Town of Grafton Ordinance No. 2018-02

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1 – ZONING, OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN, ADDRESSING CHANGES TO CONDITIONAL USES IN THE TOWN OF GRAFTON

WHEREAS, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the Ozaukee Press on Aug. 23rd, 2018, and Aug. 30th, 2018; and

WHEREAS, a Public Hearing was held before the Town Board on Sep. 12, 2018, regarding the proposed Amendments to the Town’s Code of Ordinances; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Grafton does hereby ordain as follows:
Section 1:

Section 9.1.4.07 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.4 Conditional Uses.

....

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

... Landscaping Business – Level 1A (R-3 District Only) and Level 1 (R-1, R-2, RM-1, or R-Tr Districts Only) (See Definitions at Section 9.1.12.02, TGO.)

(O)(P) 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. DHS 197, Wis. Admin. Code.

(P)(Q) Hobby Farm: Any permitted use listed in 9.1.3.04 (A-2 Agricultural / Rural Residential District) provided a comprehensive application is made and all adjacent property owners have been notified of the application. The properties that apply to this conditional use are diverse and unique; therefore, Plan Commission will review and consider each application on a case-by-case basis.

Section 2:

Section 9.1.12.02 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.12 Definitions.

....
LEVEL 1A – 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.

(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 576 sq. ft., a Conditional Use Permit for structure is needed also.

(f) Sole Proprietorship Only – No Additional Employees Allowed.

(g) Site Plan must be submitted.

(h) Storm Water Management Plan may be required by Town Engineer.

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.

(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 576 sq. ft., a Conditional Use Permit for structure is needed also.

   (f) May have up to 2 employees, part-time or full-time.

   (g) Up to two (2) spaces for employee parking.

   (h) Site Plan must be submitted.

   (i) Storm Water Management Plan may be required by Town Engineer.

(2)-(3) LEVEL 2 – Landscaping Design, Management, Maintenance and Snow Removal.

   (a) Landscape Design.

   (b) Lawn care and maintenance – mowing, seeding, sodding and soil ing.

   (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
       4. Stone

       a. One to Two Truck Loads may be stored on-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) One Accessory Structure allowed to store equipment and/or use as an office. If larger than 576 sq ft., a Conditional Use Permit for structure is needed also.

(g) May have up to 5 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.


(a) Excavation, Grading, Backfilling for New Homes or Businesses; Trucking or Hauling “For Hire” is Prohibited.

(b) Landscaping Design for New Homes or Businesses.

(c) Lawn care and maintenance – chemical applications, mowing, seeding, sodding and soil ing.

(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 10’ long.

(g) Accessory Structures allowed to store equipment and/or use as an office. If larger than 576 sq. ft., a Conditional Use Permit for structure is needed also.

(h) May have up to 10 employees, part-time or full-time.

(i) Must submit a Site Plan.

(j) Must submit Storm water Management Plan.

Section 3:

Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.
Section 4:

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 12th day of September, 2018.

Lester A. Bartel, Jr., Town Chairman

Amanda L. Schaefer, Town Clerk

Publication Date: Sept 20th, 2018
Posting Date: N/A, 2018