconforming use of any structure or land is discontinued for a period of 365 days, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Section.
    - a. A nonconforming use that has been discontinued for a period of 365 days or more may be reestablished through the granting of a conditional use permit, provided that the nonconforming use is permitted by right in a zoning district

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 Section 19.08.03: Nonconforming and Substandard Lots.
 

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- that is less intensive than the zoning district of the subject property, as determined by the Plan Commission.
2. The property owner has the burden to prove that the nonconforming use has been continuously maintained over time. Potential forms of documentation include but are not limited to utility bills; tax records; business licenses; listing in telephone, business, or village directories; advertisements in dated publications; building, land use, or development permits; insurance policies; leases; dated aerial photos; insurance maps that identify use or development such as Sanborn Maps; or land use and development inventories prepared by a government agency.
- F. Ordinary Maintenance and Repairs of a Structure and Land Containing a Nonconforming Use.
1. The ordinary maintenance and repairs made to a structure or land containing or related to a nonconforming use is permitted. Ordinary maintenance and repairs are defined as follows:
    - a. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
    - b. Overlaying an off-street parking and/ or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/ or loading lot.
    - c. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
  2. In no instance shall said maintenance and repairs exceed, over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs, in accordance with Wis. Stats. 62.23(7)(h) as amended.

### **Section 19.08.03: Nonconforming and Substandard Lots.**

- A. Definition. A nonconforming or substandard lot is a lot legally established prior to the effective date of this Section or subsequent applicable amendments thereto which would not be permitted under the current terms of this Section.
- B. Applicability: The following Subsection shall apply to all lots in the Village except in the following circumstances:
  1. The lot did not legally exist as of the effective date of this Section.
  2. The lot is subject to a court order to the contrary of this Subsection.
- C. Blanket Conforming Status.
  1. Blanket conforming status for any and all requirements of this Section is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Section. This Subsection ensures that lots approved and created prior to the adoption of this Section do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.

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**Section 19.08.04: Nonconforming Structures.**

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2. After the effective date of this Section, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district, except any lot located within a subdivision platted prior to the effective date of this Section may return to its originally-platted dimensions and configurations.
- D. New Development: A lot of record existing upon the effective date of this Section in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized only for one single family dwelling unit or a permitted nonresidential use, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

**Section 19.08.04: Nonconforming Structures.**

- A. Definition. A nonconforming structure is a structure legally established prior to the effective date of this Section or subsequent applicable amendments thereto which would not be permitted under the current terms of this Section. Parking, loading, access drives, and other paved areas are included in the definition of structure.
- B. The following Subsection shall apply to all structures in the Village except in the following circumstances:
  1. The structure did not legally exist as of the effective date of this Section.
  2. The structure is subject to a court order to the contrary of this Subsection.
  3. Where there are conflicts between or among regulations within this Subsection and other regulations such as floodplain, wetland, and shoreland regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Blanket Conforming Status.
  1. Blanket conforming status for any and all requirements of this Section is hereby automatically granted to any structure lawfully existing upon the effective date of this Section. After said date, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Section, or unless a variance is granted by the Zoning Board of Appeals.
  2. This Subsection is intended to eliminate the new and/or continued classification of structures as nonconforming subject to the requirements of this Section. This provision addresses two different situations:
    - a. Any structure erected prior to the original adoption of zoning by the Village of Grafton that does not meet some or all of the bulk or intensity requirements of this Section.
    - b. In some instances, this Section establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.
  3. This Subsection therefore ensures that owners of such structures legally established prior to the effective date of this Section do not encounter difficulty because the structures would otherwise be considered nonconforming.
- D. Continuation. Any structure or building lawfully existing upon the effective date of this Section may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.

Section 19.08.04: Nonconforming Structures.

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- E. Unsafe Conditions. Nothing in this Section shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- F. Alterations.
1. For the purposes of this Subsection, alterations shall be defined as being one or more of the following:
    - a. Adding, removing, changing, or rearranging the supporting members of an existing structure, such as load-bearing walls, columns, beams, girders, trusses, or interior partitions.
    - b. Pulverizing and/or removing asphalt or concrete from off-street parking and loading facilities and/ or access drives to the extent of exposing the base course, whether or not repaving of such area occurs.
    - c. Full-depth reclamation and mix and mill in-place processes that pulverize the parking facility surface and blend it on-site with the existing aggregate base.
    - d. For the purposes of this Subsection, 'size' is defined as the site coverage, physical dimension, volume, height, length, width, or gross floor area.
  2. A nonconforming structure may be altered provided that the nonconforming structure does not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
  3. A record shall be kept with lists the nonconforming structure, their assessed value, and the cost of those alterations which have been permitted. Such records shall be cumulative and track the cost of the alterations for the lifetime of the structure.
- G. Additions.
1. An addition shall be defined as anything that increases the size of a building or structure.
  2. Additions made to nonconforming structures shall be permissible in required setbacks subject to the following:
    - a. The addition shall not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
    - b. The addition shall conform to all other requirements of the district in which it is located.
  3. Additions shall meet all other provisions of this Section, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- H. Relocation.
1. Relocation shall be defined as any repositioning of a structure on its site or moving any structure to another site.
  2. No structure shall be moved in whole or in part to any other location on the same or any other site unless the structure complies with all of the provisions of this Section.
  3. If a structure is relocated to a new site, it shall also comply with all other provisions of this Section, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- I. Ordinary Maintenance and Repairs.
1. The ordinary maintenance and repairs made to a nonconforming structure is permitted.

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**Section 19.08.05: Other Nonconforming Sites.**

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2. Ordinary maintenance and repairs are defined as follows:
  - a. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
  - b. Overlaying an off-street parking and/or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/ or loading lot.
  - c. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
- J. Destruction and Reconstruction. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either (1) or (2), below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
  1. The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23 (7) on or after March 2, 2006.
  2. The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Section.

**Section 19.08.05: Other Nonconforming Sites.**

- A. Definition. A nonconforming site is a site legally established prior to the effective date of this Section or subsequent applicable amendments thereto which would not be permitted under the current terms of this Section because it does not meet the building and site design requirements of this Section. Such building and site design components may include one or more of the following:
  1. Bulk, intensity, and density requirements.
  2. Exterior building materials requirements.
  3. Exterior building design requirements.
  4. Number of parking spaces required.
  5. Landscaping requirements.
  6. Buffer yard requirements.
  7. Fencing requirements.
  8. Lighting requirements.
- B. Blanket Conforming Status.
  1. Blanket conforming status for any and all requirements of this Section is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Section.
  2. After the effective date of this Section, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (A)(1) through (8), above, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Section.

Section 19.08.06-19.08.10: Reserved for future use

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3. This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Section.
4. This Subsection ensures that sites approved prior to the effective date of this Section do not encounter difficulty because they would otherwise be considered nonconforming.

**Section 19.08.06-19.08.10: Reserved for future use**



## Section 19.09.01: Purpose

**ARTICLE IX: ADMINISTRATION AND PROCEDURES****Section 19.09.01: Purpose**

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, occupancy permits, and site plan review and approval.

**Section 19.09.02: Exempt Activities**

The following activities do not require review or approval by the Village under this Chapter.

- A. Official public information street graphics installed by or at the direction of a governmental unit.
- B. The maintenance or improvement of a public road or railroad track within the boundaries of the right-of-way.
- C. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

**Section 19.09.03: Community Development Director**

The Community Development Director, or designee, is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter. The general duty of the Community Development Director, or designee, is to interpret and administer this Chapter. Examples of duties include:

- A. Maintain records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, planned unit developments, occupancy permits, variances, appeals, interpretations, and applications thereof.
- B. Receive, review, analyze, and develop written reports on all applications for amendments to this Chapter, zoning map amendments, conditional use permits, temporary use permits, occupancy permits, site plans, group or large developments, planned unit developments, interpretations, variances, appeals, violations and penalties, or other development matters.
- C. Serve as staff to the Plan Commission, Architectural Review Board, Zoning Board of Appeals, and other boards and commissions as assigned.
- D. Along with other Village departments, review and approve (with or without conditions) occupancy permits.
- E. Along with any authorized agent, issue citations for the enforcement of this Chapter.
- F. Coordinate official development review processes among government offices to the extent feasible.
- G. Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.

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**Section 19.09.04: Plan Commission**

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- H. Make interpretations regarding the provisions of this Chapter per Section 19.09.19.
- I. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.

**Section 19.09.04: Plan Commission**

- A. The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and citizens. The Plan Commission is established in the Village of Grafton Municipal Code.
- B. Except where they are the final step in the review process as established by this Chapter, the functions of the Plan Commission are recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters, and, always being mindful of the intent and purposes of this Chapter.
- C. See Figure A for a summary of the Plan Commission's role in administering this Chapter.

**Section 19.09.05: Village Board**

- A. The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to adopt changes and amendments to this Zoning Ordinance and the Official Zoning Map and other functions as determined by this Chapter. The Village Board is established in the Village of Grafton Municipal Code.
- B. See Figure A for a summary of the Village Board's role in administering this Chapter.

**Section 19.09.06: Architectural Review Board**

- A. The Architectural Review Board shall make final decisions related to the architectural aspects of all development in the Village as described in Article VI. The Architectural Review Board is established in the Village of Grafton Municipal Code.
- B. See Figure A for a summary of the Architectural Review Board's role in administering this Chapter.

**Section 19.09.07: Zoning Board of Appeals**

- A. The Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.
- B. The Zoning Board of Appeals is established in the Village of Grafton Municipal Code. Refer to this Chapter for provisions related to membership, functions, and duties of the Board.
- C. Powers. The Board of Appeals shall have the powers established in Wis. Stat. 62.23(7). Examples of such powers include:
  - 1. Hear Appeals. To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision, or determination made by the Community Development Director, or designee.
  - 2. Authorize Variances. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this

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**Section 19.09.08: Review and Approval Required**

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- Chapter will results in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.
3. **Extend Districts.** To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of passage of this Chapter.
  4. **Interpret Ordinances.** Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.
  5. **Vary Height and Area Regulations.** To vary height and area regulations where this is an exceptional or unusual physical condition of the lot, which condition is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this Chapter would present a reasonable or sensible arrangement of structures on the lot.
  6. **Vary Parking Regulations.** To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking spaces required by this Chapter.
- D. See Figure A for a summary of the role of the Zoning Board of Appeals in administering this Chapter.

**Section 19.09.08: Review and Approval Required**

- A. Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to three common elements:
  1. Submittal of a complete application, including fee payment and appropriate supplemental information.
  2. Review by appropriate Village staff and/or officials.
  3. Action by appropriate Village officials or staff to approve, conditionally approve, or deny the request.
- B. Table 19.09.08 summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Table 19.09.08 is provided as a convenience for the Village and general public. Where there are conflicts between the text of this Chapter and Table 19.09.08, the text shall prevail.

Section 19.09.08: Review and Approval Required

**Table 19.09.08: Review and Approval Activities and Bodies**

Application Process	Staff	Plan Commission	Village Board	Zoning Board of Appeals
Zoning Ordinance Amendment	RR	PH, RR	RE, A	
Zoning Map Amendment	PM*, RR	PH, RR	RE, A	
Conditional Use Permit	RR	RE, A		
Temporary Use Permit	RE, IP			
Site Plan	RR	RE, A		
Group and Large Development	PM*, RR	PH, RR*		
Planned Unit Development	PM*, RR	PH, RR	RE, A	
Interpretation	RE, A			Appeal Only
Variance	RR			PH, RE, A
Appeal	RR			PH, RE, A
Violations and Penalties	RE, A			
Official Mapping	PM, RR	PH, RR	RE, A	
Land Division-CSM/no new lot	RE, A			
Land Division-CSM/new lot and ROW dedication	RR	RR	RE, A	
Land Division-Preliminary Plat	RR	RE, A		
Land Division-Final Plat	RR	RR	A	
Architectural Design Review	Staff: RR		ARB: RE, A	
Design Standard Variance	RR	RE, A, RR*		
Planning Documents/Plans	PM, RR	RR, RR*	RE, A	
Access Control Variance	RR	RE, A		
Annexation	RR	PH, RR	RE, A	

Section 19.09.09: Notice of Public Hearings

Application Process	Staff	Plan Commission	Village Board	Zoning Board of Appeals
Street Variation/Discontinuance	RR	RR	PH, RE, A	
Floodplain Map Amendment	Refer to Wisconsin DNR/FEMA			
Privilege in the Right-of-Way	RR	RR	RE, A	
Easement Acceptance/Release	RR	RR	RE, A	
Standard Sign Permit	RE, IP			
Electronic Message Center Sign	RR	RE, A		
Building Permit	RE, IP	See Title 16: Building and Construction of the Municipal Code		
Occupancy Permit	RE, IP			
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action				

Note: This table is not exhaustive. Some procedures may not be covered within this table.

\* If determined to be necessary by the Community Development Director.

**Section 19.09.09: Notice of Public Hearings**

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 the provisions of this Chapter.

- A. Notice of any public hearing which the Village Board, Plan Commission, or Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.
- B. The notice for zoning ordinance amendments and zoning map amendments shall be published as a Class II notice.
- C. The notice of public hearing shall be published in a newspaper of general circulation in the Village of Grafton before the public hearing, as prescribed by state statutes or local ordinances.
- D. Notice of the public hearing shall be mailed to the last known address of all parties-in-interest before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within 1 mile of lands included in the petition. The failure to give any

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**Section 19.09.10: Public Meetings**

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notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies.

**Section 19.09.10: Public Meetings**

- A. For certain more complicated proposals, a public meeting may be required. Such meetings shall provide an opportunity for legitimately interested parties to thoroughly examine the proposal and allows the applicant to provide a thorough explanation of the proposal, answer questions from the public and Village, and potentially amend the proposal based on public input.
- B. Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 200 feet of the subject property of the proposal to solicit comments and address concerns. The Village may supply a list of property owners to the applicant upon request.
  - 1. The public meeting shall be held at a time, location, and format (i.e., in-person and/or virtual) determined by the Community Development Director, or designee.
  - 2. The Community Development Director, or designee, shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
  - 3. The public meeting shall be noticed.
  - 4. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the Village.
  - 5. The public meeting shall be held prior to review and action by the Plan Commission.
  - 6. Alternate to Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 200 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.

**Section 19.09.11: Zoning Ordinance Amendment**

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter. Refer also to the requirements of Wis. Stats. 62.23(7)(d).
- B. Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by one of the following four methods:
  - 1. An application by any member of the general public.
  - 2. A recommendation by the Plan Commission to the Village Board.
  - 3. Action of the Village Board.
  - 4. A recommendation by Village staff.
- C. Application Requirements. An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted whenever possible, if applicable):
  - 1. The Section(s) of the current provisions of this Chapter which are proposed to be amended.

Section 19.09.11: Zoning Ordinance Amendment

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2. The text which is proposed to replace the current text.
  3. As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
  4. Any further information needed by the Plan Commission to facilitate appropriate review and generation of a comprehensive report to the Plan Commission and Village Board.
- D. Review by the Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant and the application will not be forwarded.
  2. The Community Development Director, or designee, and other Village departments shall review the complete application and evaluate whether the proposed amendment:
    - a. Advances the purposes of this Chapter as outlined in Section 19.09.01.
    - b. Advances the purposes of the general Article in which the amendment is proposed to be located.
    - c. Advances the purposes of the specific Section in which the amendment is proposed to be located.
    - d. Is in harmony with the Comprehensive Plan.
    - e. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
    - f. Addresses any of the following factors that may not be addressed in the current zoning text:
      - i. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s). New methods of development or types of infrastructure.
      - ii. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
      - iii. Any other factor deemed appropriate by the Village.
    - g. The Community Development Director, or designee, shall prepare a written report addressing items in Subsection (D)(2), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. (If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Community Development Director, or designee, shall note this determination in the report.)
- E. Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 19.09.09 to consider the request. A public hearing may be held more than 90 days from the filing of the complete application when requested by the applicant in writing.
- F. Review and Recommendation by the Plan Commission.

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Section 19.09.12: Zoning Map Amendment

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1. Within 60 days of the public hearing, the Plan Commission shall make its recommendations regarding the application. Said recommendation may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (B)(2) above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  2. If the Plan Commission fails to make a recommendation within 60 days of the public hearing, the Village Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements of Section 19.09.09.
- G. Review and Action by the Village Board.
1. The Village Board shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Community Development Director (or designee), the applicant, and/or any other entity as it sees fit.
  2. The Village Board may refer the matter back to the Plan Commission. In such cases, the Village Board shall specify the issue(s) to be addressed in further detail.
  3. The Village Board may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.
  4. If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action. Any action to amend the provisions of proposed amendment requires a majority vote of the Village Board.
- H. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material changes of circumstances.

**Section 19.09.12: Zoning Map Amendment**

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (rezonings).
- B. Initiation of Request for Amendment. Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property; a recommendation of the Plan Commission; by action of the Village Board; or by Village staff.
- C. Application. An application to amend the Official Zoning Map shall contain the following (digital files should be submitted whenever possible, if applicable):
  1. A map of the subject property to scale depicting:



## Section 19.09.12: Zoning Map Amendment

- a. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
  - b. All parcels numbers for the subject property.
  - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
  - d. All lot dimensions of the subject property.
  - e. A graphic scale and north arrow.
2. Legal description of the property.
  3. Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
  4. Any further information needed by the Plan Commission to facilitate the making of a comprehensive report to the Plan Commission and Village Board.
- D. Review by Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant and the application will not be forwarded.
  2. The Community Development Director, or designee, shall review the complete application and evaluate whether the proposed amendment:
    - a. Advances the purposes of this Chapter as outlined in Section 19.09.01 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
    - b. Is in harmony with the Comprehensive Plan.
    - c. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
    - d. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
      - i. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
      - ii. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
      - iii. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
      - iv. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
  3. The Community Development Director, or designee, shall prepare a written report addressing items (D)(2), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Community Development Director, or designee, shall note this determination in the report.
- E. Public Meeting. If proposed development is expected to have significant impact on other properties, the Community Development Director, or designee, may require a public meeting.

Section 19.09.12: Zoning Map Amendment

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1. Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The Village may supply a list of property owners to the applicant upon request.
  - a. The public meeting shall be held at a time, location, and format (i.e., in-person and/or virtual) determined by the Community Development Director, or designee.
  - b. The Community Development Director, or designee, shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
  - c. The public meeting shall be held prior to review and action by the Plan Commission.
  - d. The public meeting shall be noticed.
  - e. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the Village.
  - f. Alternate to Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.
- F. Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 19.09.09 to consider the request.
- G. Review and Recommendation by the Plan Commission.
  1. Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (D)(2) above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  2. If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements of Section 19.09.09.
- H. Review and Action by the Village Board.
  1. The Village Board shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Village Board may request further information and/or additional reports from the Plan Commission, Community Development Director (or designee), the applicant, and/or any other entity as it sees fit.
  2. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

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**Section 19.09.13: Conditional Use Permit Procedures**

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3. If the Village Board wishes to make significant changes in the proposed amendment to the Official Zoning Map, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Village Board action. Any action to amend the Official Zoning Map requires a majority vote of the Village Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- I. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Community Development Director, or designee.

**Section 19.09.13: Conditional Use Permit Procedures**

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- B. Applicability. There are certain uses, which because of their unique characteristics, may have a high potential to create undesirable impacts on nearby properties, public facilities, or the community as a whole. In these cases, specific standards, regulations, or conditions may be established.
- C. A proposed conditional use may be denied unless the applicant can demonstrate to the satisfaction of the Village that the proposed conditional use will not create undesirable impacts on nearby properties, the environment, or the community as a whole.
- D. Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
- E. Application. An application for a conditional use permit should contain the following (digital files should be submitted whenever possible, if applicable):
  1. A map of the subject property to scale depicting:
    - a. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - c. All lot dimensions of the subject property.
    - d. A graphic scale and a north arrow.
  2. Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations, as well as the number of employees and the hours of operation.
  3. A site plan of the subject property if proposed for development conforming to all requirements of Section 19.09.15. If the proposed conditional use is a group or large development (per Section 19.04.11), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required per Section 19.09.15.

Section 19.09.13: Conditional Use Permit Procedures

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4. Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan. See Subsection (F)(3)(a) thru (e) below, for review criteria.
  5. A Traffic Impact Analysis (TIA) meeting Wisconsin Department of Transportation requirements for content and format may be required by the Village if deemed necessary by the Community Development Director, or designee.
- F. Review by Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
  2. The Community Development Director, or designee, may coordinate review with other Village departments.
  3. The Community Development Director, or designee, shall review the complete application and evaluate whether the proposed conditional use:
    - a. Is in harmony with the Comprehensive Plan.
    - b. Would result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.
    - c. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
    - d. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.
    - e. The potential public benefits outweigh any potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
  4. The Community Development Director, or designee, shall prepare a written report addressing the items under Subsection (F)(3), above, to be forwarded to the Plan Commission for the Commission's review. If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Community Development Director, or designee, shall note this determination in the report.
- G. Public Meeting. If proposed development is expected to have significant impact on other properties, the Community Development Director, or designee, may require a public meeting.
1. Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The Village may supply a list of property owners to the applicant upon request.
  2. The public meeting shall be held at a time, location, and format (i.e., in-person and/or virtual) determined by the Community Development Director, or designee.

Section 19.09.13: Conditional Use Permit Procedures

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3. The Community Development Director, or designee, shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
  4. The public meeting shall be held prior to review and action by the Plan Commission.
  5. The public meeting shall be noticed.
  6. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the Village.
  7. Alternate to Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.
- H. Review and Action by the Plan Commission.
1. The Plan Commission may request further information and/or additional reports from the Community Development Director, or designee, applicant, and/or from any other source.
  2. The Plan Commission may take final action on the application at the time of its initial meeting or may continue the proceedings. The Plan Commission may recommend the conditional use with modifications and/or conditions, or may recommend denial of the proposed conditional use. Said action shall be followed by a written report which may include a formal finding of facts developed and approved by the Plan Commission concerning the request. Said report shall be forwarded to the Village Board for its review and action on the proposed conditional use.
  3. If the Plan Commission wishes to recommend significant changes in the proposed conditional use, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Plan Commission action.
- I. Review by the Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
  2. The Community Development Director, or designee, shall review the application and evaluate and comment on the written justification for the requested appeal to the Village Board as submitted by the applicant. The Community Development Director, or designee, shall also evaluate the application to determine whether the requested appeal is in harmony with the Comprehensive Plan.
  3. The Community Development Director, or designee, shall forward a report to the Village Board for review and action. If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Director of Community Development, or designee, shall note this determination in the report.
- J. Review and Action by the Village Board. Within 60 days after the filing of an application, the Village Board shall make its findings and take final action (by resolution). The Village Board may request further information and/or additional

Section 19.09.13: Conditional Use Permit Procedures

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reports from the Plan Commission, Community Development Director (or designee), the applicant, and/or any other entity as it deems reasonable.

- K. Limited Effect of Approval. A ruling by the Village Board finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only at that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- L. Revocation of an Approved Conditional Use.
1. Upon approval by the Plan Commission, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements required for initiation of development activity on the subject property per Section 19.09.15. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Chapter.
  2. Any conditional use found not to be in compliance with the terms of this Chapter or an approved conditional use permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (E) through (H), above. The Village shall provide the property owner with appropriate served notice to consider revocation. Village staff shall provide written findings of fact in relation to the factors listed in Subsection (F)(3).
- M. Time Limits on the Development of Conditional Use.
1. Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval.
  2. For the purposes of this Section, "operational" shall be defined as the granting of a certificate of occupancy for the conditional use.
  3. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.
  4. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Community Development Director, or designee, and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of approval, the 365-day and/or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.
- N. Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

Section 19.09.13: Conditional Use Permit Procedures

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- O. Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property.
- P. Modification, Alteration, or Expansion.
1. The Community Development Director, or designee, may authorize a modification, alteration, or expansion to the site plan for a site with a valid conditional use permit provided that said modification, alteration, or expansion is permitted by right by this Chapter.
  2. Modification, alteration, or expansion of any conditional use without approval by the Plan Commission or Village Board shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use approval per Subsection (L), above.
  3. A modification, alteration, or expansion which has been approved as part of a prior valid conditional use does not require a new conditional use approval.
- Q. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village of Grafton for the subject property. The Village shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
- R. Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.
- S. Limited Conditional Uses: A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may require any proposed conditional use request to be a limited conditional use. The Plan Commission shall specify which of the following characteristics are present that create the need for the limited conditional use:
1. A particular aspect of the specific land use.
  2. A particular aspect of the proposed operation (including, but not limited to, operating hours).
  3. A particular aspect of the proposed location.
  4. A particular aspect of the proposed site design.
  5. A particular aspect of the adjacent property or of the surrounding environs.
  6. Any other reason(s) the Plan Commission deems specially relevant and material.
- T. Successor Conditional Uses. Successor Conditional Uses that meet the requirements of this section are subject to the approval of the original conditional use and do not required a new conditional use permit approval.
1. Definition. A successor conditional use is a land use which has been granted a conditional use permit by the Village, which is proposed to undergo one or more of the following changes:

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 Section 19.09.14: Temporary Use Permit Procedures
 

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- a. Changing from the specific use originally permitted by the conditional use to another operation of the same use within 365 days of the ending of the original use. For example, changing from one restaurant to another is permitted. However, changing from a tavern to a microbrewery is not permitted even though both are considered Taverns, Bars, and Microbreweries land uses under Section 19.03.09.
  - b. A change in the ownership of the subject property.
  - c. A change in the ownership of the business or other operator of the land use.
  - d. Other changes explicitly identified in a previously issued conditional use permit that are identified as acceptable successor conditional uses.
2. Purpose. The purpose of these provisions is to create a process that:
    - a. Reduces the costs and time needed to approve a successor conditional use.
    - b. Verifies that the proposed change is a valid successor conditional use.
    - c. Creates a record that the proposed change is approved.
    - d. Provides the land use and Village with a list of all applicable requirements.
  3. Proposed Expansions Are Not Eligible. Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation beyond the limits of site plans, floor plans and conditions of operation approved through the conditional use process shall not be eligible for treatment as a successor conditional use and must seek an amendment to its conditional use permit through the conditional use process.
    - a. The Community Development Director, or designee, may authorize an expansion to a site eligible for a successor conditional use (as defined by this Subsection), provided that said expansion is permitted by right by this Chapter.

**Section 19.09.14: Temporary Use Permit Procedures**

- A. Purpose. The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- B. Review and Approval by the Community Development Director, or designee. All temporary uses require a temporary use permit. In order to address unforeseen circumstances, the Community Development Director, or designee, may require an applicant to submit materials including, but not limited to:
  1. A map of the subject property to scale depicting:
    - a. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - c. All lot dimensions of the subject property.
    - d. A graphic scale and a north arrow.
  2. A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.



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**Section 19.09.15: Site Plan Review and Approval Procedures**

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3. A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 19.09.15.
4. Additional information as may be required by the Community Development Director, or designee.

**Section 19.09.15: Site Plan Review and Approval Procedures**

- A. Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.
- B. Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (D)(3) through (9) including redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:
  1. Residential accessory buildings, decks, and landscape features.
  2. Fences.
  3. Planned Unit Developments in accordance with the procedures of Section 19.09.18, provided that the Planned Unit Development provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- C. Pre-Application Conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Community Development Director, or designee, in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- D. Application. A site plan application may be considered complete if it contains all of the requirements of Subsections (a) through (i), below, unless specific application requirements are waived in writing by the Community Development Director, or designee. Maps depicting the following information shall be prepared (digital files should be submitted whenever possible, if applicable).
  1. Written description of the intended use describing in reasonable detail the following:
    - a. Existing zoning district(s) and proposed zoning district(s), if different.
    - b. Existing and proposed land uses.
    - c. Projected number of residents, employees, and/or daily customers.
    - d. Proposed number of dwelling units and density.
    - e. Demonstration of compliance with the applicable standards and requirements of this Chapter.
    - f. Demonstration of compliance with the Village's land dedication requirements in the Land Subdivision Ordinance the Village of Grafton Municipal Code.
    - g. Demonstration of consistency with the Comprehensive Plan.
    - h. Fencing materials (Section 19.04.09).
    - i. Any other information pertinent to adequate understanding of the intended use and its relation to nearby properties.

Section 19.09.15: Site Plan Review and Approval Procedures

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2. A location map showing the subject property and illustrating its relationship to the nearest street intersection.
3. Pre-Development Site Information. A map to scale shall depict the following information:
  - a. Legal description of the subject property.
  - b. Existing property lines and setback lines.
  - c. Existing structures and paved areas.
  - d. Existing right-of-way lines with bearings and dimensions clearly labeled.
  - e. Existing easements and utilities.
  - f. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where 1 foot contours shall be shown.
  - g. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).
4. Proposed Post-Development Site Information. A map to scale shall depict the following information:
  - a. Property lines and setback lines.
  - b. Location of all proposed structures and use areas, including but not limited to paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
  - c. Proposed right-of-way lines with bearings and dimensions clearly labeled.
  - d. Proposed access points onto public streets and access drives on the subject property.
  - e. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
  - f. Location of all proposed parking and traffic circulation areas.
  - g. Location and configuration of all visibility triangles proposed on the subject property.
  - h. Location and dimension of all loading and service areas on the subject property.
  - i. Location of all outdoor storage areas and the design of all screening devices.
  - j. Location of all rooftop, wall-mounted, and ground-mounted mechanical equipment, and the design of all screening devices.
  - k. Location and type of all stormwater facilities and management approach to be employed.
  - l. A turning movements exhibit for the Fire Department's largest apparatus.
  - m. Location of snow storage areas, except for single family and two family residential.
  - n. Proposed easement lines and dimensions with a key provided and explained as to ownership and purpose.
  - o. Location, type, height, size, and lighting of all signage on the subject property.
  - p. In the legend, include the following data for the subject property: lot area, flood area, impervious surface area, impervious surface ratio, and building heights.

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Section 19.09.15: Site Plan Review and Approval Procedures

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5. Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article V.
  6. Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.
  7. Elevation Drawings. Elevation drawings shall be to scale and shall include the following information:
    - a. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment and all rooftop, wall- mounted, and ground-mounted mechanical equipment.
    - b. Depict exterior materials, texture, color, and overall appearance.
    - c. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).
  8. Photometric Plan. The photometric plan shall be to scale and shall include the following information:
    - a. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
    - b. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles.
  9. Operational Plan.
    - a. Describe the proposed hours of operation and traffic generation.
    - b. Procedures for snow removal, except for single and two family residential.
- E. Review and Approval.
1. The Community Development Director, or designee, shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
  2. The Community Development Director, or designee, shall coordinate review with other Village departments.
  3. The Community Development Director, or designee, shall review and recommend approval or denial of the site plan to the Plan Commission. For minor site plans such as parking lot replacements and other minor site changes that do not include building footprint changes, the Community Development Director, or designee, shall review and approve or deny the site plan.
- F. Adjustments to Adopted Site Plans.
1. The following adjustments may be approved administratively by Village staff and no additional process is necessary:
    - a. A proposed adjustment that would add to or relocate amenity site elements which are not required such as additional non-required landscaping.
    - b. A proposed adjustment that would erase approved site development components which are not required such as a building, a portion of a building, an area of non-required landscaping, or a non-required paved area.
  2. The following adjustments that alter the required components of the approved site plan require a full site plan review process:

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**Section 19.09.16: Occupancy Permits**

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- a. A proposed adjustment that would erase and/or relocate approved site development components which are required such as a stormwater management feature, required landscaping, or required paved areas.
- b. A proposed adjustment that would expand and/or add any areas of development (building or paving), whether required or optional.
3. If a new site plan is required, and the site plan is a required component of a Conditional Use Permit or a Planned Unit Development, an amended (in essence, a new) Conditional Use Permit or Planned Unit Development is required.

**Section 19.09.16: Occupancy Permits**

- A. Purpose. The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading). The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article.
- B. Applicability. A land use permit shall be required for any of the following activities:
  1. The establishment of a new use of a structure or land.
  2. A change in type of use of a structure or land.
  3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
  4. Commencement of mining or excavation on a parcel of land.
  5. Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
  6. Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.
- C. Application. An application and fee shall be submitted to the Inspection Office. The Building Inspector, or designee, shall distribute the application to all applicable Village departments for review.
- D. Action by Director of Community Development, or designee. An occupancy permit shall be granted or denied by the Director of Community Development, or designee, in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of this Chapter, or the Building Code, or the Fire Code shall be null and void.
- E. Time Limits on Occupancy Permits. The work must begin within 365 days of approval and be completed within 730 days. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

**Section 19.09.17: Planned Unit Developments**

- A. Purpose. The purpose of this section is to provide regulations which govern the procedures for the review and approval or denial of proposed Planned Unit Developments.
- B. Initiation of Request. Proceedings for approval of a Planned Unit Development may be initiated by any of the following:

## Section 19.09.17: Planned Unit Developments

1. An application by the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;
  2. A recommendation of the Plan Commission to the Village Board; or
  3. By action of the Village Board.
- C. Procedure for Planned Unit Development Review. The procedure for zoning to a Planned Unit Development (PUD) district shall follow the Zoning Map Amendment procedure included in Section 19.09.12, except that the Planned Unit Development procedure shall be subject to the following additional requirements.
1. Pre-Application Conference. Prior to formal petition for zoning to a PUD district, the applicant shall confer with appropriate Village staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.
  2. Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant may decide to prepare an optional conceptual plan for review with the Plan Commission.
    - a. The Plan Commission may schedule a workshop as part of a Planned Unit Development Review. Appropriate topics for discussion may include any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the Development Plan application (see Subsection (d), below).
    - b. The concept plan submittal shall include the following items (digital files should be submitted whenever possible):
      - i. A location map of the subject property and its vicinity.
      - ii. A general written description of the proposed PD, including:
        1. General project themes and images.
        2. The general mix of dwelling unit types and/or land uses.
        3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
        4. General treatment of natural features.
        5. Relationship to nearby properties and public streets.
        6. Relationship of the project to the Comprehensive Plan.
        7. Description of exceptions/base standard modifications from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts

Section 19.09.17: Planned Unit Developments

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- created by making exceptions to standard zoning district requirements.
- iii. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
  - iv. The Plan Commission shall accept the concept plan and inform the applicant to move on to the next step in the PD process, Development Plan.
3. Public Meeting. If proposed development is expected to have significant impact on other properties, the Community Development Director, or designee, may require a public meeting.
- a. Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The Village may supply a list of property owners to the applicant upon request.
  - b. The public meeting shall be held at a time, location, and format (i.e., in-person and/or virtual) as determined by the Community Development Director, or designee.
  - c. The Community Development Director, or designee, shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
  - d. The public meeting shall be held prior to review and action by the Plan Commission.
  - e. The public meeting shall be noticed.
  - f. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the Village.
  - g. Alternate to Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.
4. Development Plan Review. The applicant shall submit a Development Plan to the Community Development Director, or designee, for determination of completeness. Upon determination of completeness by the Community Development Director, or designee, the plan shall be placed on the Plan Commission agenda for review. The plan establishes the underlying zoning for the property.
- a. The plan submittal shall include the following items (digital files required):
    - i. An existing conditions map of the subject site depicting the following:
      1. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      2. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.
      3. Existing utilities and recorded easements.
      4. All lot dimensions of the subject site.
      5. A graphic scale and a north arrow.

Section 19.09.17: Planned Unit Developments

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- ii. A site plan of the proposed site showing at least the following:
  1. Lot layout and the arrangements of buildings.
  2. Public and private roads, driveways, walkways, and parking facilities.
  3. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common open space.
- iii. Proposed grading plan.
- iv. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.
- v. Architectural plans for any nonresidential buildings, multi-family structures, or building clusters, other than conventional single-family or two-family homes on individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.
- vi. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.
- vii. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that may or may not vary from Village standards or common practices.
- viii. Specific written description of the proposed development including:
  1. Specific project themes and images.
  2. Specific mix of dwelling unit types and/or land uses.
  3. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
  4. Specific treatment of natural features, including parkland.
  5. Specific relationship to nearby properties and public streets.
  6. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
  7. A statement of rationale as to why PUD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PD project.
  8. A complete list of zoning standards that would not be met by the proposed PUD and the location(s) in which such exceptions/base standard modifications would occur.
  9. Phasing schedule, if more than one development phase is intended.
- ix. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for

## Section 19.09.17: Planned Unit Developments

- the permanent preservation and maintenance of common open areas and amenities.
- x. Statistical data, including:
    - 1. Minimum lot sizes in the development.
    - 2. Approximate areas of all lots.
    - 3. Density/intensity of various parts of the development.
    - 4. Building coverage.
    - 5. Landscaping surface area ratio of all land uses.
    - 6. Expected staging.
  - xi. A Traffic Impact Analysis (TIA) that evaluates the adequacy of the existing and proposed transportation system that serves the Planned Unit Development may be required by the Village, if deemed necessary by the Community Development Director, or designee.
    - a. If required, the TIA should address all elements of the transportation system as it relates to pedestrians, bicyclists, transit, vehicular traffic, and adjacent land development.
    - b. It is noted that the Wisconsin Department of Transportation (WisDOT) has TIA requirements that must be followed if a development project has direct access to the State Trunk Highway System.
- b. The Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
- c. The process for review and approval of the Development Plan shall be identical to that for Zoning Map Amendments per Section 19.09.12.
5. If the applicant does not commence construction within an approved PUD District within one (1) year after Village Board approval of the PUD District plans, or complete construction within three (3) years of the approved PUD District plans, the approved plans for the PUD District shall be considered null and void.
- D. Criteria for Approval: In its review and recommendation to the Village Board on an application for a Planned Unit Development district, the Plan Commission shall make findings with respect to the following criteria:
- 1. The proposed Planned Unit Development project is consistent with the overall purpose and intent of this Chapter.
  - 2. The proposed Planned Unit Development project is consistent with the Village's Comprehensive Plan and other area plans. (It is the responsibility of the Village to determine such consistency.)
  - 3. The proposed Planned Unit Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
  - 4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Unit Development project, including but not limited to public sewer and water and public roads.
  - 5. The proposed Planned Unit Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
  - 6. The proposed Planned Unit Development project design does not detract from areas of natural beauty surrounding the site.



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Section 19.09.18: Interpretations

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7. The proposed architecture and character of the proposed Planned Unit Development project is compatible with adjacent/nearby development.
  8. The proposed Planned Unit Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.
  9. The proposed Planned Unit Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this Chapter.
  10. For Planned Unit Development projects that are proposed to be developed in phases, the applicant can provide a timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.
- E. Changes or Alterations. Any change of the PUD plans subsequent to approval shall be submitted to the Community Development Director, or designee.
1. If the Community Development Director, or designee, determines that the change constitutes a substantial modification, the developer will be required to amend the plan, following the procedures set forth in this Section for review and approvals.
  2. If, in the opinion of the Community Development Director, or designee, such changes do not constitute a substantial alteration of the PUD, the change may be accomplished by approval of the Community Development Director, or designee. Such approved changes or modifications shall be documented and recorded in the official file of the Village on the PUD.

### Section 19.09.18: Interpretations

- A. Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- B. Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following 4 methods:
1. An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
  2. A recommendation of the Plan Commission or the Village Board.
  3. By request of the Community Development Director, or designee.
- C. Application. A zoning interpretation application contains all of the following:
1. Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
  2. If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information may be required (digital files should be submitted whenever possible):
    1. A map of the subject property depicting:
      - i. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.

## Section 19.09.18: Interpretations

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- ii. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - iii. All lot dimensions of the subject property.
    - iv. A graphic scale and a north arrow.
  - ii. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
  - iii. A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 19.09.15.
  - c. If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
    - i. How is the subject land use in general harmony with the purposes, goals, objectives, policies and standards of the Village's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration (pursuant to official notice) by the Village?
    - ii. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
  - D. Review by Community Development Director, or designee.
    - 1. The Community Development Director, or designee, shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
    - 2. The Community Development Director, or designee, shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the Village's Comprehensive Plan.
    - 3. The Community Development Director, or designee, shall forward a report to the applicant indicating the interpretation of the Community Development Director, or designee. If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Community Development Director, or designee, shall note this determination in the report.
  - E. Standards for Review. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:
    - 1. Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact.

## Section 19.09.18: Interpretations

A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)

2. Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.
3. Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any reduction of a normally required bufferyard or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.
4. This Chapter has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Village Board.
5. In addition to the applicant's response to the questions required by Subsections (E)(l) through (4), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
  - a. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
  - b. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted or conditional in the zoning district of the subject property (see Article II).

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**Section 19.09.19: Variances**

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- c. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).
  - d. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).
  - e. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 19.09.13.
- F. **Effect of a Favorable Land Use Interpretation.** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.
- G. **Limitations on Favorable Land Use Interpretation.**
- 1. No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
  - 2. An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**Section 19.09.19: Variances**

- A. **Purpose.** The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. 62.23(7)(e)(7).

Section 19.09.19: Variances

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- B. Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
- C. Application. Variance applications shall contain the following (digital files should be submitted whenever possible, if applicable):
1. A map of the subject property depicting:
    - a. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - c. All lot dimensions of the subject property.
    - d. A graphic scale and a north arrow.
  2. A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 19.09.15.
  3. Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.
- D. Review by the Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
  2. The Community Development Director, or designee, shall review the application and prepare a written report including the following:
    - a. Evaluate whether the request is in harmony with the Comprehensive Plan or other relevant plans.
    - b. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.
- E. Public Hearing. Within 60 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 19.09.09 to consider the request.
- F. Review and Action by the Zoning Board of Appeals.
1. Within 60 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per the following based on Wis. Stats. 62.23(7)(e):
    - a. The variance will not be contrary to the public interest.
    - b. Substantial justice will be done by granting the variance.
    - c. The variance is needed so that the spirit of the ordinance is observed.
    - d. Due to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship.
    - e. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
  2. The Zoning Board of Appeals may request further information and/or additional reports from the Community Development Director, or designee, and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

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**Section 19.09.20: Appeals of Zoning Interpretations**

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3. If the Zoning Board of Appeals fails to make a determination within 60 days after said public hearing, then the request for the variance shall be considered denied.
- G. Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Community Development Director, or designee.
- H. Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- I. Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Community Development Director, or designee, certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the
- J. Community Development Director, or designee, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.

**Section 19.09.20: Appeals of Zoning Interpretations**

- A. Purpose. The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Community Development Director, or designee, per Section 19.09.19 as provided for by Wis. Stats. 62.23(7)(e)(7).
- B. Initiation of Request for Appeal. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Community Development Director, or designee.
- C. Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Community Development Director, or designee, certifies to the Zoning Board of Appeals after the request for the appeal has been filed, that, by reason of facts stated in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Community Development Director, or designee, and on due cause shown.
- D. Time Limit for Filing an Appeal. Any appeal under the provisions of this Section shall be made per the requirements of Subsection (E), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Community Development Director, or designee. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

Section 19.09.20: Appeals of Zoning Interpretations

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- E. Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted whenever possible):
1. A copy of pertinent items in the file on the matter at hand as identified by the Community Development Director, or designee, and/or the applicant.
  2. A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.
- F. Review by the Community Development Director, or designee.
1. The Community Development Director, or designee, shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Community Development Director, or designee, shall notify the applicant.
  2. The Community Development Director, or designee, shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Community Development Director, or designee, shall also evaluate the application to determine whether the requested is in harmony with the Comprehensive Plan or other relevant plans.
  3. The Community Development Director, or designee, shall forward a report to the Board of Appeals for review and action. If the Community Development Director, or designee, determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan or other relevant plans, the Community Development Director, or designee, shall note this determination in the report.
- G. Public Hearing. Within 60 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 19.09.09 to consider the request.
- H. Review and Action by the Zoning Board of Appeals.
1. Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Community Development Director, or designee, and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report or minutes which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
  2. If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- I. Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Community Development Director, or designee.
- J. Limited Effect on a Favorable Ruling on an Appeal.
1. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the

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**Section 19.09.21: Administration and Enforcement of Performance Standards**

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ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and development commenced within that period.

2. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**Section 19.09.21: Administration and Enforcement of Performance Standards**

Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

- A. Where determinations can be made by the Community Development Director, or designee, using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- B. Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
  1. The Community Development Director, or designee, shall give written notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Community Development Director, or designee, believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Community Development Director, or designee.
  2. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Community Development Director, or designee, within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.



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**Section 19.09.22: Planning/Zoning Inspection Service Fees**

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**Section 19.09.22: Planning/Zoning Inspection Service Fees**

The property owner may be assessed a separate inspection service fee for all violations of this Chapter as verified by the Village after inspection. This inspection service fee shall be in addition to any other fees or special charges authorized by the Municipal Code. Inspection service fees may be placed as a special charge against the property as allowed by statute without further notice if they remain unpaid thirty days after an invoice is mailed to the owners last known address.

**Section 19.09.23: Violations and Penalties**

- A. Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements.
- B. Penalties. See the Village of Grafton Municipal Code.
- C. Promulgated Correction of Violation. In addition to any other penalty imposed for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

**Section 19.09.24: Fees**

The fees referred to in this Chapter shall be established by the Village Board and may from time to time be modified.

**Section 19.09.25-19.09-30: Reserved for future use**