

Title 9 - LAND USE REGULATION

Chapter 1 - ZONING

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9.1.1 Introduction.

9.1.1.01 Authority

This Chapter is adopted under the authority granted by Secs. 60.61, 60.62, 61.35, and 62.23(7), Wis. Stats., and amendments thereto.

9.1.1.02 Purpose

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Grafton, Wisconsin.

9.1.1.03 Intent

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands and waters; and to:

- (A) Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- (B) Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- (C) Regulate Parking, Loading and Access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (D) Secure Safety from fire, pollution, contamination and other dangers;
- (E) Stabilize and Protect existing and potential property values;
- (F) Preserve and Protect the beauty of the Town of Grafton;
- (G) Prevent and Control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- (H) Further the Maintenance of safe and healthful water conditions;
- (I) Provide for and Protect a variety of suitable commercial and industrial sites;
- (J) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (K) Implement those town, county, watershed, and regional comprehensive plans or components of such plans adopted by the Town of Grafton; and
- (L) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

9.1.1.04 Abrogation And Greater Restrictions

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

9.1.1.05 Interpretation

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Grafton.

9.1.1.06 Severability

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. If any application of this Chapter to a particular structure, land, or

water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

9.1.1.07 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

9.1.1.08 Title

This Chapter shall be known as, referred to, or cited as Zoning.”

9.1.2 General Provisions.

9.1.2.01 Jurisdiction

The jurisdiction of this Chapter shall apply to all structures, lands, water, and air within the corporate limits of the Town of Grafton.

9.1.2.02 Compliance

(A) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

(B) Duty of the Building Inspector.

- (1) The duty of the Building Inspector shall be to interpret and administer this Chapter.
- (2) The Building Inspector shall issue, after on-site inspection, all permits required by this Chapter and shall maintain records of all permits issued.
- (3) The Building Inspector shall investigate all complaints, give notice of violations, issue orders to comply with the zoning ordinance, and assist the town attorney in the prosecution of Chapter violators.
- (4) Upon presentation of identification, the Building Inspector or his deputy shall have the right to request entry any public or private lands or waters at any reasonable time to make a zoning inspection. If entry is refused, the Building Inspector or his deputy may obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. The owner, lessee or occupant of any property who is served with a special inspection warrant shall furnish to the Building Inspector or his deputy any pertinent information requested by that person concerning such property.

9.1.2.03 Zoning Permit Required

(A) No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after having secured a zoning permit from the Town Building Inspector, unless otherwise excepted pursuant to Sec. 9.1.2.04, below.

(B) Applications for a zoning permit shall be made in duplicate to the Building Inspector on forms furnished by the Town and shall include the following where applicable:

- (1) Name and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- (2) Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing

- and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of Survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than 1" = 40', showing the location, boundaries, dimensions, elevations, uses and size of the following:
 - (a) subject site;
 - (b) existing and proposed structures;
 - (c) existing and proposed easements,
 - (d) streets and other public ways;
 - (e) off-street parking, loading areas and driveways;
 - (f) existing highway access restrictions;
 - (g) existing and proposed street, side and rear yard; and
 - (h) In addition, the Building Inspector may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service; or other information as requested by the Building Inspector, Plan Commission, or the Town Board.
 - (C) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Ozaukee County Planning, Resources, and Land Management Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
 - (D) Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Section NR812 of the Wisconsin Administrative Code and shall be approved by the Town Engineer and the Plan Commission. Community wells may be permitted as approved by the Plan Commission.
 - (E) Additional Information as may be required by the Town Plan Commission, Town Engineer, Building Inspector, Health Inspector, Plumbing Inspector and Town Planner.
 - (F) A Zoning Permit shall be granted or denied in writing by the Town Building Inspector within 30 days. If the Town Building Inspector does not act on an application for permit within 30 days, it is deemed denied and placed on the next agenda of the Board of Zoning Appeals for consideration by the Board. The permit shall be good for one (1) year and may be extended upon application and personal appearance, with plans for completion, before the Town Plan Commission. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
 - (G) A separate application form must be completed each time the issue appears before the Town Plan Commission or Town Board of Supervisors. A separate application must also be completed each time Staff review of punchlist items is required. All information is required for each application.
 - (H) Subsequent Reviews include Staff time required to review the completion of punchlist items generated from an appearance before the Plan Commission or

Town Board. Subsequent applications shall be submitted to the Town Clerk with proper payment.

- (I) Applications for agendas requiring an extraterritorial review are due with required attachments at least 45 days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- (J) All other applications are due with required attachments at least 15 days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.

9.1.2.04 Certificate of Compliance Required

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, moved or create change in use; and no nonconforming use shall be continued by a new owner, renewed, changed, or extended until a certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Chapter. Such certificate shall be applied for at the time of occupancy of any land and/or building.

9.1.2.05 Site Restrictions

- (A) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, inadequate bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which they base their conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw the determination of unsuitability.
- (B) Private Sewer and Water.
In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site soil absorption sewerage disposal system or other appropriate disposal system designed in accordance with the Wisconsin Administrative Code and with approval of the Ozaukee County Planning, Resources, and Land Management Department.
- (C) Street Access Required.
Street Access Required. No lot shall hereafter be created or any building placed on a lot which does not abut on a public street or approved right-of-way.
- (D) Private Street or Way.
Subject to the approval of the Plan Commission, a building may be permitted on a tract of land which does not abut on a public or approved way provided such tract of land is in a residential district, has access by permanent 66 foot reservation to a public street or approved way, and does not conflict with plans for the future development of streets in the area. Not more than two (2) homes may be served by such a reservation.

- (E) All Structures shall be located on a lot; and in residential districts, only one structure of more than 150 square feet shall be located, erected, or moved onto a lot. The Plan Commission may permit more than one (1) structure of more than 150 square feet per lot where more than one (1) such structure is needed for the orderly development of the lot. If the Plan Commission permits additional structures on a lot, it may impose additional yard requirements, landscaping requirements, parking requirements or require a minimum separation distance between structures.
- (F) No Zoning Permit shall be issued for a lot which abuts a street dedicated or reserved to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (G) Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

9.1.2.06 Use Restrictions

The following use restrictions and regulations shall apply:

- (A) Principal Uses. Only those principal uses specified for a district, their essential services, and the applicable uses set out in this section shall be permitted in that district.
- (B) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter. In residential districts, yard setbacks may be reduced to 10 feet with structures of less than 150 square feet with the written approval of the Building Inspector, and all abutting property owners.
- (C) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Plan Commission in accordance with Sec. 9.1.4 of this Chapter. Such development shall be specifically reviewed and approved by the Town Plan Commission as provided in Sec. 9.1.4, TGO.
- (D) Gas and Electric Utility Uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Sec. 196.491(3), Wis. Stats. are exempt from the requirements of this Chapter, and shall not be required to obtain a Zoning Permit or Certificate of Compliance.
- (E) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Plan Commission after review and public hearing.
- (F) Private Swimming Pools are permitted as an accessory use in the rear yard of any residence in any Agricultural or Residential District provided that:
 - (1) All swimming pools shall be surrounded by a fence not less than 42 inches in height nor more than eight feet in height. Fences 42-48 inches in height shall be solid fences as defined in Sec. 9.1.12.02(BB), below. Fences in excess of four feet in height shall be chain link fences.

- (2) Access to the swimming pool shall be controlled by a self-latching or similar gate and all such gates shall be kept securely closed and locked at all times when the owner is not present at the pool.
- (3) Swimming pools shall not be constructed directly under or over electrical transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the pool or surrounding fence.
- (4) Swimming pools shall not be constructed over or closer than fifteen (15) feet to an on-site soil absorption sewage disposal system or a holding tank.
- (5) No lighting installed around swimming pools shall throw any rays on to adjacent properties.
- (6) No water drained from a swimming pool shall be discharged over or near an on-site soil absorption sewage disposal system, holding tank or well.
- (7) No private swimming pool shall be located closer than six (6) feet to a lot line.

9.1.2.07 Reduction or Joint Use

No lot, yard, parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter . No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

9.1.2.08 Fees

See Title 1, Ch. 3, TGO.

(A) Permit Fees.

- (1) All persons, firms or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the appropriate Town official or body as specified herein to help defray the cost of administration, investigation, advertising and processing of the permit.
- (2) Fees for zoning permits, certificates of compliance, conditional use permits, sign permits, zoning changes and amendments, variances or requests and/or appeals to the Zoning Board of Appeals shall be as provided in the Town Fee Schedule as established from time to time by Resolution of the Town Board of Supervisors and kept by the Town Clerk.

(B) Double Fees.

A double fee may be charged by the Town Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not relieve the applicant from full compliance with this Chapter nor from prosecution for any violation thereof.

(C) Other Fees.

All persons, firms or corporations filing an appeal, requesting a variance or requesting an amendment to this Chapter shall pay to the appropriate Town official or body as specified herein at the time the request or appeal is filed with that official or body a fee to help defray the cost of administration, investigation, advertising and processing of such appeal or request.

(D) Review Fees.

- (1) The applicant shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the application. Engineering work shall include the review of construction plans and standard specifications.
- (2) The subdivider shall pay a fee equal to the cost of any legal work which may be undertaken by the Town in connection with the application. Legal work shall include, without limitation, the drafting of contracts between the Town and the subdivider, review of any documents required to be submitted under the Town code, and any actions or proceedings to enforce this Chapter, together with expenses and disbursements.
- (3) It is the responsibility of the applicant to reimburse the Town for the Town Staff time spent reviewing the application. It is at the discretion of the Town Board as to what level of effort is required by each Town Staff member in order to conduct a complete review.
- (4) The applicant shall provide the Town with an escrow for the expenses associated with the review.
- (5) The Town reserves the right to deny an applicant appearance at Town meetings due to insufficient funds.
- (6) The fee requirement shall apply to all applications associated with one project or parcel. Independent applications will not be heard if any fee is unpaid.
- (7) All remaining escrow will be refunded to the applicant upon payment of all invoices.
- (8) The Town at its sole discretion shall be empowered to impose a special charge for the amount equal to the unpaid fees, upon each and every building site (or tax parcel) on the application, payable with the next succeeding tax roll.

9.1.2.09 Violations

- (A) It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter . Failure to secure the necessary permits prior to commencing construction shall also constitute a violation.
- (B) In case of any violation, the Town Board of Supervisors, the Building Inspector, the Town Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter .
- (C) In addition to any other authority, the Building Inspector and the Town Chairperson are hereby authorized to issue citations for violations of these provisions.

9.1.2.10 Penalties

- (A) Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. See Section 1.1.6, TGO.

- (B) Any person who fails to comply with the provisions of this Chapter shall also be subject to all costs of investigation (See Title 1, Chapter 1, TGO). Any costs not paid after thirty (30) days of confirmation by the Town Board shall be levied as a special charge.

9.1.3 Zoning Districts.

9.1.3.01 Establishment

- (A) For the purpose of this Chapter, the Town of Grafton is hereby divided into the following Zoning Districts:
 - (1) A-1 Exclusive Agricultural District
 - (2) A-2 Agricultural/Rural Residential District
 - (3) R-1 Residential District
 - (4) R-2 Residential District
 - (5) R-3 Residential District
 - (6) B-1 Business District
 - (7) M-1 Light Manufacturing and Warehousing District
 - (8) C-1 Conservancy Overlay District
 - (9) P-1 Park And Recreation District
 - (10) RCDO – Residential Conservation Development Overlay District
 - (11) PW Port Washington Road District
 - (12) BP-1 Business Park District
 - (13) BP-2 Business Park District
 - (14) BP-3 Business Park District
 - (15) PUD – Planned Unit Development Overlay District
- (B) Boundaries of these districts are hereby established as shown on the map entitled “Zoning Map--Town of Grafton, Ozaukee County, Wisconsin,” which accompanies this Chapter and is herein made a part thereof. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- (C) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

9.1.3.02 Zoning Map

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Town Chairperson and Town Clerk and shall be available to the public in the office of the Town Clerk. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

9.1.3.03 A-1 Exclusive Agricultural District

The A-1 Agricultural District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to

scattered residential, commercial and industrial uses.

(A) Permitted Uses.

- (1) Apiculture (beekeeping).
- (2) Dairy farming.
- (3) Floriculture (cultivation of ornamental flowering plants).
- (4) Grazing or pasturing.
- (5) Livestock raising, except feed lots in excess of 300 head and any fur farms.
- (6) Orchards.
- (7) Plant nurseries.
- (8) Poultry raising, except commercial egg production.
- (9) Raising of grain, grass, mint, and seed crops.
- (10) Raising of tree fruits, nuts, and berries.
- (11) Sod farming.
- (12) Vegetable raising.
- (13) Viticulture (grape growing).
- (14) Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than two (2) acres in area having a lot width of not less than 150 feet.
- (15) General farm buildings including barns, silos, sheds, and storage bins.
- (16) One (1) single-family farm dwelling. One or more family members residing therein shall earn a substantial part of his or her income from the farm operation.
- (17) Essential services.
- (18) Noncommercial Stables provided that there shall be a minimum parcel size of three (3) acres for the first horse and two (2) acres for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel's lot lines or a navigable body of water.
- (19) Commercial Stables and Riding Arenas provided that there shall be a minimum parcel area of two (2) acres for the first horse and one (1) additional acre for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel's lot lines or a navigable body of water.

(B) Permitted Accessory Uses.

- (1) Garages or carports
- (2) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(TT).
- (3) One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.
- (4) Forest and game management.

(C) Conditional Uses. (See Sec. 9.1.4 , TGO)

(D) Parcel Area and Width.

Parcel shall have a minimum area of 35 acres and shall not be less than 660 feet in width at the building setback line.

(E) Building Height and Area.

- (1) No farm buildings or parts of farm buildings shall exceed 42 feet in height.
- (2) No farm dwelling or part of a farm dwelling shall exceed 42 feet in height.

- (3) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,250 square feet with a minimum first floor area of 800 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures not less than 20 feet in width.
 - (4) There shall be a rear yard of not less than 25 feet.

9.1.3.04

A-2 Agricultural/Rural Residential District

The A-2 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity. The district also permits the creation of large rural residential estate type lots. The primary residence must have a two car attached or detached garage prior to the issuance of an occupancy permit.

(A) Permitted Uses.

- (1) Agricultural warehousing.
- (2) Apiculture (Beekeeping).
- (3) Commercial Stables and Riding Arenas provided that there shall be a minimum parcel area of two (2) acres for the first horse and one (1) additional acre for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel's lot lines or a navigable body of water.
- (4) Dairy farming.
- (5) Essential services.
- (6) Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms provided that such dwellings are located on a lot not less than two (2) acres in area having a lot width of not less than 150 feet.
- (7) Floriculture (cultivation of ornamental flowering plants).
- (8) General farm buildings including barns, silos, sheds, and storage bins.
- (9) Grazing or pasturing.
- (10) Noncommercial Stables provided that there shall be a minimum parcel size of three (3) acres for the first horse and two (2) acres for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel's lot lines or a navigable body of water.
- (11) One (1) single-family farm dwelling. One or more family members residing therein shall earn a substantial part of his or her income from the farm operation.
- (12) Orchards.
- (13) Plant nurseries.
- (14) Poultry raising, except commercial egg production.
- (15) Raising of grain, grass, mint, and seed crops.
- (16) Raising of tree fruits, nuts, and berries.

- (17) Single-family dwellings.
- (18) Sod farming.
- (19) Vegetable raising.
- (20) Viticulture (grape growing).
- (B) Permitted Accessory Uses.
 - (1) Garages and carports.
 - (2) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(TT).
 - (3) Forest and game management.
 - (4) One (1) roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in area.
 - (5) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
 - (6) Private boathouses not exceeding 42 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
 - (7) Yard maintenance buildings not exceeding 200 square feet in area, used for the storage of garden and cultivation tools and supplies.
 - (8) Buildings or structures not exceeding 42 feet in height and 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Parcel Area and Width.

Parcel shall have a minimum area of ten (10) acres and shall be not less than 350 feet in width at the building setback line.
- (E) Building Height and Area.
 - (1) No farm building or farm related building shall exceed 42 feet in height.
 - (2) No farm dwelling or other residential dwelling shall exceed 42 feet in height.
 - (3) The total minimum floor area of a farm dwelling or other residential dwelling shall be 2,000 square feet with a minimum first floor area of 1,200 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures not less than 20 feet in width.
 - (4) There shall be a rear yard of not less than 25 feet.

9.1.3.05

R-1 Residential District

The R-1 Residential District is intended to provide for lake shore single-family development, at densities not to exceed one (1) dwelling unit per five (5) acres. The primary residence must have a two car attached or detached garage prior to issuance of an occupancy permit.

- (A) Permitted Uses.
 - (1) Single-family dwellings.
 - (2) Essential services.

- (B) Permitted Accessory Uses.
 - (1) Private garages and carports.
 - (2) Gardening, tool and storage sheds not exceeding 200 square feet in area, incidental to the residential use.
 - (3) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(TT)
 - (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
 - (5) Private boathouses not exceeding 42 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
 - (6) Buildings or structures not exceeding 42 feet in height and 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.

Lots shall have a minimum area of five (5) acres and shall be not less than 150 feet in width at the building setback line.
- (E) Building Height and Area.
 - (1) No building or parts of a building shall exceed 42 feet in height.
 - (2) The total minimum floor area of a dwelling shall be 3,000 square feet with a minimum first floor area of 1,800 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures of not less than 20 feet.
 - (4) There shall be a rear yard of not less than 25 feet.

9.1.3.06

R-2 Residential District

The R-2 Residential District is intended to provide for single-family development, at densities not to exceed one dwelling unit per three (3) acres. Areas placed in this district by means of rezoning should not be less than 10 acres. The primary residence must have a two car attached or detached garage prior to the issuance of an occupancy permit.

- (A) Permitted Uses.
 - (1) Single-family dwellings.
 - (2) Essential services.
- (B) Permitted Accessory Uses.
 - (1) Private garages and carports.
 - (2) Gardening, tool and storage sheds not exceeding 200 square feet in area, incidental to the residential use.
 - (3) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(ZZ).
 - (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.

- (5) Private boathouses not exceeding 42 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
- (6) Buildings or structures not exceeding 42 feet in height and 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (C) Conditional Uses. (See Sec 9.1.4, TGO)
- (D) Lot Area and Width.
Lots shall have a minimum area of three (3) acres and shall be not less than 150 feet in width.
- (E) Building Height and Area.
 - (1) No building or parts of a building shall exceed 42 feet in height.
 - (2) The total minimum floor area of a dwelling shall be 1,250 square feet with a minimum first floor area of 1,000 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures of not less than 20 feet.
 - (4) There shall be a rear yard of not less than 25 feet.

9.1.3.07

R-3 Residential District

The R-3 Residential District is intended to provide for single-family development, at densities not to exceed one (1) dwelling unit per 40,000 square feet. Primary residence must have a two car attached or detached garage prior to occupancy permit.

- (A) Permitted Uses.
 - (1) Single-family dwellings.
 - (2) Essential services.
- (B) Permitted Accessory Uses.
 - (1) Private garages and carports.
 - (2) Gardening, tool and storage sheds, not exceeding 200 square feet in area, incidental to the residential use.
 - (3) Home occupations as specified Secs. 9.1.12.02(GG) and 9.1.12.02(ZZ).
 - (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
 - (5) Private boathouses not exceeding 42 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
 - (6) Buildings or structures not exceeding 42 feet in height and 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)

- (D) Lot Area and Width.
Lots shall have a minimum area of 40,000 square feet and shall not be less than 120 feet in width at the building setback line. Corner lots shall provide a minimum lot width of not less than 135 feet at the building setback line.
- (E) Building Height and Area.
 - (1) No building or parts of a building shall exceed 42 feet in height.
 - (2) The total minimum floor area of a dwelling shall be 1,250 square feet with a minimum first floor area of 1,000 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures of not less than 20 feet.
 - (4) There shall be a rear yard of not less than 25 feet.

9.1.3.08

B-1 Business District

The B-1 Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail and service establishments serving residents of the Town.

- (A) Permitted Uses.
 - (1) Bakery shops.
 - (2) Barber shops.
 - (3) Beauty shops.
 - (4) Business offices.
 - (5) Clothing stores.
 - (6) Confectionaries and delicatessens.
 - (7) Essential services.
 - (8) Florists.
 - (9) General retail.
 - (10) Gift shops.
 - (11) Hobby shops.
 - (12) Jewelry stores.
 - (13) Medical/Dental clinics.
 - (14) Music stores.
 - (15) Office supply stores.
 - (16) Optical stores.
 - (17) Pharmacies.
 - (18) Photography stores.
- (B) Permitted Accessory Uses.
 - (1) Off-street parking and loading.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.
Lots shall have a minimum of 40,000 square feet and shall be not less than 120 feet in width at the building setback line. Corner lots shall provide a lot width of not less than 135 feet at the building setback line.
- (E) Building Height.
No building or parts of a building shall exceed 42 feet in height.

- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures not less than 20 feet in width.
 - (4) There shall be a rear yard of not less than 25 feet.
- (G) Design Standards.
 - (1) Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area.
 - (2) See Title 7, Chapter 6, TGO for sign provisions.
 - (3) Service, delivery, and waste disposal areas shall be located in the rear of buildings and can be visible from public areas but shall be (a) designed as visually attractive components of these areas or (b) visually separated from such areas. All refuse shall be stored in covered containers and must be stored in a screened and secured area. Design shall be compatible with that of the principal building. High quality solid gates for trash enclosures are required. There shall be no outdoor storage or display of materials, equipment, or merchandise.
 - (4) Create significant landscapes between buildings that encourage active use, along the public rights-of-way and may also serve as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within the Business District are as follows:
 - (a) Landscape Bufferyard.

The landscape bufferyard is defined in this district as the 20-foot wide area immediately abutting the property line of residential districts. Plantings in the bufferyard will be arranged so they provide a full linear screening effect throughout the length of the bufferyard. Native plants are encouraged. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - 1. Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - 2. Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
 - (b) General Landscaping.

In addition to the requirements in the landscape bufferyard, general landscaping is also required on the remainder of the lot, including within

the parking lot. Native plants are encouraged. The number of trees and shrubs required is based on the area of the lot not defined as a landscape bufferyard or occupied by a building. The area of the lot to be used for additional landscaping calculation = *total area of lot – (landscape bufferyard area + total building footprint)*. The resulting acreage shall be multiplied by each of the following to determine the minimum required landscaping per acre:

1. Eight (8) Shade/Canopy trees per acre with at least a two-inch (2”) caliper at the time of planting.
 2. Sixteen (16) Evergreen or Ornamental trees per acre with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 3. Sixty-four (64) shrubs per acre at least two feet (2’) in height at the time of planting.
- (5) At least sixty (60) percent of the average for all natural woodland areas on a site shall be preserved. Natural woodland is defined as an area of trees at least one (1) acre in size (measured by the edges of the tree canopies) and where at least fifty (50) percent of the trees have a diameter ten (10) inches or greater. Natural woodland that is cleared beyond the allowable area must be replaced with an area of trees one and one-half (1-1/2) times the difference between the allowable and actual clearance, as depicted on a landscape plan submitted by the applicant and approved by the Town. Replacement trees must have at least a two-inch (2”) caliper at the time of planting, and shall not be counted towards landscape requirements in subsection 4 above.
- (6) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
- (7) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain future stormwater run-off volumes at a rate equal to or less than existing stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove at least eighty (80) percent of the total suspended solids under the post-development conditions, as determined by a water quality model approved by the Town Engineer.
- (8) Include pathways for pedestrians and bicyclists and link them frequently to entrance areas, internal roads, building edges and entrances, public places, and significant landscaped areas.
- (9) See Section 9.1.5.01 for parking requirements. The following also applies within this district: Off-street parking areas should be located in the rear or side of buildings, but may be located in the street yard provided that parking elements do not impede the view corridor. Parking area edges should utilize building forms, landscaping, fencing, light fixtures, or combinations of these

elements where feasible. Off-street parking areas shall include distinctive paving patterns and material changes to identify pedestrian paths, special crossing areas, and entrances to the space from surrounding development. Applicants are encouraged to pave off-street parking areas, driveways, and loading areas with porous, light-colored paving materials (e.g. concrete or brick pavers), provided that the material meets the requirements of **Error! Reference source not found.** Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines. Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped, preferably through the use of bioswales. Such interior parking area landscaping can be counted towards the general landscaping requirements.

- (10) The maximum height for all light poles shall be 20 feet. Luminaries shall be of a cut-off type that direct light downward. Decorative lights are required with cut-offs when the property is adjacent to a residential area.
 - (11) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.
 - (12) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. Permitted vehicular access drives should incorporate gateway features with materials similar to those used on the primary structure. Such gateways and entrances shall be designed so as to allow for sufficient sight lines for traffic movement.
- (H) Plans and Specifications to be Submitted to Plan Commission.
- (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the Business District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with the design standards set forth in Section 9.1.3.08(G) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and stormwater management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.09 M-1 Light Manufacturing and Warehousing District

This District is intended to provide for light manufacturing and warehousing at appropriate locations within the Town.

- (A) Permitted Uses.
- (1) Business offices.
 - (2) Commercial Bakeries.
 - (3) Essential services.
 - (4) Greenhouses.

- (5) Landscape Business – Level 1, Level 2 and Level 3.
- (6) Machine shops.
- (7) Warehouses.
- (B) Permitted Accessory Uses.
 - (1) Off-street parking and loading areas.
 - (2) Offices, storage, power supply and other uses normally auxiliary to the principal light manufacturing and warehousing operation.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.

Lots shall have a minimum area of one (1) acre and shall be not less than 120 feet in width at the building setback line. Corner lots shall provide a lot width of not less than 135 feet at the building setback line.
- (E) Building Height.

No building or parts of a building shall exceed 42 feet in height.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures not less than 20 feet in width.
 - (4) There shall be a rear yard of not less than 25 feet.
 - (5) If an M-1 District abuts a residential district or a public road, a buffer zone must be established and landscaped as to not allow undesirable noise or appearance to infringe upon neighboring residential district.
- (G) Design Standards.
 - (1) Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area.
 - (2) See Title 7, Chapter 6 , TGO for sign provisions.
 - (3) Service, delivery, and waste disposal areas shall be located in the rear of buildings and can be visible from public areas but shall be (a) designed as visually attractive components of these areas or (b) visually separated from such areas. All refuse shall be stored in covered containers and must be stored in a screened and secured area. Design shall be compatible with that of the principal building. High quality solid gates for trash enclosures are required. There shall be no outdoor storage or display of materials, equipment, or merchandise.
 - (4) Create significant landscapes between buildings that encourage active use, along the public rights-of-way and may also serve as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within the Light Manufacturing and Warehousing District are as follows:

- (a) Landscape Bufferyard.

The landscape bufferyard is defined in this district as the 40-foot wide area immediately abutting the property line of adjacent residential districts. Plantings in the bufferyard will be arranged so they provide a full linear screening effect throughout the length of the bufferyard. Native plants are encouraged. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - 1. Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - 2. Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
- (5) Buildings shall be sited in such a way as to preserve and protect the natural views and beauty of the area from the public right-of-way.
- (6) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
- (7) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain future stormwater run-off volumes at a rate equal to or less than existing stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove at least eighty (80) percent of the total suspended solids under the post-development conditions, as determined by a water quality model approved by the Town Engineer.
- (8) See Section 9.1.5.01 for parking requirements. The following also applies within this district: Off-street parking areas should be located in the rear or side of buildings, but may be located in the street yard provided that parking elements do not impede the view corridor. Parking area edges should utilize building forms, landscaping, fencing, light fixtures, or combinations of these elements where feasible. Off-street parking areas shall include distinctive paving patterns and material changes to identify pedestrian paths, special crossing areas, and entrances to the space from surrounding development. Applicants are encouraged to pave off-street parking areas, driveways, and loading areas with porous, light-colored paving materials (e.g. concrete or brick pavers), provided that the material meets the requirements of **Error! Reference source not found.** Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines. Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped preferably through the use of bioswales.
- (9) The maximum height for all light poles shall be 20 feet. Luminaries shall be of a cut-off type that direct light downward. Decorative lights are required with cut-offs when the property is adjacent to a residential area.

- (10) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.
- (11) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. Permitted vehicular access drives should incorporate gateway features with materials similar to those used on the primary structure. Such gateways and entrances shall be designed so as to allow for sufficient sight lines for traffic movement.
- (H) Plans and Specifications to be Submitted to Plan Commission.
 - (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the Light Manufacturing and Warehousing District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with the design standards set forth in Section 9.1.3.09(G) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and stormwater management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.10

C-1 Conservancy Overlay District

The C-1 Conservancy Overlay District is intended to be used to prevent destruction of valuable natural resources and to protect watercourses, including the shorelands of navigable waters, and areas that are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.

- (A) Permitted Uses.
 - (1) Agricultural uses provided that crop production does not involve filling or the creation of new artificial drainage systems, or the extension or expansion of existing artificial drainage systems.
 - (2) Fishing.
 - (3) Hunting.
 - (4) Preservation of scenic, historic, and scientific areas.
 - (5) Sustained yield forestry.
 - (6) Stream bank and lakeshore protection.
 - (7) Water retention and wildlife preserves.
- (B) Structures.
 - (1) None permitted.
 - (2) No on-site soil absorption sanitary sewerage system or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Conservancy Overlay District.

- (C) Lot Area Requirements.
No lands in the C-1 Conservancy District may be used to meet the lot area requirements of the underlying basic use district.

9.1.3.11 P-1 Park And Recreation District

The P-1 Park and Recreation District is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent areas.

- (A) Permitted Uses.
 - (1) Boat and Canoe Launches.
 - (2) Botanical Gardens and arboretums.
 - (3) Forest preserves.
 - (4) Golf Courses.
 - (5) Parks: leisure and ornamental.
 - (6) Picnic areas.
 - (7) Play lots or tot lots.
 - (8) Soil and water conservation.
 - (9) Swimming beaches.
- (B) Conditional Uses. (See Sec. 9.1.2.04, TGO)
- (C) Parcel Area and Width.
Lots in the P-1 Park and Recreation District shall provide sufficient area for the permitted use and its accessory buildings, off street parking and loading areas, and required yards. There is no minimum required lot width.
- (D) Building Height.
 - (1) No building or parts of a building shall exceed 42 feet in height.
- (E) Yards and Setbacks.
There shall be a minimum street yard setback of fifty (50) feet from any lot line.

9.1.3.12 RCDO – Residential Conservation Development Overlay District

The RCDO Residential Conservation Development Overlay District is intended to preserve the rural landscape character, sensitive natural areas, farmland and other desirable areas of open land as determined by the Town, while permitting residential development at appropriate densities in an open space setting which is designed to reduce the perceived intensity of development and provide privacy for dwellings. It is an overlay district to be used in the R-1, R-2 or R-3 Residential Districts by choice of the landowner/developer. Specific objectives of the RCDO District are as follows:

- (A) To maintain and protect the Town of Grafton’s rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shore lands, prairies, ridge tops, steep slopes and critical species habitat by setting them aside from development. Such areas contained in primary environmental corridors, as identified by the Southeastern Wisconsin Regional Planning Commission, are of particular significance for this District.
- (B) To preserve scenic views and to minimize views of new development from existing streets.
- (C) To provide for the unified and planned development of clustered, single-family, low-density residential uses, incorporating areas of permanently protected common open space.

- To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
- To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements and the amount of paving required for residential development, where possible.
- To create groups of dwellings with direct visual and physical access to common open space.
- To permit active and passive recreational use of common open space by residents of developments within this district or by the public.
- To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
- To permit various means for owning common open space and for protecting it from development in perpetuity.
- To create an attitude of stewardship, or caring, for the land within common open space areas by requiring a land management, or stewardship, plan for the common open space.
- To implement the objectives of the Town of Grafton Comprehensive Plan or elements thereof.

(D) Permitted Uses.

None. All uses in this district are conditional uses and must be approved in accordance with the procedures established under Section 9.1.3.12(G) (Site Analysis and Design Process).

(E) Conditional Uses: (See Sec. 9.1.4, TGO)

(F) Accessory Uses.

- (1) Attached and detached private garages and storage structures, provided that:
 - (a) One detached garage, not exceeding 800 square feet, shall be permitted.
 - (b) One detached storage structure, not exceeding 500 square feet, shall be permitted on a lot, in addition to any garage structure, attached or detached.
- (2) Home occupations which are clearly incidental to the principal residential use.

(G) Site Analysis and Design Process.

- (1) The first step in the conservation development process is the initial conference between the applicant/developer and representatives from the Town of Grafton Plan Commission. The purpose of this meeting is to familiarize the applicant with the submittal requirements for the project and the Plan Commission with the proposal.
- (2) To aid the Town of Grafton in determining whether the applicant has accomplished the purpose and objectives and has met the design standards of cluster groups and common open space as described in subsections 9.1.3.12(I) below and 9.1.3.12(J) below, the initial application for any

development shall include an inventory and site analysis of the tract. In addition to plat data required by the Land Division, Title 9, Ch. 2, the following site analysis information shall be included in the submittal of preliminary plats. This information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail and with brief descriptions, if necessary, to allow for the proper evaluation of the preliminary plat. The site analysis map or map(s) shall include:

- (a) Topographic features with contours at two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Any rock outcrops, slopes 12 percent or greater, ridgelines, and hilltops shall be highlighted. Slopes on sketch plans prepared for pre-application meetings may be derived from soil survey maps prepared by Ozaukee County, but slopes on preliminary plats should be based on actual surface elevation contour lines taken from large-scale topographic maps (at 1 inch equals 200 feet, with a two-foot contour interval).
- (b) Soil types and characteristics with interpretations of their suitability for crops, pasture, woodland, wildlife habitat, recreation, building foundations, roadways, and onsite sewage-disposal facilities as identified by Ozaukee County. Prime agricultural soils and alluvial floodplain soils shall also be noted.
- (c) Hydrologic characteristics including lakes, ponds, rivers, streams, creeks, wetlands, floodplains, surface drainage patterns, and shore land protection areas.
- (d) Vegetation of the site, including the boundaries and characteristics of woodlands, grasslands, hedgerows, lone specimen trees, meadows, prairies, and fallow farm fields. Predominant species of plants in hedgerows and woodlands shall be identified and shall include comments on the health and condition of the plants. Specimen trees and unique or endangered plant species shall be identified by species, size, and health.
- (e) Wildlife habitat areas including identification of the predominant species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare and endangered species shall be noted.
- (f) Existing land uses including cultivated and uncultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants. All buildings in a farm complex shall be located and their proposed retention and use described. The location of associated wells and onsite sewage-disposal systems shall be included.
- (g) Historic and cultural features including a brief description of the historic character of buildings, structures, ruins, old burial sites, and fencerows.
- (h) Scenic vistas both into the tract from adjacent roads and public areas and out of the tract, as well as views within the interior of the tract.
- (i) Classifications of existing streets and highways within, or adjacent to, the development parcel and desirable or undesirable entry points into the parcel.
- (j) Existing adjacent pertinent physical conditions surrounding the tract within 200 feet. The size and extent of existing adjacent open space

areas should be noted as well as any potential open space connections. General outlines of adjacent buildings, land uses, natural features, street classifications, and property boundaries within 200 feet of the tract shall be shown.

- (k) Delineations of classified natural resource areas such as the identified boundaries of environmental corridors and isolated natural resource areas.
- (l) Adopted pertinent area wide and local comprehensive plan elements as related to the development parcel, including plans for agricultural land preservation, ark and open space preservation, trail and bikeway systems, storm water management and flood control systems, including flood hazard areas, plans for utilities, and arterial street and highway systems, as well as planned general land use patterns. Public site dedication or reservation required by the Town of Grafton Official Map, including street right-of-way and connections, shall be noted. This information may be presented on an aerial photograph at a scale no smaller than one inch equals 400 feet.
- (3) After the site analysis has been prepared, the applicant shall schedule a mutually convenient date to walk the site of the intended conservation development with representatives of the Plan Commission. This is intended for all parties to familiarize themselves with the special features of the site.
- (4) The applicant shall then layout a conceptual conservation development for the site following the regulations, standards, and guidelines within this zoning district.
- (5) Prior to the submission of the Preliminary Plan, the applicant shall have a pre-submission conference with representatives from the Plan Commission. This meeting is held for the purpose of discussing the applicant's conceptual designs for the site.
- (6) After the pre-submission conference, a preliminary plan should be submitted for all proposed subdivisions. A preliminary plan includes, but is not limited to, scaled drawings that illustrate the layout for open space, house sites, street alignments and pedestrian circulation systems. Drawings should be tentatively illustrated, before substantial engineering costs are incurred. This plan should also include information required to meet the Preliminary Plat requirements to expedite the submission process.
- (7) Upon revision, if required, the plan will be ready to prepare and submit as a Preliminary Plat.
- (H) Density and Dimensional Standards.
 - (1) Maximum density and required open space
In order to calculate the maximum number of single family units for the conservation subdivision, the developer/landowner must first prepare a yield plan. The yield plan shall be a realistic and reasonable depiction of the maximum number of single family units that could be created within the regulations of the underlying zoning. The Town or Town Staff shall review the yield plan layout as per any conceptual subdivision plan. The Town Engineer shall specify the yield plan drawing requirements. The maximum number of single family units for a conservation subdivision is

determined by multiplying the yield by a bonus ratio. The bonus ratio depends on the underlying zoning district as follows:

- (a) Underlying zoning district R-1
 - 1. Bonus Ratio = 1.25%
 - 2. Req'd open space = 70%
- (b) Underlying zoning district R-2
 - 1. Bonus Ratio = 1.20%
 - 2. Req'd open space = 55%
- (c) Underlying zoning district R-3
 - 1. Bonus Ratio = 1.15%
 - 2. Req'd open space = 40%
- (d) Example: The yield plan on a 100-acre parcel with R-2 zoning reveals that 28 lots are possible under conventional zoning.
 $28 \times 1.20\% = 33.6$ (or 34 conservation lots).
Rounding Procedure
33.1 to 33.4 conservation lots = 33 conservation lots
33.5 to 33.9 conservation lots = 34 conservation lots
- (2) Maximum density for two-family residential units
 - (a) At the discretion of the Town Board, Town Plan Commission, or Town Staff, a two-family residential unit may be placed on a single family lot as long as the total number of single family lots containing a two-family residential unit does not exceed 15% of the total number of single family lots in a development.
 - (b) Example: The yield plan on a 100-acre parcel with R-2 zoning reveals that 28 single family lots are possible under conventional zoning.
 - 1. Step #1: $28 \times 1.20\% = 33.6$ (or 34 single family lots).
 - 2. Step #2: $34 \times 15\% = 5.1$ (or 5.0 single family lots) that shall contain a two-family residential unit.
- (3) Minimum Lot Area.
 - (a) Underlying zoning district R-1 = 1 acre
 - (b) Underlying zoning district R-2 = 1 acre
 - (c) Underlying zoning district R-3 = 0.5 acre
 - (d) For an existing farmstead on a tract used for conservation development, the minimum lot area shall be 5 acres or a large enough lot to accommodate all structures within the building envelope created by a 100-foot setback from all sides of the lot, whichever is larger.
- (4) Minimum lot width at building setback line = 125 feet.
 - (a) On the bulb of a cul-de-sac or on horizontal curves having a radius less than 100 feet, lot width may be reduced to a minimum of 50 feet at the street.
 - (b) When dwelling units are not located on individual lots, such as in a condominium development, a minimum distance of 100 feet shall separate them from one another.
- (5) Minimum front yard = 50 feet.
- (6) Minimum side yard = 20 feet aggregate 50 feet.
- (7) Minimum rear yard = 50 feet.
- (8) Accessory building setback from side and rear lot lines (accessory buildings are not permitted in front yards) = 10 feet.

- (9) Maximum building coverage = 10 percent.
- (10) Maximum building height, excluding agricultural structures.
 - (a) 35 feet or 2 stories (principal structure)
 - (b) 18 feet (accessory structure)
- (11) Separation distances for cluster groups (from lot boundaries):
 - (a) From external arterial street proposed rights-of-way = 100 feet.
 - (b) From all other external street proposed rights-of-way = 50 feet.
 - (c) From all tract or existing lot Boundaries = 0 feet.
 - (d) From cropland or pastureland = 100 feet.
 - (e) From buildings or barnyards housing livestock = 100 feet.
 - (f) From other cluster groups = 150 feet unless approved by the Town of Grafton Plan Commission
 - (g) From wetlands, floodplains, or watercourses = 35 feet.
 - (h) From active recreation areas, such as courts or playing fields = 200 feet.
- (12) All separation areas for cluster groups along existing streets shall be landscaped in accordance with subsection 9.1.3.12(K) below, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.
- (13) The dimensional standards specified in Subsections 9.1.3.12(H)(11)(a) through 9.1.3.12(H)(11)(h) above may be reduced under the following circumstances:
 - (a) The separation distances along existing arterial streets may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography or a combination of these forms an effective visual screen.
 - (b) All other separation distances may be reduced by 50 percent if the applicant can demonstrate that such reduced setbacks improve the plan's compliance with the cluster group design standards in Subsection 9.1.3.12(H) above, the intent of this Chapter, and the objectives of the Town of Grafton Comprehensive Plan.
- (I) Design Standards for Cluster Groups.

The following standards shall apply to all cluster groups:

 - (1) All dwelling units shall be grouped into cluster groups. These groups should contain no more than 10 lots.
 - (2) The maximum number of lots in a cluster group may be increased and cluster groups may be assembled into larger groupings, with the approval of the Plan Commission and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the tract concerned and will meet both the general intent and design standards of this Chapter.
 - (3) A subdivision plat may contain one or more cluster groups.
 - (4) Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets and may contain lots, streets, and cluster group open space.
 - (5) The outer boundaries of each cluster group shall meet the separation distance requirements specified in subsection 9.1.3.12(H)(11) except by approval of the Plan Commission.
 - (6) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to

individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.

- (7) Cluster groups containing 8 or more lots must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:
 - (a) Common open space located within cluster groups shall be counted toward meeting the overall open space requirement.
 - (b) The open space shall be configured as a cul-de-sac island, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a boulevard street, or a common green area. Common green areas surrounded by lots on up to three sides shall be designed as a space for common use by all residents within the cluster group.
 - (c) The open space shall have a minimum street frontage of 125 feet.
 - (d) Internal open space may contain parking areas for recreational uses, but these shall not be included in the required 2,000 square feet of internal open space per lot area. Internal open space requirement does not apply if the cluster of 8 or more units abuts a single-loaded road, with common open space directly across the road.
 - (8) All lots in a cluster group shall take access from interior streets.
 - (9) All lots in a cluster group shall abut common open space to the front or rear. Common open space across a street shall qualify for this requirement.
 - (10) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands; provided, that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and onsite septic system.
- (J) Design Standards for Common Open Space.
This open space shall meet the following standards:
- (1) For the purposes of this section, gross land area includes all lands within the tract, except existing street, railway, and utility rights-of-way.
 - (2) Common open space shall comply with the following design standards:
 - (a) The location of common open space shall be consistent with the objectives of the Town of Grafton Comprehensive Plan.
 - (b) All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as located within 100 feet across which access is possible, for example, on opposite sides of an internal street.
 - (c) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Chapter. Primary and secondary environmental corridors and isolated natural areas as identified by the Regional Planning Commission are of particular significance for protection.

- (d) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection 9.1.3.12(M)(2)(a)4. Permitted modifications may include:
 - 1. Woodland management.
 - 2. Reforestation.
 - 3. Meadow management.
 - 4. Wetlands management.
 - 5. Stream bank protection.
 - 6. Buffer area landscaping.
- (e) All wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridors, and at least 80 percent of upland primary environmental corridors shall be contained in common open space.
- (f) Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Grafton Comprehensive Plan.
- (g) In order to preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hilltops.
- (h) No woodlands shall be removed and at least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:
 - 1. The site is primarily wooded, and development at permitted density would not be possible without encroaching further on woodlands.
 - 2. Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density, as determined by the Town of Grafton Plan Commission.
- (i) No common open space shall be less than 10,000 square feet in area, with the exception of landscape islands, as described in Subsection 9.1.3.12(I)(7)(b) and not less than 30 feet in its smallest dimension, Open space not meeting this standard shall not be counted toward the total required 60 percent common open space.
- (j) Natural features shall mark the boundaries of common open space wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish the objective.
- (k) Plantings, fences, or other landscape features shall identify trails in common open space located within 50 feet of homes in cluster groups.

- (l) Under no circumstances shall all common open space be isolated in one area of the development for plats with more than one cluster group. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- (m) Common open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
 - (a) At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than 50 feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Chapter.
 - (b) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of common open space areas:
 - (a) Private lot areas
 - (b) Street and highway rights-of-way, public or private
 - (c) Railway and utility rights-of-way
 - (d) Parking areas
 - (e) Areas not meeting the requirements of Subsection 9.1.3.12(G)(2)(i)
- (K) Landscaping.
 - (1) Preservation of existing natural landscape.
 - (a) For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.
 - (b) Within all required separation areas between cluster groups and external streets and tract boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.
 - (c) Suitable existing vegetation shall be credited toward the landscaping requirements of this section when, in the opinion of the Town of Grafton Plan Commission, it would equal or exceed the visual impact of the new required plant material after two years of growth.
 - (d) All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the Land Division, Title 9, Ch. 2.
 - (2) Street Trees
 - (a) Street trees shall be planted along internal streets within cluster groups.
 - (b) Street trees may be planted, but are not required, along internal streets passing through common open space.
 - (c) Formal arrangements and spacing are encouraged for street trees.

- (d) Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.
 - (e) The Plan Commission shall approve species of street trees.
 - (f) In addition to complying with the regulations of Subsections 9.1.3.12(K)(2)(a) through 9.1.3.12(K)(2)(e), street tree plantings shall comply with all applicable regulations in the Land Division, Title 9, Ch. 2.
- (3) Buffers.
- (a) Within all required separation areas between external streets and cluster groups, a planted buffer area at least 25 feet in width shall be established. Where no natural trees and shrubs exist, plant materials as specified in the Land Division, Title 9, Ch. 2 shall be planted.
 - (b) Planted buffers within separation areas between cluster groups are encouraged, to enhance privacy and a rural appearance between lots.
 - (c) Buffers consisting of an informal arrangement of species combined with infrequent mowing are strongly encouraged to create a low-maintenance, naturalized landscape.
- (L) Cash Contributions for Common Open Space.
- (1) The Town Board may require the applicant/developer to remit a cash contribution for common open space where, in the opinion of the Board, upon recommendation of the Plan Commission, there is either (a) not sufficient land suitable for common open space within the proposed subdivision or (b) the proposed dedication of some or all of the proposed common open space would not be compatible with the Town's Comprehensive Plan or Park and Open Space Plan. In addition, the Town Board shall only allow cash contributions if (a) the Plan Commission has recommended that receipt of cash from the applicant/developer would better serve the public interest in lieu of common open space land and (b) the applicant/developer must provide 30 percent of the required common open space per Subsection 9.1.3.12(H)(1) in order to qualify to remit a cash contribution to the Town of Grafton.
 - (2) Cash contributions paid to the Town of Grafton are calculated using the following process:
 - (a) The amount shall be calculated by multiplying the number of additional acres of common open space needed to meet the requirements for an RCDO times the average cost of an acre of undeveloped land in the Town of Grafton as determined by the Town Board using a procedure that analyzes typical assessed values and market values for new development. The Town Board shall establish such estimates based on market conditions, zoning, and current assessments. (The precise method for making such appraisals shall be determined on an annual basis by the Town Board.)
 - (b) The applicant/developer shall remit the calculated amount to the Town of Grafton as a condition of Final Plat approval.
 - (c) Cash contributions paid to the Town of Grafton under this subsection (I) shall be placed in a separate non-lapsing account designated for expenditure on conservation easements, purchase-of-development-rights,

park land, or conservancy land as recommended by the Plan Commission. At the discretion of the Town Board, the allocation of such funds for the purchase of land or conservation easements and the establishment of the associated stewardship plans for the ongoing maintenance of such lands may be made as a precondition of the preliminary plat, final plat, or developer's agreement.

- (d) Cash contributions shall be calculated pursuant to the formula approved annually by the Town Board and set forth in the Town's Fee Schedule. (See Title 1, Chapter 3, TGO.)

(M) Ownership and Maintenance of Common Facilities and Open Space.

To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:

(1) Ownership.

The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:

(a) Homeowners Association.

Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

1. The applicant shall provide to the Town of Grafton a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
2. The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
3. Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
4. The organization shall be responsible for maintenance and insurance of common facilities.
5. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
6. The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
7. The applicant for any tract proposed to contain common facilities shall arrange with the Town of Grafton Assessor a method of assessment of the common facilities, which will allocate to each

tax parcel in the development a share of the total assessment for such common facilities.

8. Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to Town of Grafton at least 30 days prior to such event.
- (b) Condominium.
Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town attorney and shall be in conformance with the “Condominium Ownership Act of 1977” (Chapter 703, Wis. Stats., as amended). All common open space and other common facilities shall be held as a “common element” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Dedication of conservation easements to the Town of Grafton or other public agency. The Town of Grafton or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
1. There is no cost of easement acquisition to the Town of Grafton (other than costs incidental to the transfer of ownership, such as title insurance).
 2. A satisfactory maintenance agreement shall be reached between the owner and the Town of Grafton.
 3. Lands under a Town of Grafton easement may or may not be accessible to the residents of the Town of Grafton.
- (d) Transfer of ownership to a private conservation organization. With approval of the Town of Grafton, an owner may dedicate any portion of the common facilities to a private, nonprofit conservation organization, provided that:
1. The organization is acceptable to the Town of Grafton and is a bona fide conservation organization;
 2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 3. A maintenance plan and program acceptable to the Town of Grafton is established in accordance with Subsection 9.1.3.12(M)(2).
- (e) Transfer of easements to a private conservation organization. With approval of the Town of Grafton, an owner may transfer conservation easements on common facilities to a private, nonprofit conservation organization, provided that:
1. The organization is acceptable to the Town of Grafton and is a bona fide conservation organization.

2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 3. A maintenance agreement acceptable to the Town of Grafton is established between the owner and the organization, in accordance with subsection 9.1.3.12(M)(2).
- (f) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
1. The Town of Grafton and residents of the development shall hold conservation easements on the land, protecting it from any further development.
 2. Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- (g) Other methods acceptable to the Town of Grafton Plan Commission.
- (2) Maintenance and operation of common facilities.
- (a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to, and approved by, the Town of Grafton Plan Commission prior to preliminary plan approval. Such plan shall:
1. Define ownership.
 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 3. Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an on-going basis.
 4. Include a Land Stewardship Plan specifically focusing on the long-term management of common open space lands. A draft Land Stewardship Plan shall be submitted at the time of preliminary plan review to the Town of Grafton Open Space Commission for review and recommendations, and a final Land Stewardship Plan at the time of final plan approval. The Land Stewardship Plan shall include a narrative, based on the Site analysis required in Subsection 9.1.3.12(H), describing:
 - a. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;
 - b. Objectives for each common open space area, including:
 - (i) The proposed end state for the area; and the measures proposed for achieving the end state.
 - (ii) Proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring historic features.
 - c. A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including:
 - (i) Mowing schedules

- (ii) Weed control
 - (iii) Planting schedules
 - (iv) Clearing and cleanup
 - (v) At the Town of Grafton’s discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- (b) In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Grafton may serve written notice upon such organization and upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Chapter, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town of Grafton may enter the premises and take corrective action.
- (c) The costs of corrective action by the Town of Grafton shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Grafton, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Ozaukee County Register of Deeds upon the properties affected by such lien.
- (3) Leasing of common open space lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
 - (a) The residents of the development shall at all times have access to such leased lands, except in the case of a lease for agricultural purposes, in which case the residents, within their agreement, may be restricted from accessing the lands.
 - (b) The common open space lands to be leased shall be maintained for the purposes set forth in this Chapter.
 - (c) The operation of such leased open space lands may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
 - (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town of Grafton Plan Commission.
 - (e) Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the Town of Grafton.
- (4) Conservation.

Common open space shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town of Grafton Plan Commission and duly recorded in the office of the Ozaukee County Register of Deeds.

(N) Sanitary and Water-Supply Facilities.

(1) Sanitary Facilities.

(a) Sanitary facilities for conservation development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Acceptable systems may consist of the following:

1. Private, individual onsite systems serving a single lot, consisting of:
 - a. Conventional systems.
 - b. Mound systems.
 - c. Holding tanks.
2. Public, community systems consisting of:
 - a. Dispersed community systems, serving two or more dwellings, but not the entire development.
 - b. Centralized community systems, serving the entire development.
3. Public, municipal systems, serving all or parts of the entire development.

- (b) Common open space may be used for some or all of the elements of any of the systems listed above.
- (c) All sanitary facilities shall be consistent with the requirements of the Land Division, Title 9, Ch. 2.
- (d) Development clusters of 2 or more units, must have an area planned for a secondary (backup) system that is acceptable by the Town of Grafton or governing body in the event of a facility failure.
- (e) All public community sanitary facilities shall be owned, operated, and maintained by a general or special-purpose unit of government.

(2) Water-Supply Facilities.

Water-supply facilities may consist of any of following systems, provided they meet the requirements of the Wisconsin Department of Natural Resources and Chapters NR811-812 of the Wisconsin Administrative Code:

- (a) Private, individual wells.
- (b) Private, community wells.
- (c) Public water-supply system.

- (3) All water-supply facilities shall be consistent with the requirements of the Town of Grafton Land Division Chapter, see Title 9, Ch. 2, TGO.
- (4) All water-supply facilities, other than private individual wells, shall be owned, operated, and maintained by a general or special purpose unit of government.

9.1.3.13 PW Port Washington Road District

The Port Washington Road District is intended to provide for orderly and attractive business development and complementary uses of a character and intensity of use, which are compatible with proximate residential development and the rural character of the Town. Allowable uses are to provide for such professional business and service trades which serve the needs of the Town, but have lower traffic volumes and less intense activities than those associated with other business districts.

Such development is to incorporate an attractive façade and landscaping, safe vehicular access to the arterial highway system (according to the Town of Grafton Land Use and Transportation Plan), orderly off-street parking, storage and loading areas, and, where used, incorporate such exterior lighting as does not extend to or adversely affect adjoining properties. All primary buildings shall have fire protection as required by the Wisconsin Administrative Code.

(A) Permitted Uses.

- (1) Retail Trade Services:
 - (a) Clothing and clothing accessory stores.
 - (b) Sporting goods, hobby, book, and music stores.
 - (c) Florists, gift, novelty, and stationary stores.
 - (d) Art and antique dealers.
- (2) Information Services:
 - (a) Publishing, audio-visual production, and broadcasting.
 - (b) Internet publishing, broadcasting, and service providers.
 - (c) Data processing services.
- (3) Finance and Insurance Services.
- (4) Real Estate Services.
- (5) Professional, Scientific, and Technical Services.
- (6) Health Services.
- (7) Public Administration.
- (8) Religious, Civic, and Professional Organizations.
- (9) Residences and farm structures that existed before 8/13/03.
- (10) Manufacturing uses that existed before 8/13/03.
- (11) Commercial uses that existed before 8/13/03.

(B) Permitted Accessory Uses.

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business. All service vehicles must be stored indoors.
- (2) Off-street parking and loading areas.
- (3) Office, indoor storage, power supply, and other uses normally auxiliary to the principal operation.
- (4) Essential services.
- (5) Roof-mounted solar collectors, which do not detract from the appearance of the structure.

(C) Conditional Uses.

- (1) Residential Quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the business establishment.
- (2) Restaurants provided that they are closed by 11:00 p.m. and have no drive-through service.
- (3) Daycare services

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- (4) Trade and contracting services provided that the actual services are performed to off-premise and there is no outdoor storage.
- (5) Furniture and craft manufacturing.
- (6) Indoor recreational uses.
- (7) Permitted and Conditional Uses with a building size over 20,000 gross square feet.
- (8) Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D).
- (9) Bed and Breakfast Establishments, provided that the establishment:
 - (a) Has four (4) or fewer bedrooms for rent to not more than a total of ten (10) tourists or transients;
 - (b) Is the owner's personal residence and is occupied by the owner at the time of rental;
 - (c) Provides no meals other than breakfast and provides breakfast only to the renters of the establishment;
 - (d) Has adequate parking; and
 - (e) Complies with the standards of Ch. HFS 197, Wis. Admin. Code.
- (D) Unclassified Uses are Prohibited.
 - (1) Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.
- (E) Lot Area and Width.
 - (1) Lots shall have a minimum of 60,000 square feet in area.
 - (2) Lots shall have not less than 200 feet in width.
- (F) Building Height and Area.
 - (1) No principal building or parts of a principal building shall exceed 2 stories or 35 feet in height, whichever is less.
 - (2) No accessory building shall exceed 15 feet in height.
 - (3) No building structure (including all stories) shall exceed 40,000 gross square feet (*note: Permitted and/or Conditional Uses with a building size over 20,000 gross square feet shall be administered as a conditional use*).
 - (4) The sum total of all building footprints and paved areas shall not occupy more than 55 percent of the lot area for any lot or group of lots that are proposed to be built upon within a similar timeframe.
- (G) Yards.
 - (1) There shall be a minimum building and paved area setback of 50 feet from the street right-of-way of all streets, except for direct access driveways. Where a lot borders more than two public streets, this requirement shall apply to only two street yards.
 - (2) There shall be building setbacks on the side and rear yard of not less than 25 feet.
- (H) Design Standards.
 - (1) Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of

facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area. Prohibited exterior building materials include: plain concrete, unpainted concrete block, metal siding, corrugated metal building skins, plywood, and wood panel composite siding.

- (2) See Title 7, Chapter 6, TGO for sign provisions. Signs within this district shall also adhere to the following standards:
 - (a) All sign structures along the roadside edge must be similar in terms of materials, plan, elevation, composition, and character as the building(s) they accompany.
 - (b) They must also be set back a minimum of 10 feet from the property line.
 - (c) Signs shall be used for identifying businesses and for directional purposes only.
 - (d) Signs for general advertising shall be prohibited.
 - (e) The following sign types are prohibited:
 - 1. balloon and other inflatable signs and advertising.
 - 2. banner (on poles or buildings)
 - 3. beacon
 - 4. billboard
 - 5. flashing
 - 6. moving
 - 7. pennant, and
 - 8. pole
 - 9. roof
 - 10. trailer
 - 11. vehicle
 - (f) The maximum area of wall-mounted signs in the Port Washington Road District shall be 120 square feet per lot.
 - (g) The maximum area of ground signs shall be 60 square feet per side with a maximum height of 8 feet for any part of the sign and structure. One ground sign shall be allowed per lot.
- (3) Service, delivery, and waste disposal areas shall be located in the rear of buildings and can be visible from public areas but shall be (a) designed as visually attractive components of these areas or (b) visually separated from such areas. All garbage cans, trash containers, and other storage devices shall be in closed containers with lids and shall be concealed or screened from public view with walls and/or landscaping at least six (6) feet high. Design shall be compatible with that of the principal building. High quality solid gates for trash enclosures are required. There shall be no outdoor storage or display of materials, equipment, or merchandise.
- (4) Create significant landscapes between buildings that encourage active use, along the public rights-of-way and as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within the Port Washington Road District are as follows:

- (a) Landscape Bufferyard.

The landscape bufferyard is defined in this district as the 20-foot wide area immediately within the property line of the lot along public rights-of way and adjacent residential districts. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - 1. Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - 2. Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
- (b) General Landscaping.

In addition to the requirements in the landscape bufferyard, general landscaping is also required on the remainder of the lot, including within the parking lot. The number of trees and shrubs required is based on the area of the lot not defined as a landscape bufferyard or occupied by a building. The area of the lot to be used for additional landscaping calculation = *total area of lot – (landscape bufferyard area + total building footprint)*. The resulting acreage shall be multiplied by each of the following to determine the minimum required landscaping per acre:

 - 1. Eight (8) Shade/Canopy trees per acre with at least a two-inch (2”) caliper at the time of planting.
 - 2. Sixteen (16) Evergreen or Ornamental trees per acre with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Sixty-four (64) shrubs per acre at least two feet (2’) in height at the time of planting.
- (5) Buildings shall be sited in such a way as to preserve and protect the natural views and beauty of the area from the public right-of-way. Sixty (60) percent of all natural woodland areas shall be preserved. Natural woodland is defined as an area of trees at least one (1) acre in size (measured by the edges of the tree canopies) and where at least fifty (50) percent of the trees have a diameter ten (10) inches or greater. Natural woodland that is cleared beyond the allowable area must be replaced with an area of trees one and one half (1½) times the difference between the allowable and actual clearance, as depicted on a landscape plan submitted by the applicant and approved by the Town. Replacement trees must have at least a two-inch (2”) caliper at the time of planting, and shall not be counted towards landscape requirements in subsection 4 above.
- (6) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
- (7) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain Future Stormwater run-

- off volumes equal to Existing Stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove 80 percent of the total suspended solids under the post development conditions, as determined by a water quality model approved by the Town Engineer.
- (8) Include pathways for pedestrians and bicyclists and link them frequently to entrance areas, internal roads, building edges and entrances, public places, and significant landscaped areas.
 - (9) See Section 9.1.5.01 for parking requirements. The following also applies within this district:
 - (a) Off-street parking areas shall be located in the rear or side of buildings and have strong edges that define them as public places (where lots front two or more streets, the front shall be considered the street with the highest classification).
 - (b) Edges shall consist of building forms, landscaping, fencing, light fixtures, or combinations of these elements.
 - (c) The off-street parking areas shall have simple geometric shapes (squares and rectangles).
 - (d) Off-street parking areas shall include distinctive paving patterns and material changes as a feature to identify travel lanes, parking areas, pedestrian paths, and special crossing areas.
 - (e) The paving patterns and material changes shall create an identity for the parking area and entrances into the space from surrounding development.
 - (f) Off-street parking areas, driveways, and loading areas shall be paved with asphalt.
 - (g) Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines, but parking areas shall not be located within required street yards.
 - (h) Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped and can be counted towards the general landscaping requirements.
 - (10) The maximum height for all light poles shall be 20 feet. Luminaries shall be of a cut-off type that direct light downward.
 - (11) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.
 - (12) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. See also the Town of Grafton Land Use and Transportation Plan for access requirements.

- (I) Plans and Specifications to be Submitted to Plan Commission.
 - (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the Port Washington Road District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with the design standards set forth in Subsection 9.1.3.13(H) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and stormwater management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.14 BP-1 Business Park District

The BP-1 Business Park District is intended to provide for the development of an attractive and aesthetic grouping of offices, corporate headquarters, light industrial uses and support facilities in a campus setting. The appearance of such mixed uses is enhanced by quality building architecture and generously landscaped sites free of outdoor storage and outside display of products. The district is further intended to promote the provision of ample off-street parking and loading areas, open space and landscaped planting and screening in areas adjacent to less intensive uses.

- (A) Permitted Uses.
 - (1) Retail Trade Services:
 - (a) Bakeries, non-retail.
 - (b) Day Care Services.
 - (c) Finance and Insurance Services.
 - (d) Florists, non-retail.
 - (e) Funeral Homes.
 - (f) Health Services.
 - (g) Professional, Scientific, and Technical Services.
 - (h) Public Administration.
 - (i) Real Estate Services.
 - (j) Religious, Civic, and Professional Organizations.
 - (k) Residences and farm structures that existed before 8/13/03.
- (B) Permitted Accessory Uses.
 - (1) Garages used for storage of vehicles used in conjunction with the operation of the business. All service vehicles must be stored indoors and behind closed doors.
 - (2) Off-street parking and loading areas.
 - (3) Office, storage, power supply, and other uses normally auxiliary to the principal operation.
 - (4) Essential services.
 - (5) Roof-mounted solar collectors, which do not detract from the appearance of the structure.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.
 - (1) Lots shall have a minimum of 40,000 square feet in area.
 - (2) Lots shall have not less than 200 feet in width.

(E) Building Height and Area.

- (1) No building or parts of a building shall exceed 3 stories or 42 feet in height, whichever is less. Height shall be measured as the vertical distance from the height roof peak or point at the front (street side) of the building to the finished grade at the front (street side) of the building.
- (2) The sum total of all building footprints and paved areas shall not occupy more than 55 percent of the lot area for any lot or group of lots that are proposed to be built upon within a similar timeframe.

(F) Yards.

- (1) There shall be a minimum building and paved area or impervious drive surface setback of 50 feet from the street right-of-way of all streets, except for direct access driveways. Where a lot borders more than two public streets, this requirement shall apply to only two street yards.
- (2) There shall be a side and rear yard of not less than 25 feet.

(G) Design Standards.

- (1) Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area. Prohibited exterior building materials include: plain concrete, unpainted concrete block, metal siding, corrugated metal building skins, plywood, and wood panel composite siding.
- (2) See Title 7, Chapter 6, TGO for sign provisions. Signs within this district shall also adhere to the following standards:
 - (a) All sign structures along the roadside edge must be similar in terms of materials, plan, elevation, composition, and character as the building(s) they accompany.
 - (b) They must also be set back a minimum of 10 feet from the property line.
 - (c) Signs shall be used for identifying businesses and for directional purposes only.
 - (d) Signs for general advertising shall be prohibited.
 - (e) The following sign types are prohibited: pole, roof, billboard, flashing, moving, beacon, trailer, banner (on poles or buildings), vehicle, pennant, and balloon and other inflatable signs and advertising.
 - (f) The maximum area of wall-mounted signs in the Business Park District shall be 120 square feet per lot.
 - (g) The maximum area of ground signs shall be 60 square feet per side with a maximum height of 8 feet for any part of the sign and structure. One ground sign shall be allowed per lot.
- (3) Service, delivery, and waste disposal areas shall be located in the rear of buildings and can be visible from public areas but shall be (a) designed as visually attractive components of these areas or (b) visually separated from such areas. All garbage cans, trash containers, and other storage devices shall be in closed containers with lids and shall be concealed or screened from public view with walls and/or landscaping at least six (6) feet high. Design shall be compatible with that of the principal building. High

- quality solid gates for trash enclosures are required. There shall be no outdoor storage or display of materials, equipment, or merchandise.
- (4) Create significant landscapes between buildings that encourage active use, along the public rights-of-way and may also serve as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within the Business Park District are as follows:
 - (a) **Landscape Bufferyard**

The landscape bufferyard is defined in this district as the 20-foot wide area immediately within the property line of the lot along public rights-of way and adjacent residential districts. Plantings in the bufferyard will be arranged so they provide a full linear screening effect throughout the length of the bufferyard. Native plants are encouraged. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - 1. Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - 2. Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
 - (b) **General Landscaping**

In addition to the requirements in the landscape bufferyard, general landscaping is also required on the remainder of the lot, including within the parking lot. Native plants are encouraged. The number of trees and shrubs required is based on the area of the lot not defined as a landscape bufferyard or occupied by a building. The area of the lot to be used for additional landscaping calculation = *total area of lot – (landscape bufferyard area + total building footprint)*. The resulting acreage shall be multiplied by each of the following to determine the minimum required landscaping per acre:

 - 1. Eight (8) Shade/Canopy trees per acre with at least a two-inch (2”) caliper at the time of planting.
 - 2. Sixteen (16) Evergreen or Ornamental trees per acre with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Sixty-four (64) shrubs per acre at least two feet (2’) in height at the time of planting.
 - (5) At least sixty (60) percent of the acreage for all natural woodland areas on a site shall be preserved. Natural woodland is defined as an area of trees at least one (1) acre in size (measured by the edges of the tree canopies) and where at least fifty (50) percent of the trees have a diameter ten (10) inches or greater. Natural woodland that is cleared beyond the allowable area must be replaced with an area of trees one and one half (1½) times the difference between the allowable and actual clearance, as depicted on a landscape plan submitted by the applicant and approved by the Town. Replacement trees must have at least

- a two-inch (2”) caliper at the time of planting, and shall not be counted towards landscape requirements in subsection 4 above.
- (6) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
 - (7) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain future stormwater run-off volumes at a rate equal to or less than existing stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove at least eighty (80) percent of the total suspended solids under the post-development conditions, as determined by a water quality model approved by the Town Engineer.
 - (8) Include pathways for pedestrians and bicyclists and link them frequently to entrance areas, internal roads, building edges and entrances, public places, and significant landscaped areas.
 - (9) See Section 9.1.5.01 for parking requirements. The following also applies within this district: Off-street parking areas should be located in the rear or side of buildings, but may be located in the street yard provided that parking elements do not impede the view corridor. Parking area edges should utilize building forms, landscaping, fencing, light fixtures, or combinations of these elements where feasible. Off-street parking areas shall include distinctive paving patterns and material changes to identify pedestrian paths, special crossing areas, and entrances to the space from surrounding development. Applicants are encouraged to pave off-street parking areas, driveways, and loading areas with porous, light-colored paving materials (e.g. concrete or brick pavers), provided that the material meets the requirements of **Error! Reference source not found.** Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines. Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped, preferably through the use of bioswales. Such interior parking area landscaping can be counted towards the general landscaping requirements.
 - (10) The maximum height for all light poles shall be 20 feet. Luminaries shall be of a cut-off type that direct light downward. Decorative lights are required with cut-offs when the property is adjacent to a residential area.
 - (11) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.
 - (12) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. Permitted

vehicular access drives should incorporate gateway features with materials similar to those used on the primary structure. Such gateways and entrances shall be designed so as to allow for sufficient sight lines for traffic movement.

- (H) Plans and Specifications to be Submitted to Plan Commission.
 - (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the BP-1 Business Park District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with the design standards set forth in Section 9.1.3.14(G) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and stormwater management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.15 BP-2 Business Park District

The BP-2 Business Park District is intended to provide for the development of an attractive and aesthetic grouping of offices, corporate headquarters, light industrial uses and support facilities in a campus setting. The appearance of such mixed uses is enhanced by quality building architecture and generously landscaped sites free of outdoor storage and outside display of products. The district is further intended to promote the provision of ample off-street parking and loading areas, open space and landscaped planting and screening in areas adjacent to less intensive uses.

- (A) Permitted Uses.
 - (1) Day Cares Services.
 - (2) Finance and Insurance Services.
 - (3) Funeral Homes.
 - (4) Health Services.
 - (5) Professional, Scientific, and Technical Services.
 - (6) Public Administration.
 - (7) Real Estate Services.
 - (8) Religious, Civic, and Professional Organizations.
 - (9) Residences and farm structures that existed before 9/10/2003.
 - (10) Retail Trade Services:
 - (a) Bakeries, non-retail.
 - (b) Florists, non-retail.
- (B) Permitted Accessory Uses.
 - (1) Garages used for storage of vehicles used in conjunction with the operation of the business. All service vehicles must be stored indoors and behind closed doors.
 - (2) Off-street parking and loading areas.
 - (3) Office, storage, power supply, and other uses normally auxiliary to the principal operation.
 - (4) Essential services.
 - (5) Roof-mounted solar collectors, which do not detract from the appearance of the structure.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.

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- (1) Lots shall have a minimum of 40,000 square feet in area.
- (2) Lots shall have not less than 200 feet in width at the building setback line.
- (E) **Building Height and Area.**
 - (1) No building or parts of a building shall exceed 3 stories or 42 feet in height, whichever is less. Height shall be measured as the vertical distance from the height roof peak or point at the front (street side) of the building to the finished grade at the front (street side) of the building.
 - (2) The sum total of all building footprints and paved areas shall not occupy more than 55 percent of the lot area for any lot or group of lots that are proposed to be built upon within a similar timeframe.
- (F) **Yards.**
 - (1) There shall be a minimum building and paved area or impervious drive surface setback of 50 feet from the street right-of-way of all streets, except for direct access driveways. Where a lot borders more than two public streets, this requirement shall apply to only two street yards.
 - (2) There shall be a side and rear yard of not less than 25 feet.
- (G) **Design Standards.**

Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area. Prohibited exterior building materials include: plain concrete, unpainted concrete block, metal siding, corrugated metal building skins, plywood, and wood panel composite siding.
- (H) See Title 7, Chapter 6 , TGO for sign provisions. Signs within this district shall also adhere to the following standards:
 - (1) All sign structures along the roadside edge must be similar in terms of materials, plan, elevation, composition, and character as the building(s) they accompany.
 - (2) They must also be set back a minimum of 10 feet from the property line.
 - (3) Signs shall be used for identifying businesses and for directional purposes only.
 - (4) Signs for general advertising shall be prohibited.
 - (5) The following sign types are prohibited: pole, roof, billboard, flashing, moving, beacon, trailer, banner (on poles or buildings), vehicle, pennant, and balloon and other inflatable signs and advertising.
 - (6) The maximum area of wall-mounted signs in the Business Park District shall be 120 square feet per lot.
 - (7) The maximum area of ground signs shall be 60 square feet per side with a maximum height of 8 feet for any part of the sign and structure. One ground sign shall be allowed per lot.
- (I) Service, delivery, and waste disposal areas shall be located in the rear of buildings and can be visible from public areas but shall be
 - (1) designed as visually attractive components of these areas or
 - (2) visually separated from such areas.

- (3) All garbage cans, trash containers, and other storage devices shall be in closed containers with lids and shall be concealed or screened from public view with walls and/or landscaping at least six (6) feet high.
 - (4) Design shall be compatible with that of the principal building.
 - (5) High quality solid gates for trash enclosures are required.
 - (6) There shall be no outdoor storage or display of materials, equipment, or merchandise.
- (J) Create significant landscapes between buildings that encourage active use along the public rights-of-way and may also serve as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within the Business Park District are as follows:
- (1) Landscape Bufferyard.

The landscape bufferyard is defined in this district as the 20-foot wide area immediately within the property line of the lot along public rights-of way and adjacent residential districts. Plantings in the bufferyard will be arranged so they provide a full linear screening effect throughout the length of the bufferyard. Native plants are encouraged. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - (a) Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - (b) Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - (c) Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
 - (2) General Landscaping.

In addition to the requirements in the landscape bufferyard, general landscaping is also required on the remainder of the lot, including within the parking lot. s are encouraged. The number of trees and shrubs required is based on the area of the lot not defined as a landscape bufferyard or occupied by a building. The area of the lot to be used for additional landscaping calculation = *total area of lot – (landscape bufferyard area + total building footprint)*. The resulting acreage shall be multiplied by each of the following to determine the minimum required landscaping per acre:

 - (a) Eight (8) Shade/Canopy trees per acre with at least a two-inch (2”) caliper at the time of planting.
 - (b) Sixteen (16) Evergreen or Ornamental trees per acre with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - (c) Sixty-four (64) shrubs per acre at least two feet (2’) in height at the time of planting.
- (K) At least sixty (60) percent of the acreage for all natural woodland areas on a site shall be preserved. Natural woodland is defined as an area of trees at least one (1) acre in size (measured by the edges of the tree canopies) and where at least fifty (50) percent of the trees have a diameter ten (10) inches or greater. Natural woodland that is cleared beyond the allowable area must be replaced with an area of trees one and one half (1½) times the difference between the allowable and actual

clearance, as depicted on a landscape plan submitted by the applicant and approved by the Town. Replacement trees must have at least a two-inch (2") caliper at the time of planting, and shall not be counted towards landscape requirements in subsection 4 above.

- (L) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
- (M) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain future stormwater run-off volumes at a rate equal to or less than existing stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove at least eighty (80) percent of the total suspended solids under the post-development conditions, as determined by a water quality model approved by the Town Engineer.
- (N) Include pathways for pedestrians and bicyclists and link them frequently to entrance areas, internal roads, building edges and entrances, public places, and significant landscaped areas.
- (O) See Section 9.1.5.01 for parking requirements. The following also applies within this district:
 - (1) Off-street parking areas should be located in the rear or side of buildings but may be located in the street yard provided that parking elements do not impede the view corridor.
 - (2) Parking area edges should utilize building forms, landscaping, fencing, light fixtures, or combinations of these elements where feasible.
 - (3) Off-street parking areas shall include distinctive paving patterns and material changes to identify pedestrian paths, special crossing areas, and entrances to the space from surrounding development. Applicants are encouraged to pave off-street parking areas, driveways, and loading areas with porous, light-colored paving materials (e.g. concrete or brick pavers), provided that the material meets the requirements of **Error! Reference source not found.**
 - (4) Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines.
 - (5) Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped, preferably through the use of bioswales. Such interior parking area landscaping can be counted towards the general landscaping requirements.
- (P) The maximum height for all light poles shall be 20 feet. Luminaries shall be of a cut-off type that direct light downward. Decorative lights are required with cut-offs when the property is adjacent to a residential area.
- (Q) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to

facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.

- (R) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. Permitted vehicular access drives should incorporate gateway features with materials similar to those used on the primary structure. Such gateways and entrances shall be designed so as to allow for sufficient sight lines for traffic movement.
- (S) Plans and Specifications to be Submitted to Plan Commission
 - (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the BP-2 Business Park District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with the design standards set forth in Section 9.1.3.15(G) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and stormwater management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.16 BP-3 Business Park District

The BP-3 Business Park District is intended to provide for the development of an attractive an aesthetic grouping of offices, corporate headquarters, light industrial uses and support facilities in a campus setting of a character and intensity of use, which are compatible with proximate residential development and the rural character of the Town. Allowable uses are to provide for such professional business and service trades which serve the needs of the Town, but have lower traffic volumes and less intense activities than those associated with other business districts. The appearance of such mixed uses is enhanced by quality building architecture and generously landscaped sites free of outdoor storage and outside display of products.

Such development is to incorporate an attractive façade and landscaping, safe vehicular access to the arterial highway system (according to the Town of Grafton Land Use and Transportation Plan), orderly off-street parking, storage and loading areas, and, where used, incorporate such exterior lighting as does not extend to or adversely affect adjoining properties. All primary buildings shall have fire protection as required by State code.

- (A) Permitted Uses.
 - (1) Finance and Insurance Services.
 - (2) Real Estate Services.
 - (3) Professional, Scientific, and Technical Services.
 - (4) Medical Offices.
 - (5) Public Administration.
 - (6) Offices for Religious, Civic, and Professional Organization.
 - (7) Day Care Services.
 - (8) Residences, farm structures and businesses that existed before June 30, 2004.
- (B) Permitted Accessory Uses.

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- (1) Garages used for storage of vehicles used in conjunction with the operation of the business. All service vehicles and equipment must be stored indoors and behind closed doors.
 - (2) Off-street parking and loading areas.
 - (3) Office, storage, power supply, and other uses normally auxiliary to the principal operation.
 - (4) Essential services.
 - (5) Roof-mounted solar collectors, which do not detract from the appearance of the structure.
- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (1) .
- (D) Lot Area and Width.
- (1) Lots shall have a minimum of 40,000 square feet in area.
 - (2) Lots shall have not less than 200 feet in width at the building setback line.
- (E) Building Height and Area.
- (1) No building or parts of a building shall exceed 2 stories or 42 feet in height, whichever is less. Height shall be measured as the vertical distance from the highest roof peak or point of the building to the finished first floor grade.
 - (2) The sum total of all building footprints and paved areas shall not occupy more than 55 percent of the lot area for any lot or group of lots that are proposed to be built upon within a similar timeframe.
- (F) Yards.
- (1) There shall be a minimum building and paved area setback of 50 feet from the street right-of-way of all streets, except for direct access driveways. Where a lot borders more than two public streets, this requirement shall apply to only two street yards.
 - (2) There shall be a side and rear yard of not less than 25 feet.
- (G) Design Standards.
- All buildings and lots in this district must adhere to the following standards except lots and buildings developed and improved prior to June 30, 2004. Lots and buildings developed and improved prior to June 30, 2004 must conform to the following standards only at the time the primary use of the lot or building is substantially changed.
- (1) Natural materials such as brick or stone are recommended for primary and accessory buildings. All facade orientations and architectural qualities shall be treated as equally important to the public view. Layering of facades or other special features shall be incorporated to define entrance areas, corners, and links to other buildings or public places. Materials shall be aesthetically compatible with other buildings in the immediate area. Prohibited exterior building materials include: plain concrete, non-decorative concrete block, metal siding, corrugated metal building skins, plywood, and wood panel composite siding.
 - (2) See Title 7, Chapter 6 for sign provisions. Signs within this district shall also adhere to the following standards (but must comply with the current Town sign Chapter if more restrictive):
 - (a) All new sign structures along the roadside edge must be similar in terms of materials, plan, elevation, composition, and character as the

- building(s) they accompany. They must also be set back a minimum of 10 feet from the property line.
- (b) Signs shall be used for identifying businesses and for directional purposes only. Signs for general advertising shall be prohibited.
 - (c) The following sign types are prohibited: pole, roof, billboard, flashing, moving, beacon, trailer, banner (on poles or buildings), vehicle, pennant, and balloon and other inflatable signs and advertising.
 - (d) The maximum area of wall-mounted signs in the Business Park District shall be 120 square feet per lot.
 - (e) The maximum area of ground signs shall be 60 square feet per side with a maximum height of 8 feet for any part of the sign and structure. One ground sign shall be allowed per lot.
- (3) Service, delivery, and waste disposal areas shall be located in the rear of buildings (or away from the public view as much as possible). All garbage cans, trash containers, and other storage devices shall be in closed containers with lids and shall be concealed or screened from public view with walls and/or landscaping at least six (6) feet high. Design shall be compatible with that of the principal building. High quality solid gates for trash enclosures are required. Contractor materials stored outdoors shall be located in an area least visible to public view and screened with decorative walls, fencing and/or landscaping.
- (4) Create significant landscapes between buildings that encourage active use along the public rights-of-way and may also serve as buffers when adjacent to residential districts. Landscape elements shall be grouped together to create significant places such as groves or gardens. The minimum landscape requirements for any parcel within this district are as follows:
- (a) Landscape Bufferyard.

The landscape bufferyard is defined in this district as the 20-foot wide area immediately within the property line of the lot along public rights-of way and adjacent residential districts. Native plants are encouraged. For each 100 feet of length of landscape bufferyard (including percentages) the following landscaping is required within the bufferyard:

 - 1. Two (2) Shade/Canopy trees with at least a two-inch (2”) caliper at the time of planting.
 - 2. Four (4) Evergreen or Ornamental trees with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
 - 3. Eighteen (18) shrubs at least two feet (2’) in height at the time of planting.
- (5) General Landscaping.

In addition to the requirements in the landscape bufferyard, general landscaping is also required on the remainder of the lot, including within the parking lot. Native plants are encouraged. The number of trees and shrubs required is based on the area of the lot not defined as a landscape bufferyard or occupied by a building. The area of the lot to be used for additional landscaping calculation = total area of lot – (landscape bufferyard area + total building footprint). The resulting acreage shall be

multiplied by each of the following to determine the minimum required landscaping per acre:

- (a) Eight (8) Shade/Canopy trees per acre with at least a two-inch (2”) caliper at the time of planting.
- (b) Sixteen (16) Evergreen or Ornamental trees per acre with at least a one and one half-inch (1½”) caliper or height of four feet (4’) at the time of planting.
- (c) Sixty-four (64) shrubs per acre at least two feet (2’) in height at the time of planting.
- (6) At least sixty (60) percent of the acreage for all natural woodland areas on a site shall be preserved. Natural woodland is defined as an area of trees at least one (1) acre in size (measured by the edges of the tree canopies) and where at least fifty (50) percent of the trees have a diameter ten (10) inches or greater. Natural woodland that is cleared beyond the allowable area must be replaced with an area of trees one and one half (1½) times the difference between the allowable and actual clearance, as depicted on a landscape plan submitted by the applicant and approved by the Town. Replacement trees must have at least a two-inch (2”) caliper at the time of planting, and shall not be counted towards landscape requirements in subsection 9.1.3.16(G)(4) above.
- (7) Berms and other topographic changes that appear clearly artificial shall be discouraged, especially as visual barriers. Topographic changes shall be allowed when needed to accommodate drainage, reduce erosion, or otherwise enhance or preserve the natural environment.
- (8) Stormwater management facilities shall be designed as natural features with shapes that conform to and complement the existing topography and landscape. Proposed developments must maintain future stormwater run-off volumes at a rate equal to or less than existing stormwater run-off volumes under the condition of storms having a duration of 24 hours and recurrence intervals of two (2), five (5), ten (10), and one hundred (100) years, using on-site management practices approved by the Town Engineer. On-site management practices shall be used to remove at least eighty (80) percent of the total suspended solids under the post-development conditions, as determined by a water quality model approved by the Town Engineer.
- (9) Include pathways for pedestrians and bicyclists and link them frequently to entrance areas, internal roads, building edges and entrances, public places, and significant landscaped areas.
- (10) See Section 9.1.5.01 for parking requirements. The following also applies within this district:
 - (a) Off-street parking areas should be located in the rear or side of buildings, but may be located in the street yard provided that parking elements do not impede the view corridor.
 - (b) Parking area edges should utilize building forms, landscaping, fencing, light fixtures, or combinations of these elements where feasible.
 - (c) Off-street parking areas shall include distinctive paving patterns and material changes to identify pedestrian paths, special crossing areas, and entrances to the space from surrounding development. Applicants are encouraged to pave off-street parking areas, driveways, and loading areas with porous, light-colored paving materials (e.g. concrete or brick

pavers), provided that the material meets the requirements of **Error! Reference source not found.**

- (d) Edges of off-street parking areas shall be set back a minimum of 6 feet from all lot lines.
- (e) Off-street parking areas with more than ten (10) stalls shall have at least ten percent (10%) of the interior parking area landscaped, preferably through the use of bioswales. Such interior parking area landscaping can be counted towards the general landscaping requirements.
- (11) The maximum height for all light poles shall be 14 feet except as needed to be more restrictive as determined by the Town in order to minimize impacts on surrounding residential uses. Luminaries shall be of a decorative cut-off type that direct light downward and shall not negatively affect adjacent residential properties
- (12) Along side yard edges, the plan shall be designed to include options for links between sites that contain off-street parking areas open to the public for general business purposes. Such options shall be created when an off-street parking lot, or a driveway servicing a lot, is located adjacent to the edge of the site. Such options shall consist of driveway alignments and parking alignments designed to facilitate vehicular movement by the general public from one site to the other, across the side yard edge separating the lots.
- (13) Limit the number of vehicular access drives serving a lot or parcel as well as vehicular access to any adjoining arterial, collector, or minor street. Permitted vehicular access drives should incorporate gateway features with materials similar to those used on the primary structure. Such gateways and entrances shall be designed so as to allow for sufficient sight lines for traffic movement.
- (H) Plans and Specifications to be Submitted to Plan Commission.
 - (1) To encourage a business environment that is compatible with the residential character of the Town, building permits for permitted uses, permitted accessory uses and conditional uses in the BP-3 Business Park District shall not be issued without review and approval of the Town of Grafton Plan Commission in accordance with Subsection 9.1.3.16(G) of this Chapter. Said review and approval shall be concerned with general layout, building plans, lighting, ingress and egress, parking, loading and unloading, landscaping, open space utilization, and storm water management plan.
 - (2) Applicants can request requirements for plan and specification submissions from the Town Engineer or Town Clerk.

9.1.3.17 PUD – Planned Unit Development Overlay District

The Planned Unit Development (PUD) Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended:

- To provide a safe and efficient system for pedestrian and vehicular traffic;
- To provide attractive recreation and open spaces as integral parts of the developments;

- To enable effective design for the location of public and private utilities and community facilities;
- To ensure adequate standards for construction and planning; and
- To allow for flexibility of overall development design, while at the same time maintaining the intentions, but not the detailed standards or use requirements, as set forth in the underlying base zoning district. Both the developer and the community are intended to benefit from such design.

The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the unit ownership act set forth in Ch. 703, Wis. Stats. (condominiums) may be permitted by the Town upon specific petition, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section have been met.

(A) Areas For Planned Unit Development.

A Planned Unit Development (PUD) Overlay District may only be considered for those areas and zoning districts the Town considers appropriate for consideration of unique development issues. These include:

- (1) Areas within ½ mile of freeway interchanges
- (2) Areas with unique environmental constraints or opportunities
- (3) Areas in which there are significant issues regarding the relationship of Town development to surrounding municipalities.

Before submitting a proposal for a PUD, applicants are urged to discuss their petition with the Town Plan Commission. Any decision by the Town to review a proposed PUD does not imply that the Town considers the proposal acceptable.

(B) Lot Area.

The lot area requirements of the underlying base use district may be modified. However, in no case shall the development project density exceed a gross density of six (6) dwelling units per acre.

(C) Lot Width.

Individual lot widths required by the underlying base use district may be modified.

(D) Building Height and Area.

The building height and area requirements of the underlying base district may be modified.

(E) Setbacks and Yards.

- (1) Setbacks required by the underlying base use district may be modified in planned unit development.
- (2) No principal structures in planned developments shall be located closer than twenty (20) feet to another structure.
- (3) Structures in planned residential development structures shall have a rear yard of not less than twenty-five (25) feet.

(F) Procedure.

- (1) Pre-petition conference. Prior to official submittal of the petition for approval of the designation of a Planned Unit Development (PUD) Overlay District, the owner or his agent making such petition shall meet with the Town Board or their designated representatives to discuss the scope and proposed nature of the contemplated development.
- (2) The Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town for an amendment to the Town's existing zoning district map designating and adding a Planned Unit Development (PUD) Overlay District to the underlying base use zoning district thereby permitting the application of the provisions of this section to the designated area. Such petition shall be accompanied by the appropriate fee as well as the following information:
 - (a) A statement which sets forth the relationship of the proposed Planned Unit Development (PUD) Overlay District to the Town's adopted comprehensive plan or any adopted component thereof (including the Town's Future Land Use Map) and the general character of and the uses to be included in the proposed PUD, including the following information:
 1. Total area to be included in the Planned Unit Development (PUD) Overlay District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 3. A yield plan that documents, in the form of a site plan, the size and character of development that would be allowed if there was no Planned Unit Development (PUD) Overlay District and the existing site constraints and underlying zoning regulations were met, including the determination of buildable area, all setbacks, environmental restrictions, easements, rights-of-way, access points, parking, and all other conditions that impact the potential development of the site. If the proposed PUD includes residential development the yield plan shall determine the maximum number of allowable residential units. If the proposed PUD includes commercial development the yield plan shall determine the maximum area of occupied building that could be constructed.
 4. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 5. Any proposed departures from the standards of development as set forth in the Town zoning regulations, land division ordinance, sign ordinance, other Town regulations or administrative rules or other universal guidelines.

6. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
 7. If the proposed PUD is within a ¼ mile of the Town’s border, the PUD shall include an analysis of any impact the PUD may have on annexations and other issues regarding the Town’s boundaries.
- (b) A general development plan which shall include, in addition to those site plan and architectural review requirements set forth in this chapter, the following:
1. A preliminary plat illustrating plan of development of the Planned Unit Development (PUD) Overlay District. The preliminary plat shall include all additional information as required in this Chapter.
 2. A legal description of the boundaries of lands included in the proposed Planned Unit Development (PUD) Overlay District.
 3. A description of the relationship between the lands included in the proposed Planned Unit Development (PUD) Overlay District and the surrounding properties.
 4. The location of public and private roads, driveways and parking facilities.
 5. The size, arrangement and location of any individual building sites and proposed building groups on each individual lot.
 6. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
 7. The type, size and location of all structures.
 8. General landscaping treatment.
 9. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
 10. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 11. The existing and proposed location of all private utilities or other easements.
 12. Characteristics of soils related to contemplated specific uses.
 13. Existing topography on-site with contours at no greater than two (2) foot intervals national geodetic vertical elevation.
 14. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 15. If the development is to be phased, a phasing plans.

(G) Land Divisions.

Any proposed division which is part of the Planned Unit Development (PUD) Overlay District shall be subject to the requirements of this chapter.

(H) Referral to Plan Commission.

The petition for a Planned Unit Development (PUD) Overlay District shall be referred to the Plan Commission for its review and recommendation. The Plan

Commission may add any additional conditions or restrictions which it may deem necessary or appropriate to promote the spirit and intent of this chapter and the purpose of this section.

(I) Public Hearing.

- (1) The Plan Commission shall, before making recommendation to the Board of Supervisors who shall determine the disposition of the petition, hold a public hearing pursuant to the provisions of Section 9.1.11. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.
- (2) The Town Board upon receipt of the recommendation from the Plan Commission and public hearing on the proposed Planned Unit Development (PUD) shall deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions.

(J) Basis for Approval.

The Town Plan Commission in making its recommendations and the Town Board in making its determinations shall consider:

- (1) Whether the petitioners for the proposed Planned Unit Development (PUD) Overlay District have indicated that they intend to begin the physical development of the designated PUD within 12 months following the approval of the petition for a PUD and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
- (2) Whether the proposed Planned Unit Development (PUD) Overlay District is consistent in all respects to the purpose of this section and to the spirit and intent of this chapter; is in conformity with the comprehensive plan or component plans thereof (including the Town's Future Land Use Map) for community development; would not be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood; and, that the benefits and improved design of the resultant development justifies the establishments of a Planned Unit Development (PUD) Overlay District.
- (3) The Town Plan Commission and the Town Board shall not give their respective recommendations or approvals unless it is found that:
 - (a) The proposed site shall be provided with adequate drainage facilities for surface and stormwater.
 - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas by the proposed development.
 - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances and administrative regulations of the Town.
 - (e) Adequate water and sewer facilities shall be provided.

- (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservations and maintenance or by dedication to the public.
- (g) Changes or additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission and if in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Board shall be required and notice thereof be given pursuant to the provisions of this chapter.
- (h) Termination. If a building permit is not issued within one (1) year of receiving the Planned Unit Development (PUD) Overlay District zoning, the PUD and underlying district zoning for the property shall be automatically discontinued and replaced with the zoning designation that existed prior to the PUD rezoning.
- (i) The Town reserves the right to reject any Planned Unit Development (PUD) proposal which, in the opinion of the Town, is not in the best interests of the community. A PUD shall be in conformity with the Town's plans and shall not be contrary to the general welfare and economic prosperity of the community.

9.1.4 Conditional Uses.

9.1.4.01 Permits

The Town Plan Commission may authorize the Town Building Inspector to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or properties values within the Town of Grafton. The permit shall be issued only to the responsible individual whose name appears on the application and is not transferable.

9.1.4.02 Application

Applications for conditional use permits shall be made in duplicate to the Town Building Inspector on forms furnished by the Building Inspector and shall include the following:

- (A) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (B) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (C) Plat of Survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than 1" = 40', showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yard. In addition, the Building Inspector may require that the plat of survey show the location, elevation and use of any abutting lands and their structures

within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service; or other information as requested by the Building Inspector, Plan Commission, or the Town Board.

- (D) Additional Information as may be required by the Town Plan Commission, or the Town Building Inspector.

9.1.4.03 Review And Approval

The Town Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking area, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. In addition:

- (A) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, height, improved traffic circulation, highway access restrictions, increased yards, or parking requirements, may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (B) Conditional Use Permit may be issued with a time restriction, with or without provision for renewal at the end of the specified time period. Modifications or additional conditions may be imposed upon application for renewal.
- (C) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 9.1.9 of this Chapter.
- (D) A Notification of each conditional use permit granted in the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
- (E) A separate application form must be completed each time the issue appears before the Town Plan Commission or Town Board of Supervisors. A separate application must also be completed each time Staff review of punchlist items is required. All information is required for each application.
- (F) Subsequent Reviews include Staff time required to review the completion of punchlist items generated from an appearance before the Plan Commission or Town Board. Subsequent applications shall be submitted to the Town Clerk with proper payment.
- (G) Applications for agendas requiring an extraterritorial review are due with required attachments at least 45 days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- (H) All other applications are due with required attachments at least 15 days prior to each meeting. Incomplete applications will not appear on the Town’s meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- (I) All applicants requesting to be placed on the Plan Commission agenda must schedule a meeting with the Town Engineer or designee in a pre-application conference prior to being placed on the agenda. If it is determined by the Town

Engineer that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits. The pre-application conference must take place and revisions per Staff comments be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.

9.1.4.04 Public And Semipublic Uses

The following public and semipublic uses shall be conditional uses and may be permitted as specified.

- (A) Public Swimming Pools in any district except the C-1 Conservancy Overlay District provided that:
 - (1) All swimming pools shall be surrounded by a fence not less than 42 inches in height nor more than eight feet in height. Fences 42-48 inches in height shall be solid fences as defined in Subsection 9.1.12.02 of this Chapter. Fences in excess of four feet in height shall be chain link fences.
 - (2) Access to the swimming pool shall be controlled by a self-latching or similar gate and all such gates shall be kept securely closed and locked at all times when lifeguards or other public employees are not present at the pool.
 - (3) Swimming pools shall not be constructed directly under or over electrical transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the pool or surrounding fence.
 - (4) Swimming pools shall not be constructed over or closer than fifteen (15) feet to an on-site soil absorption sewage disposal system or a holding tank. No water drained from a swimming pool shall be discharged over or near an on-site soil absorption sewage disposal system, holding tank or well.
- (B) Governmental and Cultural Uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in any district.
- (C) Utilities in all districts provided all principal structures and uses are not less than 50 feet from any residential district lot line.
- (D) Public Passenger Transportation Terminals such as heliports, and bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary.
- (E) Public, Parochial and Private Elementary and secondary schools and churches in any district provided that all principal structures and uses are not less than 50 feet from any lot line.
- (F) Colleges; Universities; Hospitals; sanitariums; religious, charitable, and temporary charitable residential shelters; cemeteries and crematories in any district provided all principal structures and uses are not less than 50 feet from any lot line.

9.1.4.05 Agricultural Uses

The following, agricultural and agricultural related uses shall be conditional uses and may be permitted as specified:

Title 9 - Land Use Regulation, Chapter 1 - ZoningSections

- (A) Additional Single-Family or Two-Family Residential Dwellings for a child or parent of the principal farm resident in the A-1 Agricultural District. The need for more than one single family dwelling to support and carry on the permitted principal use or conditional use must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the second farm dwelling shall be placed on a parcel separated from the farm parcel and shall meet the following standards:
 - (1) Lot Width Minimum 120 feet, Area Minimum 1 acre
 - (2) Structure Height Maximum 42 feet, Area Minimum 1,250 square feet
 - (3) Yards Street Minimum 50 feet, Side Minimum 25 feet, Rear Minimum 40 Feet
- (B) Commercial Raising, propagation, boarding, or butchering of animals, such as dogs, mink, rabbits, foxes, goats, and pigs; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl in the A-1 and A-2 Agricultural Districts. Commercial boarding of dogs, however, shall not be permitted in the A-1 Agricultural District unless it is incidental to agricultural uses.
- (C) Veterinary Services in the A-1 Agricultural District if the services are intended to service farm animals, provided that all principal uses and structures are located not less than 200 feet from a residential district.
- (D) Boat and Recreation Vehicle Storage in the A-1 and A-2 Agricultural Districts when the storage is in a completely enclosed structure which is at least 10 years old and provided that the use is clearly incidental to the principal farm use.
- (E) Animal Hospitals, kennels, and veterinary services in the A-2 Agricultural Rural Residential District provided that no structure or animal enclosure shall be located closer than 100 feet to a property line.
- (F) Poultry Hatchery Services in the A-2 Agricultural Residential District.
- (G) Recycling Services intended for the exclusive use of a contract operator approved by the Town of Grafton Board to pick up, sort, and dispose of recyclable materials for the residents of the Town of Grafton.
- (H) Temporary Storage Facilities such as semi-trailers, cargo containers, and trailers in the A-1 and A-2 Agricultural Districts, in the B-1 Business District, and in the M-1 Industrial District. Temporary storage facilities in the A-1 Agricultural District shall, however, be limited to purposes consistent with agricultural use only.
- (I) Landscaping Business – Level 1, Level 2, and Level 3. (See Definitions, Section 9.1.12.02, TGO.)
- (J) Horses in greater quantities than allowed by right. Proof of sufficient area to support the number of horses requested must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the conditional use permit may be subject to the following restrictions:
 - (1) Proper manure storage, as determined by the Town Plan Commission. Proper manure storage may require commercial disposal.
 - (2) Additional horses may remain for the duration of the conditional use permit provided that the horses are not determined by the Town Plan Commission to be a nuisance following a hearing on the matter if one is requested in writing by a neighbor residing on a parcel within 500 feet.

- (K) Occupations in Accessory Structures in the A-1 and A-2 Agricultural Districts provided that:
 - (1) The business is operated by resident occupants of the same parcel of land and employs no more than (1) non-resident employee.
 - (2) A business can only occupy an existing accessory structure, the structure must have been built prior to 1950, and must be of a quality and character that contributes to the rural landscape of the agricultural districts in the Town as determined by the Town and Town staff through the Conditional Use Process. (On September 22, 2005, the town staff identified 116 existing accessory structures that met the above criteria.)
 - (3) The intent is to create entrepreneurial opportunities in the Town while promoting reuse and restoration of desirable farm structures, constructed of traditional materials and forms that contribute to the rural, agrarian landscape.
 - (4) These businesses shall not adversely affect the surrounding properties or the agricultural district in general. Parking shall be limited to three (3) spaces. Signage shall follow the standards set forth in Title 7, Chapter 6 for Home Occupation Signs. For structures used for this purpose, the maximum building footprint is 3,600 square feet, and the maximum height is 35 feet (which does not apply to converted silos).
- (L) Bed and Breakfast Establishments, provided that the establishment:
 - (1) Has four (4) or fewer bedrooms for rent to not more than a total of ten (10) tourists or transients;
 - (2) Is the owner's personal residence and is occupied by the owner at the time of rental;
 - (3) Provides no meals other than breakfast and provides breakfast only to the renters of the establishment;
 - (4) Has adequate parking; and
 - (5) Complies with the standards of Ch. HFS 197, Wis. Admin. Code.
- (M) Grain Bins or Silos that exceed 42 feet in height. No structure shall exceed 100 feet in height.

9.1.4.06

RCDO – Residential Conservation Development Overlay District

Agricultural uses requiring the installation of new buildings or other structures in the common open space of the RCDO – Residential Conservation Development Overlay District, provided that the building coverage of such new buildings in total shall not exceed 10,000 square feet.

- (A) Conditional Uses.
 - (1) Single-family residential uses as follows:
 - (a) Clustered single-family detached dwellings.
 - (b) Single-family farmstead dwellings with or without associated agricultural structures, such as barns, silos, storage sheds, cribs, coops and stables.
 - (2) Two-family residential units.
 - (3) Agricultural activities including:
 - (a) The cultivation, harvesting, and sale of crops and related farm products.
 - (b) The raising and sale of livestock or fowl, with associated pasture and barnyards.
 - (c) Orchards, nurseries, greenhouses, and related horticultural uses.

- (d) Growing and selling of Christmas trees.
- (e) Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.
- (4) Open space uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center, trails, picnic areas and similar uses.
- (5) Conservation of natural features in their existing state.
- (6) Easements for access, drainage, sewer and water lines, or other public purposes.
- (7) Storm water management facilities for the proposed development, including detention and retention basins.
- (8) Uses in common open space in conservation developments:
 - (a) Archery ranges, arenas, bathhouses, conservatories, exhibition halls, field houses, and swimming pools.
 - (b) Water-supply and sanitary facilities for individual lots, groups of lots, or the entire development.
 - (c) Utility and street rights-of-way, except that their land areas shall not count toward the minimum open space requirement.
 - (d) Parking areas where necessary to serve active recreation facilities.
 - (e) Conditional uses as listed in Sec. 9.1.4, TGO meeting all requirements of that section and provided that the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall objectives of this district.
- (9) The following uses and activities are prohibited in common open space areas in conservation development:
 - (a) The use of non-recreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency and farm vehicles are permitted, as needed.
 - (b) Cutting of healthy trees, regrading, topsoil removal, altering, diverting or modifying watercourses or bodies, except in compliance with an approved land stewardship plan, as described in subsection 9.1.3.12(M)(2)(a)4.
 - (c) Intensive animal feedlot operations.

9.1.4.07

Residential Uses

The following residential uses shall be conditional uses and may be permitted as specified:

- (A) Rest Homes, nursing homes, housing for the elderly, and children’s nurseries in any business or residential district provided that all principal structures and uses are not less than 50 feet from any lot line.
- (B) Conversion of a Single-Family Farm Dwelling to a two-family dwelling in the A-2 Agricultural District provided that:
 - (1) The structure being converted is at least 15 years old,
 - (2) The structure shall provide a minimum floor area of 1,000 square feet per dwelling unit,
 - (3) The farm parcel has soil conditions which will accommodate a two-family sewage disposal system, and
 - (4) Such conversion will not require exterior additions to comply with the minimum floor area requirements set forth herein.

- (5) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.
- (C) Erection of a Two-Family Dwelling or conversion of a single-family dwelling to a two-family dwelling in the R- 3 Residential District provided that:
 - (1) The proposed two-family dwelling is architecturally compatible with existing development within 300 feet of the subject lot,
 - (2) The lot has soil conditions which will accommodate a two-family sewage disposal system, and
 - (3) The structure shall provide a minimum floor area of 1,000 square feet per unit.
 - (4) The minimum lot area shall be two (2) acres and the minimum lot width shall be 150 feet.
 - (5) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.
- (D) Conversion of Mixed Use Structure in B-1 Condominium unit development to a single or two-family dwelling in a B-1 Business District provided that:
 - (1) The structure shall provide a minimum floor area of 1,250 square feet for a single family dwelling unit or 1,000 square feet on one floor per dwelling unit for a two family structure.
 - (2) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.
 - (3) Before a conditional use permit will be issued under this section, there must be filed with the Town Clerk a certificate signed by an officer of the condominium association certifying that the proposed conversion does not violate any rule, agreement or by-laws of the condominium association.
- (E) Quarters for Household Employees in A-1, A-2, R-1, R-2 and R-3 Districts, provided that such quarters shall be occupied only by individuals employed on the premises and their families and shall not be rented as separate domiciles.
- (F) Guest Houses in A-1, A-2, R-1, R-2 and R-3 Districts, provided such structure complies with applicable setback and offset requirement, and such structure shall not be rented, leased, or used for continuous or permanent habitation.
- (G) Residential Quarters for Family Members in A-1, A-2, R-1, R-2 and R-3 Districts, provided such structure complies with applicable setback and offset requirement, such structure shall not be rented, leased, for continuous or permanent habitation, and such structure is used for continuous of permanent habitation only by a member of the property owner’s immediate family.
- (H) Private boathouses exceeding 42 feet in height or 800 square feet in area, in A-2, R-1, R-2 and R-3 Districts, provided no living quarters are included in such boathouse.
- (I) Yard maintenance building in A-2 districts which exceed 200 square feet in area.
- (J) Buildings or structures in A-2, R-1, R-2 and R-3 Districts exceeding 42 feet in height or 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner’s immediate family, such as woodworking, metal working, painting, sculpture or similar

- activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (K) RCDO – Residential Conservation Development Overlay District. Adaptive reuse of barns in the RCDO – Residential Conservation Development Overlay District, provided that they have existed for at least 20 years on the effective date of this Chapter, in order to provide for an adaptive and compatible reuse and promote preservation of such structures.
- (L) Noncommercial Stables in the R-1, R-2 and R-3 Residential Districts provided that there shall be a minimum parcel size of three (3) acres for the first horse and two (2) acres for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel’s lot lines or a navigable body of water.
- (M) Landscaping Business – Level 1, Level 2 and Level 3. (See Definitions at Section 9.1.12.02, TGO.)
- (N) Bed and Breakfast Establishments, provided that the establishment:
 - (1) Has four (4) or fewer bedrooms for rent to not more than a total of ten (10) tourists or transients;
 - (2) Is the owner’s personal residence and is occupied by the owner at the time of rental;
 - (3) Provides no meals other than breakfast and provides breakfast only to the renters of the establishment;
 - (4) Has adequate parking; and
 - (5) Complies with the standards of Ch. HFS 197, Wis. Admin. Code.

9.1.4.08

Business Uses

The following business uses shall be conditional uses and may be permitted in the B-1 Business District:

- (A) Appliance Stores
- (B) Banks
- (C) Department Stores
- (D) Drive-In Establishments serving food or beverages for consumption outside the structure
- (E) Fish Markets
- (F) Funeral Homes provided all principal structures and uses are not less than 50 feet from any lot line
- (G) Furniture Stores
- (H) Garden Shops
- (I) Gasoline and Service Stations and car washing provided that all gas pumps are not closer than 30 feet from a street right-of-way line or other property line.
- (J) Grocery Stores
- (K) Hardware Stores
- (L) Landscaping Business – Level 1, Level 2 and Level 3
- (M) Laundry and Dry Cleaning (5 employees maximum)
- (N) Liquor Stores
- (O) Motels
- (P) Outdoor Storage
- (Q) Pet Shops
- (R) Public Parking Lots
- (S) Radio and Television Studios

- (T) Rental Apartments on a non-ground floor provided there is a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment.
- (U) Residential Quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the retail or service establishment.
- (V) Restaurants, Clubs, Taverns and Cocktail Lounges
- (W) Sporting Goods Stores
- (X) Vehicle Sales and Services

9.1.4.09 BP-1 Business Park District

The following uses shall be conditional uses and may be permitted in the BP-1 Business Park District:

- (A) Information Services:
 - (1) Publishing and audio-visual production.
 - (2) Internet publishing, broadcasting, and service providers.
 - (3) Data processing services,
- (B) General warehousing provided that the total building footprint does not exceed 24,000 square feet per lot. Buildings above 24,000 square feet per lot are not permitted.
- (C) Indoor light manufacturing of finished products or parts from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, and distribution of the following products, but excluding primary industries that use extracted or raw materials:
 - (1) Confections.
 - (2) Cosmetics.
 - (3) Electronic appliances.
 - (4) Electronic devices.
 - (5) Food and meat products (except cabbage and fish products).
 - (6) Furs.
 - (7) Glass.
 - (8) Instruments.
 - (9) Jewelry.
 - (10) Leather.
 - (11) Metals.
 - (12) Paper.
 - (13) Pharmaceuticals.
 - (14) Plaster.
 - (15) Plastics.
 - (16) Textiles.
 - (17) Wood.
- (D) Printing and publishing.
- (E) Trade and contractor businesses including landscaping.
- (F) Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D).
- (G) Any building over 20,000 square feet in total area.
- (H) Commercial pet boarding.

9.1.4.10 BP-2 Business Park District

The following uses shall be conditional uses and may be permitted in the BP-2 Business

Park District

- (A) Information Services:
 - (1) Publishing and audio-visual production.
 - (2) Internet publishing, broadcasting, and service providers.
 - (3) Data processing services.
- (B) General warehousing provided that the total building footprint does not exceed 24,000 square feet per lot. Buildings above 24,000 square feet per lot are not permitted.
- (C) Indoor light manufacturing of finished products or parts from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, and distribution of the following products, but excluding primary industries that use extracted or raw materials:
 - (1) Confections.
 - (2) Cosmetics.
 - (3) Electronic appliances.
 - (4) Electronic devices.
 - (5) Food and meat products (except cabbage and fish products).
 - (6) Furs.
 - (7) Glass.
 - (8) Instruments.
 - (9) Jewelry.
 - (10) Leather.
 - (11) Metals.
 - (12) Paper.
 - (13) Pharmaceuticals.
 - (14) Plaster.
 - (15) Plastics.
 - (16) Textiles.
 - (17) Wood.
- (D) Printing and publishing.
- (E) Trade and contractor businesses including landscaping.
- (F) Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D).
- (G) Any building over 20,000 square feet in total area.
- (H) Commercial pet boarding.

9.1.4.11 BP-3 Business Park District

The following uses shall be conditional uses and may be permitted in the BP-3 Business Park District.

- (A) Information Services:
 - (1) Publishing and audio-visual production.
 - (2) Internet publishing, broadcasting, and service providers.
 - (3) Data processing services.
- (B) Restaurants provided they are closed by 11:00 pm and have no drive-through service.
- (C) Indoor light manufacturing of finished products or parts from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, and distribution of the following products, but excluding primary industries that use extracted or raw materials:

- (1) Confections.
- (2) Cosmetics.
- (3) Electronic appliances.
- (4) Electronic devices.
- (5) Food and meat products (except cabbage and fish products).
- (6) Furs.
- (7) Glass.
- (8) Instruments.
- (9) Jewelry.
- (10) Leather.
- (11) Metals.
- (12) Paper.
- (13) Pharmaceuticals.
- (14) Plaster.
- (15) Plastics.
- (16) Textiles.
- (17) Wood.
- (D) Printing and publishing.
- (E) Florists, non-retail
- (F) Bakeries, non-retail
- (G) Trade and contractor businesses including landscaping.
- (H) Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D).
- (I) Any building over 20,000 square feet in total area.
- (J) Any use which will generate over 300 Average Daily Trips according to ITE's (Institute of Transportation Engineers) latest edition of *Trip Generation* Commercial pet boarding.

9.1.4.12 Light Manufacturing And Warehousing Uses

The following uses shall be conditional uses and may be permitted in the M-1 Light Manufacturing and Warehousing District:

- (A) A Humane Society not operated for-profit
- (B) Automotive Body and Repair Shops
- (C) General Warehousing, and indoor storage
- (D) Indoor and Outdoor storage
- (E) Laboratories
- (F) Light Manufacture, fabrication or processing; assembly, packaging, packing, warehousing, and wholesaling of products from:
 - (1) Concrete
 - (2) Furs
 - (3) Glass
 - (4) Leather
 - (5) Metals
 - (6) Paper
 - (7) Plaster
 - (8) Plastics
 - (9) Textiles
 - (10) Wood

- (G) Light Manufacture, fabrication or processing; assembly, packaging, packing, warehousing, and wholesaling of:
 - (1) Confections.
 - (2) Cosmetics.
 - (3) Electrical appliances.
 - (4) Electronic devices.
 - (5) Food (except cabbage and fish products).
 - (6) Instruments.
 - (7) Jewelry.
 - (8) Meat and meat products.
 - (9) Pharmaceuticals.
 - (10) Tobacco.
- (H) Lumber Yards
- (I) Lumber Yards and building supply yards
- (J) Machinery Sales and Service
- (K) Printing and Publishing
- (L) Radio and Television Transmission Towers
- (M) Radio and Television Transmission Towers
- (N) Transportation Terminals, and truck terminals and freight forwarding services
- (O) Trade and Contractors Offices, including landscape contracting.
- (P) Commercial pet boarding.

9.1.4.13

Mineral Extraction

Mineral extraction operations including washing, crushing, or other processing of natural resources indigenous to Ozaukee County are conditional uses and may be permitted in the M-1 Industrial District provided:

- (A) The Application for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery, and structures to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing and proposed excavations; and a restoration plan.
- (B) The Restoration Plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting, or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town Attorney.
- (C) The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.
- (D) The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

9.1.4.14 Recreational Uses

The following recreational facilities shall be conditional uses and may be permitted as specified: arenas, archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, exhibition halls, field houses, fairgrounds, golf courses, gymnasiums, marinas, museums, music halls, polo fields, recreation centers, riding academies, skating rinks, sport fields, stadiums, public swimming pools, wildlife preserves, and any accessory structure necessary for the operation/use of a permitted use, including off-street parking.

- (A) Beaches, boating, outdoor camps, band shells, marinas, music halls, skating rinks, sport fields, and public swimming pools in any district except the A-1 Agricultural District, provided that the lot area is not less than three (3) acres and all structures are not less than 50 feet from any property boundary.
- (B) Public and private parks in the P-1 District.
- (C) Any park in the P-1 District with restaurant or club facilities, or which is licensed to serve alcoholic or fermented malt beverages.
- (D) Sportsman’s clubs in the P-1 District.
- (E) Dog, pet or other park facilities used to exercise pets in the P-1 District.
- (F) Golf Courses and driving ranges in the A-1 Agricultural District.
- (G) Recreational uses requiring the installation of new buildings or other structures in the common open space of a cluster development in the RCDO – Residential Conservation Development Overlay District, provided that the building coverage of such new buildings meets architectural and plan standards.
- (H) Zoological facilities in P-1 Park and Recreation Districts.

9.1.4.15 Energy Conservation Uses

The following uses are conditional uses in any district and may be permitted as specified:

- (A) Wind Energy Conversion Systems which are used to produce electrical power provided that the following standards are complied with:
 - (1) Application.
Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.
 - (2) Construction.
Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot of area.
 - (3) Noise.
The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on the dB(A) scale, measured at the lot line.
 - (4) Electro-Magnetic Interference.

Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy, conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

- (5) Location and Height.
Wind energy conversion systems shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter, however, all such systems over 100 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (6) Fence Required.
All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height or other acceptable safety feature. A sign shall be posted on the fence or tower warning of high voltage.
- (7) Utility Company Notification.
The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing, said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.
- (B) Solar Energy Conversion Systems used to produce electrical power or supplement heating systems provided that the following standards are complied with:
 - (1) Application.
Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing, the location of the conversion system and the means by which the energy will be provided to the structure or structures. The application shall include calculations showing that the structure is constructed to withstand any additional loading placed upon the structure by the installation of the solar energy conversion system. Copies of any solar access easements or agreements obtained by the applicant shall also be provided to the Town.
 - (2) Construction.
Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building codes.
 - (3) Location and Height.
Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this

Chapter unless otherwise provided in the conditional use permit issued pursuant to this section.

- (C) Earth Sheltered Structures, commonly referred to as “earth homes” which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy provided that this section does not include conventional homes with basements, split-levels or similar types of construction and provided further that the following standards are complied with:
 - (1) Application.
Applications for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a zoning permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its affect on adjacent properties and exterior renderings of the structure to determine its visual affect on adjacent structures.
 - (2) Construction.
All construction shall be in conformance with all applicable state and local building codes.

9.1.4.16 Unclassified Uses are Prohibited.

- (A) Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.

9.1.4.17 Termination

- (A) A conditional use permit shall lapse and be null and void in the event that (i) a building permit or occupancy permit for the conditional use has not been issued within 180 days following the issuance of the permit or (ii) the conditional use has not been established within one year after the date of the issuance of the Conditional Use Permit; however, the Town Board, after recommendation by the Plan Commission, may extend the term of the conditional use permit by not more than sixty (60) days upon written application for the extension by the holder of the permit, when the application establishes reasonable cause for granting of the extension. The conditional use permit shall lapse if a conditional use ceases for longer than 365 consecutive days.
- (B) Where a permitted conditional use does not continue in conformity with the conditional of the original approval, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with the surrounding areas, or for similar cause based upon consideration for the public welfare, the conditional use grant may be terminated by action of the Town Board following referral to the Plan Commission for recommendation and public hearing thereon. Such use shall thereafter be classified as a legal non-conforming use, except that where the action is due to failure to comply with the conditions of the conditional grant, the Town Board shall enforce complete termination of such use.
- (C) Effect of Termination of Conditional Use.

- (1) Subject to Subsection 9.1.4.17(C)(2), below, if the conditional use grant is terminated because a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with the surrounding areas, such use shall thereafter be classified as a legal non-conforming use.
- (2) If the termination of the conditional use is due to failure to comply with the conditions of the conditional grant, the use shall terminate completely. The Town Board or the Board’s designee shall enforce complete termination of such use.

9.1.5 Parking, Loading, Driveways, And Access.

9.1.5.01 Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- (A) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings, at least 18 feet for farmsteads, and a minimum of 24 feet for all other uses.
- (B) Size of each parking space shall be not less than 9 feet by 18 feet exclusive of the space required for ingress and egress.
- (C) Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
- (D) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (E) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (F) Spaces required:

Use Minimum Parking Required

(1) Residential	2 spaces for each dwelling unit
(2) Motels, hotels	1 space for each guest room plus 1 space for each 3 employees on the largest shift
(3) Hospitals, clubs, lodges, dormitories, fraternity houses	1 space for each 2 beds plus 1 space for each 3 employees on the largest shift
(4) Sanatoriums, institutions, rest and nursing homes and housing for the elderly	1 space for each 5 beds plus 1 space for each 3 employees on the largest shift
(5) Medical and dental	5 spaces for each doctor
(6) Churches, theaters, auditoriums, community centers, vocational and night schools, music halls, and other places of public assembly	1 space for each 5 seats

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(7) Colleges, universities, secondary and elementary schools	1 space for each 2 employees on the largest shift plus 1 space for each 10 students of 16 years of age or more.
(8) Restaurants, bars, places of entertainment, lodges, and clubs, repair shops, retail and service stores (including those listed as a permitted use in the B-1 and PW Districts)	1 space for each 150 feet of floor area and 1 space for each 2 employees on the largest shift.
(9) Drive-In Establishments	Minimum 20 or seven (7) per service lane, whichever is greater
(10) Manufacturing and processing plants, laboratories and warehouses	1 space for each 2 employees on the largest shift.
(11) Financial institutions, business, government, professional or business offices and information services	One (1) space for each 300 square feet of floor area and one (1) space for each 2 employees on the largest shift
(12) Funeral homes	20 spaces for each viewing room
(13) Bowling alleys	5 spaces for each alley
(14) Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus 1 space for each 300 square feet of outdoor display for each motor vehicle to be displayed
(15) Automobile repair and machine shops	1 space for each regular garages employee on the largest shift plus 1 space for each 250 square feet of floor area used for repair work

- (G) Uses not listed and other uses. Parking spaces for Permitted Uses not listed shall be provided according to requirements designated by the Plan Commission upon recommendation of the Town Engineer or Town Planner. Parking spaces for Conditional Uses not listed shall be provided according to requirements designated by the Plan Commission upon recommendation of the Town Engineer or Town Planner and as may be required by the Town Board. The provisions for a use deemed similar by the Plan Commission may be applied upon recommendation of the Town Engineer or Town Planner.
- (H) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (I) Provision of Reserve Off-Street Parking Area. The Plan Commission may consider a decrease in the required number of constructed off-street parking spaces based upon one or more of the following criteria:
 - (1) Technical documentation furnished by the applicant which indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Section.

- (2) Bicycle parking facilities will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
- (3) A public transportation route is located within one quarter mile (1320 feet) of the property.
- (J) In the event the number of constructed off-street parking spaces is reduced as allowed under this Section, the Plan Commission requires that sufficient area on the property be held in reserve for the potential future development of off-street parking to meet the minimum parking requirements. Such reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with off-street parking spaces when the landowner or Town determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations. All associated documentation including but not limited to the stormwater management plan shall accommodate the parking layout for the total number of required off-street parking spaces.
- (K) Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in this Code, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (L) Consideration shall be given to Fire Department access when determining the location of off-street parking spaces. Final parking layout is subject to the approval of the Grafton Fire Department.

9.1.5.02 Loading Requirements

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

- (A) Retail Business: One (1) space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.
- (B) Wholesale and Industrial: One (1) space of at least 10 x 50 feet for each 10,000 square feet of floor area or part thereof.
- (C) Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
- (D) Provision of Reserve Loading Area. The Plan Commission may allow the designated loading area to be striped as additional parking spaces if the building use at the time of application does not require a designated loading area. The additional parking spaces may not be included to meet the minimum parking requirements.

9.1.5.03 Driveways

All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements:

- (A) Islands between driveway openings shall be provided with a minimum of 24 feet between all driveways and 12 feet at all lot lines.

- (B) Driveway Width shall be a minimum of 10 feet for residential uses, 18 feet for agricultural uses, and 24 feet for all other uses.
- (C) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
- (D) Roadside Drainage shall be provided at all driveways. Such drainage shall be approved by a county or Town Engineer, and unless the Town Engineer provides otherwise, consist of a culvert not less than 15 inches in diameter and not less than 20 feet in length.
- (E) Vehicular Entrances and Exits to drive-in theaters, banks, and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- (F) Paving of Driveways and related structures in the rights-of-way must be approved by the Town Engineer.

9.1.5.04 Highway Access

No direct private access shall be permitted to the existing or proposed rights-of-way of freeways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way the following:

- (A) Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
- (B) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
- (C) Local streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways. Temporary access to the above rights-of-way may be granted by the Town Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

9.1.5.05 Berm Requirements

- (A) Berm Defined.
 - (1) As used in this Chapter, the term “berm” shall include any mound or wall of earth extending vertically higher than four feet from the natural grade for the particular lot. A berm is determined as starting at the base where natural grade changes.
 - (2) This Chapter would not apply to the following:
 - (a) Temporary topsoil piles on construction-sites
 - (b) Mound septic systems
 - (c) Topsoil piles stored at the site of a commercial landscaping business and intended to be used offsite.
 - (d) Landscaping areas not meeting requirements under Subsection 9.1.5.05(A)(1), above.

- (e) Berms under four feet (4') in residential districts and under six feet (6') in all other zoning districts
- (B) Permit Required.
 - (1) General Permit Requirements.

No berm may be located, erected, moved, reconstructed, extended, enlarged, reduced, converted, or altered without obtaining all permits required by this Chapter, and without being in conformity with the provisions of this Chapter.
 - (2) Zoning Permit Required.

Berms exceeding four (4') feet in vertical height from the natural ground grade for residential properties, and six feet (6') in vertical height above natural grade for commercial, industrial and agricultural can be issued a zoning permit by the Town Engineer upon compliance with the requirements of this Chapter, and approval by the Plan Commission.
 - (3) Plan Commission Approval.

In addition to obtaining a zoning permit under Subsection 9.1.5.05(B)(2) above, any berm exceeding the requirements for a zoning permit in residential, commercial, industrial and agricultural properties noted in Subsection 9.1.5.05(B)(2) above shall also be required to obtain approval from the Plan Commission.

 - (a) The Plan Commission shall have the authority to approve the height, location, and landscaping of the berm.
 - (b) The Plan Commission shall also notify neighbors adjacent to and across the street from property containing the proposed berm of the proposal prior to review.
 - (c) The Plan Commission, in determining whether to approve the zoning permit, shall apply the same standards as applied under Subsection 9.1.4.01 and Subsection 9.1.4.03, above.
- (C) Permit Application.

Applications for a berm permit shall be made on forms provided by the Town and shall contain or have attached thereto the following information:

 - (1) Name, address, and telephone number of the applicant.
 - (2) Location of building, structure, or lot to which or upon which the berm is to be erected.
 - (3) Name of person, firm, corporation, or business locating, erecting, moving, reconstructing, extending, enlarging, reducing, converting, or altering the berm.
 - (4) Written consent of the owner or lessee of the land upon which the berm is located or proposed to be located.
 - (5) Plans and attachments.

The following plans must be submitted for Town staffs and Plan Commission reviews and must, at a minimum, include the following:

 - (a) Berm plan depicting location, setbacks, property lines, proposed and existing grade contours.
 - (b) Proposed type of fill material.
 - (c) Planting plan including grasses, shrubbery and tree types with spacing. It is recommended that the landscape plantings be spaced randomly to help visually break up the continuous line of the berm and the berm be

constructed in such a way as to be undulating and serpentine in appearance. It is also recommended at least four (4") inches of topsoil be placed on all berms in addition to suitable plantings.

- (d) Proposed schedule for all phases of work.
- (6) Additional Information as may be required by the Town Engineer of the Town Plan Commission.
- (D) General Regulation Applicable to All Berms Receiving Permits This Section.
 - (1) Location:
 - (a) The berm shall be located at least ten feet (10') from a road right-of-way.
 - (b) An earthen berm shall not be constructed to obstruct the view of vehicular traffic for ingress and egress from any Town or other public road, private driveway, walkway or bike trail.
 - (c) Berms shall not be placed in drainage ways, floodplains, wetland or conservancy-zoned areas.
 - (2) Slope.

All berms shall be constructed such that the slope shall not exceed a 3:1 slope. The berm must be of no greater grade than would be allowable to be mowed with a riding lawn mower, or some similar device.
 - (3) Drainage.

All berm construction shall not impede surface water drainage or disturb existing drain tile systems.
 - (4) Erosion Control.

All berm construction shall adhere to the Town's construction-site erosion control Chapter where applicable.
 - (5) Deadline.

All berms shall be completed, including all landscaping, within one (1) year of the date of the issuance of the zoning permit provided for in Subsection 9.1.5.05(A)(2), above.
 - (6) Permit Conditions. All berm permits shall require the permittee to:
 - (a) Notify the Town Engineer within two (2) working days of commencing any land development and land disturbing activity;
 - (b) Obtain permission in writing from the Town Engineer prior to modifying the berm plan;
 - (c) Maintain all road drainage systems, storm water drainage systems, best management practices and other facilities identified in the berm plan;
 - (d) Allow Town personnel or other agents authorized by the Town to enter the site for the purpose of inspecting compliance with the berm plan or for performing any work necessary to bring the site into compliance with the berm plan; and
 - (e) Keep a copy of the berm plan on the site.
- (E) Inspection.

If berm development or berm activities are being carried out without a permit, Town personnel shall enter the land pursuant to the provision of Secs. 66.0119 and 66.123, Wis. Stats.
- (F) Fees.
 - (1) Fees referred to in this Chapter shall be established by the Town Board in a fee schedule (see Title 1, Chapter 3) and may from time to time be modified by Town Board resolution. Fees shall be related to costs

- involved in handling permit applications, reviewing berm plans, conducting site inspections, and administering the berm permit program.
- (2) The permittee shall pay a fee equal to the actual cost to the Town for all engineering work, incurred by the Town in connection with the enforcement of this Chapter.

9.1.6 Signs.

This section was removed to Title 7, Chapter 6 , TGO.

9.1.7 Modifications.

9.1.7.01 Height

The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (A) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
- (B) Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
- (C) Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- (D) Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line.
- (E) Agricultural Structures, such as barns, silos, and agricultural windmills, shall not exceed in height their distance from the nearest lot line.
- (F) Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district’s maximum height requirement.

9.1.7.02 Yards

The yard requirements stipulated elsewhere in this Chapter may be modified as follows:

- (A) Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than seven (7) feet to any lot line.
- (B) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
- (C) Open Fences in the agricultural districts are exempt from the yard and distance requirements of this Chapter.
- (D) Residential Fences, Hedges, and Walls are permitted on the property lines in the side and rear yards of residential districts, but shall not in any case exceed a height of eight (8) feet or cause interference with the safe operation of roadways and driveways. All fences shall be maintained and kept safe and in a good state or repair. The finished side or decorative side of a fence shall face adjoining property. Fences are not allowed in the front yard, except decorative fencing not exceeding a maximum height of four (4) feet. Decorative fencing is described

as split rail or picket fencing conforming to the definition of an Open Fence. Other Open Fences are not allowed.

- (E) Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (F) Off-street Parking is permitted in all yards of the business and light manufacturing and warehousing districts but shall not be closer than 25 feet to any residential lot line or a street line opposite a residential district.
- (G) Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

9.1.7.03 Additions

Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots or parcels.

9.1.7.04 Average Setbacks

The required setbacks for residences may be decreased in any residential district to the average of the existing setbacks of the abutting structures on each side but in no case less than 25 feet.

9.1.7.05 Corner Lots

Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.

9.1.7.06 Shoreland Lots

Shoreland lots shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot, and two (2) side yards. Shoreland lots do not normally have a rear yard.

9.1.7.07 Existing Substandard Lots

- (A) A lot in any residential district which does not contain sufficient area to conform to the dimensional requirements of this Chapter but which is at least 80 feet wide and 20,000 square feet in area may be used as a single-family building site:
 - (1) Provided that the use is permitted in the zoning district;
 - (2) Providing the lot is of record in the Ozaukee County Register of Deeds Office prior to the effective date of this Chapter; and
 - (3) Provided that the lot is in separate ownership from abutting lands.
- (B) A Zoning Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Zoning Board of Appeals.
- (C) If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this Chapter, the lots involved shall be considered to be an individual parcel for the purpose of this Chapter.
- (D) Substandard lots shall be required to meet the setbacks and other yard requirements of this Chapter.

9.1.7.08 Existing Substandard Agricultural Parcels

- (A) Any parcel of land within the A-1 Exclusive Agricultural District which does not contain sufficient area to conform to the dimensional requirements of that district, but which is at least 150 feet in width and two (2) acres in area may be used for any use permitted in the A-1 or A-2 districts:

- (1) Provided that the parcel is of record in the Ozaukee County Register of Deeds Office prior to the effective date of this Chapter, and
- (2) Provided that the parcel is in separate ownership from abutting lands.
- (B) A Zoning Permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Zoning Board of Appeals.
- (C) If two (2) or more substandard agricultural parcels with continuous frontage have the same ownership as of the effective date of this Chapter, the parcels involved shall be considered to be an individual parcel for the purpose of this Chapter.
- (D) Substandard agricultural parcels shall be required to meet the setbacks and other yard requirements of this Chapter.

9.1.8 Nonconforming Uses And Structures.

9.1.8.01 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter; however:

- (A) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (B) Total lifetime structural repairs or alterations shall not exceed 50 percent of the Town's equalized value of the structure unless it is permanently changed to conform to the use provisions of this Chapter.
- (C) Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (D) Abolishment or Replacement
 - (1) If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Chapter.
 - (2) A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following:
 - (a) owner's name and address;
 - (b) use of the structure, land, or water; and
 - (c) the accumulated value of any permitted repairs since its becoming a nonconforming use.
- (E) Exception – Restoration of Certain Nonconforming Structures.
 - (1) Any nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 2, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. If necessary for the structure to comply with applicable state and federal requirements, the size of the structure may be larger than the size it was immediately prior to the damage or destruction.

9.1.8.02 Existing Nonconforming Structures

- (A) The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard height, parking and loading, and access provisions of this Chapter; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (B) **Nonconforming Characteristics of Structures**
Structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered provided that they do not create a greater degree of encroachment.

9.1.8.03 Changes And Substitutions

- (A) Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.
- (B) Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

9.1.9 Zoning Board Of Appeals.

This was moved to Title 2, Chapter 5, TGO.

9.1.10 Changes And Amendments.

9.1.10.01 Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Town Plan Commission.

9.1.10.02 Initiation

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.

9.1.10.03 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned, or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (A) Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- (B) Owner's Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- (C) Additional Information required by the Town Plan Commission or Town Board.

9.1.10.04 Recommendations

The Town Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:

- (A) The Plan Commission shall recommend changes which remove areas from the A-1 Agricultural District only after a consideration of findings with respect to the following:
 - (1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time;
 - (2) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of local units of government to provide them; and
 - (3) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources. In addition:
- (B) The Town Board shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-1 Agricultural District.

9.1.10.05 Hearings

The Town Board shall hold a public hearing upon each recommendation, and shall give notice as specified in Section 9.1.11, below.

9.1.10.06 Town Board's Action

Following such hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

9.1.10.07 Protest

In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a three-fourths (3/4) majority vote of the Town Board.

9.1.11 Public Hearings.

9.1.11.01 Notice

- (A) Notice of any public hearing which the Town Board, Town Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing.
- (B) Notice shall be published in a newspaper of general circulation at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication.
- (C) The Town Clerk shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any lands included in the petition and

the owners of all lands lying within 500 feet of the property included in the petition.

- (D) Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

9.1.12 Definitions.

9.1.12.01 General Definitions

- (A) For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.
- (B) Words used in the present tense in this Chapter include the future.
- (C) The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- (D) The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive.
- (E) Any words not defined in this Chapter shall be presumed to have their customary dictionary definitions.

9.1.12.02 Specific Words And Phrases

- (A) **Accessory Use or Structure**
A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- (B) **Basement**
That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than four (4) feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this Chapter.
- (C) **Buildable Area**
All lots shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five (5) feet above the maximum flood of record, except as provided in PUD and RCDO districts.
- (D) **Building**
Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (E) **Building Area**
The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.
- (F) **Building Height**
The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.
- (G) **Cluster Development**
A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster

development will consist of one or more cluster groups surrounded by common open space.

- (H) Cluster Group
A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least sixty (60%) percent of the gross tract area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.
- (I) Common Facilities
All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster group including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that serve more than one unit, such as sewerage and water supply facilities.
- (J) Community Associates
A Condominium Association or a Homeowners Association.
- (K) Condominium
A community association combining individual unit ownership of common properties of facilities, established in accordance with the requirements of the Condominium Ownership Act of 1977, Chapter 703, Wis. Stats as amended. A condominium is a legal form of ownership of real estate and not a specific building type or style.
- (L) Condominium Association
An incorporated community association whose membership consists of owners of dwelling units in a condominium. The association is responsible for maintaining the common facilities and delivering services, but does not own the common facilities.
- (M) Conservation Easement
The grant of a property right or interest from the property owner to another person, agency, unit of government or other organization, stipulating that the described land shall remain in its natural, scenic, open or wooded state, and precluding future addition or development.
- (N) Deed Restriction
A restriction upon the use of a property set forth in a deed.
- (O) Density, Gross
The number of dwelling units permitted on a development tract based on a formula in which the gross acreage is divided by a specified density factor. Net acreage (or net buildable area "NBA") is defined as the area remaining after all or a portion of the area occupied by existing street rights-of-way, utility rights-of-way, floodplain, wetlands, woodlands, water, and steep slopes is deducted.
- (P) Farmstead
A group of existing buildings with accessory structures, such as barns, silos, storage Sheds, cribs and coops, used for agricultural purposes and which may or may not include a dwelling.
- (Q) Flag Lot
A lot which conforms in all respects to the area and dimensional requirements of the zoning district in which it is located, except that the only street frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on the bulb of a cul-de-sac street.

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- (R) Homeowners Association (“HOA”).
A community association, incorporated or unincorporated, combining individual home ownership with shared use or ownership of common properties or facilities.
- (S) Conditional Uses
Uses of a special nature as to make impractical their predetermination as a principle use in a district.
- (T) District, Basic
A part or parts of the town for which the regulations of this Chapter governing the use and location of land and buildings are uniform.
- (U) District, Overlay
Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.
- (V) Dwelling
A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, or cabins.
- (W) Dwelling Unit
A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.
- (X) Dwelling, Single Family
A detached building designed for or occupied exclusively by one (1) family.
- (Y) Essential Services
Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (Z) Family
Family means the body of persons who live together in one dwelling unit as a single housekeeping entity.
- (AA) Fence, Open
A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.
- (BB) Fence, Solid
A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air. Such examples of fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
- (CC) Frontage

The smallest dimension of a lot abutting a public street measured alone, the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

- (DD) Garage, Private
A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family's resident upon the premises.
- (EE) Garage, Public or Commercial
Any garage other than a private garage.
- (FF) High-Water Mark or Elevation
The average annual high-water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (GG) Home Occupation
Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of one (1) floor, employs no more than one (1) nonresident employee, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, music teaching to not more than two (2) pupils at one (1) time, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios. (See also Professional Home Offices.)
- (HH) Landscaping Businesses
 - (1) LEVEL 1 – Basic Landscaping Management, Maintenance and Snow Removal.
 - (a) Lawn care and maintenance – mowing, minor seeding and soiling.
 - (b) Plant care and maintenance – planting, pruning, weeding and mulching.
* Only plants grown on-site allowed. Retail sales of plants are prohibited.
 - (c) No Landscaping Materials Allowed On-site:
 - 1. Stone
 - 2. Mulch
 - 3. Sand
 - 4. Soil
 - 5. Sod
 - 6. Chemicals
 - (d) Equipment allowed on-site:
 - 1. Up to 2 trucks no larger than 1-ton pick-ups with plows attached.
 - 2. Up to 2 trailers to haul equipment.
 - 3. Up to 5 riding or hand mowers.
 - 4. Assorted hand tools.
 - a. Equipment must be stored inside or shielded from neighbors and road by plantings or berm. If berm is used, must obtain permit if over 4' high and/or 100' long.

- b. No large equipment allowed on-site such as – graders, backhoes, roller for putting in sod, skid loaders, chippers, dump trucks etc.
- (e) One Accessory Structure allowed to store equipment and/or use as an office. If larger than 800 sq. ft., a Conditional Use Permit for structure is needed also.
- (f) May have up to 5 employees, part-time or full-time.
- (g) Up to five (5) spaces for employee parking.
- (h) Site Plan must be submitted.
- (i) Storm Water Management Plan may be required by Town Engineer.
- (2) LEVEL 2 – Landscaping Design, Management, Maintenance and Snow Removal.
 - (a) Landscape Design.
 - (b) Lawn care and maintenance – mowing, seeding, sodding and soiling.
 - (c) Plant care and maintenance – planting, pruning, weeding and mulching.
 - 1. Plants may be brought in from another source. No retail sales of plants.
 - (d) Landscaping materials allowed on-site:
 - 1. Wood Chips
 - 2. Sand
 - 3. Soil
 - a. One to Two Truck Loads may be stored on-site.
 - b. Mulch, Stone and Sod are prohibited. Must be delivered to Job Site.
 - (e) Equipment allowed on-site:
 - 1. Up to 2 Dump Trucks.
 - 2. Up to 2 Skid Loaders.
 - 3. Up to 5 1-ton pick-ups with plows attached.
 - 4. Up to 5 trailers to haul equipment.
 - 5. Up to 10 riding or hand mowers.
 - 6. Assorted hand tools.
 - a. No Graders, Backhoes, Roller for putting in Sod, etc. are allowed on -site.
 - b. Equipment that cannot be stored inside must be shielded from the neighbors and/or road by plantings and/or a berm. If berm is used, must obtain permit if over 4’ high and/or 100’ long.
 - (f) Up to 2 Accessory Structure allowed to store equipment and/or use as an office. If larger than 800 sq ft., a Conditional Use Permit for structure is needed also.
 - (g) May have up to 10 employees, part-time or full-time.
 - (h) Parking for Employees and Customers allowed on-site. One space for every 2-3 employees allowed, plus Three for Customers for a total of up to 8 spaces. Parking area may be paved or gravel.
 - (i) Site plan must be submitted.
 - (j) Storm water Management Plan may be required by Town Engineer.
- (3) LEVEL 3 – Excavation, Grading, Backfilling, Landscaping Design, Management, Maintenance and Snow Removal.

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- (a) Excavation, Grading, Backfilling for New Homes or Businesses.
 - (b) Landscaping Design for New Homes or Businesses.
 - (c) Lawn care and maintenance – chemical applications, mowing, seeding, sodding and soiling.
 - (d) Plant care and maintenance – planting, pruning, weeding and mulching.
 - (e) Landscaping materials allowed on-site:
 - 1. All materials needed including chemicals. Chemicals must be stored per Material Safety Data Sheet Specifications. (MSDS)
 - (f) All Landscaping Equipment allowed.
 - a. Equipment that can not be stored inside must be shielded from the neighbors and/or road by plantings and/or a berm. If berm is used, must obtain permit is over 4’ high and/or 100’ long.
 - (g) Accessory Structures allowed to store equipment and/or use as an office. If larger than 800 sq. ft., a Conditional Use Permit for structure is needed also.
 - (h) May have up to 25 employees, part-time or full-time.
 - (i) As deemed necessary by Plan Commission.
 - (j) Must submit a Site Plan.
 - (k) Must submit Storm water Management Plan.
- (II) Living Quarters
Any building or structure that includes or requires plumbing, and is capable of being used for continuous or permanent habitation.
- (JJ) Lot
For the purposes of this Chapter, a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Chapter. (See also Parcel.)
- (KK) Lot, Corner
A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- (LL) Lot Width
The width of a parcel of land measured at the setback line.
- (MM) Motel
A series of attached, semi attached, or detached sleeping units for the accommodation of transient guests.
- (NN) Net Buildable Area (NBA”).
A calculated area upon which the density for cluster development is computed. Net Buildable area “NBA” is the area of a site expressed in acres remaining after subtracting all or a percentage of the following factors from the site’s gross area: existing street rights-of-way, utility rights-of-way, floodplain, wetlands, woodlands, water and steep slopes.
- (OO) Outdoor Storage.
Areas for outdoor storage of products or goods may be permitted if such areas are incorporated into the overall design of the building, site layout, and the

landscaping, and are permanently defined and screened with decorative walls and/or fences. Materials, colors and overall design of screening walls and/or fences shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the primary structure.

- (PP) Nonconforming Uses or Structures
Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto which does not conform to the regulations of this Chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (QQ) Parcel
For the purposes of this Chapter, a parcel shall be defined as a land ownership upon which one (1) or more rural structures, including farm residences, are placed, together with the required open spaces. The term “parcel” is used in the A-1, and A-2 district regulations and unlike the term “lot,” as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.
- (RR) Parking Lot
A structure or premises containing 10 or more parking spaces open to the public. Such spaces may be for rent or a fee.
- (SS) Parties of Interest
Includes all abutting property owners, all property owners within 300 feet, and all property owners of opposite frontages. The application of the 300-foot rule is not affected by Town, City, or Village corporate limit lines.
- (TT) Professional Home Offices
Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
- (UU) Rear Yard
A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (VV) Restrictive Covenant
See “Deed Restrictions.”
- (WW) Retail
The sale of goods to ultimate consumers, usually in small quantities.
- (XX) Separation Distance
The required dimensional distance between the outer boundary of a cluster group and another specified feature of development.
- (YY) Shoreland Lot
A lot abutting a lake or stream. Normally the lot abuts a street on one side, the lake or stream on the opposite side, and the remaining lot lines are side lot lines.

The aforescribed lot has no rear lot line. If, however, the lake or stream abuts the lot on the lot line perpendicular to the street, that lot has only one side lot line and a rear lot line opposite the lot line abutting the street.

(ZZ) Shore-yard

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the high-water mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of the principal structure.

(AAA) Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

(BBB) Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

(CCC) Street

A public right-of-way not less than 49.5 feet (three rods) wide providing primary access to abutting properties.

(DDD) Street Yard or Setback

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

(EEE) Structure

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

(FFF) Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

(GGG) Swimming Pool

Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard.

(HHH) Turning Lanes

An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

(III) Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

- (JJJ) Wind Energy Conversion System
A combination of: (1) some sort of surface area for capturing the wind; (2) a shaft, gearing belt, or coupling assembly for converting the rotational power of the attached surface area to an electrically or mechanically usable form; (3) a generator or alternator to convert the rotational energy into electrical energy; and (4) some sort of tower or other structure upon which the first three elements are mounted.
- (KKK) Yard
An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (LLL) Zoning Permit
A permit issued by the Town Building Inspector for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this Chapter.
- (MMM) Net Acre
For all lots one (1) acre or less, lot size restrictions shall apply to net acre remaining after excluding any land subject to easement for a public or private roadway; and excluding any land within the high-water mark of a pond, lake, waterway or wetland. For all lots of more than one (1) acre, such lots shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five (5) feet above the maximum flood record.
- (NNN) Native Plants
Vegetation that grows naturally in Wisconsin and is supplied by a local nursery within 100 miles of the Town.
- (OOO) View Corridor
The lateral offset from a driver's eye position that shall maintain relatively unobstructed views.
- (PPP) Freeway
An expressway with full control of access and with fully grade separated intersections.

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