

**VILLAGE OF GRAFTON
ORDINANCE NO. 019, SERIES 2023
AN ORDINANCE OF THE VILLAGE BOARD AMENDING ARTICLE IX:
ADMINISTRATION AND PROCEDURES OF CHAPTER 19: ZONING**

WHEREAS, the Village of Grafton Plan Commission held a public hearing on September 26, 2023, on the proposed Zoning Ordinance amendments set forth herein.

NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF GRAFTON DOES ORDAIN AS FOLLOWS:

Part 1. Amend Zoning Ordinance Article IX Administration and Procedures as follows:

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 ~~review and~~ approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, occupancy permits, and site plans ~~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.
- 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 appeals, variances, and other actions as permitted by this section and Wisconsin Statutes ~~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 Chapter will result 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~~committee(s).
 - 3. Action by appropriate Village ~~officials or staff~~ and/or committee(s) 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.

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		
<u>Concept Plan</u>	<u>RR</u>	<u>RE</u>		
Group and Large Development	PM*, RR	PH, <u>RR* A</u>		
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 <u>RR*</u>		
Planning Documents/Plans	PM, <u>RE</u>	RR, <u>RR*</u>	RE, A	
Access Control Variance	RR	RE, A		
Annexation	RR	PH, RR	RE, A	
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		
<u>Sign Variance</u>	<u>RR</u>	<u>RE, A</u>		
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 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~~ in formats and quantities identified on the application form):
 1. The Section(s) of the current provisions of this Chapter which are proposed to be amended.
 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.
- 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:

1. ~~A~~an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;
2. ~~A~~a recommendation of the Plan Commission;
3. ~~by action~~Action of the Village Board;
- 1.4. ~~A recommendation~~ or by Village staff.

B.C. Application. An application to amend the Official Zoning Map shall contain the following (~~digital files should be submitted whenever possible, if applicable in formats and quantities identified on the application form~~):

1. A map of the subject property to scale depicting:
 - 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.

C.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.

D.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.

- 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 100-200 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.
 - 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 100-200 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.

E.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.

F.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.

G.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.
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.

H.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~~ shall contain the following (~~digital files should be submitted whenever possible, if applicable in formats and quantities identified on the application form~~):
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.
 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 ~~departmetns~~ 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 ~~100-200~~ 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.
 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.
 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 ~~100-200~~ feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.
- 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.~~

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

I. Limited Effect of Approval. A ruling by the ~~Village Board~~Plan Commission 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.

J. 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).

- K. 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.
- L. 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.
- M. Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property.
- N. 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.
- ~~O. 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.~~
- P.O. 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.
- Q.P. 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.

R.Q. **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 require 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:
 - 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. Application. An application for a temporary use permit shall contain the following (in formats and quantities identified on the application form):~~

- ~~1. 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:~~
 - a. A map of the subject property to scale depicting:
 - i. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
 - 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.
 - b. 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.
 - c. A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 19.09.15.
 - d. Additional information as may be required by the Community Development Director, or designee.

~~C. Review and Approval by the Community Development Director, or designee. The Community Development Director, or designee shall review and approve, conditionally approve, or deny the temporary use.~~

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. An application for a site plan shall contain the following (in formats and quantities identified on the application form) ~~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.
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.
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:
 - 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: Concept Plan Review Procedures

- A. Purpose. The purpose of this Section is to specify the requirements and procedures for the review of concept plan applications. The provisions of this Section are designed to allow staff and the Plan Commission to provide feedback to the applicant on preliminary development plan prior to other formal reviews such as rezoning or site plan.
- B. Applicability. Concept plan review shall be required when significant changes to a site are proposed as determined by the Community Development Director.
- C. Application. An application for a concept plan shall contain the following (in formats and quantities identified on the application form).
1. A recent survey or existing conditions map.
 2. Concept site plan of the proposed development depicting building footprints, paved areas, setbacks, proposed greenspace surface ratio, and other site improvements.
 3. Written description of the proposed development.
- D. Review and Feedback.
1. The Community Development Director, or designee, shall determine whether the concept 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 provide a list of potential issues related to the application to the Plan Commission. The Plan Commission shall review the concept plan and offer informal feedback to the applicant about the proposed development.

Section 19.09.176: 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~~An occupancy 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.
 - 2-3. A change in ownership of a business or non-residential property.
 - 3-4. 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.
 - 4-5. Commencement of mining or excavation on a parcel of land.
 - 5-6. Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
 - 6-7. 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 the~~ Community Development Director, or designee. An occupancy permit shall be granted or denied by the ~~Director of~~ Community Development Director, 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 19.09.187: 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:

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~~ in formats and quantities identified on the application form):
 - i. A location map of the subject property and its vicinity.
 - ii. A general written description of the proposed PUD, 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

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 PUD 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 100-200 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.
 - 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 100-200 feet of the subject property of the proposal may substitute for the public meeting, if deemed appropriate by the Community Development Director, or designee.
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.
 - 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 PUD 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 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.
 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 19.09.198: 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. An application for a zoning interpretation shall contain the following ~~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 in formats and quantities identified on the application form):
 - a. 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.
 - 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.
 - b. 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.
 - c. 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. 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:
 - a. 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?
 - b. 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. 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).
 - 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.~~2019~~: 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).
- 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~~ in formats and quantities identified on the application form):
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)7:
 - 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.
 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 19.09.210: 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.
- E. Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (~~digital files should be submitted whenever possible in~~ formats and quantities identified on the application form):

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 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 19.09.24: 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.

Section 19.09.232: 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 19.09.243: 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 19.09.25: Fees

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

Section 19.09.265-19.09-30: Reserved for future use

Part 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance. This ordinance shall take effect upon passage and posting.

Approved by the Village Board of the Village of Grafton this 2nd day of October, 2023.



 Daniel Delorit
 Village President

Attest: 

 Kaitly Olsen
 Village Clerk

