

**VILLAGE OF GRAFTON**

**ORDINANCE NO. 007, SERIES 2024**

**AN ORDINANCE OF THE VILLAGE BOARD AMENDING VARIOUS SECTIONS OF CHAPTER 19: ZONING**

**WHEREAS**, the Village of Grafton Plan Commission held a public hearing on July 23, 2024, 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 I: Introduction and Definitions Section 19.01.22: Definitions as follows:

97. Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street with the property address and/or main entrance as determined by the Community Development Director ~~shortest frontage distance~~ shall be the front lot line. (See also lot line, street side). See Figure 19.01.22b.

103: Lot width: The horizontal distance between the side lot lines measured at the minimum front setback.

Renumber subsequent sections.

**Part 2.** Amend Zoning Ordinance Article II: Establishment of Zoning Districts Section 19.02.10 RH-35 Rural Holding-35 Zoning District as follows:

A. Intent. This district is intended to act as a "holding zone" to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs. This district is also intended to act as an interim zoning district prior to assignment of a final zoning district based on the approved development. This district ~~also~~ permits very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres.

**Part 3.** Amend Zoning Ordinance Article II: Establishment of Zoning Districts Table 19.02.31 B Permitted and Conditional Accessory Land Uses as follows:

Add "EE. Electric Vehicle Charging – Exterior" and "FF. Electric Vehicle Charging – Interior" as permitted by right uses in all zoning districts.

**Part 4.** Amend Zoning Ordinance Article III: Land Use Regulations Section 19.03.09: Commercial Land Uses as follows:

- V. Tourist Rooming Houses (6 or fewer consecutive days): All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients as defined in Wisconsin Administrative Code Chapter ATCP 72.03, as amended. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wisconsin Administrative Code Chapter ATCP 73. The following regulations apply to this land use:
1. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the dwelling unit.
  2. The maximum stay for any party other than the owner of the premises shall be six (6) consecutive days.
  3. The residential dwelling shall be rented no more than 180 days in any consecutive 365-day period. The owner or person who rents the residential dwelling shall notify the Village Clerk in writing when the first rental within a 365-day period begins.
  4. The number of guest vehicles allowed on-site is limited to the number of bedrooms in the unit.
  5. No recreational vehicle or tent may be used for living or sleeping purposes.
  6. Outdoor events shall end no later than 10:00pm.
  7. A property manager shall be available at all times unless the owner lives within 35 miles of the unit.
  8. The appearance of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that can carry beyond the premises.
  9. The availability of the tourist rooming house to the public shall not be advertised on-site.
  10. The tourist rooming house must be licensed by the State of Wisconsin and meet all requirements including room tax payments.
  11. The tourist rooming house shall obtain a license from the Community Development Department for conducting such activities.
  12. Property owners in violation of these or other Village ordinances shall be subject to citation.

**Part 5.** Amend Zoning Ordinance Article III: Land Use Regulations Section 19.03.17: Accessory Land Uses as follows:

- T. Automated Teller Machine: Walk-up or drive-up (not drive through with access business representatives) automated teller machines (ATM). The following regulations apply to this land use:
1. Clearly marked pedestrian crosswalks shall be provided for each walk-up ATM.
  2. ~~Drive up ATMs shall not be located between the principal building and the street right-of-way.~~

3. The drive-up facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
4. In no instance shall a drive-up facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
5. ATMs shall have adequate surveillance and a minimum of five foot candles of lighting within 20 feet of the ATM.
6. Facility shall provide a buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
7. Interior curbs shall be used to separate driving areas from exterior fixtures.
8. Stacking lane length for drive-up facilities shall be determined by the Village Engineer.
9. Minimum required parking: Refer to the parking requirements of the principal land use activity on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.

- U. Seasonal Outdoor Display: ~~Decorative point-of-purchase displays solely associated with an enclosed garden center for spring, summer, and fall~~ seasonal organic (i.e., not man-made) materials such as flowers, ~~and vegetable plants, and Christmas trees~~ but excluding organic materials in bags (e.g., garden soil, mulch) ~~and Christmas trees~~. The following regulations apply to this land use:
1. The seasonal display shall require Plan Commission site plan review.
  2. If approved, the conditions of approval shall include a schedule for when seasonal displays will be set up and removed.
  3. The exact location, area, and height of the seasonal display shall be determined by the Plan Commission through the site plan review process. ~~However, the display shall be proportionate to the associated garden center area, if applicable, and in no case shall the display occupy more than 750 square feet or exceed eight feet high.~~
  4. Merchandise shall be attractively displayed. Pallets may be used if edges are fully concealed. Unmaintained or unorganized areas shall be deemed in violation of this section and subject to possible penalty.
  5. Merchandise signage shall be limited to signs that are no more than two square feet.
  6. Display racks and other equipment shall be stored inside when not in use.
  7. Merchandise displays shall not block emergency, vehicular, or pedestrian ingress and egress including entrances and/or exits to a site or building. A pedestrian walkway between the outside edge of the display area and vehicular traffic area shall be required.
  8. All outdoor display areas are subject to the review and approval of the Director of Planning and Development based on, but not limited to, criteria such as aesthetic appeal, relationship to the architecture of the primary structure, general placement/location, traffic and safety issues, operational aspects, and maintenance.
  9. Minimum required parking: See requirements of principal use.

- V. Incidental Outdoor Display: The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use. The following regulations apply to this land use:
1. The incidental display shall require Plan Commission site plan review.
  2. Incidental Outdoor Display land uses shall comply with all regulations of Section 19.04.08.
  3. ~~The display area shall be not be greater than or equal to 200 square feet.~~
  4. The exact location, area, and height of the incidental display shall be determined by the Plan Commission through the site plan review process.
  5. Any such display shall be neatly stacked and maintained.
  6. All outdoor display areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
  7. The display of items shall not be permitted in any landscaping areas, buffer yard areas, or green space areas.
  8. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirements applicable to the principal use. If the number of provided parking stalls on the property is already less than the requirement, display areas shall not further reduce the number of parking stalls already present.
  9. Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, line of planters, or by a clearly marked paved area.
  10. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
  11. ~~Except as provided herein, the outdoor storage or display of merchandise in the Regional Mixed Use RMU District shall not be permitted including any ice storage or vending boxes, and/or vending machines.~~
  12. Propane tanks may be stored outside the premises in locked, metal enclosures which are inaccessible to the general public without the assistance of an employee. Said enclosure to meet the requirements of National Fire Protection Association (NFPA) 58. Such enclosures shall be painted in a neutral color, shall be located within five (5) feet of the principal structure, and shall occupy a space of no greater than two-hundred (200) cubic feet.

EE. Electric Vehicle Charging – Exterior: Facilities and equipment dedicated to charging electric vehicles which are located outside of an enclosed building.

1. Exterior electric vehicle charging facilities which are open to the public shall require Plan Commission site plan review.
2. Exterior electric vehicle charging facilities which are private shall require site plan review by the Community Development Director.
3. Electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric

vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

4. Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards.
5. Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.
6. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
7. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other current contact information shall be provided on the equipment for reporting operational or other problems.

**FF. Electric Vehicle Charging – Interior: Facilities and equipment dedicated to charging electric vehicles which are located inside of an enclosed building.**

1. Interior electric vehicle charging facilities do not require site plan review.
2. Electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
3. Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards.
4. Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station.
5. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
6. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other current contact information shall be provided on the equipment for reporting operational or other problems.

**Part 6. Amend Zoning Ordinance Article IV: Performance Standards Section 19.04.02 Vehicle Access Standards as follows:**

**W. Design of Single and Two Family Residential Driveways.**

1. Single Family uses shall include ~~are limited to~~ one driveway per lot unless otherwise regulated.

**Part 7. Amend Zoning Ordinance Article V: Landscaping Standards Section 19.05.01 Applicability of Landscaping Requirements as follows:**

- A. The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.
- B. Any use for which site plan approval is required shall provide landscaping in accordance with the regulations of this Section, including the following development:

1. New buildings and paved areas.
  2. Expansions of existing buildings.
  3. Expansions of paved areas.
  4. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.
- C. The requirements of this Section shall apply to replacement of dead, dying, overgrown, or purposefully removed landscaping.

**Part 8.** Amend Zoning Ordinance Article V: Landscaping Standards Section 19.05.03: Landscaping Requirements as follows:

- C. Street Frontages.
1. For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 19.04.13d.
  2. Street frontage landscaping shall be placed a minimum of 10 feet from the public street right-of-way.
  3. Landscaping that is counted for the Street Frontage point requirement shall not located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
  4. A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.
  5. In addition to the landscaping needed to meet the landscaping points required for Street Frontages, a minimum of one street tree per lot or one street tree every 50 feet of public right-of-way frontage shall be required.
  6. In the case of any new principal building, building expansion, new paved area, or paved area expansion on a previously-developed site, a percentage of the landscaping points specified in Figure 19.04.13d shall be required. For new paved areas and expansions, the required percentage shall be equal to the percentage of the paved area expansion as compared to the existing paved area square footage. For new buildings and expansions, the required percentage shall be the percentage of the building expansion as compared to the existing building square footage.
- K. Lawn installation. Final grading, in compliance with the approved grading plan, and seeding of lawn areas shall be completed on all properties with disturbed areas within 12 months following issuance of an occupancy permit. Temporary seeding shall be required for disturbed areas that will not be brought to final grade or on which land-disturbing activities will not be performed for a period greater than 30 days and requires vegetative cover for less than one year.

**Part 9.** 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 5<sup>th</sup> day of August, 2024.



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Daniel Delorit  
Village President

Attest: 

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Kaitly Olsen  
Village Clerk